

Guide to US Ticket Resale Regulations Fifth Edition

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Introduction

This **Guide to US Ticket Resale Regulations** (this Guide) summarizes the various US state and local legal requirements with respect to the resale of tickets in effect as of August 1, 2024.

Growth in the ticket resale industry (also known as the secondary marketplace) and public outcry against pricing and fee transparency continue to attract the attention of US regulators at the federal, state, and local levels. While there is not currently any comprehensive regulation of the ticket resale industry at the federal level, nearly all states now have regulations governing the resale of tickets and the number of local jurisdictions that regulate ticket resales continues to grow. While some common themes have developed in the regulations in recent years (such as “all-in” ticket price disclosure requirements and limitations and restrictions on speculative ticket sales (sales of tickets for which the seller does not have actual or constructive possession)), there is significant variation in the regulatory scheme from jurisdiction to jurisdiction.

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 (BOTS Act). 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. Following public comment on the 2022 proposed rule, the FTC in November 2023 announced a new version of this proposed rule titled “Trade Regulation Rule on Unfair or Deceptive Fees,” which focuses on all-in fee disclosures in advertised pricing, with the goal of protecting consumers from hidden or misleading fees.

In furtherance of the FTC’s rulemaking initiative, the US House of Representatives introduced the Junk Fee Prevention Act (H.R. 2463) in April 2023. If passed, this Act would limit and eliminate excessive, hidden, and unnecessary fees imposed on consumers of goods and services purchased by providers of ticketing services that sell tickets for events in either the primary or secondary marketplaces. The Junk Fee Prevention Act also would require disclosure of ticket holdbacks and certain disclosures and refund requirements with respect to speculative tickets.

Additionally, the Transparency in Charges for Key Events Ticketing Act (H.R. 3950; related bill S.1303), or TICKET Act, was passed by the House in May 2024. If passed by the Senate and signed into law, the TICKET Act would require all ticket sellers in both the primary and secondary markets to disclose comprehensive information to consumers about ticket prices and related fees. These disclosures are similarly required under another bill introduced in the House in September 2023: the BOSS and SWIFT Act (H.R. 3660), named for Bruce Springsteen and Taylor Swift, respectively. In addition to pricing disclosures, the TICKET Act also would make it unlawful for a ticket issuer or reseller to offer or sell speculative tickets without clear and conspicuous disclosure of the speculative nature of such tickets prior to the purchaser’s selection of the tickets.

Finally, the Fans First Act (S.3457) was introduced in the US Senate in December 2023. This bipartisan bill seeks to increase transparency in ticket sales, protect consumers by amending the BOTS Act to further prohibit the use of ticket purchase bots, and impose civil penalties on resellers engaging in unlawful ticket sales practices. Moreover, this bill would require all-in price disclosure when a purchaser first selects a ticket for purchase.



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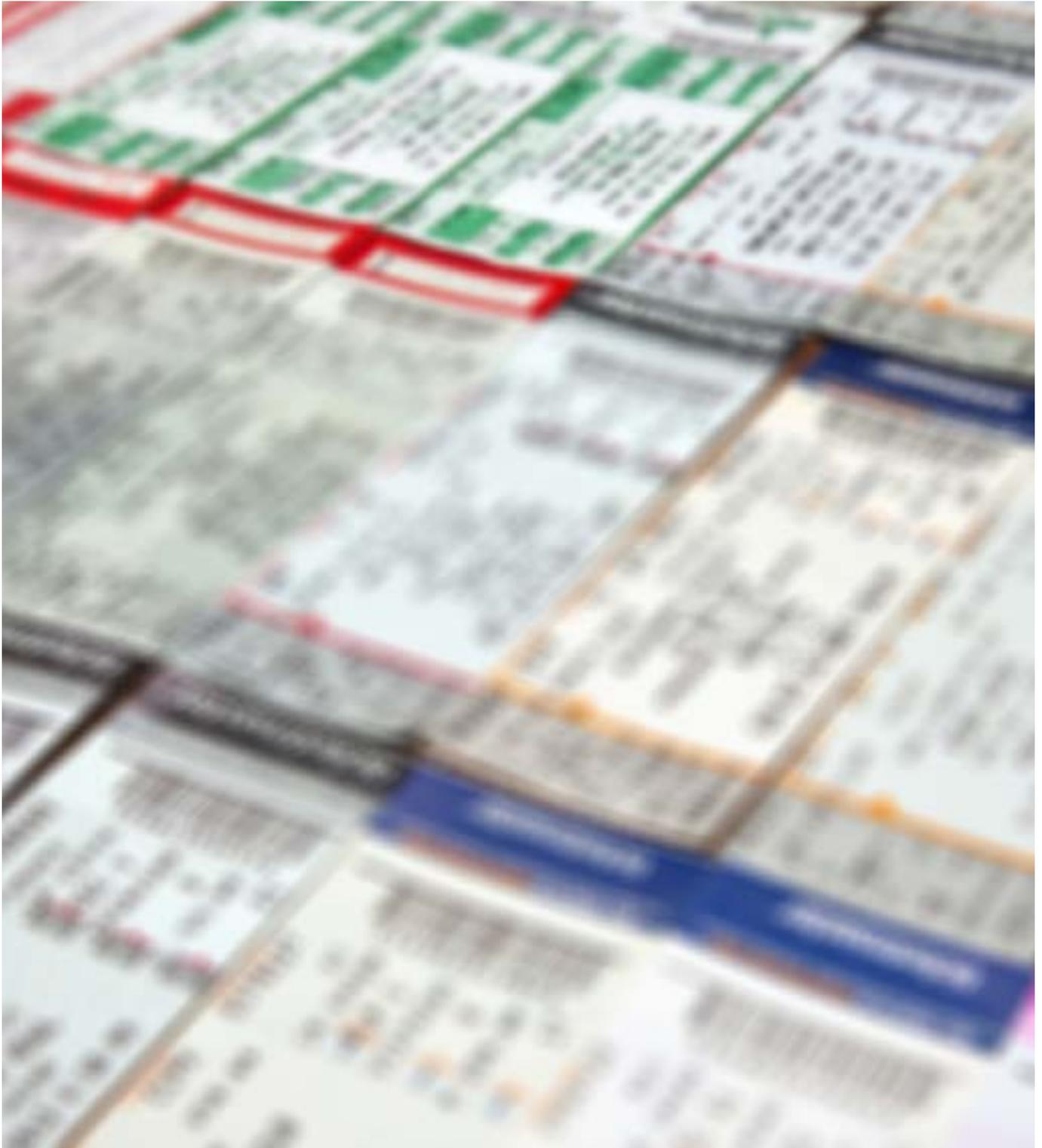


