



Comments Received by the Department of Consumer Affairs

on

Proposed Rule related to Licensing of Ticket Sellers

as made available for public inspection

IMPORTANT: The information in this document is made available solely to inform the public about comments submitted to the agency during a rulemaking proceeding and is not intended to be used for any other purpose

**From – Big Bus Tours New York**

**To – New York City Department of consumers Affairs**

**Re – Comments to Proposed New Rules to Subchapter 34, added to Title 20 by Local Law 80**

**Date – 10/02/17**

Re – Comments on the proposed rules Local Law 80 for the Year 2016, adding Subchapter 33 to Title 20 of the New York City Administrative Code to require ticket sellers in New York City to be licensed and regulated by the Department of Consumer Affairs (“DCA”).

Big Bus Tours provides Hop on Hop off services around the world and in New York City since early 2014 and servicing over 1 million tourists in NYC. Our company currently employs over 150 ticket sellers – all holders of a DCA official license, trained and managed daily to serve as city ambassadors to any tourists visiting our amazing city. Some of our 400 employees are also members of TWU Local 100.

Big Bus Tours acknowledges receipt of the proposed amendments to Chapter 2 title 6 and provides with this letter the following comments:

**§ 2-441 Records.**

**(a) *Transactions Log.* Each licensee must maintain a log in a form prescribed by the Department documenting every instance the licensee received a ticket or set of tickets for vending.**

- Big Bus Tours firmly believes that tickets must be issued and attached to the company rather than the ticket agents whom often do not consider these tickets as a threat to their activities. Issuing the tickets to the companies would make the companies responsible and subsequently take corrective actions. All sightseeing companies are regulated by DCA – this is the businesses license that must be leveraged in order to achieve the intended goals of the overall licensing for ticket agents law.
- A clear penalty schedule seems adequate although it must be sustained by strong and consistent enforcement, which has not been the case since the law started.

**(b) *Receipts.* Each licensee must retain a copy of every receipt it provides to a consumer pursuant to § 5-32 of these Rules. And (c) *Preservation and Production of Records.***

- It is unclear if the burden seats with the company or the ticket sellers. If indeed it is the responsibility of the ticket sellers, the purpose of such amendment seems rather vague. The sightseeing companies are already producing an annual report which could be easily amended to include the data above. Due to the confidential nature of those records, Big Bus Tours will request those records to be excluded from the Freedom of Information Act and will request for DCA to provide the names of the inspectors reviewing our trading records.

In conclusion, Big Bus Tours is in favor of the law and propose to improve it by:

- 1) Making the companies responsible for any wrong doing of our employees, leveraging the DCA license held by the companies
- 2) Allowing DCA to collect the records directly from the companies which guarantees an accurate full disclosure of our commercial activities in the streets of New York
- 3) A limitation of the number of ticket agents and consistent enforcement

Big Bus Tours and its officers, managers remain dedicated to working closely with DCA to make this law a real improvement for us all. Our experience, ideas could support the DCA in achieving its goals and we remain available at any time to help drafting a productive law.

Sincerely,

Julia Conway – EVP North America

Charles Nolen – General Manager BBT NY

From: tonyalvar@aol.com  
Sent: Monday, October 02, 2017 4:59 PM  
To: Adams, Casey (DCA)  
Subject: DCA licensing and regulating ticket sellers

Greetings Mr. Adams,

A follow up to my earlier email...

I was great to meet you and thank you for your business card!

I have been in the tour and travel business for over 40 years. I've managed many street teams during this time for major sightseeing-attraction companies and transportation companies alike. During the past two years I managed successfully the street ticket sales for two boat products and I continue to have a terrific business relationship with these companies, even though we recently stopped selling tickets.

The DCA should consider qualified Certified companies to work with sightseeing-attraction companies that require their services. These Certified will be vetted by the sightseeing-attraction companies and pass an approval process by the DCA and will have to abide by the same rules, policies, laws set by the DCA.

I would like to be part of a committee that helps Certified approved companies provide an improved customer service experience...

