

New York City Department of Consumer and Worker Protection

Notice of Adoption

Notice of Adoption to add a new penalty schedule for the failure by licensees of the Department of Consumer and Worker Protection (“DCWP” or “the Department”) to disclose the total ticket costs, including fees, in advertisements for events to be held in places of entertainment.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the Department of Consumer and Worker Protection by Sections 1043 and 2203(f) of the New York City Charter and Section 20-882 of the New York City Administrative Code, and in accordance with the requirements of Section 1043 of the New York City Charter, that the Department amends Title 6 of the Rules of the City of New York.

This rule was proposed and published on October 6, 2023. A public hearing was held on November 6, 2023 and one comment was received.

Statement of Basis and Purpose of Rule

DCWP amends its rules to implement Local Law 55 of 2023, which requires that advertisements for events to be held in places of entertainment disclose the full price of tickets, including any fees. DCWP adds a new penalty schedule, “Disclosure of Total Ticket Costs in Advertisements,” for parties who do not meet Local Law 55’s requirement.

Sections 1043 and 2203(f) of the New York City Charter and section 20-882 of the New York City Administrative Code authorize the Department of Consumer and Worker Protection to make this proposed rule.

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Rule Amendment

Section 1. Subchapter B of chapter 6 of title 6 of the Rules of the City of New York is amended by adding a new section 6-87, to read as follows:

§ 6-87 Disclosure of Total Ticket Costs in Advertisements

All citations are to Title 20 of the Administrative Code of the City of New York or Title 6 of the Rules of the City of New York.

Unless otherwise specified, the penalties set forth for each section of law or rule shall also apply to all subdivisions, paragraphs, subparagraphs, clauses, items, or any other provision contained therein. Each subdivision, paragraph, subparagraph, clause, item, or other provision charged in the Notice of Violation shall constitute a separate violation of the law or rule.

Unless otherwise specified by law, a second or third or subsequent violation means a violation by the same respondent, whether by pleading guilty, being found guilty in a decision, or entering into a settlement agreement for violating the same provision of law or rule, within two years of the prior violation(s).

Each distinct advertisement that fails to include the required information shall constitute a separate violation. 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.

| <u>Citation</u> | <u>Violation Description</u> | <u>First Violation</u> | <u>First Default</u> | <u>Second Violation</u> | <u>Second Default</u> | <u>Third Violation</u> | <u>Third Default</u> | <u>Fourth and Subsequent Violations</u> | <u>Fourth and Subsequent Defaults</u> |
|----------------------|--|------------------------|----------------------|-------------------------|-----------------------|------------------------|----------------------|---|---------------------------------------|
| Admin. Code § 20-882 | Failure to disclose total ticket costs in advertisements | \$0 | \$0 | \$125 | \$250 | \$375 | \$500 | \$450 | \$500 |