Explanatory Note

This Guide is a summary and should not be considered a definitive explanation of the 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 tax laws.

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 in the United States. 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 athletic contest, dance, theater, concert, circus, or other amusement 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: Admission tickets to any athletic contest, dance, theater, concert, circus, or other amusement must have the price paid for the ticket, excluding order processing and delivery charges, printed on the face of the ticket. (Code of Ala. § 8-19E-1)

Applicable Statutes: Code of Ala. §§ 40-12-167; 8-19E-1; 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 that have been previously sold or issued (such as athletic events, concerts, movies, and other events or entertainment), as itinerant, roving or transient vendors in public or private locations. 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 for a permit of registration 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. The city-issued scalping permit must be fully visible at all times while engaged in the activity of scalping tickets in the city. (Auburn, Alabama Code of Ordinances § 16-52(1))

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

Resale Restrictions: 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))

Bots Prohibited: It is unlawful for a person to use or create a bot to:

- Purchase tickets in excess of the posted limit for an online ticket sale (A.R.S. § 44-7202(1));
- Use multiple Internet protocol addresses, multiple purchaser accounts or multiple email addresses to purchase tickets in excess of the posted limit for an online ticket sale (A.R.S. § 44-7202(2));
- Circumvent or disable an electronic queue, waiting period, presale code or other sales volume limitation system associated with an online ticket sale; (A.R.S. § 44-7202(3)) *or*
- Circumvent or disable a security measure, access control system or other control or measure that is used to facilitate authorized entry to an event. (A.R.S. § 44-7202(4))

Bot Definition: “Bot” means any automated software program that performs automatic repetitive tasks and that is designed to impersonate or replicate human activity online. This does not include autofill or password management features built into an Internet browser or provided through separate software. (A.R.S. § 44-7201)

Applicable Statute: A.R.S. § 13-3718; A.R.S. § 44-7201; A.R.S. § 44-7202.

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));



- Ticket resale area of the Glendale Arena, which is a posted and identified area adjacent to or on the Glendale Arena grounds; (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. (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 Ordinance: 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. § 4-88-1204(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. § 4-88-1204(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 whom they directly purchased the ticket. (A.C.A. § 4-88-1204(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. § 4-88-1204(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. § 4-88-1203(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. § 4-88-1203(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. § 4-88-1203(c)(2))

Deceptive Domain Restrictions: 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;
- The name of the exhibition or performance or the name 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;
- 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; *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. § 4-88-1203(e))

Exception: The above Internet domain restrictions do 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. § 4-88-1203(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. § 4-88-1203(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))

Definition of Placed on Sale: "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 of admission to an entertainment event:

- Without the written permission of the owner or operator of the property on which an entertainment event is to be held or is being held;
- At any price greater than the price that is printed or endorsed on the ticket;
- While on the grounds of or in the stadium, arena, theater, or other place where an event for which admission tickets are sold is to be held or is being held; *and* if the ticket was obtained for the purpose of resale. (Cal. Penal Code § 346)

Speculative Ticket 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; *or*
- 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)

Exception: This speculative sale restriction does not prohibit a ticket seller from accepting a deposit from a prospective purchaser as part of an agreement that the ticket seller will make best efforts to obtain a ticket at a specified price or price range and within a specified time, provided that 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 days, of the terms of the deposit agreement, and includes in the oral and written notice the disclosures otherwise required by this section. (Cal. Bus. & Prof. Code § 22502.1)



Delivery and Price Requirements: It shall be unlawful for a ticket seller to represent that the ticket seller 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)

Ticket Purchaser Remedies: In addition to other remedies, a ticket seller who violates Cal. Bus. & Prof. Code § 22502.1 or § 22502.2 and fails to supply a ticket at or below a contract price shall be civilly liable to the ticket purchaser for two times the contract price of the ticket, in addition to any amount expended by the purchaser in nonrefundable expenses for attending or attempting to attend the event in good faith reliance on seat availability, plus reasonable attorney's fees and court costs. (Cal. Bus. & Prof. Code § 22502.3)

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 an event postponed, rescheduled, or replaced with another event, the ticket price shall be fully refunded to the purchaser by the ticket seller upon request within 30 calendar days after 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, 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. 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. (Cal. Bus. & Prof. Code §§ 22502, 22508)

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

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)

Definition of "ticket seller": "Ticket seller" means 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) or
- Any nonprofit charitable tax-exempt organization selling tickets to an event sponsored by the organization. (Cal. Bus. & Prof. Code § 22511)

All-in Pricing Requirement: It is unlawful to advertise, display, or offer a price for a good or service that does not include all mandatory fees or charges other than taxes, government fees, or postage. (Cal. Civil Code § 1770(a)(29)(A))

Applicable Statutes: Cal. Penal Code § 346; Cal. Bus. & Prof. Code §§ 22501, 22502, 22502.1, 22502.2, 22503, 22503.5, 22503.6, 22504, 22505.5, 22506, 22507, 22508, and 22511; Cal. Civil Code § 1770(a)(29)(A).

