

Guide to US Ticket Resale Regulations

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Introduction

The secondary ticket marketplace is a resale marketplace between ticket purchasers and ticket resellers who have purchased tickets for admission to events that were originally sold or issued by the sponsors or promoters of the events.

What was once a small offline industry of ticket resellers, or “scalpers” as they commonly are known, has grown into a multibillion-dollar online industry.

Growth in the ticket resale industry and public outcry against ticket scalping and insufficient pricing and fee transparency continues to attract the attention of US regulators at the federal, state, and local levels. The number of state and local jurisdictions that regulate ticket resales continues to grow, and there currently is legislation pending in several jurisdictions. While some common themes have developed in the regulations in recent years (such as refund requirements, prohibition on the use of deceptive domain names, and prohibition on the use of software to circumvent website security measures or ticket volume limitations), there is significant variation in the regulatory scheme from jurisdiction to jurisdiction.

This **Secondary Ticket Marketplace Guide to US Ticket Resale Regulations** (the Guide) summarizes the various US state and local legal requirements with respect to the resale of tickets in effect as of July 31, 2023.

In addition to US state and local requirements, there has been recent rulemaking activity at the federal level to expand regulation of the ticket industry beyond the Better Online Ticket Sales Act of 2016. In October 2022, the Federal Trade Commission (FTC) announced that it would explore a rule to address junk fees prevalent in many sectors of the economy, including the ticket industry. The FTC acknowledged that there had been concerns about the limitations of policies limited to particular sectors or regions and a need for a more comprehensive approach to address this prevalent issue. In November 2022, the FTC proposed an “Unfair or Deceptive Fees Trade Regulation Rule” (16 CFR Part 464) requesting input on whether and how it should use its authority to address deceptive or unfair acts involving junk fees and hidden fees. The practices sought to be addressed by the proposed rulemaking include, but are not limited to, misrepresenting or failing to disclose clearly and conspicuously, on any advertisement or in any marketing, the total cost of any good or service for sale.

In furtherance of the FTC’s rulemaking initiative, the “Transparency in Charges for Key Events Ticketing Act,” or TICKET Act, was introduced in the US Senate (S. 1303) in April 2023. If passed, the TICKET Act would require all ticket sellers, including primary and secondary market ticket sellers, to disclose comprehensive information to consumers about ticket prices and related fees. The TICKET Act also would make it unlawful for a ticket issuer or reseller to offer or sell speculative tickets (tickets for which the seller does not have actual or constructive possession), absent clear and conspicuous disclosure of the speculative nature of such tickets prior to the purchaser’s selection of the tickets.

Finally, the Junk Fee Prevention Act (H.R. 2463) (Junk Fee Act) was introduced in the House in April 2023. If passed, the Junk Fee Act would limit and eliminate excessive, hidden, and unnecessary fees imposed on consumers of goods and services purchased by a covered entity (which includes providers of ticketing services that sell tickets for events in either the primary or secondary marketplaces). The Junk Fee Act also would require disclosure of ticket holdbacks and other disclosures and refund requirements with respect to speculative tickets.



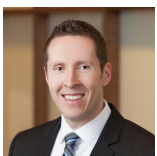
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Explanatory Note

This Guide is a summary and should not be considered a definitive explanation of the applicable laws addressing ticket resales. This Guide is limited to a discussion of the primary US state and local laws specifically governing the resale of tickets for admission to events, and it does not address laws of general application to ticket resales, such as consumer protection laws or laws prohibiting in-person peddling and solicitation of goods and services.

The purpose of this Guide is to provide simplified information and to inform you generally about the varying legal requirements pertaining to the resale of tickets. As such, this Guide contains general outlines and summaries. For an understanding of the details and nuances of the laws discussed and their application to specific facts and circumstances, we encourage you to consult with us.

This Guide is not a legal opinion upon which you should rely in taking specific action. Nothing in this Guide should be construed as an offer or agreement to represent you and should not be relied upon for legal advice.



Alabama

Permitted Resales: An admission ticket that was originally issued, sold, or authorized by the organizer or venue to any event may be resold for an amount in excess of the price printed on the face of the ticket. (Code of Ala. § 8-19E-2)

License Fee: To offer or sell a ticket above face value, a reseller must pay a \$100 license tax. (Code of Ala. § 40-12-167)

Internet Exception: Internet and other electronic resales of tickets are exempt from the license requirement of Section 40-12-167. (Code of Ala. § 8-19E-4)

Ticket Print Requirements: The price paid for an admission ticket, excluding order processing and delivery charges, must be printed on the face of the ticket. (Code of Ala. § 8-19E-1)

Applicable Statutes: Code of Ala. §§ 40-12-167; 8-19-E1; 8-19E-2; 8-19E-3; and 8-19E-4.

City of Auburn, Alabama

Ticket Scalping: Ticket scalping means the act of offering for sale or selling admission tickets to events such as athletic events, concerts, movies, and other events or entertainment as itinerant, roving or transient vendors in public or private locations that have been previously sold or issued. This does not include the occasional sale of tickets purchased for personal use, not for the purpose of reselling tickets. (Auburn, Alabama Code of Ordinances § 16-51)

Registration Requirement: Each person in the business of scalping admission tickets that have been previously sold or issued must apply with the City of Auburn's Revenue Office prior to making any such resale at a cost of \$155. Each person scalping tickets must have a city-issued scalping permit and picture identification (driver's license or state-issued identification card) in their actual possession while reselling. (Auburn, Alabama Code of Ordinances § 16-52)

Applicable Statutes: Auburn, Alabama Code of Ordinances §§ 16-51 and 16-52.

City of Tuscaloosa, Alabama

Permit Requirements: Those in the business of reselling admission tickets to events such as sporting events, concerts, movies, and other events and/or entertainment are required to wear a city-issued and city-provided identification permit.

Business License Requirement: Ticket resellers must have, while buying and/or reselling tickets, a city-issued business license and picture identification in their possession.

Applicable Ordinance: Tuscaloosa, Alabama Code of Ordinances § 7-19.

Arizona

Restrictions on Ticket Resales: It is unlawful to offer or sell a ticket to an event that was purchased for the purpose of resale, for a price in excess of the price as printed on the face of the ticket. (A.R.S. § 13-3718(A))

Changing the Printed Ticket Price: It is unlawful to change the price printed on the face of the ticket without the written permission of the original ticket vendor. (A.R.S. § 13-3718(B))

Definition of "Event": For purposes of this statute, "event" means a theatrical production, concert, sporting event, or other entertainment event. (A.R.S. § 13-3718(D))

Applicable Statute: A.R.S. § 13-3718.

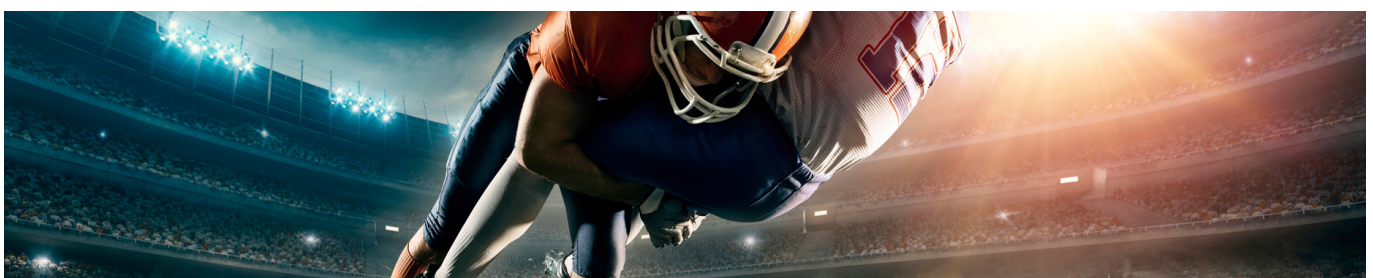
City of Glendale, Arizona

Resale Restrictions: It shall be unlawful for any person to sell, resell, expose for sale or resale, or offer to or attempt to either sell or resell any ticket of admission or other evidence of right of entry to any revenue or non-revenue producing sports, entertainment, cultural or civic event or any other activity (including related event set-up and take-down) held at the Glendale Arena or the Arizona Tourism and Sports Authority Multi-Purpose Facility. (Glendale, Arizona Code of Ordinances § 26-65(b))

Resale Restriction Exceptions: The resale restrictions do not include or apply to the:

- Sale of such tickets at or from any ticket office, booth or other similar place regularly and permanently established and maintained therefor with the express permission and authorization of the person or governmental agency in charge, care or control of the property on or at which such office, booth or place is located (Glendale, Arizona Code of Ordinances § 26-65(c)(1)); *or*
- Ticket resale area of the Glendale Arena, which is a posted and identified area adjacent to or on the Glendale Arena grounds, at which tickets may be bought and sold without violating the resale restrictions described above (Glendale, Arizona Code of Ordinances § 26-65(c)(2); *or*
- Ticket resale areas of the Arizona Tourism and Sports Authority Multi-Purpose Facility, that are posted and identified areas adjacent to or on the Facility grounds, at which tickets may be bought and sold without violating the resale restrictions described above (Glendale, Arizona Code of Ordinances § 26-65(c)(3)).

Applicable Ordinance: Glendale, Arizona Code of Ordinances § 26-65.



City of Scottsdale, Arizona

Price Cap and Geographic Restriction: No person shall, without the written permission of the city manager, or the operator or manager of any city property upon which an educational entertainment or sporting event is to be held or is being held, sell a ticket of admission to such event at any price in excess of the price that is printed or endorsed upon the ticket, at any location that is in, on or within five hundred (500) yards of the premises on which the event is to be or is being held. (Scottsdale, Arizona Code of Ordinances §19-17(a) (1988))

Applicable Statute: Scottsdale, Arizona Code of Ordinances §19-17 (1988).

Salt River Pima-Maricopa Indian Community, Arizona

Resale Restrictions: It is unlawful for any person or entity to resell or attempt to resell a ticket for admission to public events held at Salt River Fields at Talking Stick, including spring training baseball games, on land within the exterior boundaries of the Community. An individual or entity who violates this ordinance will be subject to a civil fine that does not exceed \$1,000.00 for each violation.

Applicable Ordinance: Salt River Pima-Maricopa Indian Community, Arizona Code of Ordinances § 5.5-2.



Arkansas

Ticket Sale Requirements: An individual who is in the business of selling or reselling tickets or an organization, group, association, partnership, or corporation that sells or resells a ticket shall:

- Guarantee that the consumer will receive their tickets in reasonable time for their event;
- Guarantee that the purchased tickets will provide the consumer valid entry into the event or venue;
- Maintain a telephone number, e-mail address, live virtual support, provide a physical representative at the venue for the duration of the event or other means of contact for complaints, customer service, and inquiries; and
- Implement a standard refund policy. (A.C.A. § 4-88-1104(a))

Refund Requirements:

- A ticket seller or reseller must implement a standard refund policy that provides a consumer a full refund or comparable replacement ticket if:
 - The ticket received by the consumer is counterfeit,
 - The ticket has been cancelled by the ticket issuer for nonpayment by the original consumer, or for any reason other than an act or omission of the consumer,
 - The ticket fails to conform to the description provided by the ticket issuer or reseller,
 - The ticket was not delivered to the consumer before the occurrence of the event, unless the failure of delivery was due to an act or omission of the consumer, *or*
 - The ticket does not provide the consumer admission to the event or venue for which it was purchased. (A.C.A. § 4-88-1104(a)(4)(A))
- In addition, if an event is cancelled and not rescheduled, a consumer is entitled to a refund from the ticket issuer, ticketing platform, or reseller from which they directly purchased the ticket. (A.C.A. § 4-88-1104(b))

Refund Amount: The refund shall include the full order value paid by the consumer for the ticket, in addition to all fees charged in connection with that purchase, including without limitation download fees, delivery fees, shipping fees, and sales taxes. (A.C.A. § 4-88-1104(4)(B))

Quantity Restrictions: Unless otherwise permitted by a ticket issuer, it is unlawful to knowingly purchase from the ticket issuer a quantity of tickets that exceeds the maximum ticket limit quantity posted by, or on behalf of, the ticket issuer at the point of original sale or printed on the tickets, and with the intent to resell the tickets in violation of the quantity restriction. (A.C.A. § 4-88-1103(b)(1))

Resale Price: An individual, public or private entity, organization, group, association, partnership, or corporation that offers for resale or resells a ticket may charge any amount that the market may reasonably dictate above the admission price charged by the ticket issuer. (A.C.A. § 4-88-1103(c)(1))



Sports Exception: For at least 10 days, an institution of higher education or its designee must not place on-sale to the general public a ticket to a collegiate sporting event to be held in Arkansas, at a price greater than the face value of the ticket, but may include associated transaction fees and costs. (A.C.A. § 4-88-1103(c)(2))

Internet Domain Restriction: A platform operator shall not intentionally use an Internet domain name, or any subdomain thereof, in a ticketing platform's uniform resource locator that contains any of the following:

- The name of any specific team, league, or venue where events are held (A.C.A. § 4-88-1103(e)(1))
- The name of the exhibition or performance or of another event described in the exception below, including the name of a person, team, performance, group, or entity scheduled to perform at the event or venue (A.C.A. § 4-88-1103(e)(2))
- Any trademark not owned by the platform operator, including without limitation trademarks owned by authorized agents or partners of the venue or event identified in the two bullets above (A.C.A. § 4-88-1103(e)(3)) *or*
- Any name or names substantially similar to those in the first two bullets above, including without limitation any misspellings of any name or names above. (A.C.A. § 4-88-1103(e)(4))

Exception: The above Internet domain restriction does not apply to a platform operator who is authorized by any persons or entities identified in the first two bullets above to act on the venue's, performer's, team's, or event's behalf with respect to the sale or resale of tickets. (A.C.A. § 4-88-1103(f))

Prohibited Software: It is unlawful to knowingly sell, give, transfer, use, distribute, or possess with the intent to sell, give, or distribute software that is primarily designed or produced for the purpose of interfering with the operations of any ticket issuer that sells, through a ticketing platform, tickets for admission to an event by circumventing any security measures on the ticket issuer's ticketing platform, circumventing any access control systems of the ticket issuer's ticketing platform, or circumventing any controls or measures that are instituted by the ticket issuer on the ticketing platform to ensure an equitable ticket purchasing process. (A.C.A. § 4-88-1103(g))

Internet Sale and Resale Timing Restrictions: Until tickets have been "Placed on Sale" by the venue or event host or its authorized agent:

- Tickets may not be offered for sale over the Internet (A.C.A. § 4-70-103(a)) *and*
- Websites may not permit resales or offers to resell tickets (A.C.A. § 4-70-103(b))

Sports Exception to Internet Resale Restrictions: Tickets to sporting or athletic events may be offered for sale and resale over the Internet before the tickets have been placed on sale by the venue or the event host or its authorized agent. (A.C.A. § 4-70-103(c))

Placed on Sale: Means the date and time when tickets are made available for sale to the general public (which expressly includes on-sales to fan clubs and businesses and to persons for promotional activities). (A.C.A. § 4-70-103(d))

Case Note: Ticketing agents are not exempt from the price cap contained in A.C.A. § 5-63-201(a)(1), which has been interpreted to include exclusive ticket sales agents of the event operator. In finding that an exclusive ticketing agent for an event operator was "selling tickets," the agent was not allowed to add in excess of \$10 of service charges in connection with ticket sales. *McMillan v. Live Nation Entm't, Inc.*, 2012 Ark. 166, 401 S.W.3d 473.

Applicable Statutes: A.C.A. §§ 4-70-103, 4-88-1103, 4-88-1104.

California

Resale Restrictions: It is unlawful to resell a ticket to an entertainment event:

- Without the written permission of the owner or operator of the venue
- At any price more than the price that is printed or endorsed on the ticket
- While on the grounds of the venue *and*
- If the ticket was obtained for the purpose of resale (Cal. Penal Code § 346).

