



STATE OF NEW YORK
DEPARTMENT OF STATE
DIVISION OF LICENSING SERVICES
ALFRED E. SMITH STATE OFFICE BUILDING
80 SOUTH SWAN STREET
PO BOX 22001
ALBANY, NY 12201-2001

DAVID A. PATERSON
GOVERNOR

LORRAINE A. CORTÉS-VÁZQUEZ
SECRETARY OF STATE

Dear :

I write to let you know that Article 25 of the Arts and Cultural Affairs Law (ACAL), which governs the sale and resale of tickets in New York State, expired on May 15, 2010. Upon this expiration, the previously dormant Article 25 was deemed to be reinstated, and now prevails. You should be aware that this bears some consequences for licensees.

Specifically, the requirement that licenses be procured from the Department of State (Department) has sunset. Under the currently effective §25.03 of the ACAL, in order to resell tickets, a reseller must procure a "license or certificate therefor from the commissioner of licenses of the political subdivision in which such person intends to conduct such business and if there be no such commissioner, then the chief executive officer thereof."

As you know, when a similar sunset occurred for eight days in 2009, legislation was passed that included a retroactive effective date. This year Governor Paterson has submitted to the Legislature Governor's Program Bill 260, which would provide for the same retroactivity. The bill has passed the Assembly and is awaiting action in the Senate.

Irrespective of the fate of the Program Bill, ticket resellers must act in accordance with the laws of New York State, including the presently effective Article 25 of the ACAL. This includes full compliance with all local licensing requirements and resale restrictions, including limitations on premium prices. Should the Program Bill become law with the retroactivity language intact, the effectiveness of all ticket reselling licenses under the Department's jurisdiction will be reinstated without additional fees.

This letter and associated guidance will be posted on our website. Please do not hesitate to visit us at www.dos.state.ny.us.

Thank you,

Kathleen M. McCoy
Acting Director

Licensing Services