PENDING LEGISLATION ALERT:

CA S.B. 785 (2023)

This 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. This bill would prohibit advertising or offering a price for a ticket that does not include all fees and charges other than taxes or governmental fees and would require total cost of the ticket to be clearly and conspicuously disclosed from the first time pricing is displayed and each time thereafter, with limited exception. This bill would also require original sellers, ticket resellers, and ticket marketplaces to be registered with the secretary of state.

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

This bill would change the definition of "ticket seller" to explicitly include resellers. This bill also would impose certain disclosure requirements on ticket sellers relating to ticket price, including the requirement that any advertisement or offering price of a ticket be the "all-in" price and would prohibit any increase of the price of a ticket, including by adding fees, during the purchase process following selection of the ticket.



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.

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

City of Los Angeles, California

Resale 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 Definition: "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.

City of Hollister, California

Resale Restrictions: It is unlawful for any person to sell tickets, or offer to sell tickets, to an event without first obtaining a permit therefor. For purposes of this provision, an "event" means any parade, or public assembly on public, quasi-public/institutional, or private property within the city, including but not limited to, promotional or fundraising activities, athletic or sporting events, live musical events, community celebrations and observances, or neighborhood activities such as block parties, picnics or dances. An event does not include a parade or public assembly conducted on public property that is owned or controlled by a governmental agency other than the city.

Applicability: This provision applies to the following types of events:

- A public assembly on public property, which is any gathering, use, or activity that is open to the public with or without a fee or donation, and is conducted or occurs on property owned or controlled by the city, including on or along any portion of any public street, sidewalk or other public right-of-way, which is reasonably expected to exceed 100 in number, or which obstructs, delays or otherwise interferes with the normal flow of vehicular or pedestrian traffic;
- A public assembly on private property, which is any gathering, use, or activity that is conducted or occurs on privately owned property within the city, and is open to the public with or without a fee or donation, and which is reasonably expected to exceed 1,000 in number; and
- A public assembly on institutional (or quasi-public) property, which is any gathering, use or activity that is conducted or occurs outdoors or within a temporary structure, on property zoned or permitted for institutional (or quasi-public uses), and is open to the public with or without a fee or donation, and which is reasonably expected to exceed 1,000 in number.

Applicable Ordinances: City of Hollister, Municipal Code §§ 12.36.020 and 12.36.200

Colorado

Resale Refund Requirements: Resellers or operators of the event for which a consumer purchased a ticket must guarantee a full refund to the purchaser if:

- The event is cancelled;
- The ticket does not or would not in fact grant the purchaser admission to the event, except if nonadmission to the event is due to the purchaser's actions;
- The ticket is counterfeit; *or*
- The ticket fails to reasonably 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 that regulates admission to an event 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 Resale Restrictions: Notwithstanding the prohibitions on resale restrictions:

- The prohibited resale restrictions do not prevent 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; or (C.R.S. § 6-1-718)
 - A ticket to a place of entertainment if the ticket was initially offered:
 - » Free of charge, and the right to access the ticket is not contingent on providing monetary consideration; *or*
 - » By, on behalf of, or for a charitable organization or charitable purpose. (C.R.S. § 6-1-718)
- 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, the 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; (C.R.S. § 6-1-720)
- 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)
- Uses or causes to be used an Internet domain name or subdomain name in an operator's or reseller's URL if the Internet or domain name or subdomain name contains the following without authorization:
 - The venue name;
 - The event name, including the name of the individual, or entity performing; *or*
 - A name substantially similar to venue, event, or performers name (C.R.S. § 6-1-720); *or*
 - Uses or causes to be used, without authorization, an Internet website to display a text, image, website graphic, or Internet address that is substantially similar to an operator's Internet website and could mislead a consumer. (C.R.S. § 6-1-720)

Definition of Reseller: "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))

All-In Price Disclosure Requirements: A seller must disclose the total ticket cost, including all ancillary fees, the first time a ticket price is displayed to the purchaser and any other time a ticket price is displayed. If the sales tax for the ticket is displayed prior to the completion of the transaction, the sales tax does not need to be included in the total ticket price. A seller must disclose in a clear and conspicuous manner the service charge, other fees, or surcharge required to complete the transaction. (C.R.S. § 6-1-720)

Price Disclosure Restrictions: A seller is engaging in deceptive trade practices if:

- The subtotals, fees, charges, or any other component of the total price of the ticket is displayed in a larger font than the font used for the total price of the ticket;
- The seller increases the total price of a ticket after the initial disclosure of the ticket price to the purchaser, except that the person:
 - Shall add any applicable sales tax to the total price of the ticket prior to the completion of the transaction by the purchaser;
 - May add fees for the delivery of nonelectronic tickets based on the delivery method chosen by the purchaser if the seller discloses the delivery fees prior to the completion of the transaction; and
- May increase the total price of a ticket if the purchaser's transaction period has timed out and the purchaser has not yet purchased the ticket; *or*
- The disclosure of subtotals, fees, charges, or any other component of the total ticket price is displayed incorrectly or in a way that could mislead the purchaser.

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

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 of admission to any lawful show, 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))

Liberal Construction: 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))

All-In Price 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)

All-In Price Disclosure Requirements: 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. (Conn. Gen. Stat. § 53-289a(b))
 - The disclosures required under this requirement shall be displayed in the ticket listing before the ticket is selected for purchase. (Conn. Gen. Stat. § 53-289a(d)(2))

- 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. (Conn. Gen. Stat. § 53-289a(d)(2))
- 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)(3))

Definition of Service Charge: "Service charge" means 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))

Prohibited Software: 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 Statute: 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 \$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.