Sale Restrictions: It shall be unlawful for a ticket seller to contract for the sale of tickets or accept consideration for payment in full or for a deposit for the sale of tickets unless the ticket seller meets one or more of the following requirements:

- The ticket seller has the ticket in his or her possession.
- The ticket seller has a written contract to obtain the offered ticket at a certain price from a person in possession of the ticket or from a person who has a contractual right to obtain the ticket from the primary contractor.
- The ticket seller informs the purchaser orally at the time of the contract or receipt of consideration, whichever is earlier, and in writing within two business days, that the seller does not have possession of the tickets, has no contract to obtain the offered ticket at a certain price from a person in possession of the ticket or from a person who has a contractual right to obtain the ticket from the primary contractor, and may not be able to supply the ticket at the contracted price or range of prices. (Cal. Bus. & Prof. Code § 22502.1)

Records Requirement: A ticket seller shall maintain records of ticket sales, deposits, and refunds. (Cal. Bus. & Prof. Code § 22501)

Delivery and Price Requirements: It shall be unlawful for a ticket seller to represent that he or she can deliver or cause to be delivered a ticket at a specific price or within a specific price range and to fail to deliver within a reasonable time or by a contracted time the tickets at or below the price stated or within the range of prices stated. (Cal. Bus. & Prof. Code § 22502.2)



Refund Requirements: For a cancelled event, the ticket price shall be fully refunded to the purchaser by the ticket seller within 30 calendar days after the cancellation. For a postponed, rescheduled, or replaced event with another event, the ticket price shall be fully refunded to the purchaser by the ticket seller upon request within 30 calendar days of the refund request. (Cal. Bus. & Prof. Code § 22507)

Deposit Refund: Any partial or full deposit received by a ticket seller on a future event for which tickets are not available shall be refundable except for a service charge of not more than 10% until tickets for the event are actually available. (Cal. Bus. & Prof. Code § 22506)

Disclosure Requirements: A ticket seller shall disclose that a service charge is imposed by the ticket seller and that such charge is added to the actual ticket price by the seller in any advertisement or promotion for any event by the ticket seller. A ticket seller shall, prior to sale, disclose to the purchaser by means of description or a map the location of the seat or seats represented by the ticket or tickets. (Cal. Bus. & Prof. Code §§ 22502, 22508)

Prohibited Software: It shall be unlawful for a person to intentionally use or sell software or services to circumvent a security measure, access control system, or other control or measure that is used to ensure an equitable ticket buying process for event attendees. "A control or measure that is used to ensure an equitable ticket buying process" includes limits on the number of tickets that a person can purchase. (Cal. Bus. & Prof. Code § 22505.5)

A ticket seller: any person who for compensation, commission, or otherwise sells admission tickets to sporting, musical, theatre, or any other entertainment event. (Cal. Bus. & Prof. Code § 22503)

Exclusions: The provisions above do not apply to:

- Any primary contractor or seller of tickets for the primary contractor operating under a written contract with the primary contractor. "Primary contractor" means the person or organization who is responsible for the event for which tickets are being sold. (Cal. Bus. & Prof. Code § 22503.5)
- An officially appointed agent of an air carrier, ocean carrier or motor coach carrier who purchases or sells tickets in conjunction with a tour package accomplished through the primary event promoter or his or her agent by written agreement. (Cal. Bus. & Prof. Code § 22503.6)
- Any person who sells six tickets or less to any one single event, provided the tickets are sold off the premises where the event is to take place, including, but not limited to, designated parking areas and points of entry to the event. (Cal. Bus. & Prof. Code § 22504)
- Any nonprofit charitable tax-exempt organization selling tickets to an event sponsored by the organization. (Cal. Bus. & Prof. Code § 22511)

Applicable Statutes: Cal. Penal Code § 346, Cal. Bus. & Prof. Code §§ 22501, 22502, 22502.1, 22502.2, 22505.5, 22503, 22506, 22507, 22508.

PENDING LEGISLATION ALERT:

CA S.B. 785 (2023)

Existing law provides regulation of "ticket sellers." The pending bill would explicitly include ticket resellers within the scope of the law and impact various requirements and restrictions on original sellers and ticket resellers pertaining to ticket sale, refund, disclosure, and Internet website and software requirements.

CA A.B. 8 (NS) (2023)

The bill would change the definition of "ticket seller" to explicitly include resellers and impact refund and disclosure requirements.

City of Long Beach, California

Resale Restrictions: No person in or upon any public street, sidewalk, park or other public place shall sell or resell or offer to sell or resell any ticket of admission to a place of public assemblage. No person in or upon any place which is open to the public shall sell or resell or offer to sell or resell any ticket of admission to a place of public assemblage.

Exception: The above resale restrictions do not include or apply to the sale of such tickets at or from any ticket office, booth or other similar place regularly and permanently established and maintained therefor with the express permission and authorization of the person or governmental agency in charge, care or control of the property upon or in which such office, booth or place is located. (California Municipal Code §14.40.030))

Applicable Ordinances: Long Beach, California Municipal Code §§ 14.40.020; 14.40.030.

City of Los Angeles, California

Restrictions: No person upon any street park or public property shall engage in the business of selling or re-selling tickets. No person upon any "Place Open to the Public" shall engage in the business of selling or re-selling tickets. These restrictions do not include or apply to the sale of any ticket at or from any office, booth or other similar place regularly and permanently established and maintained therefor with the express permission and authorization of the person or governmental agency in charge, care or control of the property on which such office, booth or place is located.

"Place Open to the Public" means every place of public amusement or entertainment, stadium, auditorium, theater, athletic field, concert hall or arena and the property upon which such place is located or any other property contiguous thereto which is under the same care, management or control.

Applicable Ordinance: City of Los Angeles, Municipal Code § 42.03.



Colorado

Resale Refund Requirements: Resellers must guarantee a full refund to a purchaser if:

- The event for which the ticket was resold is cancelled
- The ticket does not or would not in fact grant the purchaser admission to the event for which the ticket was resold
- The ticket is counterfeit or
- The ticket fails to conform to its description as advertised or as represented by the reseller to the purchaser. (C.R.S. § 6-1-718(2))

Prohibited Resale Restrictions:

- It is void as against public policy to include any condition to the original sale of a ticket that limits the terms and conditions of resale of the ticket, including conditions that
 - Restrict resale in a subscription or season ticket package agreement as a condition of purchase
 - Require retention of a ticket for the duration of a subscription or season ticket package agreement that limits the rights of the purchaser to resell the ticket
 - Require retention of any contractual agreed-upon rights to purchase future subscriptions or season ticket package agreement *or*
 - Sanction the purchaser for not purchasing through an approved reseller. (C.R.S. § 6-1-718(3)(a))
- No one shall deny access to a ticketholder who holds a valid ticket based solely because the ticketholder bought the ticket from a reseller who was not approved by the venue owner or operator or event promoter. (C.R.S. § 6-1-718(4))

Permissible Conduct: Notwithstanding the prohibitions on resale restrictions:

- The prohibited resale restrictions are not deemed to prohibit an operator from prohibiting the resale of a contractual right in a season ticket package agreement that gives the original purchaser a priority or other preference to enter into a subsequent season ticket package agreement with the operator. (C.R.S. § 6-1-718(3)(b))
- A venue owner or operator may maintain and enforce conduct and behavior policies at or in connection with the venue. (C.R.S. § 6-1-718(5))
- A venue owner or operator or event promoter may revoke or restrict season tickets due to violations of venue policies and as necessary for the protection of patron safety or to address fraud or misconduct. (C.R.S. § 6-1-718(5))

Online Restrictions: A person engages in a deceptive trade practice when, in the course of the person's business, vocation or occupation, such person:

- Uses or causes to be used a software application that runs automated tasks over the Internet to access a computer, computer network or computer system, or any part thereof, for the purpose of purchasing tickets in excess of authorized limits for an online event ticket sale with the intent to resell such tickets *or*

- Uses or causes to be used a software application that runs automated tasks over the Internet that circumvents or disables any electronic queues, waiting periods or other sales volume limitation systems associated with an online event ticket sale. (C.R.S. § 6-1-720)

Reseller: Means a person or entity that resells or offers for resale after the original sale. Reseller also includes an entity that operates a platform or exchange for the purchase and sale of tickets and that also engages in the purchase and resale of the ticket either on behalf of the operator or on the reseller's own behalf. (C.R.S. § 6-1-718(1)(f))

Applicable Statutes: C.R.S. §§ 6-1-718, 6-1-720.

PENDING LEGISLATION ALERT:

2023 CO S.B. 60 (NS)

The bill would add new definitions such as "ticket resale marketplace" and "primary ticket seller." It would also add additional online restrictions such as prohibiting use of a software application to circumvent or disable security or other technological measures used by the operator, or use of Internet websites to display trademarked or copyrighted URL, image, or other symbols without the written consent of the trademark or copyright holders. The bill would also add disclosure requirements, requiring resellers to display the total price of the ticket, including fees. It would prohibit resellers making a false or misleading disclosure of subtotals, fees, or any other component of the total price and increasing the price after the price is initially displayed.

City of Denver, Colorado

Price Caps:

- It is unlawful to sell or offer to sell a ticket at a premium, or at a price higher than that printed on the ticket, by the payment of a fee or charge therefor. (Denver, Colorado Code of Ordinances § 7-294(a))
- It is unlawful to sell, offer to sell or consent to sell a ticket, at a price greater than that printed on the ticket, to any broker, speculator or other person who regularly, occasionally or incidentally is engaged in the business of selling tickets. (Denver, Colorado Code of Ordinances § 7-294(b))
- It is unlawful, directly or indirectly, to purchase tickets for resale at a price higher than that printed on the ticket. (Denver, Colorado Code of Ordinances § 7-294(b))

Internet Exclusion: The price caps do not apply to tickets purchased over the Internet. (Denver, Colorado Code of Ordinances § 7-294(c))

Note: Provisions of the Denver, Colorado Code of Ordinances are to be liberally construed. (Denver, Colorado Code of Ordinances § 1-3)

Applicable Ordinances: Denver, Colorado Code of Ordinances §§ 1-3; 7-293; and 7-294.



Connecticut

Resale Restriction: It is unlawful to resell, offer to resell or solicit the resale of a ticket:

- On the day of the event
- Within 1,500 feet of the venue *and*
- If such resale is not authorized in writing by the owner or operator of the venue or its authorized agent (Conn. Gen. Stat. § 53-289c(a))

Exclusions: The resale restriction does not apply to:

- A ticket reseller who resells a ticket for not greater than the price printed on the ticket *or*
- A ticket reseller who maintains a permanent office within 1,500 feet of the venue, provided such reseller sells, offers to resell or solicits the resale of a ticket only within the premises of such office, in person or by mail, telephone or the Internet (Conn. Gen. Stat. § 53-289c(b))

Refund Requirements:

- A ticket reseller must refund the full amount paid by the purchaser for the ticket, including all service fees and delivery charges, if:
 - The event is cancelled
 - The ticket does not grant the purchaser admission to the event *or*
 - The ticket fails to conform to its description as advertised by the ticket reseller (Conn. Gen. Stat. § 53-289b(a))
- A ticket reseller must provide to the purchaser of the ticket the reseller's name, address and telephone number or other information necessary to allow such purchaser to contact such reseller to obtain a refund of the ticket price, if necessary (Conn. Gen. Stat. § 53-289b(b))

Advertising Requirements: Any advertisement for the resale of tickets must conspicuously disclose the total price for each ticket and what portion of each ticket price, stated in a dollar amount, represents a service charge. (Conn. Gen. Stat. § 53-289a)



Disclosure Requirements (Effective October 1, 2023):

Any person that facilitates the sale or resale of a ticket to an entertainment event must:

- Disclose the total price of such ticket, which should include all service charges required to purchase such ticket, and
- Disclose, in a clear and conspicuous manner, to the purchaser of such ticket the portion of the total ticket price, expressed as a dollar amount, that is attributable to service charges charged to the purchaser for such ticket.
 - The disclosures required under this disclosure requirement shall be displayed in the ticket listing before the ticket is selected for purchase.
 - The total ticket price shall not increase during the period beginning when a ticket is selected for purchase and ending when a ticket is purchased, except a reasonable service charge may be charged for delivery of a nonelectronic ticket if such service charge is based on the delivery method selected by the ticket purchaser, and such service charge is disclosed to the purchaser before the purchaser purchases the ticket.
 - The disclosures required under this disclosure requirement shall not be false or misleading, presented more prominently than the total ticket price, or displayed in a font size that is as large or larger than the font size in which the total ticket price is displayed. (Conn. Gen. Stat. § 53-289a(d))

Service charge (Effective October 1, 2023): Any additional fee or charge that is designated as an "administrative fee," "service fee" or "surcharge" or by using another substantially similar term. (Conn. Gen. Stat. § 53-289a(a))

Prohibited Resale Restrictions: No person shall employ an entertainment event ticketing sales system that fails to give the purchaser an option to purchase tickets that the purchaser may transfer to any party, at any price and at any time, without additional fees and without the consent of the person employing such ticketing system. However, a person may employ a paperless ticketing system that does not allow for independent transferability of tickets, provided the purchaser of such tickets is offered the option, at the time of initial sale, to purchase the same tickets in another form that is transferrable, independent of such a ticketing sales system, including, but not limited to, paper tickets or e-tickets and without additional fees, regardless of the form or transferability of such tickets. A person employing an entertainment event ticketing sales system shall provide written secondary market disclosure information to potential ticket purchasers, if applicable. (Conn. Gen. Stat. § 53-289d(a), (c))

Exclusions: These resale restrictions do not apply to:

- Tickets sold or offered for sale to students of a public institution of higher education for entertainment events held by or on behalf of such institution, or
- Concert or theater venues with seating capacities of not more than three thousand five hundred persons, provided a duly authorized representative of such concert theater or venue has provided written notice to the Commissioner of Consumer Protection of such theater or venue's intent not to comply with the provisions of this section. (Conn. Gen. Stat. § 53-289d(d))



Software Restrictions: No person shall utilize automated ticket purchasing software to purchase tickets on an Internet web site. "Automated ticket purchasing software" means a device, computer program or computer software that enables the automated purchase of tickets to entertainment events by bypassing or rendering inoperable security measures on an Internet web site offering the sale of tickets to entertainment events. (Conn. Gen. Stat. Ann. § 53-289e)

Applicable Statutes: Conn. Gen. Stat. § 53-289a-e.

City of Hartford, Connecticut

Price Restrictions: No person shall sell, offer for sale or attempt to sell any ticket, privilege or license of admission to an entertainment event, including, but not limited to, any place of amusement, arena, stadium, theater, performance, sport, exhibition or athletic contest given in this state, at a price greater than the price, including tax, printed thereon, or at a price greater than the price fixed for admission, including tax, and a reasonable service charge for services actually rendered not to exceed three dollars (\$3.00). The owner or operator of the property on which such entertainment event is to be held or is being held may authorize, in writing, any person to sell such ticket, privilege or license of admission at a price in excess of that authorized under this section. Such writing must specify the price for which such ticket, privilege or license of admission is to be sold.

Applicable Ordinance: Hartford, Connecticut Code of Ordinances § 5-11.

Delaware

Price Cap: It is unlawful to sell, resell or exchange any ticket to an event, at a price higher than the original price, on the day before or on the day of an event:

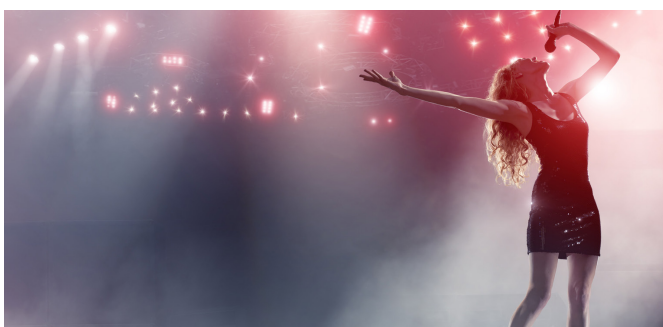
- At the Bob Carpenter Sports/Convocation Center on the South Campus of the University of Delaware
- Of a NASCAR Race held at Dover Downs or
- On any state or federal highway artery within Delaware

Applicable Statute: 11 Del. C. § 918.

City of Newark, Delaware

Resale Price Restrictions: No person shall resell any ticket to any event or exhibit at a price higher than the original price on the day preceding or on the day of an event within the city limits.

Applicable Ordinance: Newark, Delaware Code of Ordinances § 22-61.1.



Florida

Price Cap: It is unlawful to charge more than \$1 above the original price for:

- Multi-day or multi-event tickets to park or entertainment complexes or to a concert, entertainment event, permanent exhibition, or recreational activity in such parks or complexes (Fla. Stat. § 817.36(1)(b))
- Tickets issued originally by tax-exempt charitable organizations for events to which not more than 3,000 tickets are issued per performance. The charitable organization must issue event tickets with the following statement conspicuously printed on the face or back of the ticket: "Pursuant to s. 817.36, Florida Statutes, this ticket may not be resold for more than \$1 over the original admission price." (Fla. Stat. § 817.36(1)(c))
- Tickets resold or offered through any website, unless either:
 - The website is authorized by the original ticket seller *or*
 - The website, through its website pages or links to web pages that have been directed at the purchaser in advance of the completion of the sale transaction:
 - Discloses that the website operator is not the issuer, original seller or reseller of the ticket and that it does not control the pricing of the ticket, which may be resold for more than the original value *and*
 - Guarantees a full refund of the amounts paid for the ticket (including service, handling, or processing fees), if such fees are not disclosed, when:
 - The event is cancelled
 - The purchaser is denied admission to the event other than due to acts or omissions of the purchaser *or*
 - The ticket is not delivered to the purchaser in the manner requested and pursuant to any delivery guarantees made by the reseller and such failure results in the purchaser's inability to attend the ticketed event. (Fla. Stat. § 817.36(1)(d))

Quantity Restrictions: It is unlawful to knowingly purchase, with intent to resell, a quantity of tickets from the original ticket seller that exceeds the maximum ticket limit quantity posted by such seller at the point of sale or printed on the tickets. "Original ticket seller" means not only the ticket issuer, but also the entity that provides ticket distribution services or ticket sales services under contract with the ticket issuer. (Fla. Stat. § 817.357)

Prohibited Software: A person who intentionally uses or sells software to circumvent on a ticketing website a security measure, an access control system or any other control or measure that is used to ensure an equitable ticket-buying process is liable to the state for a civil penalty equal to treble the amount for which the ticket or tickets were sold. "Software" means computer programs that are primarily designed or produced for the purpose of interfering with the operation of any person or entity that sells, over the Internet, tickets of admission to a sporting event, theater, musical performance, or place of public entertainment or amusement of any kind. (Fla. Stat. § 817.36(5) and (6))



Multi-use Ticket: A multi-use ticket may not be transferred unless either the phrase “may be used by more than one person” is clearly printed on the ticket or the issuer’s website states the same. A multi-use ticket provides admission to more than one venue or for more than one day or more than once in the same day to one or more venues. (Fla. Stat. § 817.361)

Sales Tax:

- Any sales tax due for resales of tickets must be remitted to the Department of Revenue in accordance with Florida Statutes § 212.04. (Fla. Stat. § 817.36(3)) Such section provides that a 6% sales tax shall be levied on sales price, or the actual value received from admissions tickets. The tax must be added to and collected from the purchaser. Resellers also must charge and collect sales tax on the full resale price and may take credit for the amount of tax previously paid, if it is more than the price the reseller paid to purchase the ticket. If the resale is for less than the reseller paid, then resellers may not collect any additional tax, nor shall be allowed to take credit for the amount of tax previously paid. Certain admissions are exempt from sales tax, including, without limitation, admissions to certain professional sports events and NCAA-sanctioned, post-season collegiate events (Fla. Stat. § 212.04)
- Resellers who resell to an entity that is exempt from sales and use tax under this chapter for reasons other than sale for resale may apply for a refund or credit of the tax the reseller paid on its purchase (Fla. Stat. § 212.04(1)(c)(2))

Ticket Print Requirement: Each ticket must show on its face the actual sales price of the admission, or each seller must display at the box office or other place where the admission charge is made, a notice disclosing the price of the admission. The sale price or actual value does not include separately stated ticket service charges that are imposed by a facility ticket office or a ticketing service. (Fla. Stat. § 212.04)

Applicable Statutes: Fla. Stat. §§ 817.36, 817.357, 817.361, and 212.04.

