



Legislation Text

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Int. No. 8-A

By Council Members Brannan, Mealy, Powers, Louis, Yeger, Joseph, Restler, Velázquez, Abreu, Brewer, Won, Stevens, Hanif, Narcisse, Fariás, Dinowitz and Gennaro

A Local Law to amend the administrative code of the city of New York, in relation to the disclosure of total ticket costs in advertisements

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 26 to read as follows:

Subchapter 26

Disclosure of Total Ticket Costs in Advertisements

§ 20-880 Definitions.

§ 20-881 Total ticket cost disclosure.

§ 20-882 Penalties.

§ 20-880 Definitions. As used in this subchapter, the following terms have the following meanings:

Operator. The term “operator” means any person who owns, operates or controls a place of entertainment or who promotes or produces an event to be held at a place of entertainment.

Place of entertainment. The term “place of entertainment” means any privately or publicly owned and operated entertainment facility located in New York city, including, but not limited to, a theater, stadium, arena, racetrack, museum, amusement park or other place where performances, concerts, athletic games or contests are held and for which an entry fee is charged.

Ticket. The term “ticket” means any evidence of the right of entry to any place of entertainment.

Total ticket cost. The term “total ticket cost” means the cost of a ticket inclusive of all fees and taxes

that must be paid in order to purchase the ticket.

§ 20-881 Total ticket cost disclosure. a. Every advertisement purchased, produced, or posted by (i) an operator of a place of entertainment, (ii) such an operator's agent, licensee or other third-party ticket seller, or (iii) a platform that facilitates the sale or resale of tickets, and which includes in such advertisement a ticket cost or a range of ticket costs, shall disclose in such advertisement in a clear and conspicuous manner the total ticket cost, or range of total ticket costs, as applicable.

b. An operator of a place of entertainment may rely on the information provided to such operator by such operator's agent, licensee, third-party ticket seller, or platform that facilitates the sale or resale of tickets regarding the total ticket cost or the range of total ticket costs where such information is otherwise unavailable. In a proceeding to collect a civil penalty pursuant to section 20-882 of this subchapter, it shall be a complete defense for a respondent operator to establish that such operator relied on the information provided by such operator's agent, licensee, third-party ticket seller, or platform that facilitates the sale or resale of tickets regarding the total ticket cost or the range of total ticket costs. A copy of a communication between the respondent operator and such operator's agent, licensee, third-party ticket seller, or platform that facilitates the sale or resale of tickets regarding the total ticket cost or the range of total ticket costs shall constitute prima facie evidence that such respondent relied on such information.

c. An operator's agent, licensee, third-party ticket seller, or platform that facilitates the sale or resale of tickets may rely on information provided to it by an operator regarding the total ticket cost or the range of total ticket costs where such information is otherwise unavailable. In a proceeding to collect a civil penalty pursuant to section 20-882 of this subchapter, it shall be a complete defense for a respondent agent, licensee, third-party ticket seller, or platform that facilitates the sale or resale of tickets to establish that such respondent relied on the information provided by an operator regarding the total ticket cost or the range of total ticket costs. A copy of a communication between the respondent agent, licensee, third-party ticket seller, or platform that facilitates the sale or resale of tickets and an operator regarding the total ticket cost or the range of total ticket costs shall

constitute prima facie evidence that such respondent relied on such information.

§ 20-882 Penalties. a. Any person who violates any provision of this subchapter or any rule promulgated thereunder is liable for a civil penalty of zero dollars for a first violation, not more than \$250 for a second violation, and not more than \$500 for a third or subsequent violation.

b. Each distinct advertisement that violates any provision of this subchapter or any rule promulgated thereunder shall constitute a separate violation.

c. For the purposes of determining the total civil penalty, each day on which a violating advertisement is exposed to the public shall constitute a separate violation.

§ 2. This local law takes effect 180 days after it becomes law.

Session 12
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LS #1131
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