Penalty: Violators will be fined not less than \$50 and not more than \$100 for their first conviction, and not less than \$100, nor more than \$200 for a second or subsequent conviction.

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



District of Columbia

Ticket Scalping: No person shall sell or offer to sell any ticket from the sidewalks, streets, or public spaces anywhere in the District of Columbia for any excursion, musical or theatrical performance, opera, sporting event, circus, or any entertainment of any kind. (24 DCMR § 573.8)

Exception: Notwithstanding the above provision, the Department of Consumer and Regulatory Affairs (“DCRA”) Director may establish a Ticket Resale Zone (“TRZ”) on a sidewalk, street, or other public space within which the sale of tickets may be authorized after approval from the District Department of Transportation. A TRZ will not be established within 1,000 feet of a venue if the establishment of the TRZ is objected to by the venue operator. (24 DCMR § 573A.1)

Licensing: To sell tickets within a TRZ, a person must hold a Class D Vending License for ticket sales, together with a Vending Site Permit. Both must be conspicuously displayed while selling or offering to sell tickets from a TRZ. (24 DCMR § 573A.9)

Applicable Ordinances: 24 DCMR §§ 573.8 and 573A.

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(1)(b))
- 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(2)(a))

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 and added to a separately stated, established ticket price. (Fla. Stat. § 212.04(1)(b))

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

City of Jacksonville, Florida

Agency Requirements: A person who is designated as a selling agent for the City (authorized to sell tickets for events in the sports and entertainment facilities in Jacksonville) shall execute an agreement listing the rights and responsibilities of the City and the selling agent before the agent is authorized to sell tickets. The agreement must address the following requirements and provisions:

- The selling agent will receive consignments of admission tickets from the City for events and facilities specified in the agreement.
- The contract between the selling agent and the City needs to provide that the selling agent will deliver a certified check, or the equivalent of, that is equal to the value of the consigned tickets to the City to hold as security for payment of the consigned tickets. If the selling agent fails to deliver the money made from ticket sales or return any unsold tickets to the City for the value of the consigned tickets, the City will have authorization to cash the security check.
- The selling agent must maintain accurate records of tickets under consignment. The City must have the right to audit books, records, or inventory of the selling agent with respect to tickets and ticket sales.
- The selling agent must refund patrons if an event is cancelled.
- The agreement, and funds in the selling agent's possession resulting from ticket sales under the agreement, shall not be assigned to any other person. (Jacksonville Fla., Code § 665.107 a-g)

Applicable Ordinances: Jacksonville Fla., Code § 665.107 a-g.

Miami-Dade County, Florida

False or Deceptive Advertising: It is unlawful to falsely or deceptively advertise or promote to the public, in any manner that could mislead the public, the sale of tickets for live performances within Miami-Dade County, Florida, unless the advertisement or promotion discloses the following:

- The name(s), title(s), description of the performance or act to be presented to the public; *and*
- Where a performer is advertised, the minimum length of time that the lead performer will actually be on stage performing or, in a dramatic performance, the role to be played by the advertised performer.

It is the responsibility of the producer of a live entertainment performance who has advertised the event to the public to disclose when tickets are no longer available for purchase. (Miami-Dade County, Code of Ordinances § 21-122)

Disclosure Requirements: It is unlawful for any person to advertise the sale of tickets to any live entertainment event taking place in Miami-Dade County, Florida, unless such person makes available to the public the following information:

- The name(s) of the person(s), agency, partnership or corporation responsible for producing the performance;
- The total cost of admission to the performance and the place where tickets may be purchased;



- The date(s) on which the performance will be held;
- The time the performance will start and end;
- The time that seating will be open to the public; *and*
- The number and length of intermissions. (Miami-Dade County, Code of Ordinances § 21-123)

Refunds: It is unlawful to refuse to refund a ticket purchaser the full admission price to a live entertainment event, if the lead or main performer(s) fails to appear as advertised. Purchasers have the right to decline the refund or remain at the event if it were to continue. This section does not apply to operatic, theatrical, musical, or symphonic performances by companies of seven or more when it has been advertised that the producing company has to the right to make changes or substitutions to the performance. (Miami-Dade County, Code of Ordinances § 21-124)

Penalty for Violation: Any person, agency, or partnership or corporation who violates, fails to comply with, or refuses to follow any of the provisions of these ordinances shall be fined less than five hundred dollars or imprisoned for less than sixty (60) days in County Jail, or both, in the discretion of the court. Each violation is treated as a separate offense. (Miami-Dade County, Code of Ordinances § 21-125)

Applicable Ordinances: Miami-Dade County, Code of Ordinances §§ 21-121- 21-125.

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)) *and*
- The owner, operator, lessee, or tenant of a venue at 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 and License 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)) *and*
 - 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:**
 - A ticket broker must 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)

This bill 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."

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

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; *and* §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))

Definition of Ticket Broker: "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)

This bill seeks to cap the service charges for a primary and secondary ticket seller and 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; *and*
- **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; *and*
- **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 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; and
- **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)) *and*
- 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 Print Requirements: 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. Every reseller shall register with the Department of Taxation no later than thirty days after commencing business as a reseller. (Cook County, Illinois Code of Ordinances, § 74-395)

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:

- **Definition of Reseller:** “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.