PENDING LEGISLATION ALERT:

2023 CO S.B. 60 (NS)

2023 FL H.B. 317 (NS)

2023 FL S.B. 388 (NS)

The bills would add a provision allowing certain tickets to be donated, transferred, or resold via any method, or on any ticket marketplace, of the ticketholder’s choosing. They would also add a provision preempting regulation of the sale or resale of tickets to the state and that a county or other local ordinance may not impose requirements, restrictions, or conditions upon the sale or resale.

Georgia

Price Cap: It is unlawful for any person other than a ticket broker to resell or offer for resale tickets or other evidence of the right of entry to an event to which the general public is admitted for a price more than the face value of the ticket. (O.C.G.A. § 43-4B-25(a))

Exclusion: Nothing in the Georgia resale law criminally prohibits an original purchaser who purchased tickets to an event for personal use from reselling such ticket for any price, provided they do not sell the ticket within 2,700 feet of the venue, if the venue has a seating or admission capacity of 15,000 persons or more. (O.C.G.A. § 43-4B-29(a))

Face Value: Means the dollar value of a ticket or, for complimentary tickets, what would have been required to pay to purchase a ticket. A complimentary ticket shall not have a face value of \$0 or less than that of the least expensive ticket available for sale to the general public. Face value **includes** any charges or fees, such as dinner, gratuity, parking, surcharges or any other charges or fees that are charged to and must be paid by the purchaser in order to view the event, but face value **excludes** taxes. (O.C.G.A. § 43-4B-1(6))

Service Charges:

- A service charge not to exceed \$3 may be charged when tickets are sold by an authorized ticket agent through places of established business, if the agent is licensed to do business by the municipality or county in which such places of business are located (O.C.G.A. § 43-4B-25(a))
- The owner, operator, lessee, or tenant of a venue on which the event is to be held or is being held or the sponsor of the event may charge or may authorize, in writing, any person to charge a service charge for the sale of such ticket in addition to the face value of the ticket. Such writing must specify the amount of the authorized service charge (O.C.G.A. § 43-4B-25(a))

Ticket broker: A ticket broker is:

- Any person who is involved in the business of reselling tickets of admission to events held in Georgia to which the general public is admitted and who charges a premium over the face value of the ticket (O.C.G.A. § 43-4B-1(19)(A)) *or*
- Any person who has a permanent office or place of business in Georgia and who is involved in the business of reselling tickets of admission to events held inside or outside of Georgia to which the general public is admitted and who charges a premium over the face value of the ticket (O.C.G.A. § 43-4B-1(19)(B))

Exclusion: Owners, operators, lessees, or tenants of the property in which an event is being held or the sponsor of an event or the authorized ticket agent of such persons are not deemed to be ticket brokers. (O.C.G.A. § 43-4B-1(19)(B))



Broker Business Requirements: Ticket brokers must:

- Maintain a permanent office or place of business in Georgia, excluding a post office box, for the purpose of engaging in the business of a ticket broker (O.C.G.A. § 43-4B-26(1));
- Apply to the commission for a ticket broker's license, pay an annual license fee of \$500, and renew the license annually (O.C.G.A. § 43-4B-26(2));
- Pay any local tax required by a local government (O.C.G.A. § 43-4B-26(3)); *and*
- Register for sales and use tax purposes pursuant to Article I of Chapter 8 of Title 48. (O.C.G.A. § 43-4B-26(4))

Broker Ticketing Requirements:

• **Required Disclosures:** Ticket brokers must:

- Post at their established place of businesses the terms of the purchaser's right to cancel the purchase of a ticket from a ticket broker (O.C.G.A. § 43-4B-28(a)(1));
- Disclose to the purchaser the event cancellation refund policy (O.C.G.A. § 43-4B-28(a)(2));
- Disclose to the purchaser in writing the difference between the face value of the ticket and the amount that the ticket broker is charging (O.C.G.A. § 43-4B-28(a)(3)).

• **Geographic Restrictions:**

- Sell tickets only at its permanent office, place of business, or through the Internet; provided, however, that delivery of one or more tickets after the transaction is completed to a place other than the ticket broker's office or place of business shall not violate this paragraph (O.C.G.A. § 43-4B-28(a)(4))
- It is unlawful for a ticket broker to resell or offer for resale tickets within 1,500 feet of any venue with a seating or admissions capacity of fewer than 15,000 persons (O.C.G.A. § 43-4B-28(c)(1))
- It is unlawful for a ticket broker to resell or offer for resale tickets within 2,700 feet of any venue with a seating or admissions capacity of 15,000 or more persons (O.C.G.A. § 43-4B-28(c)(2))

• **Prohibition on Purchasing Agents:** Ticket brokers shall not employ any agent or employee for the purpose of making future purchases of tickets from the owner, operator, lessee, or tenant of the venue. (O.C.G.A. § 43-4B-28(b)(1))

• **Ticket Quantity Limitation:** Ticket brokers may not acquire and resell more than 1% of the total tickets allocated for an event. (O.C.G.A. § 43-4B-28(b)(2))

• **Advertising Requirements:** Ticket brokers must include their broker's license number in any printed, broadcast or Internet advertising for the sale of tickets. (O.C.G.A. § 43-4B-28(d))

• **Refund Requirements:**

- Unless otherwise agreed in writing between a ticket broker and the ticket purchaser, a ticket broker must refund any payment received by the broker from the purchaser if the purchaser requests a cancellation of the sale within 36 hours after the purchase transaction and if the return is made more than 72 hours before the event (O.C.G.A. § 43-4B-28(b)(3))
- Ticket brokers must refund any payment received for the purchase of the ticket if the event is cancelled and not rescheduled (O.C.G.A. § 43-4B-28(b)(4))
- If a ticket broker guarantees in writing delivery of a ticket and fails to complete such delivery, the broker must provide, within 15 days, a full refund plus a refund fee in the amount of three times the amount paid by the purchaser for the ticket (O.C.G.A. § 43-4B-28(b)(5))

Exclusions:

- Charitable organizations and their employees and volunteers are not subject to requirements of this Georgia law when offering tickets for sale in a raffle, auction or similar fundraising activity for the benefit of the organization's charitable purposes (O.C.G.A. § 43-4B-29(b))
 - For such events, the event sponsor may contractually limit the resale of the ticket by placing a restriction on the back of the ticket (O.C.G.A. § 43-4B-25(b))
- An owner, operator or tenant of a venue may contractually restrict the resale of the right to occupy a suite, seat or seating area by giving written notice of such restriction (O.C.G.A. § 43-4B-25(b))

Venue Resale Restriction Right: An operator, owner, lessee or tenant of a venue may contractually restrict the resale of the right to occupancy of any suite, seat or seating area by giving notice in writing of such restriction. A sponsor of a contest or event may contractually restrict the resale of a ticket to the contest or event by giving notice of such restriction on the back of the ticket. (O.C.G.A. § 43-4B-25(b))

Local Regulation Authorized: Counties and municipalities may enact ordinances in certain instances that are more restrictive than the Georgia state law provisions. (O.C.G.A. § 43-4B-30(a))

Applicable Statutes: O.C.G.A. §§ 43-4B-1; 43-4B-25; 43-4B-26; 43-4B-28; 43-4B-29; and 43-4B-30.

PENDING LEGISLATION ALERT:

2023 GA H.B. 83 (NS)

Introduced January 2023 and seeks to amend Chapter 4B of Title 43 of the Official Code of Georgia Annotated by adding a paragraph that provides a definition for the term "ticket." Additionally, the bill seeks to amend Chapter 4B of Title 43 of the Official Code of Georgia Annotated by adding a paragraph relating to the authority to resell tickets.

2023 GA H.B. 398 (NS) and 2023 GA S.B. 183 (NS)

Introduced February 2023 and seek to amend Article 3 of Chapter 4B of Title 43 of the Official Code of Georgia Annotated. These bills seek to remove an exception permitting certain resale restrictions and to provide that resale restrictions are void and against public policy.



Cobb County, Georgia

Geographic Resale Restrictions: It is unlawful in Cobb County, Georgia:

- To resell, repurchase or offer for resale one or more tickets by a ticket broker within 2,700 feet of a venue that seats or admits more than 15,000 persons to any single event (Cobb County, Georgia Code of Ordinances §78-551(a))
- To resell, repurchase or offer for resale tickets by a ticket broker or by a person who is the original purchaser for personal use of one or more tickets within 1,500 feet of a venue that admits fewer than 15,000 persons to any single event (Cobb County, Georgia Code of Ordinances §78-551(b)) *and*
- For any person other than (1) the original purchaser who purchased the ticket for personal use or (2) a licensed ticket broker in a permanent office or place of business that has a county-issued certificate of occupancy, to resell, repurchase or offer for resale any ticket outside of the 2,700-foot or 1,500-foot restrictions (Cobb County, Georgia Code of Ordinances §78-551(c) and (d))

Applicable Ordinance: Cobb County, Georgia Code of Ordinances § 78-551.

City of Albany, Georgia

Resale Restrictions: It shall be unlawful for any person to sell or offer for sale any ticket of admission or other evidence of the right of entry to any event at the civic center for a price in excess of the price printed on the ticket.

Applicable Ordinance: Albany, Georgia Code of Ordinances § 38-126.

City of Atlanta, Georgia

Resale Restrictions: It shall be unlawful for any ticket broker or person who is the original purchaser for personal use of one or more tickets to resell or offer for resale one or more tickets to any athletic contest and entertainment event within 2,700 feet of a venue which seats or admits 15,000 or more persons.

Applicable Ordinance: Atlanta, Georgia Code of Ordinances § 106-59(b).

City of Savannah, Georgia

Geographic and Price Restrictions: It is unlawful for any person to sell, resell or offer for sale any ticket to any event conducted in any property owned or operated by the City of Savannah for a price in excess of the price printed on the ticket.

Service Charge Cap: A service charge not to exceed \$0.25 per ticket, when authorized by the City Manager, may be charged by a ticket agent authorized by the City Manager.

Applicable Ordinance: City of Savannah, Georgia Code of Ordinances § 9-1019.

Hawaii

Credit Card Fee Disclosure: No ticket broker may charge a fee for the use of a credit card to purchase tickets without first disclosing that a fee will be charged. (HRS § 481B-15(a))

Refund Requirements: A ticket broker must refund any and all service fees charged for the purchase of a ticket when the event for which the ticket was purchased is cancelled. (HRS § 481B-15(b))

Ticket Broker: Means any person engaged in the business of selling tickets or any other evidence of right of entry to events at a price greater than the price printed on the ticket. (HRS § 481B-15(c))

Boxing Events: All tickets of admission to any boxing event for which admission fees are charged and received shall have the purchase price printed on it and no such ticket may be sold for more than the price printed. (HRS § 440-17)

Mixed Martial Arts Events: All tickets of admission to any mixed martial arts contest for which admission fees are charged and received shall have printed clearly upon the face thereof the purchase price of same, and no ticket shall be sold for more than the price as printed thereon. (HRS § 440E-13)

Applicable Statutes: HRS §§ 481B-15; 440E-13; and 440-17.

PENDING LEGISLATION ALERT:

2023 HI S.B. 367 (NS)

Introduced January 2023 and seeks to cap the service charges for a primary and secondary ticket seller. The bill also seeks to require website operators to guarantee refunds in certain circumstances and disclose that the website is not the primary ticket seller.



Illinois

Price Cap: It is unlawful to resell tickets to events for a price greater than that printed on the face of the ticket, which printed price must equal the box office or original distribution price. (815 ILCS 414/1)

Service Fees: A ticket seller, with consent of the sponsor of the event, is permitted to collect a reasonable service charge, in addition to the printed box office ticket price, from a ticket purchaser in return for service actually rendered. (815 ILCS 414/4)

Exceptions to Price Cap: The restriction on reselling above face value does not apply as follows:

- **Resales by ticket brokers:** A ticket broker (which is not defined under Illinois law) may resell tickets for a price in excess of the face value, if it meets the following requirements (815 ILCS 414/1.5(b)):
 - **Registration:** The ticket broker must be registered with the Illinois Secretary of State. In connection with such registration, the broker must make certain certifications, including, without limitation, that the broker:
 - Engages in the resale of tickets from a permanent location in Illinois and the resale of tickets is the principal business activity conducted there, and displays registration at the location of business;
 - Maintains a list of the names and addresses of all employees;
 - Complies with all applicable federal, State, and local laws related to its ticket selling activities and the broker and its employees have not been convicted for violation of 815 ILCS 414 within the last 12 months;
 - Maintains a toll-free number dedicated to consumer complaints and inquiries concerning ticket sales; *and*
 - Has adopted a consumer protection code containing, among other things, consumer protection guidelines, a standard refund policy, and standards of professional conduct.
 - **Refunds:** The ticket broker must have a standard refund policy and must provide refunds without charge, other than reasonable delivery fees for the return of tickets. Ticket brokers must guarantee a full refund, including handling and delivery, in any of the following circumstances (815 ILCS 414/1.5(f-5)):
 - The event is cancelled and not rescheduled,
 - The ticket fails to conform substantially as advertised, *or*
 - The ticket does not permit admission to the event.
 - **Consumer Complaint Procedure:** The ticket broker must adopt a procedure for binding resolution of consumer complaints by an independent, disinterested third party.
- **Consumer Protection Rebate Fund:** The ticket broker must maintain a consumer protection rebate fund in an amount in excess of \$100,000 or, instead, certify that the ticket broker belongs to a professional association that has existed for at least three years and that is dedicated to consumer protection.
- **Geographic Restrictions:** The ticket broker may not sell onsite at a venue unless it owns, leases or has permission to occupy the property.
- **Taxes:** The ticket broker must collect and remit all applicable taxes.
- **Advertisements:** All advertisements must identify the ticket broker and its Illinois registration number.
- **Fees:** Registered ticket brokers must pay an annual registration fee of \$100.
- **Resales Through Websites:** Operators of websites may resell tickets through such websites for a price in excess of the face value if the operators meet certain requirements, including, without limitation, the following (815 ILCS 414/1.5(e)):
 - **Presence in Illinois:** Operators must have a business presence and physical address in Illinois, the address for which must be conspicuously posted on the website.
 - **Compliance:** Operators must maintain a list of the names and addresses of operator's directors and officers, the directors and officers must not have been convicted of a violation of 815 ILCS 414/1.5 in the last 12 months, and the Operator must be in compliance with all applicable federal, State and local laws relating to its ticket selling activities.
 - **Consumer Protections:** Operators must maintain a toll-free number dedicated to consumer complaints and inquires.
 - **Consumer Protection Rebate Fund or Insurance:** Operators must maintain a consumer protection rebate fund in an amount in excess of \$100,000 or maintain errors and omissions insurance providing at least \$100,000 in coverage.
 - **Dispute Resolution Procedure:** Operators must have an independent and disinterested dispute resolution procedure that allows mediation or resolution of complaints of either the reseller or the purchaser by third parties and that requires both the reseller and the purchaser to submit to Illinois jurisdiction.
 - **Refunds:** Operators must have a standard refund policy that guarantees a full refund (including all fees, regardless of how characterized) (815 ILCS 414/1.5(f-5)):
 - If the event is cancelled and the purchaser returns the tickets, in which event reasonable delivery fees need not be refunded if previously disclosed in the guarantee as nonrefundable in the event of cancellation,
 - If the event is cancelled and not rescheduled,
 - If the ticket does not permit admission to the event,
 - If the ticket is not substantially as described on the website,



- If the ticket seller willfully fails to send the ticket, *or*
 - If the ticket seller attempted to deliver the ticket as required by the website services, but it was not received.
- **Taxes:** The operator must either collect and remit all applicable taxes or publish a notice on the site that discloses (1) the reseller's obligation to pay applicable local tax in connection with the resale and (2) that the reseller's and purchaser's personal and transactional information may be disclosed to law enforcement or other governmental officials
- **Resales by Internet Auction Listing Services:** Ticket resellers may resell tickets for a price in excess of the face value on an Internet auction listing service duly registered under the Illinois License Act (225 ILCS 407/5-1 et seq.), if the operators of the service meet certain requirements, including, without limitation, the following requirements (815 ILCS 414/1.5(c)):
 - **Consumer Protections:** Operators must maintain a toll-free number dedicated to consumer complaints and maintain consumer protection guidelines containing, among other things, a standard refund policy and standards of professional conduct.
 - **Refunds:** Operators must have a standard refund policy that guarantees a full refund (including all fees, regardless of how characterized) if:
 - The event is cancelled and the purchaser returns the tickets, in which event reasonable delivery fees need not be refunded if previously disclosed in the guarantee as non-refundable in the event of cancellation,
 - The ticket does not permit admission to the event,
 - The ticket is not substantially as advertised on the service,
 - The ticket seller willfully fails to send the ticket, *or*
 - The ticket seller attempted to deliver the ticket as required by the service, but it was not received.
 - **Consumer Protection Rebate Fund or Insurance:** The operator must maintain a consumer protection rebate fund in an amount in excess of \$100,000 or maintain errors and omissions insurance providing at least \$100,000 in coverage.
 - **Dispute Resolution Procedure:** Operators must have an independent and disinterested dispute resolution procedure that allows mediation or resolution of complaints of either the reseller or the purchaser by third parties and that requires both the reseller and the purchaser to submit to Illinois jurisdiction.
 - **Taxes:** The operator must either collect and remit all applicable taxes or publish a notice on the site of the reseller's obligation to pay applicable local tax in connection with the resale and that the reseller and purchaser personal and transactional information may be disclosed to law enforcement or other governmental officials.
 - **Resales by or for Charitable Organizations:** Tickets may be resold for a price in excess of the face value if the resale is conducted through an action by or on behalf of a charitable organization (815 ILCS 414/1.5(d)).