Best regards,

Tony Alvarado  
Tour hub, Inc  
cell: 917 991 3517  
email: tonyalvar@aol.com

From: Peter Ebright <pebright@nycl.com>  
Sent: Tuesday, October 03, 2017 8:15 AM  
To: Rulecomments  
Subject: Comments re: proposed ticket seller license amendments

Comments regarding proposed amendment to the rules relating to the DCA licensing and regulation of ticket sellers:

New York Water Taxi supports the existing Ticket Seller licensing rules, as they are a necessary measure to control the behavior of ticket sellers. New York Water Taxi is proud to have worked with the City Council to develop the initial rules and shares the desire of the Department of Consumer Affairs to make these rules more effective. A safe and inviting environment benefits all people and businesses operating in and around the Battery and other areas with a high concentration of ticket sellers.

While the proposed amendment to the ticket seller rules are overall a positive step, a few sections of the amendment are problematic and should be removed.

The requirement in section 2-441(a)(4) that a transaction log include "The price that the licensee paid for the ticket or set of tickets, if any" would require the licensees to provide sensitive business information that companies ordinarily keep confidential. Together with the rule requiring the reporting of the price the consumer or ticket seller paid for the ticket or set of tickets (2-441(a)(5)(iii)), and the requirement that licensees maintain receipts (2-441(b)), this information individually and collectively could allow any company's competitors to piece together the complete financial picture of the company's ticket selling operation. It would then be very easy to approach any company's ticket-selling partners and undercut its pricing. All of this information would be available through public information that could be obtained via a simple FOIL request.

If the availability of this information were to bring about increased competition among the ticket sellers, the hostile ticket-selling environment that the rules seek to address and prevent would actually be exacerbated.

This information does not appear to serve any purpose related to the enforcement of ticket selling protocols and should be removed from the proposed amendment.

As such, New York Water Taxi respectfully requests the removal of the following sections from the proposed amendment:

- \* 2-441(a)(4)
- \* 2-441(a)(5)(iii)
- \* 2-441(b)

Thank you for your consideration.

Peter Ebright  
Executive Vice President  
New York Water Taxi

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October 2, 2017

**Testimony of Laura Rothrock on behalf of Twin America/Gray Line CitySightseeing New York, before the New York City Department of Consumer Affairs on the Section 1. Chapter 2 of Title 6 of the Rules of the City of New York Proposed Amendment**

Good morning. My name is Laura Rothrock and I am

testifying on behalf of Twin America/Gray Line

CitySightseeing New York. Among other things, Twin

America provides hop-on/hop-off, open top double-decker

sightseeing tours in New York City. Over the past year, we

provided sightseeing tours to over 1 million tourists.

Twin America employs over 300 ticket sellers and

approximately 800 other employees throughout the City,

all of whom are union members.

Regarding § 2-441 of the Proposed Rule (*Records*), Twin America needs clarification if this record keeping requirement pertains to ticket-issuing companies and their agents or whether it applies to ticket resellers only. If the former, the transactions log does not seem applicable and we are unclear of its purpose. If the transactions log is meant for ticket resellers, it may be more appropriate in another section of the law.

Regarding the ticket seller penalty schedule, Twin America has stated over the course of the last year to the City Administration and City Council that the fines are meaningless unless they are attached to a company.

When an individual ticket seller receives a fine and chooses

not to pay, there is likely no consequence. Holding the attractions accountable to fines carries much more weight and furthermore, most of the companies in question have a contract with the City of New York that can be used as leverage. Tying fines to a company, coupled with enforcement (of which there has been virtually none), are the mechanisms to ensure that ticket sellers are not breaking the law and consumers are not being defrauded.

Twin America is in favor of raising the bar for all ticket sellers to improve tourism and quality of life in New York City for its residents, businesses, and visitors. Although well-intentioned, last year's new ticket seller licensing law has been counterproductive and has only served to

exacerbate the chaotic and fraud-laden situation on New York City streets.

Twin America continues to believe that the most productive and efficient way to control the conduct of ticket sellers and address the problems the City is facing is to license the company rather than the ticket seller, limit the number of ticket sellers available to the attraction sponsors, and, as stated above, to have corporate accountability. Twin America continues to offer its time and experience to help draft productive legislation. We thank you for your consideration.