City of Merrionette Park, Illinois

Taxation: It shall be unlawful for any person to produce, present, conduct or resell tickets to any amusement without collection of the tax, except as provided in Merrionette Park. (Merrionette Code of Ordinances § 34.81(D))

- An amusement tax is imposed upon the patrons of every amusement in the village. The rate of the tax shall be equal to 3% of the admission fee or other charges paid for the privilege to participate in such amusement. (Merrionette Code of Ordinances § 34.81(B))

Applicable Ordinance: Merrionette Park Code of Ordinances, § 34.81.

City of St. Charles, Illinois

Ticket Print Requirements: The price at which every admission ticket or card is sold shall be conspicuously and indelibly printed, written, or stamped on the face or back of that part of the ticket which is taken up by the management of the place to which admission is granted. (St. Charles, Illinois Code of Ordinances § 3.20.080)

Applicable Ordinances: St. Charles, Illinois Code of Ordinances § 3.20.080.

City of Wilmington, Illinois

Taxation: A tax of 3% of the gross receipts derived from the sale of admission tickets is imposed upon every patron to an athletic contest or exhibition for gain for the privilege of admission in the city. (Wilmington, Illinois Code of Ordinances § 122.02)

Penalty: Any person who violates this provision, for which another penalty is not provided, shall for a first conviction be fined not less than \$25 nor more than \$750. For a second conviction within one year after, the person should be fined not less than \$100 and not more than \$750, and for a third conviction not less than \$250 and not more than \$750. (Wilmington, Illinois Code of Ordinances § 122.05)

Applicable Ordinances: Wilmington, Illinois Code of Ordinances §§ 122.02, 122.05.



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)

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.

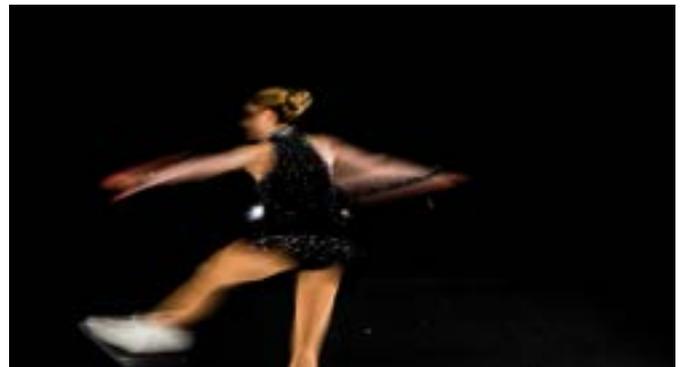
Applicable Ordinances: South Bend, Indiana Code of Ordinances §§ 13-37; 13-38.

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, incarceration for 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 Motorsports 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 Ordinance: Wichita, Kansas Code of Ordinances § 3.08.300.



Kentucky

Price Cap: 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 Definition:** “Events” are sports contests or other public performances 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 Definition:** “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

Print Requirement: 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 Rev. Stat., Tit. 4 § 1.A.)

Price Cap: No person shall resell or offer to resell a ticket for an amount in excess of the price printed on the face of the ticket. (La Rev. Stat., Tit. 4 §§ 1.B., 1.I)

Internet Exception: Louisiana state law does not prohibit the resale or offering for resale via the Internet of an admission ticket, at any price, to an athletic contest, dance, theater, concert, circus, or other amusement, if the event organizer and venue operator authorize the same and if the website’s operator guarantees a full refund of the amount paid for the ticket under the following conditions:

- The ticketed event is canceled;
- The purchaser is denied admission to the ticketed event, unless such denial is due to the action or omission of the purchaser; *or*
- The ticket is not delivered to the purchaser in the manner described on such website or pursuant to the delivery guarantee made by the reseller and such failure results in the purchaser’s inability to attend the ticketed event. (La Rev. Stat., Tit. 4 § 1.E.)

Refund Guarantee: The website operator’s refund guarantee pursuant to La Rev. Stat., Tit. 4 § 1.E. must be posted on the operator’s website and directed to the prospective purchaser prior to completion of the resale transaction. (La Rev. Stat., Tit. 4 § 1.F) Such refund guarantee must include any servicing, handling, or processing fees, unless such fees are declared nonrefundable under the terms of the guarantee. (La Rev. Stat., Tit. 4 § 1.G) The refund guarantee requirement under La Rev. Stat., Tit. 4 § 1.E. does not apply to university tickets specially allocated to Louisiana legislators or tickets issued to students by Louisiana universities for sporting events. (La Rev. Stat., Tit. 4 § 1.H)



Penalty: Violators may be fined between \$100-\$500 and imprisoned for 30 to 90 days. (La Rev. Stat., Tit. 4 § 1.C.)

Applicable Statute: La Rev. Stat., Tit. 4 § 1.

Bossier City, Louisiana

Price Cap: No person may 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 must have the total price printed on the face of the ticket.

Geographic Restrictions: No person may 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 is 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.

Maine

Entertainment Event Definition: "Entertainment event" means a performance, concert, exhibit, game or contest. (Me. Rev. Stat. Ann. tit. 8, § 1301(1)(A))

Ticket Reseller Definition: "Ticket reseller" means a business entity whose primary business is the sale or resale of tickets; this definition does not include a nonprofit corporation or a place of entertainment that engages in the sale or resale of tickets to entertainment events at the place of entertainment. (Me. Rev. Stat. Ann. tit. 8, § 1301(1)(D))

Refunds: A ticket reseller engaged in the resale of tickets to entertainment events must refund the amount paid by the customer if the event is cancelled, the ticket is not accepted by the entity holding the event, the ticket is cancelled by the entity holding the entertainment event or the person who purchased the ticket does not receive the ticket in time to attend the event. (Me. Rev. Stat. Ann. tit. 8, § 1301(2))

Applicable Statute: Me Rev. Stat. Ann. Tit. 8, § 1301.