Additional Requirements of All Ticket Resellers Other Than Internet Auctions: Before accepting payment, all ticket brokers and other resellers (other than registered Internet auction listing services) must disclose clearly and conspicuously to the purchaser all of the following information and obtain the purchaser's acknowledgment of the disclosure via an affirmative act by the purchaser (815 ILCS 414/1.5(f-5)):

- The registered name and city of the venue,
- That the reseller is not the box office or its licensed ticketing agent,
- Whether it is registered in Illinois, *and*
- Its refund policy and contact information.

Prohibited Resale Restrictions:

- Any condition of the original sale of a ticket that purports to limit the terms of its resale is unenforceable, null and void, unless the sale is made pursuant to one of the exceptions to the price cap described above. (815 ILCS 414/1(b))
- No reseller may refuse to resell tickets to another ticket reseller solely because such purchaser is a ticket reseller or ticket broker. (815 ILCS 414/1.5(f))

Penalties for Violation: Persons who violate 815 ILCS 414/1.5 are guilty of a Class A misdemeanor and subject to a \$5,000 fine for each offense. Tickets sold in violation of 815 ILCS 414/1.5 may be confiscated by the State, the sponsor of the event for which the ticket is sold, or the owner/operator of the venue at which the event is held. The State, the sponsor of the event for which the ticket is sold, or the owner/operator seek a court order to restrain the reseller's ticketing activities that are in violation of 815 ILCS 414/1.5. (815 ILCS 414/2)

Applicable Statutes: 815 ILCS 414/1; 414/1.5; 414/2; and 414/4.



City of Chicago, Illinois

Ticket Sales: It is unlawful for any licensee to sell, or permit any person to sell, any ticket of admission to the licensed premises unless it has conspicuously printed upon its face the price of admission. (Municipal Code of Chicago, § 4-156-390).

Taxation: It is unlawful for any person to produce, present, conduct, or resell tickets to, any amusement without collection of the tax, except as provided in the Municipal Code of Chicago, § 4-156-020.

Cook County, Illinois

Taxation: It is unlawful for any person to produce, present, conduct or resell tickets to any amusement without collection of a tax, except as provided in Cook County, Illinois Code of Ordinances, § 74-392.

Scope: “Reseller” means a person who resells a ticket or other license to an amusement for consideration. The term includes, but is not limited to, ticket brokers and applies whether the ticket is resold by bidding, consignment or otherwise and whether the ticket is resold in person, at a site on the Internet or otherwise. (Cook County, Illinois Code of Ordinances, § 74-391).

Penalty: Any person violating any of the provisions of this article shall be subject to a fine of \$1,000 for the first offense, and a fine of \$2,000 for the second and each subsequent offense. Every day such violation continues shall constitute a separate and distinct offense. (Cook County, Illinois Code of Ordinances, § 74-398).

Applicable Ordinance: Cook County, Illinois Code of Ordinances, § 74-392.

City of Lynwood, Illinois

Taxation: It is unlawful for any person to produce, present, conduct or resell tickets to any amusement without collection of the tax, except as provided in Lynwood (Illinois Code of Ordinances § 98-332).

- The rate of the tax imposed upon the buyer of a ticket or other license in a resale transaction shall be equal to 10% of the admission fees or other charges paid for the privilege to enter, provided a lower rate is provided in certain circumstances. (Lynwood, Illinois Code of Ordinances, § 98-332(a)).
- The rate of the tax imposed shall be 10% of the admission fees or other charges to witness in person live theatrical, live musical or other live cultural performances that take place in any auditorium, theater or other space in Lynwood whose maximum capacity, including all balconies and other sections, is more than 750 persons. (Lynwood, Illinois Code of Ordinances, § 98-332(e)).
- The rate of the tax imposed upon the buyer of a ticket or other license in a resale transaction shall be equal to 3% percent of the admission fees or other charges paid for the ticket or other license in the resale transaction if the original sale of the ticket or other license is subject to the rate imposed by §98-332(a). (Lynwood, Illinois Code of Ordinances, § 98-332(j)(1)).

- The rate of the tax imposed upon the buyer of a ticket or other license in a resale transaction shall be equal to 2% of the admission fees or other charges paid for the ticket or other license in the resale transaction if the original sale of the ticket or other license is subject to the rate imposed by §98-332 (e). (Lynwood, Illinois Code of Ordinances, § 98-332(j)(2)).
- If the buyer in a resale transaction purchases the ticket or other license for purposes of resale, then no tax shall be due on the purchase of such ticket or other license if the buyer is registered as a Lynwood certified tax collector. If the original sale of a ticket or other license is fully or partially exempt from the tax imposed by § 98-332, the exemption will carryover and apply to the resale of such ticket or other license. (Lynwood, Illinois Code of Ordinances, § 98-332(j)).

Scope

- “Reseller” means a person who resells a ticket or other license to an amusement for consideration. The term includes but is not limited to ticket brokers, and applies whether the ticket is resold by bidding, consignment or otherwise, and whether the ticket is resold in person, at a site on the Internet or otherwise. (Lynwood, Illinois Code of Ordinances, § 98-331).
- It is the duty of the reseller to collect and remit the imposed tax from the buyer to Lynwood. The reseller is required to keep accurate records of its business activities, transactions, and any applicable tax exemptions. The failure of the reseller to collect the tax does not excuse the reseller from its obligation to pay the tax. (Lynwood, Illinois Code of Ordinances, § 98-333).

Penalty: Violators will be fined \$500 for the first violation of § 98-332 and \$1,000 for each subsequent offense. Every day such violation continues will constitute a separate and distinct offense. (Lynwood, Illinois Code of Ordinances, § 98-335).

Applicable Ordinances: Lynwood, Illinois Code of Ordinances, §§ 98-331; 98-332; 98-333; 98-335



Indiana

Ticket Print and Pricing Requirements: Tickets to boxing, sparring or unarmed combat matches must clearly show the purchase price and tickets may not be sold for more than the price printed on the ticket.

Applicable Statute: IC 4-33-22-37.

Consolidated City and County of Indianapolis/ Marion, Indiana

Ticket Resale Restrictions

A ticket broker may not resell or repurchase tickets to a ticketed venue except in accordance with the following provisions:

- Tickets shall not be resold or repurchased within 10 feet of sidewalks where passage is restricted by construction activity,
- Tickets shall not be resold or repurchased within 10 feet of a bus stop, taxi stand, sidewalk ramp intended to provide disability access or public entrance to a building,
- Tickets shall not be resold to or repurchased from occupants in vehicles in traffic, *and*
- Tickets shall not be resold or repurchased in a manner that blocks, obstructs or restricts the passage of pedestrians or vehicles in the lawful use of sidewalks or streets, ingress or egress to the abutting property, or interferes with the operation of any other vendor licensed under Title IV of the Code. (Indianapolis-Marion County, Indiana Code of Ordinances § 841-109)

License Requirement: In order to resell or repurchase tickets on public streets, sidewalks, or other public outdoor locations to a ticketed event within one mile of the event venue, at least one party to the transaction must be a licensed ticket broker. (Indianapolis-Marion County, Indiana Code of Ordinances § 841-102)

License Exception

A license shall not be required for any person reselling or repurchasing tickets under the following conditions:

- The person reselling or repurchasing the ticket has written authorization from the event organizer to do so, *or*
- All tickets were repurchased or resold for not more than the face value of the ticket. (Indianapolis-Marion County, Indiana Code of Ordinances § 841-102)

Display of License: The ticket broker must clearly display the laminated card provided by the license administrator while engaging in the resale or repurchase of tickets. (Indianapolis-Marion County, Indiana Code of Ordinances § 841-108)

Scope: “Resell” means selling or offering to sell a ticket or tickets for admission to a ticketed event on the day of the ticketed event within one mile of the event venue. (Indianapolis-Marion County, Indiana Code of Ordinances § 841-101)

Applicable Ordinances: Indianapolis-Marion County, Indiana Code of Ordinances §§ 841-101; 841-102; 841-108; and 841-109.

City of South Bend, Indiana

Resale Restrictions:

- No person may sell, resell, offer to sell, offer to resell or purchase with the intent to resell a ticket in or on any street, highway, road, driveway, sidewalk parking area, or while on any other public right-of-way or area adjacent to or in the vicinity of any place of public entertainment.
- No person may offer to sell tickets to the occupants of vehicles in traffic.
- No person may offer to sell tickets in a manner that blocks, obstructs or restricts the passage of pedestrians or vehicles in the lawful use of the sidewalks or streets or other public rights-of-way, ingress or egress to the abutting property, or causing a public safety hazard in the reasonable opinion of a sworn police officer observing such activity.
- No person may offer to sell tickets in a manner that constitutes a nuisance to owners of abutting private property in the reasonable opinion of a sworn police officer observing such activity.

No person may hold or have a sign that references the sale or offer for the sale of tickets which person, by such action, causes a public safety hazard or constitutes a nuisance to owners of abutting private property in the reasonable opinion of a sworn police officer observing such activity.

Penalty: Violations of §13-37 are subject to a citation fine of \$100 for the first offense and \$250 for all subsequent offenses.

Applicable Ordinance: South Bend, Indiana Code of Ordinances §§ 13-37; 13-38.

Town of Speedway, Indiana

License Requirement: All individuals reselling tickets within the town must obtain a license, except for those reselling within a fenced-in or otherwise secured area where an admittance fee is regularly charged or located entirely on private property within a fenced-in or otherwise secured area.

Penalty: Any person, persons, firm, corporation, or organization violating this chapter shall be fined a sum of \$200.00 for each day of the violation.

Applicable Ordinance: Speedway, Indiana Code of Ordinances § 5.04.010; 5.04.050.



Kansas

Wyandotte County, Kansas

Price Cap: No person shall sell, offer to sell, resell or offer to resell in the city any ticket of admission to a public event for a price in excess of the price printed on the ticket. If a seller of a ticket requires, as a precondition of the resale of a ticket, the purchase or rental of other goods or services, the price of such goods or services shall be deemed to be part of the purchase price of the ticket. (Wyandotte County – Unified Government, Kansas Code of Ordinances § 22-94(b))

Resale Restrictions: No person shall sell, offer to sell, resell or offer to resell a ticket that contains restrictions on transfer, in violation of such restrictions. (Wyandotte County – Unified Government, Kansas Code of Ordinances § 22-94(c))

Service Charges: There is no prohibition on a ticket seller within the city, with the consent of the sponsor of the public event, from collecting a reasonable service charge, in addition to the printed box office ticket price, from a ticket purchaser in return for services actually rendered. (Wyandotte County – Unified Government, Kansas Code of Ordinances § 22-94(d))

Penalty: Violation of § 22-94 is a misdemeanor subject to a fine not to exceed \$500 or the sale price of the ticket, whichever is greater, incarcerated up to a month, or both.

Applicable Ordinance: Wyandotte County – Unified Government, Kansas Code of Ordinances § 22-94.

City of Topeka, Kansas

Price Cap: It shall be unlawful for any person to sell or resell in the city or at Heartland Park Topeka any ticket or other evidence of right of entry to any public amusement event or sporting event at a price more than the maximum price printed on the face of such ticket or other evidence of the right of entry.

Applicable Ordinance: Topeka, Kansas Code of Ordinances § 54-7.

City of Wichita, Kansas

License Fee: Any person buying, selling, or dealing, in a theatre or amusement tickets at a price other than the regular box office price must pay a license fee of \$200 per year, due March 1st.

Applicable Statute: Wichita, Kansas Code of Ordinances § 3.08.300.



Kentucky

Resale Restrictions: It is unlawful to intentionally sell or offer to sell a ticket to an “Event” at a price greater than that charged at the place of admission or printed on the ticket, unless authorized by the issuer or by law. As of the date of this Guide, there are no such authorizations by law.

Scope

- “Events” are sports contest or other public performance to which the public is not admitted without consideration. This includes any form of entertainment involving machines, persons, animals, or objects viewed by the public.
- “Sports contests” include professional sports, amateur sports, athletic game, or race involving machines, persons, animals, or objects viewed by the public.

Applicable Statute: Kentucky Revised Statutes §§ 518.010; 518.070.

Louisiana

Price Cap: All admission tickets to any athletic contest, dance, theater, concert, circus, or other amusement must have the price to be paid for the ticket, excluding order processing and delivery charges, printed on the face of the ticket. (LA R.S. § 4:1:A)

Exceptions

The restriction on reselling tickets at a price above face value does not apply in the following circumstances:

- **Internet Sales:** If a venue operator and event organizer authorize the resale of tickets for more than the face value, then a website operator may sell or offer for sale such tickets via the website, provided that it guarantees a full refund of the amount paid as follows:
 - **Required Refunds:** In order to resell or offer to resell tickets above the face value, a website operator must provide a full refund, including service, handling or processing fees (unless such fees are declared non-refundable under the website operator’s guarantee), in each of the following circumstances:
 - The event is cancelled,
 - The purchaser is denied admission to the event otherwise than due to the purchaser’s acts or omissions, or
 - The purchaser is unable to attend because the ticket is not delivered in the manner described on the website or pursuant to the operator’s delivery guarantee. (LA R.S. § 4:1.E)
 - **Refund Guarantee:** The website operator’s refund guarantee must be posted on the website and directed to the purchaser prior to completion of the resale transaction. (LA R.S. § 4:1.D) This requirement does not apply to university tickets specially allocated to Louisiana legislators or tickets issued to student by Louisiana universities. (LA R.S. § 4:1:F)



Collegiate Events: Any institution of higher education may permit a private, nonprofit corporation to purchase tickets to any event sponsored by the institution not to exceed twelve percent of the tickets available for the event. If a corporation pays the full price of admission for tickets to any event sold by an institution of higher education or its alumni to other members of the public, then any funds received by the corporation from the resale of the tickets shall not be public funds for any purpose. (LA R.S. § 17:3390 (E))

Applicable Statutes: Louisiana Revised Statutes §§ 4:1; 17:3390.

PENDING LEGISLATION ALERT:

LA H.B. 341 (2023)

A proposed amendment to LA R.S. § 4:1 provides that a ticket issuer may use a nontransferable ticketing system only if the ticket holder is offered to purchase the same ticket in a transferable form at the initial time of sale; provides for the resale of certain entertainment and sporting event tickets; provides that a ticket issuer or venue operator shall not transfer or resell tickets for a private event or a targeted promotion.

Bossier City, Louisiana

Price Cap: No person shall sell or offer to sell an admission ticket for an amount in excess of the price printed on the face of the ticket.

Ticket Print Requirements: All admission tickets to any athletic contest, dance, theatre, concert, circus or other amusement shall have the total price printed on the face of the ticket.

Geographic Restrictions: No person shall resell or offer for resale any ticket to any event at the Bossier City Arena on the arena premises including the parking lot of the arena.

Penalty: Violators may be fined between \$100-\$500, imprisoned for up to 30 days, or both.

Applicable Ordinance: Bossier City, Louisiana Code of Ordinances § 38-291.

City of New Orleans, Louisiana

Price Cap: It shall be unlawful for any person to sell any admission ticket to any athletic contest, dance, theater, circus, or other amusement for a price in excess of the price printed on the face of the ticket.

Applicable Ordinance: New Orleans, Louisiana Code of Ordinances § 54-484.