Maryland

Price Cap: It is unlawful for a promoter of certain boxing, kick boxing, wrestling or mixed martial arts events to allow the sale or exchange of a ticket or complimentary ticket 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)

Ticket Website Definition: "Ticket website" means a website that advertises, offers, or facilitates the sale, resale, or exchange of tickets to an event within the State. (Md. Commercial Law Code Ann. § 14-4001(e))

All-In Pricing and Other Ticket Listing Requirements: Secondary ticket exchanges, ticket issuers and resellers must include the following information in the listing for a ticket:

- clear and conspicuous disclosure of the total price of the ticket, including all fees and taxes other than shipping costs that are not determinable at a step in the transaction;
- an itemized listing of all charges that comprise the total price of the ticket, including all fees and taxes; *and*
- identification of the seat number and zone or section of the ticket, to the extent applicable to the seat and venue. (Md. Commercial Law Code Ann. § 13-310.1(b)(2)(i-iii))

Fee Restrictions: The all-in price of a ticket shown in the ticket listing may be increased in a non-initial step of the ticket transaction by the amount of reasonable shipping costs for physically delivered tickets. The total price of the ticket, including all fees, taxes and shipping costs, must be clearly and conspicuously disclosed prior to the final purchase of the ticket. (Md. Commercial Law Code Ann. § 13-310.1(b)(3))

Speculative Tickets Restrictions: A reseller may not sell or offer to sell speculative tickets. (Md. Commercial Law Code Ann. § 13-310.1(c))

- **Speculative Ticket Definition:** A "speculative ticket" means a ticket that is not in the actual or constructive possession of a reseller at the time of sale, advertisement, or listing. They include tickets sold by a reseller that, at the time of resale, are not in the physical possession of the reseller, are not owned by the reseller, or is not under contract to be transferred to the reseller. (Md. Commercial Law Code Ann. § 13-310.1 (a)(5)(i)-(ii))

Refunds: A ticket issuer, secondary ticket exchange, or reseller shall provide the purchaser with a full refund of the total amount paid, including the price of the ticket and any fees and taxes if

- the tickets are counterfeit;
- the event for which the ticket is purchased is canceled; *or*
- the ticket fails to conform to the description as advertised or represented to the purchaser by the seller. (Md. Commercial Law Code Ann. § 13-310.1(e))

Within 10 days after the final day of the event, a reseller must refund a purchaser any consideration or deposit paid for tickets sold if the reseller fails to obtain the tickets within 24 hours after the approximate date of delivery but before the commencement of the event. (Md. Commercial Law Code Ann. § 13-310.1 (c))



Applicable Statutes: Maryland Code, Business Regulation, § 4-318; Maryland Commercial Law Code Annotated §§ 14-4001-4004; Maryland Commercial Law Code Annotated § 13-310.1.

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)

- “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)

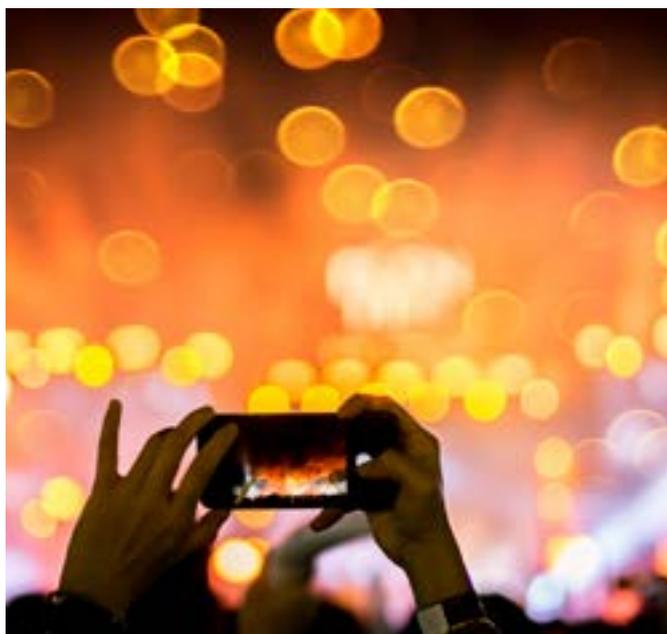
Exceptions: None of the provisions of Massachusetts law apply to either of the following ticket resales:

- 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 stockholders or 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)

Penalty: First violations of M.G.L.A. 140 § 185A-G are subject to a fine of up to \$500. If after being convicted of a second violation, any subsequent violations will be subject to imprisonment for up to one year. (M.G.L.A. 140 § 185F)

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



PENDING LEGISLATION ALERT:

MA S.215 (2023)

This bill proposes an amendment to M.G.L. 140 § 185 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.

MA 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, including (1) the requirement that all ticket resellers maintain a toll-free method of contact for complaints, implement a required refund policy and take reasonable precautions to safeguard against the resale of counterfeit tickets; (2) prohibitions on use of software to circumvent security measures; and (3) restrictions on ticket issuers on employing non-transferrable ticketing systems.

MA S.2442 (2023)

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

MA H. 4276 (2024)

This bill proposes an amendment to M.G.L. 140 § 185A-E and § 182A (1) prohibiting the use of a paperless ticketing system unless the consumer is given an option to purchase the paperless ticket in transferable form without restriction or additional fees; (2) exempting from the license requirement any owner or operator of a website that serves as a platform to facilitate resale, or resale by way of a competitive bidding process, solely between third parties and who does not otherwise engage in reselling of tickets in any other manner; (3) prohibiting the use of software to bypass ticketing system security measures or access control systems and requiring any person who has knowledge of the use of such prohibited software to disclose the same to the attorney general; (4) requiring disclosure of all service charges and fees prior to the ticket being selected for purchase; and (5) providing for certain refund requirements.

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)) *and*
- 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))

Speculative Ticketing Restriction: 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

Taxation: A ticket reseller must be registered to collect sales tax and must collect and remit sales tax and all applicable local taxes on the total sales price of the admission ticket. (Minn. Stat. § 297A.68, subd. 43)

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.

The following provisions of Minnesota’s new ticket resale law will become effective on January 1, 2025:

Ticket Reseller Definition: A “ticket reseller” means a person that offers or sells tickets for resale after the original sale to an entertainment event located in the state of Minnesota. (Minn. Stat. § 325F.676(1)(i))

Exception: A ticket reseller does not include a person that purchases a ticket solely for the person’s own use or the use of the person’s invitees, employees, or agents.

Ticket Resale Restrictions: A ticket reseller or online ticket marketplace must not:

- Sell or offer to sell more than one copy of the same ticket;
- Directly or indirectly employ another person to wait in line to purchase tickets for the purpose of reselling tickets if the practice is prohibited or if the place of entertainment has prohibited this practice;

- Sell or offer to sell a ticket without first informing the person of the location of the seat; *or*
- Advertise, offer for sale, or contract for the sale of a ticket before the ticket has been made available to the public without first obtaining permission from the place of entertainment and having actual or constructive possession of the ticket.

Speculative Tickets Prohibition: It is unlawful to sell a ticket that is not in possession or constructive possession of the operator, online ticket marketplace, or reseller or unless the operator, online ticket marketplace or reseller has a written contract with the venue to obtain the ticket. (Minn. Stat. § 325F.676(3)(e))

Use of Bots: It is unlawful to circumvent any portion of the process for purchasing tickets on the Internet, including but not limited to security identity or validation measures or an access control system. (Minn. Stat. § 325F.676(3)(e), (f)) It is also unlawful to disguise the identity of a purchaser for the purpose of purchasing a number of tickets that exceeds the maximum number of tickets allowed for purchase by any person. (Minn. Stat. § 325F.676(3)(e))

All-In Price and Other Disclosures:

- An operator, ticket reseller or online ticket marketplace must, at all times during the ticket listing and purchasing process, disclose the all-in cost of the ticket, including all fees and surcharges and the portion of the ticket price that represents a service charge; the portion of the price that represents a service charge; and any other fee charged. (Minn. Stat. § 325F.676(2)(a))
- The disclosure of subtotals, fees, charges and other components of the total price must not be false or misleading and must not be presented more prominently than the total price, but may be displayed in a manner that allows the purchaser to hide or minimize the itemized list.
- The ticket price must not increase in the purchase process after the ticket is first displayed to a purchaser, excluding reasonable fees for delivery of nonelectronic tickets based on the delivery method selected by the purchaser and any additional purchases made by the purchaser, which must be disclosed prior to accepting payment. (Minn. Stat. § 325F.676(2)(b))
- A ticket reseller must also disclose (i) that the website or electronic service is owned and operated by a ticket reseller and that the price of the resale ticket may be higher or lower than the original purchase price, (ii) that the purchaser is responsible for checking with the venue for changes to the event prior to start time, and (iii) the refund policy of the ticket reseller or online marketplace. (Minn. Stat. § 325F.676(2)(c))

Refunds: A ticket reseller must provide to the purchaser proof of purchase, including all event and ticket information and the refund policy of the ticket reseller or online ticket marketplace, within 24 hours of the purchase. (Minn. Stat. § 325F.676(2)(d))



Website Restrictions: An online ticket marketplace may not use images, web designs or Internet addresses that are identical or substantially similar to that of the venue, without written permission from the venue. However, an online ticket marketplace is not prohibited from using text containing the name of venue or event in order to describe the location or the event or from providing information or images identifying the seat or area the purchaser will occupy in the venue. (Minn. Stat. § 325F.676(2)(e))

Scope: The obligations under Minn. Stat. § 325F.676(2)(a)-(d) only apply to people engaged in annual aggregate transactions that were equal to or greater than \$5,000.

Applicable Statutes: Minn. Stat. § 297A.68, subd. 43; Minn. Stat. § 609.806; and (NEW) Minn. Stat. § 325F.676.

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.

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 (Sporting 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 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 and Registration Requirements:

- 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.

Ticket Broker Definition: 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

Price Cap and Location Restriction: 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

Website Restrictions: 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. (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))

All-In 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))
- It is unlawful for a reseller to 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))
- It is unlawful for a reseller to 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))
- **Speculative Tickets Prohibition:** It is unlawful to 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))

- It is unlawful for a reseller to 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))

Bots 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)) 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))

Resale Definition: "Resale" means 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)

Rights Holder Definition: 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

All-In 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

Ticket Print Requirements: Every person, partnership, association or corporation who owns, operates, rents, leases or controls a place of entertainment shall, if a price be charged for admission thereto, conspicuously print on the face of each ticket the price charged therefor by such person, partnership, association or corporation.

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.



Venue Off-Premises Price Caps: Owners cannot sell tickets at any place other than the premises of the entertainment or ticket office unless the price no greater than that for which such tickets are sold by such owner at the box office or on the premises.

Applicable Ordinance: Las Vegas, Nevada Ord. tit. 10, div. VII, ch. 10.52.

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)

Ticket Agent Definition: "Ticket agent" means 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.

PENDING LEGISLATION ALERT:

N.H. S.201 (2024)

This bill would make the resale of event tickets by a person who is not the venue or an authorized agent of the venue, without prominent display and acknowledgment of that condition, an unlawful act under the consumer protection regulations.