Maryland

Price Cap: It is unlawful for a promoter to allow the sale or exchange of a ticket to a martial arts, boxing, or wrestling event for an amount that exceeds the box office price. (Md. Code Ann., Bus. Reg. § 4-318)

Prohibited Software: It is unlawful to use software to interfere with the mechanisms of a ticket seller's website that ensure an equitable buying process. (Md. Commercial Law Code Ann. § 14-4002)

Ticket Website Domain Names: Owners or operators of "ticket websites" are prohibited from using in their uniform resource locator certain lower-level domain names that contain or are substantially similar to venue, event or performer names. (Md. Commercial Law Code Ann. § 14-4001;4003)

Scope: "Ticket website" means a website that advertises, offers, or facilitate the sale, resale, or exchange of tickets to an event within the State.

Applicable Statutes: Maryland Code, Business Regulation, § 4-318; Maryland Commercial Law Code Annotated §§ 14-4001-4004.

PENDING LEGISLATION ALERT:

H.B. 795 (2023), S.B. 852 (2023)

The proposed amendment to Md. Commercial Law Code Ann. § 14 (effective October 1, 2023, if passed) requires a ticket issuer, primary ticket sales platform, or secondary ticket exchange to implement a certain refund policy for tickets to certain entertainment events; prohibits a ticket issuer or seller from restricting the resale, transfer, or offer of resale of tickets or requiring certain identification at the venue; requires a ticket seller, primary ticket sales platform, or secondary ticket exchange platform to display certain information.

Massachusetts

License Requirement: It is unlawful to "resell" any ticket without being licensed by the commissioner of the division of professional licensure. (M.G.L.A. 140 § 185A)

Price Cap: No licensed reseller may resell a ticket for more than \$2 greater than face value, unless the excess charges are "service charges". (M.G.L.A. 140 § 185D)

Exceptions: None of the provisions of Massachusetts law apply to either of the following ticket resales:

- Ticket sales or resales, the proceeds of which exclusively benefit nonprofit, religious, educational or charitable institutions, *or*
- Sales or resales of tickets to agricultural fairs, if the proceeds of such sales or resales are not distributed to members of the associations conducting the fair (M.G.L.A. 140 § 185G)

Restrictions: A person is not permitted to resell a ticket to an event if the person is the owner, stockholder, or has any such interest in that event. (M.G.L.A. 140 § 185A)

Scope:

- "Resale" is giving or selling a ticket for a price lower than the face value. (M.G.L.A. 140 § 185A)
- "Service charges" are costs incurred solely in procuring and selling the ticket, such as charges for messengers, postage, long distance telephone calls, extensions of credit and costs of credit card orders, but do not include costs related to the general business operations of the reseller. (M.G.L.A. 140 § 185D)



Applicable Statutes: Massachusetts General Laws Annotated, Ch. 140, §§ 185A-G.

PENDING LEGISLATION ALERT:

S.215 (2023)

This bill proposes an amendment to M.G.L. 140 § 185 (effective upon passage) by adding § 185J(a), which provides that no ticket issuer shall pre-sell any event ticket to a ticket reseller for the purposes of selling tickets in the secondary market and that a ticket reseller shall be prohibited from using any software or other technology for the purpose, or with the foreseeable effect, of restricting the sale of event tickets to the general public within twenty-four hours of when the tickets go on sale.

H.373 (2023); S.144 (2023)

This bill proposes amendments to M.G.L. 140 §§ 185A and 185D and the addition of § 185I to provide expanded ticket sale regulations and ticket purchase software system, online ticket marketplace, ticket platform, and consumer protection standards relative to the purchase, sale, and resale of tickets.

H.3975 (2023)

This bill proposes an amendment to M.G.L. 140 § 185A-E and § 182A that provides regulations on ticket online marketplaces relating to ticket exchange, consumer protection standards, service fees, and purchasing tickets using software programs.

H.259 (2023); SD.2454 (2023)

This bill proposes an amendment to M.G.L. 140 § 182 by adding § 182B that requires disclosure of the total cost and fees associated with a ticket listing prior to the ticket being selected for purchase.

Michigan

Price Caps: It is unlawful for:

- An owner, operator, tenant, manager of or other person controlling a place for the sale of tickets to sell or offer for sale a ticket at a price in excess of either the price received from the general public or the advertised or printed price (MCL § 750.465(2))
- Any person to sell or offer for sale in a public place a ticket at a price in excess of either the price received from general public or the advertised price, or printed price (MCL § 750.465(2));
- Any person to establish an agency or sub-office for the sale of tickets at a price in excess of either the box office price or the advertised price (MCL § 750.465(3)); *or*
- A venue owner, operator or tenant of a place open to the public to permit the sale of tickets in such place for more than the price printed on the ticket (MCL § 750.465(2-4)).

Exception to Price Caps: The price caps do not apply if the owner, operator, tenant or manager of the venue has granted written permission to charge the excess amount for purchases made at the box office where the event is scheduled to occur. (MCL § 750.465(1))

Restrictions: A person cannot sell a ticket that is not in such person's possession or control. (MCL § 750.465(5))

Ticket Print Requirements: The price and seat number must be printed conspicuously on each ticket. In addition, if the ticket is sold anywhere other than at the venue box office, the charge in excess of the box office price and the following statement must be printed on the ticket: "This ticket may be purchased at the box office price without the surcharge by purchasing the ticket at the box office where the event is scheduled to occur." (MCL § 750.465(1))

Ticket Website Restrictions: A person owning, operating, or controlling a ticket website for an event scheduled at a venue in Michigan may not use the name of the venue, the name of the event, the name of the performer or guest appearing, or anything similar within the website's URL, unless that person is acting on behalf of the venue, event, person, or entity scheduled to perform or appear at the event. (MCL § 750.465 (3))

Applicable Statute: Michigan Compiled Laws § 750.465.

Minnesota

Prohibited Software: It is unlawful to intentionally use or sell software to interfere with the mechanisms of a ticket seller's website that ensure an equitable buying process.

Applicable Statute: Minn. Stat. § 609.806.

PENDING LEGISLATION ALERT:

MN H.B. 1989 (2023)

The proposed new legislation imposes consumer protection standards such as a refund guarantee; regulates ticket sales to places of entertainment including mandatory price and fee disclosures; restrictions on ticket reseller activity such as selling multiple copies of one ticket; and practices to enhance transparency from ticket brokers such as resale ticket declarations and advertising standards.

Mississippi

Price Cap: It is unlawful to sell a ticket to any Mississippi collegiate or university athletic event or any event held on state property for more than the face value of the ticket.

Unauthorized Sales: It is unlawful to sell a ticket at any place or in any manner other than as designated by the authorities issuing the ticket.

Applicable Statute: Mississippi Code Annotated § 97-23-97.

PENDING LEGISLATION ALERT:

MN H.B. 1989 (2023)

The proposed new legislation imposes consumer protection standards such as a refund guarantee; regulates ticket sales to places of entertainment including mandatory price and fee disclosures; restrictions on ticket reseller activity such as selling multiple copies of one ticket; and practices to enhance transparency from ticket brokers such as resale ticket declarations and advertising standards.



Missouri

Ban on Resale Prohibition: No regulation of any city, county or other political subdivision may prohibit the sale or resale of tickets at any price or prohibit charging fees in connection with the sale of any ticket.

Applicable Statute: Vernon's Annotated Missouri Statutes § 67.306.

County of St. Louis, Missouri

Price Cap:

- Any person, firm or corporation that resells, offers to resell or delivers any ticket for admission, or any other evidence of the right of entry, to any public sporting event, for a price in excess of the price printed on the ticket, is guilty of the offense of ticket scalping.
- **Price Cap (Entertainment Events):** Any person, firm or corporation that resells, offers to resell or delivers any ticket for admission, or any other evidence of the right of entry, to any public entertainment event, for a price in excess of twice the price printed on the ticket, is guilty of the offense of ticket scalping.

Location Requirement

- Any ticket broker that resells, offers to resell or delivers admission tickets within the unincorporated area of St. Louis County must operate its ticket brokering business from one or more fixed location(s). This requirement does not prohibit the delivery of tickets to customers at other locations.
- All ticket brokers shall, prior to the transaction of any business in St. Louis County, disclose in writing to the Superintendent of Police, on forms provided by him, the following information: name of business, identity of owner(s), address of every fixed location from which brokering will be conducted, and telephone number at which owner or manager may be reached. The form shall be updated as necessary so that all information disclosed to the Superintendent remains accurate.

Definition of Ticket Broker: A person, firm or corporation that engages in a business for profit of reselling, offering to resell or delivering tickets of admission to public events.

Applicable Ordinance: St. Louis County, Missouri Code of Ordinances § 716.215.

Kansas City, Missouri

Price Cap: It shall be unlawful for any person to sell or resell in the city any ticket or other evidence of right of entry to any public amusement event at a price more than the maximum price printed on the face of such ticket or other evidence of the right of entry.

Applicable Ordinance: Kansas City, Missouri Code of Ordinances § 50-108.

City of St. Louis, Missouri

Price Cap: The resale of any tickets to athletic and sporting events, theatrical and musical performances, circuses, shows, exhibitions, and other places of amusement by any person, persons, associations, or corporations at a price higher than is being charged at the regular ticket office or selling place of such performance or event shall be prohibited.

Applicable Ordinance: St. Louis, Missouri Code of Ordinances § 8.102.035.

Nebraska

City of Omaha, Nebraska

Resale Restrictions: It is unlawful to advertise or solicit for resale (including any sale or attempted sale subsequent to the initial offer to the public) any ticket to an event to be held at the Civic Auditorium, Orpheum Theater, TD Ameritrade Park Omaha or the Omaha CenturyLink Center for an amount greater than the face value printed on such ticket on the grounds of such facilities or within a one-half mile radius of each such facility.

Applicable Ordinance: Omaha, Nebraska Code of Ordinances § 20-162.

Nevada

Restriction on Substantially Similar Websites: It is unlawful for the website of a reseller, a secondary ticket exchange or any affiliate of a reseller or secondary ticket exchange to:

- Display a trademarked or copyrighted URL, title, designation, image or mark or other symbol without the written consent of the trademark or copyright holder (N.R.S. § 598.3978(1))
- Use any combination of text, images, web designs or Internet addresses, or any combination thereof, that is substantially similar to the website of any entertainment facility, athletic contest or live entertainment event, without permission (i.e., a reasonable person would believe that the website is that of the entertainment facility, athletic contest or live entertainment event) (N.R.S. § 598.3978(2))
- **Exception:** The use of text containing the name of the venue, artist, athletic contest or live entertainment event is permitted, if such use is necessary to describe the athletic contest, the live entertainment event or the location of the athletic contest or live entertainment event (N.R.S. § 598.3978(4))

Identification as Reseller: The website of a reseller, a secondary ticket exchange or any affiliate thereof must prominently display a notice identifying the website as belonging to a reseller, secondary ticket exchange or an affiliate thereof and must not, without contractual authorization from the rights holder, advertise or represent that the reseller, secondary ticket exchange or affiliate thereof is a rights holder or primary ticket provider. This notice must be displayed within the top 20% of each page of the website in a font size that is not smaller than the font size used for the majority of text on that page. (N.R.S. § 598.3978(3))



Upfront Disclosure of Total Transaction Cost: It is unlawful for a reseller, secondary ticket exchange or any affiliate thereof to resell a ticket in person or remotely without first disclosing to the purchaser the total amount that the purchaser will be charged for the ticket, including any fees which represent a portion of the total amount to be charged. (Enacted in Nev. SB 131 (2019) but not yet codified as part of Nev. Rev. Stat. Ann. § 598).

Reseller Restrictions: It is unlawful for a reseller to:

- Resell more than one copy of the same ticket to an athletic contest or live entertainment event (Nev. Rev. Stat. Ann. § 598.3979(1)(a))
- Employ another person directly or indirectly to wait in line to purchase tickets for the purpose of reselling the tickets if the practice is prohibited by the organizer of the event or by the venue (Nev. Rev. Stat. Ann. § 598.3979(1)(b))
- Resell a ticket without first informing the purchaser of the location in the entertainment facility of the seat or, if there is no assigned seat, the general admission area to which the ticket corresponds including the row and seat number of the ticket if applicable (Nev. Rev. Stat. Ann. § 598.3979(1)(c))
- Resell a ticket or advertise a ticket for resale, unless:
 - The ticket is in the reseller’s possession or
 - The reseller has a written contract with the rights holder to obtain the ticket (Nev. Rev. Stat. Ann. § 598.3979(1)(d))
- Resell a ticket before it has been made available to the public, including a presale, by the rights holder without first obtaining permission from the rights holder to do so (Nev. Rev. Stat. Ann. § 598.3979(2))

Use of Internet Robots Prohibited: It is unlawful to use an Internet robot to circumvent any portion of the process for purchasing a ticket on a website or to disguise the identity of a ticket purchase for the purpose of purchasing a number of tickets for admission that exceeds the maximum number allowed for purchase by a person. (N.R.S. § 598.398(1))

Prohibited Resales of Tickets Acquired With an Internet Robot: It is unlawful for a person to resell or offer for resale a ticket obtained using an Internet robot if the person participated in or had the ability to control the use of the Internet robot or knew that the ticket was acquired unlawfully using an Internet robot. (N.R.S. § 598.398(2))

Definition of Resale and Resell: An offer or completed transaction for the sale of a ticket to an athletic contest or a live entertainment event that occurs after the initial purchase of the ticket, including, without limitation, the sale of a ticket made in person or by telephone, website or any other means of communication or exchange. (N.R.S. § 598.3975)

Definition of Rights Holder: Any person or entity who has the initial ownership right to sell a ticket to an athletic contest or live entertainment event for which tickets for entry by the public are required. (Enacted in Nev. SB 131 (2019) but not yet codified as part of Nev. Rev. Stat. Ann. § 598)

Applicable Statutes: N.R.S. §§ 598.3975; 598.3978; 598.3979; 598.3980; and Nev. SB 131 (2019).

Clark County, Nevada

Ticket Print Requirements: Every owner or operator of a venue must print the price of the ticket in a conspicuous manner on the face of the ticket. Such price must include all taxes, service charges and fees of any kind associated with admission to the event or delivery of the ticket. (Clark County, Nevada Ord. § 12.38.010)

Price Cap: Any person who sells a ticket in excess of the price printed on the ticket, without the permission of the venue owner or operator is guilty of a misdemeanor. (Clark County, Nevada Ord. § 12.38.020)

Applicable Ordinances: Clark County, Nevada Ord. §§ 12.38.010; 12.38.020; and 12.38.030.

City of Las Vegas, Nevada

Price Cap: It is unlawful to sell tickets for admission to a place of entertainment, for a price greater than the price printed upon the face of the ticket. The price of any ticket is equal to the price displayed at the office of original distribution and at the box office of or on the premises of the venue.

Applicable Statute: Nevada Revised Statute Annotated § 598.3979.

New Hampshire

Resale for Musical Performances: Every ticket agent receiving tickets for sale or resale to a musical performance in which all the lead vocals consist of played recording rather than the actual singing of the lead vocalists must:

- Display in a place immediately adjacent to where the tickets are sold, a prominent and conspicuous notice consisting of substantially the following: “The lead vocals are pre-recorded and will not actually be sung by (name of lead vocalist or musical group) during this show” and
- State prior to the completion of any telephone sales transaction involving tickets to such an event substantially the following: “The lead vocals are pre-recorded and will not actually be sung by (name of lead vocalist or musical group) during this show” (RSA 357-F:4)

Definition of Ticket Agent: Any person who is involved in the business of selling or reselling tickets or admission to a musical performance who charges a premium in excess of the price, plus taxes, printed on the ticket. (RSA 357-F:1)

Applicable Statutes: RSA 357-F:1 and 357-F:4.

New Jersey

Definition of Ticket Broker: A ticket broker is any person located and operating in New Jersey who is involved in the business of reselling tickets and who charges a premium in excess of the face value of the ticket, plus taxes, printed on the ticket. (N.J. Stat. § 56:8-26(f), NJAC § 13:45A-20.1)

Exclusion: Individuals who do not regularly engage in the business of reselling tickets, who resell fewer than 30 tickets per year and who obtain the tickets for such individual’s personal use or the use of friends and family, are not deemed to be ticket brokers. (N.J. Stat. § 56:8-26(f), NJAC § 13:45A-20.1)



Definition of Resale: Sale by a person other than the owner or operator of a place of entertainment or of the event or an agent of any such person. (N.J. Stat. § 56:8-26(g), NJAC § 13:45A-20.1)

Ticket Broker Requirements: A ticket broker must, among other things:

- Maintain a permanent office in New Jersey. (N.J. Stat. § 56:8-27, NJAC § 13:45A-20.5(i)(1))
- Display its license in its principal office for reselling tickets and each branch office. (N.J. Stat. § 56:8-32)
- Obtain a certificate of registration from the Director of Consumer Affairs in the Department of Law and Public Safety. (N.J. Stat. § 56:8-27, NJAC § 13:45A-20.5(i)(2))
- List its registration number in all advertisements of tickets for sale to the general public to events in New Jersey. (N.J. Stat. § 56:8-27, NJAC § 13:45A-20.5(i)(3))
- Disclose to the ticket purchaser:
 - The purchase price of a ticket prior to the purchase of the ticket (N.J. Stat. § 56:8-33(a))
 - The location of the seats, by map or verbal description (N.J. Stat. § 56:8-27)
 - The broker’s cancellation policy (N.J. Stat. § 56:8-27)
 - That a service charge has been added to the price (N.J. Stat. § 56:8-27) *and*
 - The broker’s guarantee policies. (N.J. Stat. § 56:8-27)
- File a bond in the amount of \$10,000, with two or more sufficient sureties for approval by the Director of Consumer Affairs. (N.J. Stat. § 56:8-30, NJAC § 13:45A-20.2) *and*
- Provide buyers with receipts that specify the date on which the tickets will be delivered and the total purchase price for the tickets. (NJAC § 13:45A-20.5(h))



Ticket Broker Refund Requirements:

- All ticket resellers and ticket resale websites must guarantee that such reseller or website will provide a full refund of the amount paid by the purchaser, including all fees, regardless of how characterized, if any of the following occurs:
 - The event has been cancelled, in which event the actual handling and delivery fees need not be refunded if the reseller’s or website’s guaranty so provides
 - The ticket does not provide the purchaser with admission to the event, including if the ticket is counterfeit or if the ticket has been cancelled (other than due to an act or omission of the purchaser) (N.J. Stat. § 56:8-34(b))
- Ticket brokers must refund:
 - The full cost of the tickets if the ticket broker guarantees delivery of the tickets and fails to so deliver them (N.J. Stat. § 56:8-27(1)(h))
 - The full price of a tour package and tickets when the broker has guaranteed tickets in a tour package and fails to provide them (N.J. Stat. § 56:8-27(1)(j))
 - Deposits made by purchasers when the broker is using a tentative order policy (commonly known as a “try and get”) and the broker fails to get the tickets (N.J. Stat. § 56:8-27(1)(i))
 - The full price of the ticket, less shipping charges, if the tickets are returned in three days (or returned in one day, if the ticket was purchased within seven days before the event), but no refund must be given on any ticket purchased within six days before an event unless the broker is able to resell the ticket (N.J. Stat. § 56:8-27(k))
- Ticket brokers must notify buyers who pay any monies towards the purchase of a ticket and who fail to receive the ticket by the promised delivery date that the buyer has the option of receiving a full refund within 30 days or consenting to an extension of the delivery date. (NJAC § 13:45A-20.5(g))

Price Caps:

- It is unlawful for anyone other than a registered ticket broker to resell a ticket, or purchase a ticket with the intent to resell, for a premium in excess of the greater of 20% of the ticket price or \$3, whichever is greater, plus lawful taxes. (N.J. Stat. § 56:8-33(b), NJAC § 13:45A-20.5(b)-(c))
- It is unlawful for a registered ticket broker to resell a ticket or purchase a ticket with the intent to resell a ticket at a premium in excess of 50% of the price paid to acquire the ticket, plus taxes. (N.J. Stat. § 56:8-33(b))

Internet Exception: There is no limit on the resale or purchase price for a ticket sold by anyone other than a registered ticket broker, if the ticket is resold or purchased through a website. (N.J. Stat. § 56:8-33(c))



Speculative Tickets: It is unlawful for a reseller to employ a tentative ticket policy whereby the reseller sells tickets that are not in its possession at the time of sale, unless that policy is disclosed to the ticket purchaser at the outset of the transaction. Such disclosure must include the approximate delivery date and number of tickets that are guaranteed together, including the zone or section number. If the reseller fails to obtain the speculative tickets, it must refund any deposit made by the purchaser within ten days after the event. (N.J. Stat. § 56:8-34(c)(1), NJAC § 13:45A-20.5)

Geographic Restrictions: It is unlawful to resell or purchase with the intent to resell any ticket, on any street, highway, driveway, sidewalk, parking area or common area owned by a venue in New Jersey, or any other area adjacent to or in the vicinity of the venue. (N.J. Stat. § 56:8-34 (a))

Exception: A person may resell tickets in an area designated by the venue, if the tickets were purchased for the person's own personal or family use and at a price no greater than the price otherwise permitted by New Jersey law. (N.J. Stat. § 56:8-34(a))

Prohibition on Tying Other Purchases: It is unlawful for a ticket broker, as a condition of selling or exchanging a ticket, to require a buyer to purchase other tickets. NJAC § 13:45A-20.5(e).

Prohibited Technology:

- It is unlawful to use any means, method or technology that is designed, intended or functions to disguise the identity of the purchaser with the purpose of attempting to purchase or purchasing a quantity of tickets in excess of any authorized limit established by the ticket issuer. (N.J. Stat. § 56:8-34(d))
- It is unlawful to use software or any other technology or device that is designed, intended or functions to
 - Interfere with a computer, computer network or system, or any part thereof, for the purpose of attempting to purchase or purchasing or obtaining access to a quantity of tickets in excess of any authorized limit established by the ticket issuer *or*
 - Circumvent or disable any access control systems, electronic queues, waiting periods or other sales volume limitation systems to ensure the equitable distribution of tickets institute on the website of a ticket issuer (N.J. Stat. § 56:8-34(e))

Ticket Website Prohibitions Regarding Domain Names: It is unlawful for a person who owns, operates or controls a ticket website for any event at a venue in New Jersey to sell tickets to a New Jersey resident through that website if such website owner, operator or controller intentionally uses an Internet domain name that:

- Contains the name of the venue or a name that is substantially similar to the venue or the Internet domain name (unless authorized by the venue to act on behalf of the venue) *or*

- Contains the name of the event or performer or a name that is substantially similar to the name of the event or performer (N.J. Stat. § 56:8-35(b))

Ticket Print Requirement: Every venue or its agent must print on the face of each ticket and include in any advertising for any event, the price charged therefor. (NJAC § 13:45A-20.5(a))

Charitable and Political Organization Exceptions: The New Jersey ticket resale laws do not apply to any person who sells, raffles or otherwise disposes of tickets for a nonprofit or political organization, if the premium proceeds are devoted to the lawful purposes of the organization. (N.J. Stat. § 56:8-38)

Applicable Statutes: N.J. Stat. §§ 56:8-26; 56:8-27; 56:8-28; 56:8-29; 56:8-30; 56:8-31; 56:8-32; 56:8-33; 56:8-34; 56:8-35; 56:8-35.3; 56:8-35.4; 56:8-36; 56:8-37; 56:8-38; 13:45A-20.1; 13:45A-20.2; 13:45A-20.5; 13:45A-20.6; and 13:45A-20.7.

PENDING LEGISLATION ALERT:

A195 (2023)

The proposed amendment and addition to § 56:8-26 (effective upon passage) prohibits the use of any software, device or any other technological resource that is used to circumvent a security measure, access control system, or other control or measure on an online ticket issuer's Internet website that is used to ensure an equitable ticket buying process.

A1098 (2023)

The proposed amendment and addition to § 56:8-26 (effective upon passage) allows ticket issuers to sell tickets through a ticketing system that restricts the rights of consumers to resell their tickets only if, at the time of the initial sale, the consumer is offered the option to purchase the same ticket in a form not subject to restrictions by the issuer. Issuers would be permitted, however, to sell or give away tickets in a non-transferable form in the context of targeted promotions or private events.

New Mexico

Price Cap: It is unlawful to sell or offer for sale any ticket to any college athletic event at a price greater than the price charged at the place of admission or printed on the ticket. (N.M. Stat. Ann. § 30-46-1.A)

Fees Permitted: It is lawful to charge a fee for services rendered in connection with the sale of a ticket, if the fee is permitted pursuant to a contract between the ticket seller and the sponsor or promoter of the event. (N.M. Stat. Ann. § 30-46-1.C)

Boxing, Wrestling and Martial Arts Contests: It is unlawful for an unlicensed person to resell any ticket for more than \$0.50 greater than the price printed on the ticket. Ticket resales may only be made by the licensed promoter or the box office. (N.M. Stat. Ann. § 15-6-3.12)

Applicable Statutes: N.M. Stat. Ann. §§ 30-46-1 and 15-6-3.12.



New York

Application of Law: Businesses domiciled outside the state of New York are subject to New York law when selling tickets to events held in the state of New York, regardless of where the buyer and seller are domiciled. (N.Y. Arts & Cult. Aff. Law § 25.01)

Price Cap: No owner or operator of any place of entertainment, or his or her agent, representative, employee or licensee shall, if a price be charged for admission thereto, exact, demand, accept or receive, directly or indirectly, any premium or price in excess of the established price plus lawful taxes whether designated as price, gratuity or otherwise. (N.Y. Arts & Cult. Aff. Law § 25.29(1))

Exclusions: The price cap does not apply to:

- Reasonable service charges for special services, including, but not limited to, sales away from the box office, credit card sales or delivery services or
- Offering tickets for initial sale by means of an auction (N.Y. Arts & Cult. Aff. Law § 25.29)

Definition of Resale: “Resale” means any sale of a ticket for entrance to a place of entertainment in the State of New York other than a sale by the operator or the operator’s agent who is expressly authorized to make first sales of such tickets and includes sales by any means, including in person, by telephone, mail, delivery service, facsimile, Internet, email or other electronic means. (N.Y. Arts & Cult. Aff. Law § 25.03(8))

Exclusions: The term “resale” does not include:

- Any sale by a person, firm, or corporation which purchases any tickets solely for their own use or the use of their invitees
- Any sale or purchase of tickets by employees or agents on behalf of others and resells such tickets to such invitees, employees and agents or others at or less than the established price
- Any sale by any not-for-profit organization, as long as any profit realized from ticket reselling is completely dedicated to the purposes of such organization (N.Y. Arts & Cult. Aff. Law § 25.03(8))

Reseller License: Ticket resellers, including websites, are required to obtain a license from the Secretary of State for each location at which business will be conducted. If the reseller demonstrates that its business provides a service to facilitate ticket transactions without charging any fees, surcharges or service charges above the established price of the ticket on every transaction, except a reasonable and actual charge for the delivery of tickets, then the fees for licensing will be waived. (N.Y. Arts & Cult. Aff. Law § 25.13(1))

Internet Exception: If a website serves solely as a platform to facilitate resale between third parties and does not otherwise engage in resales of tickets, the website is not required to have a license. (N.Y. Arts & Cult. Aff. Law § 25.13(1))

Licensed Reseller Requirements: Licensed resellers have the following requirements, among others:

Bond: A licensed reseller must file a bond in the sum of \$25,000, with two or more sureties or an authorized surety company, which bond shall be approved by the Secretary of State. (N.Y. Arts & Cult. Aff. Law § 25.15)

- **Records of Sales:**

- Every licensee shall at all times keep full and accurate records showing: a) the prices at which all tickets have been bought and sold by such licensee; and b) the names and addresses of the person, firm or corporation for whom they were bought. These records shall be made available upon request to the state attorney general, the secretary of state, or other governmental body with the express authority to enforce any section of this article (N.Y. Arts & Cult. Aff. Law § 25.25(1))
- Twice annually, on June 30th and December 31st, every licensed reseller must report to the department of state the total number of, and average resale or average final resale auction price of, all tickets to each ticketed event. (N.Y. Arts & Cult. Aff. Law § 25.25(2))

- **Disclosure Requirements:**

- **Disclosure of NY License:**

- A licensed reseller must conspicuously display its license at all times in its principal office. (N.Y. Arts & Cult. Aff. Law § 25.19)
- If a licensed reseller conducts business through the Internet or, effective December 28, 2018, through any retail ticket purchasing website, application, phone system or other technology used to sell tickets, the reseller must display in a conspicuous manner on the site or system a hyperlink to a copy of the license. (N.Y. Arts & Cult. Aff. Law § 25.19)

- **Price Lists:** If a licensed reseller conducts business through the Internet, it must conspicuously display a price list, or hyperlink to the price list, on the Internet page on which tickets are accessed. The price list must show the face value, together with the price being charged by such licensee for the resale of such ticket. (N.Y. Arts & Cult. Aff. Law § 25.23)

- **Refund Terms:** A licensed reseller must publish in a conspicuous place, or hyperlink to, a statement clearly detailing the required refund guarantees. (N.Y. Arts & Cult. Aff. Law § 25.23(1))

- **Online Resale Marketplace Notices:** Online resale marketplaces must post a clear and conspicuous notice on the website that the website is for secondary ticket sales, that the prices of the tickets may exceed the established price and the refund policy if an event is cancelled or postponed. (N.Y. Arts & Cult. Aff. Law § 25.23(2))

- **Online Resale Marketplace User Confirmations:** Online resale marketplaces must require that website users confirm having read the resale notices described above. (N.Y. Arts & Cult. Aff. Law § 25.23(2))



- **Prohibited Gratuities:** No licensed reseller may pay any officer or employee of a venue any commission, gratuity or bonus in connection with the sale, delivery or payment of tickets to such venue. (N.Y. Arts & Cult. Aff. Law § 25.27)

Required Refund Guarantees:

- Anyone who resells tickets or facilitates the resale or resale auction of tickets between independent parties by any means must guarantee to every purchaser a full refund of the amount paid by the purchaser (including, but not limited to, all fees, regardless how categorized) in any of the following events:
 - If the event has been cancelled, in which case actual handling and delivery fees need not be refunded if the guarantee specifies that those fees will not be refunded
 - If the ticket does not grant the purchaser admission to the event, unless the ticket was cancelled due to an act or omission by the purchaser
 - If the ticket is not as described, unless the purchaser pre-approved a substitution of the ticket (N.Y. Arts & Cult. Aff. Law § 25.07(2))
- Prior to the payment of a refund, it is the obligation of the seller and purchaser to first make a good faith effort to remedy any disputes, if the reseller and purchaser agreed to terms established by the reseller or website manager for the disposition of disputes as a condition to facilitate the transaction (N.Y. Arts & Cult. Aff. Law § 25.07(3))

Ticket Possession: It shall be unlawful for any ticket reseller to contract to sell or obtain tickets or to accept full payment or a deposit for the sale of tickets unless the reseller (N.Y. Arts & Cult. Aff. Law § 25.10(1)):

- Possesses the ticket (N.Y. Arts & Cult. Aff. Law § 25.10(1)(a))
- Has a written contract to obtain the ticket from a person who possesses or has a contractual right to obtain the ticket (N.Y. Arts & Cult. Aff. Law § 5.10(1)(b)) *or*
- Informs the purchaser in a clear and conspicuous manner at the time of offering the ticket and in a written notice prior to completing the sale transaction:
 - That the reseller does not meet either of the previous two requirements
 - That the reseller may not be able to supply the ticket at the contracted price *and*
 - The reseller requires the purchaser to expressly confirm, prior to completing the transaction, that the purchaser has read this notice (N.Y. Arts & Cult. Aff. Law § 25.10(1)(c))
- If the reseller complies with the ticket possession requirements of N.Y. Arts & Cult. Aff. Law § 25.10(1)(c), the reseller may accept a deposit for the resale if:
 - The reseller also informs the purchaser of the terms of the deposit in writing prior to the receipt of the deposit *and*
 - The reseller refunds the deposit within 10 business days after receipt of a request from the purchaser for a refund, if the reseller cannot supply the ticket (N.Y. Arts & Cult. Aff. Law § 25.10(2))

Ticket Print Requirement:

- Every owner or operator of a venue, licensed reseller or platform that facilitates resales of tickets must disclose, in a clear and conspicuous manner and prior to receiving payment, not only the price of the ticket, but also any portion that represents any fee or surcharge. (N.Y. Arts & Cult. Aff. Law § 25.07(4))

Geographic Restrictions:

- No person may resell or offer to resell a ticket to a venue with a permanent seating capacity of more than 5,000 people within 1,500 feet from such venue or a ticket office. (N.Y. Arts & Cult. Aff. Law § 25.11(1))
- No one (whether or not domiciled or licensed in the state of New York) may resell or offer to resell a ticket to any place of entertainment with a permanent seating capacity of fewer than 5,000 people within 500 feet from such venue, provided that the owner or operator of the venue may designate an area within such venue for the lawful resale of tickets to events at such venue, and provided, further, that licensed resellers and those seeking a license in New York are exempt from the buffer zone when operating out of a permanent physical structure. (NY Art & Cult. Aff. Law § 25.11(2))
- No person may sell or offer to sell tickets on or in any street in a city in the state or in the County of Nassau; it is unlawful to solicit any person to purchase a ticket on or in any street in a city or in the County of Nassau by words, signs, circulars or other means. (N.Y. Arts & Cult. Aff. Law § 25.05)

Ticket Website Prohibitions Regarding Domain Names:

It is unlawful, with the intent to mislead or deceive, to own, operate or control a ticket website for an event scheduled at a venue to use a subdomain or domain name in a ticket website’s URL that contains (N.Y. Arts & Cult. Aff. Law § 25.34(2)(a)):

- The name of (or substantially similar to) the place of entertainment, unless the venue has given consent (N.Y. Arts & Cult. Aff. Law § 25.34(2)(a)(i))
- The name of (or substantially similar to) the event, including the name of the performer at the event, unless the performer has given consent (N.Y. Arts & Cult. Aff. Law § 25.34(2)(a)(iii))

Prohibited Software: It is illegal for any person to use ticket-purchasing software to purchase tickets. It is also illegal to resell tickets that are known to have been obtained by ticket-purchasing software. Ticket-purchasing software is any machine, device, computer program or computer software that bypasses security measures or access control systems on a retail ticket purchasing platform to purchase tickets. (N.Y. Arts & Cult. Aff. Law § 25.24)

Ticket Speculation: A person who unlawfully resells tickets is guilty of ticket speculation and a person who unlawfully resells with the intent to resell five or more tickets is guilty of aggravated ticket speculation. (N.Y. Arts & Cult. Aff. Law § 25.09(2))

Applicable Statutes: N.Y. Arts & Cult. Aff. Law §§ 25.01-25.35.



PENDING LEGISLATION ALERT:

NY A.B. 511 (2023)

This bill was introduced January 2023 and seeks to amend the arts and cultural affairs law, for the purpose of increasing transparency in ticket reselling marketplaces.

NY A.B. 5881 and NY A.B. 4923 (2023)

These bills were introduced March 2023 and seek to amend the arts and cultural affairs law in the following ways: to institute civil penalties for utilizing ticket purchasing software; to establish an annual professional reseller renewal fee and require professional ticket resellers to provide their New York state ticket reseller license number; to provide criteria for when a purchaser may obtain a full refund of the amount paid for a ticket; to establish resale requirements for tickets; to regulate unlawful charges in connection with tickets; and to regulate the availability of tickets for sale to the general public.

Westchester County, New York

Playland Commission: It is unlawful to resell tickets or scrip issued by the Westchester County Playland Commission.

Applicable Ordinance: Westchester County, New York Code of Ordinances § 897.101.

City of Syracuse, New York

Ticket Price: It is unlawful to sell or offer for sale any ticket to any athletic contest or place of amusement at a price in advance of prices charged by the managers of such events or in excess of the price printed or stamped by such managers on the tickets.

Applicable Ordinance: Syracuse, New York Code of Ordinances § 5-130.



North Carolina

Internet Resale Pricing: A person may resell a ticket on the Internet at a price greater than the price on the face of the ticket, but only if all of the following conditions are met (N.C. Gen. Stat. § 14-344.1(a)):

- The venue where the event will occur has not prohibited the resale of tickets at a price greater than the face value (N.C. Gen. Stat. § 14-344.1(a)(1))
- The ticket reseller offers the ticket for resale on a website with the required refund guarantee and the prospective purchaser is directed to the guarantee before completing the resale transaction (N.C. Gen. Stat. § 14-344.1(a)(2))
- The ticket reseller is licensed to do business in North Carolina as a retailer or wholesale merchant under N.C. Gen. Stat. § 105-164-29 and remits sales and use tax to the state (N.C. Gen. Stat. § 14-344.1(a)(3))

Refund Requirements: A person who resells or offers to resell tickets must guarantee to the purchaser a full refund of the amount paid for the ticket under each of the following conditions (N.C. Gen. Stat. § 14-344.1(c)):

- If the event is cancelled, provided that reasonable handling and delivery fees may be withheld from the refund price if the ticket guarantee on the website specifically so informs the purchaser (N.C. Gen. Stat. § 14-344.1(c)(1))
- If purchaser is denied admission to the event other than because of an action or omission of the purchaser (N.C. Gen. Stat. § 14-344.1(c)(2)) *or*
- If the ticket is not delivered to the purchaser in the manner described on the website or pursuant to the delivery guarantee made by the reseller, and the failure results in the purchaser's inability to attend the event (N.C. Gen. Stat. § 14-344.1(c)(3))

Student Ticket Exception: None of the above provisions of North Carolina law apply to student tickets issued by institutions of higher education in North Carolina for sporting events. (N.C. Gen. Stat. § 14-344.1(d))

Service Fees: It is lawful to add a reasonable service fee, not to exceed \$3, to the face value of a ticket sold. (N.C. Gen. Stat. § 14-344)

Prohibited Software: It is unlawful to knowingly sell, give, transfer, use, distribute or possess software that is primarily designed or produced for the purpose of interfering with the operation of a ticket seller who sells tickets over the Internet, by circumventing any security measures on or access control systems of a ticket seller's website, or circumventing any controls or measures that are instituted by the ticket seller on its website to ensure an equitable ticket buying process. (N.C. Gen. Stat. § 14-344.2(b))

Applicable Statutes: N.C. Gen. Stat. §§ 14-344; 14-344.1; 14-344.2.



North Dakota

Mixed Fighting Style Contests or Exhibitions: All tickets to mixed fighting style contests or exhibitions must bear clearly the purchase price and it is unlawful to sell a ticket to any such event for more than the price printed on the ticket.

Applicable Statute: NDAC § 72-02.2-02-11.

Ohio

Deferred Regulation of Ticket Resales: The state of Ohio defers regulation of ticket resales to municipal corporations. Public school entertainments, lecture courses and lectures on historic, literary or scientific subjects are exempt from the provision. (O.R.C. § 715.48) In addition, a board of township trustees may adopt a resolution to regulate in the unincorporated area the resale of tickets to theatrical, sporting or other public amusements. (O.R.C. § 505.95(A))

Professional Solicitation for Donation Tickets: If a professional solicitor sells tickets to any event and represents that the tickets will be donated for use by another person, the professional solicitor must keep records of the following and such records must be retained for at least three years:

- The name and address of each contributor that purchases or donates tickets and the number of tickets purchased or donated *and*
- The name and address of each organization that receives the donated tickets for the use of others, and the number of tickets received by the organization (O.R.C. § 1716.07)

Public Boxing or Wrestling Matches: It is unlawful to sell tickets to a public boxing or wrestling match or exhibition from any place other than the box office on the premises in which the match or exhibition is held or such additional locations as the Ohio Athletic Commission has authorized in writing. (O.R.C. § 3773.49)

Applicable Statutes: O.R.C. §§ 505.95; 715.48; 1716.07; 3773.49.

PENDING LEGISLATION ALERT:

2023 OH H.B. 184 (NS)

Introduced May 2023 and seeks to amend O.R.C. § 1716.07 by changing the language associated with the listed requirements for professional solicitors before they engage in the act of solicitation.

City of Cincinnati, Ohio

Price Caps:

- It is unlawful to sell a ticket at a price more than the price printed on the ticket. (Cincinnati, Ohio Code of Ordinances §§ 309-7; 309-99-A)
- It is unlawful to sell or dispose of any ticket for a theatrical show or exhibition given at any hall or building licensed as a theatre, at a higher price for admission than according to the scale of prices so published, framed, and hung up at the theater. (Cincinnati, Ohio Code of Ordinances § 865-3)

Ticket Print Requirements: It is unlawful to sell a ticket on which the name of the vendor and price is not printed. (Cincinnati, Ohio Code of Ordinances § 309-99-A) In addition to the price, federal and city tax must be conspicuously printed on the ticket, if sold other than at a ticket office of the venue. (Cincinnati, Ohio Code of Ordinances § 309-7)

License Requirement: It is unlawful to sell or offer to sell any ticket for more than face value on a public street, sidewalk, public right-of-way or any other city-owned property within the city of Cincinnati without a license and identification card from the city treasurer. The identification card must be worn conspicuously on the outer garment of the ticket seller at all times while engaging in the business of street ticket sales. (Cincinnati, Ohio Code of Ordinances § 840-3). It is not clear whether this ordinance is an exception to the price cap described above.

Exception: Tickets may be sold or offered for sale on public streets, sidewalks, public rights-of way and other city-owned property without a license and identification card if not offered or sold to occupants of vehicles, in a manner that obstructs pedestrian or vehicular traffic, or within the Eastern and Western Riverfronts. (Cincinnati, Ohio Code of Ordinances § 840-9)

Geographic Restrictions: It is unlawful to sell or offer for sale tickets in certain specified locations in Cincinnati, including, without limitation, on Fountain Square and in certain locations within the Eastern and Western Riverfronts. (Cincinnati, Ohio Code of Ordinances § 840-7)

Prohibited Software: It is unlawful to intentionally sell or use software to interfere with the security measures or access control systems that an operator or reseller establishes to ensure equitable distribution of tickets. (Cincinnati, Ohio Code of Ordinances § 646A.115(2))

Applicable Ordinances: Cincinnati, Ohio Code of Ordinances §§ 309-7; 309-99-A; 646A.115; 840-3; 840-7; 840-9 and 865-33.

Oregon

Prohibited Software: It is unlawful to intentionally sell or use software whose purpose is to circumvent, thwart, interfere with or evade a control of measure, including a security measure or an access control system, that an operator or reseller establishes or uses to ensure an equitable distribution, sale or resale of admission tickets for an entertainment event.

Applicable Statute: ORS § 646A.115.



Pennsylvania

Scope of Pennsylvania Law: The Pennsylvania ticket resale laws apply only to the sale and resale of tickets or other devices for admissions to places of amusement within Pennsylvania. (4 P.S. § 211.1)

Price Caps:

- Owner of every place of amusement shall cause to be plainly stamped, printed or written on the face of each such ticket the maximum premium, which shall not exceed (25%) of the price of the ticket or the sum of 5.00, whichever shall be more, plus lawful taxes, at which such ticket may be resold or offered for resale. (4 P.S. § 211)
- It is unlawful to purchase with intent to resell, to resell or to offer to resell any ticket at a price in excess of the maximum premium, plus the face value and lawful taxes as stamped, printed, or written on the ticket. (4 P.S. § 212)

License to Resell for More than Face Value: It is unlawful to purchase a ticket with intent to resell or engage in the business of reselling tickets at a price higher than the face value without first obtaining a license to so resell from the county or city in which the reseller intends to conduct such business, and no person shall so resell or conduct such a business during any period of suspension or revocation of his license. (4 P.S. § 202(a))

Internet Exception: The licensing requirement does not restrict, or apply to or make it illegal to resell or offer to resale a ticket through a website, which is not required to obtain a license to resell if it meets all of the following conditions. (4 P.S. § 202(c))

- **Physical Presence:** The website operator has a business presence and physical street address in Pennsylvania and clearly and conspicuously posts that address on the website, or has a business presence in Pennsylvania and one of the following: a registered agent, a foreign business license or a certificate of authority issued by the Department of State. (4 P.S. § 202(c)(1))
- **Refund Requirements:** The website operator guarantees a full refund, including all fees regardless of how characterized, in the following circumstances (4 P.S. § 202(c)(2)):
 - If the event is cancelled, in which event reasonable handling and delivery fees need not be refunded as long as the previously disclosed guarantee specifies that the fees will not be refunded (4 P.S. § 202(c)(2)(i))
 - If the ticket does not admit the purchaser to the event, unless the ticket is cancelled due to an act or omission of the purchaser (4 P.S. § 202(c)(2)(ii)) *or*
 - If the ticket is not as described on the website ((4 P.S. § 202(c)(2)(iii))



License Requirements:

- **License Bond:** License applicants must file an approved bond of \$1,000 with the county or city in which the license is to be granted and issued. (4 P.S. § 205(a))
- **Posting of License and Price Lists:** The license must be posted at all times in a conspicuous place in the place of business. No resale may be made by any licensee except at the place of business. A price list must be posted showing the established price and the price being charged by such licensee for every type of ticket that it is reselling. (4 P.S. § 210)
- **Records:** Every licensee must keep full and accurate records showing the prices at which it bought and sold all tickets and the names and addresses of the person from whom they were bought. (4 P.S. § 210(c))

Prohibited Software: It is unlawful for a person to knowingly use ticket purchasing software and acquire tickets from a ticket seller, if the tickets would not have been acquired by the person but for the use of the ticket purchasing software. (4 P.S. § 212.1(a))

Charitable Exceptions: The Pennsylvania regulations described in this Guide do not apply to fundraising activities performed by or on the behalf of charitable organizations or to political fundraising. (4 P.S. § 213(d))

MUNICIPAL ORDINANCES SUPERSEDED: The Pennsylvania regulations described in this Guide supersede all municipal ordinances regarding ticket resales. (4 P.S. § 215)

Applicable Statutes: 4 P.S. §§ 201, 202; 203; 205; 210; 211; 211.1; 212.1; 213; and 215; and 53 P.S. § 201.

Puerto Rico

Ticket-Selling Company Definition: Any ticket seller or reseller dedicated to providing a physical or electronic market—operated or controlled by it—to sell tickets or any type of admission right endorsed by a licensed Promoter. (Departamento de Hacienda de Puerto Rico, CC RI 23-10).

License Requirements:

- All ticket-selling companies or promoters must register with the Public Performance Promoters Services Office (OSPEP, Spanish Acronym). (13 L.P.R.A. § 33345(f)).

All market facilitators—including ticket-selling companies—that sell or resell taxable items in Puerto Rico (in excess of \$100,000 or 200 transactions) must obtain a Merchant Registration Certification from the Puerto Rico Department of Treasury. (Departamento de Hacienda de Puerto Rico, CC RI 23-10).

Fines:

- Any ticket-selling company that sells tickets to any other person is subject to a fine of \$10,000 if the other person is not a registered promoter or does not have an endorsement to sell and collect admission charges. (13 L.P.R.A. § 33345(e)).
- Any ticket-selling company or promoter that does not hold a ticket seller license with OSPEP is subject to a fine of \$20,000, and the Department of Treasury shall cancel and prohibit the event. (13 L.P.R.A. § 33345(f)).



Display Requirement: Any ticket seller must prominently display a notice indicating the admission price and the sales tax which shall be computed and collected on the basis of the price of admission charged. (13 L.P.R.A. § 32025(b))

Geographic Limit: It is unlawful to sell admission tickets to sports events outside of the places expressly provided for sale by the impresario of the event. (15 L.P.R.A. § 15)

Applicable Statutes: 13 L.P.R.A. §§ 32025(b) and 33345(e); and 15 L.P.R.A. § 15.

Rhode Island

Price Cap: It is unlawful to sell, offer to sell or attempt to sell any ticket at a price greater than the price, including tax, printed on the ticket, plus a reasonable service charge for services actually rendered.

Exception: The owner or operator of the venue may authorize, in writing, any person to sell a ticket at a price in excess of the price cap described above, provided that the written authorization specifies the price at which the ticket may be sold.

Service Charge Cap: Service charges may not exceed the greater of \$3 or 10% of the price printed on the ticket.

Applicable Statute: R.I. Gen. Laws § 5-22-26.

South Carolina

Price Cap: No one who offers for resale or resells a ticket may request or receive more than \$1 above the price charged by the original ticket seller. (S.C. Code § 16-17-710(A))

Internet and Geographic Exceptions: The price cap described above does not apply to a ticket offered for resale through a website or at a permitted physical location (on property not owned by the venue owner, on public property or on property owned by the venue owner if the venue owner provides written authorization that resales may occur on the property) when the reseller provides the required refund guarantee. (S.C. Code § 16-17-710(B), (D))

Refund Requirement for Exception to Price Cap: In order to rely on the exception to the price cap, the reseller must guarantee a full refund of the amount paid for the ticket in each of the following circumstances:

- If the event is cancelled, in which event ticket delivery and processing charges are not **required** to be refunded if disclosed in the guarantee
- If the purchaser is denied admission to the event, unless the denial is due to the act or omission of the purchaser *or*
- If the ticket is not delivered to the purchaser and, as a result, the purchaser is not able to attend the event (S.C. Code § 16-17-710(B))

Institutions of Higher Education: The exception to the price cap does not apply to tickets to an event sponsored by or taking place at a venue owned by an institution of higher education, unless the institution approves the resale of the ticket prior to the initial sale or delivery of the ticket and issues a public statement or notice authorizing the resale of the ticket. (S.C. Code § 16-17-710(C))

Ticket Quantity Limitations: It is a violation of the South Carolina Unfair Trade Practices Act to knowingly purchase a number of tickets over the maximum quantity posted by or on behalf of the original ticket seller at the point of original sale or printed on the tickets with the intent to resell the tickets for more than \$1 above the price charged by the original ticket seller. The original ticket seller is the issuer of the tickets or a person who provides ticket sales or distribution services under a contract with the issuer. (S.C. Code § 39-5-36)

Applicable Statutes: S.C. Code § 16-17-710; S.C. Code § 39-5-36.

PENDING LEGISLATION ALERT:

SC H.B. 3427 (2023)

This Bill proposes an amendment to S.C. Code § 16-17-710, that would eliminate the refund requirement and create new liability for the original ticket sellers by removing the section stating, "A person or firm is not liable pursuant to this section with respect to tickets for which the person or firm is the original ticket seller."

South Dakota

City of Sioux Falls, South Dakota

Price Cap: It is unlawful to sell a ticket for more than its face value.

Applicable Ordinance: Sioux Falls, S.D. Code of Ordinances § 131.007.

Tennessee

State Constitution: The Tennessee legislature may constitutionally regulate ticket resales to public events by limiting the number of tickets an individual can buy for an event and/or by capping the price for which tickets can be sold. (Tenn. Cons. art. XI, § 8)

Prohibited Software: It is unlawful to possess, use, give or sell software that is primarily designed or produced for the purpose of interfering with the operations of any ticket seller who sells tickets over the Internet.

Deceptive URLs:

- It is unlawful to, with the intent to deceive, use the trade name or trademark, or a confusingly similar trade name or trademark, of any place of entertainment, or the name of any event, person or entity scheduled to perform at a place of entertainment in the domain of a ticket marketplace URL. (Tenn. Code Ann. § 39-14-127(8))
- It is unlawful to, with the intent to mislead a potential purchaser, use or display any combination or text, image, website graphics, website display, or website addresses that are substantially similar to the website of an operators (the entity that offers first sale of a ticket). (Tenn. Code Ann. § 39-14-127(9)) (effective July 31, 2023)

Exception: If the ticket marketplace obtains written authorization from the place of entertainment, event, person or entity scheduled to perform at a place of entertainment to use the trade name, trademark or name in the domain of the URL prior to the use.



Definition of Ticket Marketplace: A website that provides a forum for or facilitates buying and selling, or reselling, of a ticket. (Tenn. Code Ann. § 39-14-127(8)(D))

Definition of Third-Party Ticket Reseller: An individual, firm, corporation, or other entity that (A) engages in the business of reselling tickets to a place of entertainment; (B) operates an Internet website or other electronic service that provides a mechanism for two (2) or more parties to participate in a resale transaction; (C) facilitates resale transactions by means of an auction; or (D) maintains an office, branch of an office, bureau, agency, or other entity for purposes of engaging in the business of reselling tickets to a place of entertainment. (Tenn. Code Ann. § 47-50-NEW(2)(a) (4) [newly enacted section not yet numbered]).

Checkout Disclosure: A third-party ticket reseller, ticket broker, ticket issuer, and ticket resale website must clearly and conspicuously disclose the total cost of a ticket, including all ancillary fees and service charges. (Tenn. Code 47-50-NEW(2)(b-c)).

Price Increase Restriction: The price of a ticket sold or resold through a website must not increase after a consumer has selected a ticket for purchase, excluding reasonable fees for delivery of *non-electronic tickets*. (Tenn. Code Ann. § 47-50-NEW(2)(d)).

Refunds: If any performance or event for which a ticket for admission is sold is cancelled, the ticketing service company that contracts to sell tickets for such event or performance at retail ticket outlets shall refund to all ticket purchasers the purchase price of the ticket plus any service fees or changes paid by the purchaser for such ticket. (Tenn. Code Ann. § 47-50-118)

Tentative Tickets: It is unlawful to resell tentative tickets (i.e., tickets that the reseller does not own, have under contract or have in its possession), unless such tentative sale is disclosed to the ticket purchaser at the outset of the transaction. Such disclosure must include the approximate delivery date and number of tickets guaranteed to be grouped together. If the reseller cannot guarantee specific seats because the tickets are tentative, then the reseller must also disclose the same. (Tenn. Code Ann. § 47-50-119)

- **Refunds:** If a reseller is unable to secure the tentative tickets resold, the reseller must refund any deposit made by the purchase within 10 days after the date of the event. (Tenn. Code Ann. § 47-50-119)

Taxation:

- Retailers' Sales Tax Act does not apply to tickets sold to a Tennessee dealer for resale upon presentation of a resale certificate. Dealers registered with the state for sales tax purposes may purchase tickets for resale without payment of tax upon presentation to the vendor of a valid certificate of resale. (Tenn. Code Ann. § 67-6-102-86; Tenn. Code Ann. § 67-6-102-80(G))
- Privilege tax does not apply to resales of tickets to events held at municipal stadiums (structures constructed or improved after July 7, 1977, to contain seats for not less than 30,000 spectators) (Tenn. Code Ann. § 7-3-202)

Applicable Statutes: Tenn. Code Ann. §§ 7-3-202; 39-17-1104; 47-50-NEW(2); 47-50-118; 47-50-119; 67-6-102-78(G); and 151.432.

Texas

Internet Website Domain Name Limits: Unless authorized by a performer, organization, venue or event's organizer, as applicable, it is unlawful for a website operator to intentionally use an Internet domain name or any subdomain of the Internet domain name in a ticket website's URL that contains:

- The name of a performer; organization or association associated with a performer (including professional sports league), a venue in Texas, or an exhibition, performance or event to be held at a venue in Texas
- A trademark not owned by the website operator *or*
- Any name substantially similar to or a misspelling of a name of a performer, organization or association associated with a performer (including a professional sports league), a venue in Texas, or an exhibition, performance or event to be held at a venue in Texas (Tex. Bus. & Com. Code Title 10, Subtit. B, Ch. 327; §§ 327.002; 327.003)

Applicable Statutes: Tex. Bus. & Com. Code Title 10, Subtit. B, Ch. 327; §§ 327.002; 327.003; and Tex. Tax Code § 151.432.

City of Allen, Texas

Geographic Limits: It is unlawful for a person to resell or attempt to resell within the city a ticket to a public event:

- Unless the person is within a structure for which a certificate of occupancy has been issued, unless such person is the event sponsor or is authorized to resell the ticket or other admission license by the event sponsor *or*
- Within 1,000 feet of the public event (Allen, Texas Code of Ordinances § 11-46)

Price Cap: It is unlawful for a person to sell, resell or attempt to resell within the city a ticket to a public event for an amount greater than the face value or original retail value of the ticket or admission license. (Allen, Texas Code of Ordinances § 11-46)

Applicable Ordinance: Allen, Texas Code of Ordinances § 11-46.

City of Bedford, Texas

Geographic and Price Restrictions: It is unlawful to sell or offer to sell a ticket on a public street or other public place, at a price more than the advertised or printed price, unless the owner, lessee, operator or manager of the place of the public amusement event provides, in writing, a charge in excess of the box office price.

Applicable Ordinance: City Bedford, Texas Code of Ordinances § 82-9.



City of Frisco, Texas

Price Cap: It is unlawful for any person to resell or offer to resell a ticket to an event for a price in excess of the price authorized to be offered to the general public by the event sponsor on:

- Any city property
- Any property owned, leased or managed by the event sponsor
- The area within the boundaries of State Highway 121, Preston Road Warren Parkway and Legacy Drive *or*
- The area within the boundaries of Lebanon Road, Preston Road, Eldorado Parkway and Legacy Drive

Applicable Ordinance: Frisco, Texas Code of Ordinances § 22-111.

City of Helotes, Texas

Price Cap: It is unlawful for a person to resell a ticket at a price exceeding its face value to an event on public property or a public street within the city, unless the reseller is the event sponsor or is authorized by the event sponsor to so resell tickets (in which event there is no price restriction). (Helotes, Texas Code of Ordinances § 58-61)

Applicable Ordinances: Helotes, Texas Code of Ordinances §§ 58-60; 58-61; and 58-62.

City of Princeton, Texas

Price Cap: It is unlawful for any person to resell or offer to resell a ticket to an event for a price in excess of the price authorized to be offered to the general public by the event sponsor on any city property, or any property owned, leased or managed by the event sponsor.

Applicable Ordinance: Princeton, Texas Code of Ordinances § 46-84.



Utah

Representation as a Primary Ticket Seller: It is unlawful for any person who is not a primary ticket seller to represent, directly or indirectly, that the person is a primary ticket seller. The following actions by a person who is not a primary ticket seller may establish a presumption that the person is representing that the person is a primary ticket seller:

- Using the name of an event in the domain of the person's ticket website, unless the person has written authorization from an agent of the event
- Using the name of an event participant in the domain of the person's ticket website, unless the person has written authorization from the event participant or an agent of the event participant
- Using, in paid search results, the name of an event or event participant in a manner described above *or*
- Using on the person's website—with the intent to mislead purchasers—text, images, website graphics, website design, or Internet addresses that are substantially similar to a primary ticket seller's, venue's, or event's website, without written authorization (Utah Code Ann. § 13-54-202(1))

Exception: These prohibitions do not prohibit a person from including the name of an event or an event participant in a URL after the top-level domain.

Failed Delivery of Tickets: It is unlawful for a person who lists or offers a ticket for sale to accept payment for the ticket and fail to deliver to the consumer a ticket that reflects the agreed upon transaction. (Utah Code Ann. § 13-54-202(2))

Duplicate Ticket Sales: It is unlawful for a person to knowingly sell more than one copy of the same ticket. (Utah Code Ann. § 13-54-202(3)(a))

Prohibited Software: It is unlawful for a person to knowingly use ticket purchasing software to circumvent any portion of the security, identification, or access control system processes for purchasing a ticket on a ticket website. (Utah Code Ann. § 13-54-202(3)(b))

Website Disclosure Requirements: A reseller or ticket aggregator (a person who aggregates the price for which other persons offer tickets for sale or resale) must clearly and conspicuously disclose on each of its ticket websites that the website is a secondary market and is not the primary ticket seller and that the price of a ticket on the website may be higher than face value. (Utah Code Ann. § 13-54-201(1))

Checkout Disclosure Requirements: Both primary ticket sellers and resellers must clearly and conspicuously disclose during the checkout process an itemization of the total price for which such sellers are offering the ticket for sale or resale, including taxes and each fee. (Utah Code Ann. § 13-54-201(2))

Transferability: Every ticket issued for an event must be a transferrable ticket.



Restricted Tickets:

- **Limit on Number of Restricted Tickets per Event:** Up to 10% of the total number of tickets issued for an event may be non-transferrable (restricted) tickets. This includes each ticket that provides access to the event, regardless of whether the ticket is made available for sale, but does not include a ticket that is part of a youth basketball program associated with a professional sports team where tickets are donated or issued at a reduced rate
- **Annual Limit on Restricted Tickets:** Each calendar year, an unlimited number of restricted tickets may be issued for up to 10% of the total concert and theater events held at the same venue during the calendar year
- **Notice of Restriction:** A person who issues a restricted ticket must provide the purchaser a clear and conspicuous written notice that states the ticket may not be resold or transferred
- **Antidiscrimination:** It is unlawful to discriminate against an individual or deny an individual admission to an event solely because the individual purchased a resold ticket to the event independent of the person who issued the ticket (Utah Code Ann. § 13-56-201)

Resale Refund Requirements: Both primary ticket sellers and resellers must guarantee consumers a full refund, including handling fees if:

- The relevant event is canceled
- The ticket does not grant the purchaser admission to the event
- The ticket is counterfeit *or*
- The ticket fails to conform to its advertised description.

Fines: The division director may impose an administrative fine of up to \$2,500 for each ticket sold or offered for sale while in violation of any restriction or requirement listed above. (Utah Code Ann. § 13-54-301(3)).

Applicable Statutes: Utah Code Ann. §§ 13-54-102; 13-54-103; 13-54-201; 13-54-202; 13-54-203; and 13-54-301.

Vermont

Prohibited Software. It is unlawful to intentionally use software to interfere with or circumvent the equitable buying process established on a ticket seller's website.

Fines: Each ticket purchased or sold in violation of this prohibited software provision will result in civil damages of up to \$1,500.

Applicable Statute: 9 V.S.A. § 4190.

Virginia

Deference to Local Authority: Any locality may state, by ordinance, that it is unlawful for any person to resell for profit any ticket for admission to any event open to the public, except in the case of religious, charitable or educational organizations where all or a portion of the admission price reverts to the sponsoring group and the resale for profit of such ticket is authorized by the sponsor of the event and the manager or owner of the venue. (Va. Code Ann. § 15.2-969)

Internet Exception: Localities may not declare unlawful any resale of a ticket that occurs on the Internet. (Va. Code Ann. § 15.2-969)

Prohibited Resale Restrictions: Tickets may not be issued via a delivery method that substantially prevents the ticket purchaser from lawfully reselling the ticket on the Internet ticketing platform of the ticket purchaser's choice. No person may be discriminated against or denied admission to an event solely on the basis that the person resold a ticket, or purchased a resold ticket, on an Internet ticketing platform. (Va. Code Ann. § 59.1-466.6)

Exceptions: The ban on resale restrictions does not apply to:

- Student tickets issued for an event at an auxiliary enterprise facility financed with bonds *or*
- Any concert or theater venue located within or adjacent to a national park that offers yearly memberships that include concert or theater tickets (Va. Code Ann. § 59.1-466.6)

Applicable Statutes: Va. Code Ann. §§ 15.2-969; 59.1-466.5; 59.1-466.6; and 59.1-466.7.

Hanover County, Virginia

Price Cap: It is unlawful for any person or entity to resell for profit (i.e., above face value) any ticket to any sporting event, theatrical production, lecture, motion picture or any other event open to the public for which tickets are ordinarily sold, except with respect to religious, charitable or educational organizations where all or a portion of the admission price reverts to the sponsoring group and the resale for profit of such tickets is authorized by the sponsor of the event, the manager or owner of the facility in which the event is being held.

Applicable Ordinance: Hanover County, Virginia Code of Ordinances § 17-20.

Henrico County, Virginia

Price Cap: It is unlawful for any person or entity to resell for profit any ticket to any sporting event, theatrical production, lecture, motion picture or any other event open to the public for which tickets are ordinarily sold, except with respect to religious, charitable or educational organizations where all or a portion of the admission price reverts to the sponsoring group and the resale for profit of such tickets is authorized by the sponsor of the event, the manager or owner of the facility in which the event is being held.

Applicable Ordinance: Henrico County, Virginia Code of Ordinances § 13-25.

Henry County, Virginia

Price Cap: It is unlawful for any person or entity to resell for profit any ticket to any sporting event, theatrical production, lecture, motion picture or any other event open to the public for which tickets are ordinarily sold, except with respect to religious, charitable or educational organizations where all or a portion of the admission price reverts to the sponsoring group and the resale for profit of such tickets is authorized by the sponsor of the event, the manager or owner of the facility in which the event is being held.



Determining Price: In any prosecution for a violation of the price cap described above, it is presumed that the purchase price of any ticket is the price printed on the ticket or, if no price is printed on the ticket, the price posted at or beside any ticket booth, box office or other location where such ticket is sold by the sponsoring group or facility, or the price stated for such ticket in any advertising material offering such tickets for sale prepared by the sponsoring group or facility.

Applicable Ordinance: Henry County, Virginia Code of Ordinances § 13-500A.

City of Hampton, Virginia

Price Cap: It is unlawful for any person or entity to resell for profit any ticket to any sporting event, theatrical production, lecture, motion picture or any other event open to the public for which tickets are ordinarily sold except with respect to religious, charitable or educational organizations where all or a portion of the admission price reverts to the sponsoring group and the resale for profit of such tickets is authorized by the sponsor of the event, the manager or owner of the facility in which the event is being held.

Applicable Ordinance: Hampton, Virginia Code of Ordinances § 24-29.

City of Manassas, Virginia

Price Cap: It is unlawful for any person or entity to resell for profit any ticket to any sporting event, theatrical production, lecture, motion picture or any other event open to the public for which tickets are ordinarily sold, except with respect to religious, charitable or educational organizations where all or a portion of the admission price reverts to the sponsoring group and the resale for profit of such tickets is authorized by the sponsor of the event, the manager or owner of the facility in which the event is being held.

Applicable Ordinance: Manassas, Virginia Code of Ordinances § 78-213.

City of Richmond, Virginia

Price Cap: It is unlawful for any person or entity to resell for profit any ticket to any sporting event, theatrical production, lecture, motion picture or any other event open to the public for which tickets are ordinarily sold.

Exceptions: The price cap does not apply to:

- Religious, charitable or educational organizations where all or a portion of the admission price reverts to the sponsoring group and the resale for profit of such tickets is authorized by the sponsor of the event, the manager or owner of the facility in which the event is being held or
- Any resale of a ticket that is effected on the Internet

Applicable Ordinance: Richmond, Virginia Code of Ordinances § 19-2.

Town of Vinton, Virginia

Price Cap: It is unlawful for any person or entity to resell for profit any ticket to any sporting event, theatrical production, lecture, motion picture or any other event open to the public for which tickets are ordinarily sold, except with respect to religious, charitable or educational organizations where all or a portion of the admission price reverts to the sponsoring group and the resale for profit of such tickets is authorized by the sponsor of the event, the manager or owner of the facility in which the event is being held.

Applicable Ordinance: Vinton, Virginia Code of Ordinances § 62-3.

City of Virginia Beach, Virginia

Price Cap: It is unlawful for any person or entity to resell for profit any ticket to any sporting event, theatrical production, lecture, motion picture or any other event open to the public for which tickets are ordinarily sold, except with respect to religious, charitable or educational organizations where all or a portion of the admission price reverts to the sponsoring group and the resale for profit of such tickets is authorized by the sponsor of the event, the manager or owner of the facility in which the event is being held.

Applicable Ordinance: Virginia Beach, Virginia Code of Ordinances § 23-33.

Washington

Prohibited Software: It is unlawful knowingly to use software to interfere with the mechanisms of a ticket seller's website.

Applicable Statute: Rev. Code Wash. (ARCW) § 19.345.020.

PENDING LEGISLATION ALERT:

WA H.B. 1648 (2023)

The bill, which is likely to take effect January 1, 2024, adds 14 new sections to Washington's ticket resale law. The relevant additions include prohibited software; mandatory licensing requirements for all ticket sellers and ticket resellers; price disclosure requirements for ticket sellers and ticket resellers; and civil penalties of up to \$500 for each ticket sold in violation of these provisions.

West Virginia

City of Charleston, West Virginia

Price Cap: It is unlawful to resell or offer for resale within the city any ticket at a price in excess of the price printed or otherwise appearing on the face of the ticket to any place of amusement where public exhibitions, games, contests or performances of any kind are given, held or conducted and that is owned by the city or any other municipal, county or state body or agency.

Applicable Ordinance: Charleston, West Virginia Code of Ordinances § 78-8.



Wisconsin

Price Restriction: It is unlawful to sell a ticket to an event given by or under the auspices of the state fair park for more than the ticket's face value. (Wis. Stat. § 42.07)

Prohibition on Local Price Regulation: A political subdivision may not enact an ordinance or adopt a resolution and the Board of Regents of the University of Wisconsin System may not promulgate a rule or adopt a resolution prohibiting the resale of any ticket for an amount that is equal to or less than the face value of a ticket.

Applicable Statutes: Wis Stat. §§ 42.07 and 66.0410.



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