New Jersey

Ticket Broker Definition: 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)

Resale Definition: 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. Resale shall not include the first sale or distribution of a ticket by a ticket issuer. (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, for the purpose of reselling tickets, 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 or website's guaranty so provides; *or*



– 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)) *and*

– The full price of the ticket, less shipping charges, if the tickets are returned in three days after receipt (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), NJAC § 13:45A-20.5(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))

Deceptive Domain Name Prohibitions: 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. § 56:8-35.5(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:

NJ S347 (2024-25)

This bill requires additional disclosure by ticket brokers. This bill would require ticket brokers who operate a website to resell tickets to clearly state on the website: (1) that the website is being used for secondary sale; (2) that the price of the ticket offered for sale may exceed the price set by the venue; and (3) any refund policy that is in place for the event. Ticket brokers will be required to ensure that a purchaser confirm they read the policies before completion of the transaction. The broker must clearly disclose the price charged by the venue that is printed on the ticket prior to transaction. This bill also requires disclosure of the all-in price, including all fees and services charges and, if the ticket is being sold through a website, the all-in price may not increase during the purchase process, other than with respect to reasonable fees for delivery of non-electronic tickets.

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 to 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)

Resale Definition: “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; *or*
- 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 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(1))

- **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(2))

- **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; (N.Y. Arts & Cult. Aff. Law § 25.07(2)(a))
- 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; (N.Y. Arts & Cult. Aff. Law § 25.07(2)(b)) *and*
- 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)(c))

- 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))

- **Speculative Tickets:** 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)) or 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 § 25.10(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 above 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 the following (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)) and
- 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. 5881 (2023), NY S.B. 4923, (2023), NY S.B. 6034 (2023), NY S.B. 6193 (2023), NY S.B. 6620 (2023)

These bills seek to amend the arts and cultural affairs law in the following ways, among others: (1) to institute civil penalties for utilizing ticket purchasing software; (2) to institute penalties for second offenses if a person is made aware of the utilization of ticket purchasing software and does not notify the attorney general; (3) to establish an annual professional reseller renewal fee and require professional ticket resellers to provide their New York state ticket reseller license number; (4) to provide criteria for when a purchaser may obtain a full refund of the amount paid for a ticket; (5) to make it unlawful for a ticket reseller to advertise, contract for or accept payment for the sale of speculative tickets (the reseller must possess the tickets or have a written contract to acquire the tickets from a person who possesses them, and the tickets must have been placed on sale); (6) to regulate unlawful charges in connection with tickets; (7) to prohibit exclusivity clauses in contracts between venue operators and primary ticket vendors; (8) to prohibit a person that sells tickets or facilitates the resale of tickets from requiring a minimum price for the resale of any tickets purchased from the primary ticket seller; (9) to prohibit any person who sells tickets or facilitates the sale of tickets from increasing the price of the ticket while a purchaser is waiting in a physical or virtual queue, has the ability to select and review tickets from a physical or virtual list, but has not yet completed the purchase, or is completing the checkout process to purchase the tickets; and (10) to prohibit any person who is involved in hosting, promoting, performing or selling tickets to resell tickets that have been withheld from the general public for a higher price than the primary sale price.

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)) *and*
- 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.

PENDING LEGISLATION ALERT:

N.C. S.B. 894 (2024)

This bill would prohibit selling tickets for a price greater than the total price of the original ticket, including all fees and taxes; it would eliminate the ability of venues to prevent resales of tickets at greater than the printed price; and it would limit a website's service fees to 10% of the total price of the initial ticket.

N.C. H.B. 714 (2023)

This bill would enact the Junk Fee Prevention Act, which establishes requirements related to the fees charged by covered entities, including ticketing services providers. These requirements include the following: (1) disclosure of all-in pricing when a price is first shown to a customer, including mandatory fees; (2) prohibiting any increase in price during the purchase process; (3) prohibiting excessive or deceptive mandatory fees; (4) disclosure of the total number of tickets offered for sale or available at least 72 hours before the first public sale; (5) disclosure of the refund policy prior to purchase; and (6) disclosure if a ticket is speculative and that a full refund will be provided if the ticket cannot be provided in a timely manner prior to the event.

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.

Oklahoma

Ticket Seller Definition: "Ticket seller" means a person that makes admission tickets available, directly or indirectly, at an initial presale or sale to the general public. A ticket seller may include an owner or operator of a place of entertainment, a sponsor or promotor of an event, a sports team, theater company, musical group, or an employee or agent. (15 OK Stat. § 774)

Prohibited Software: It is unlawful to use software to bypass security measures, access control systems, or other control methods on a ticket seller's Internet website; *or* sell software that is advertised for profit with the purpose of bypassing security measures, access control systems, or use other control methods of a ticket seller's Internet website. A user or seller will be in violation of this restriction if the user or seller knows or should have known that the purpose of the software was to violate restrictions for purpose of purchasing admission tickets during the initial sale or presale for an event; *or* the use of the software led to the admission tickets being resold on the initial seller's Internet website and an Internet site used for reselling at a price higher than the ticket's initial cost. (15 OK Stat. § 774.1)

Violation or Regulation: Any violation of this section would equate to an unlawful business practice, and those who violate will be subject to the Oklahoma Consumer Protection Act. (15 OK Stat. § 774.1)

Applicable Statutes: 15 OK Stat. §§ 774, 774.1 (2023).



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, for no less than three years, of the following:

- The name and address of each contributor that purchases or donates tickets and the number of tickets purchased or donated by the contributor; *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(G)(2))

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)

This bill 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 without a license and identification card from the city treasurer (see below). (Cincinnati, Ohio Code of Ordinances § 840-3)
- 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 theatre. (Cincinnati, Ohio Code of Ordinances § 865-3)

Ticket Print Requirements: The price of admission, together with any service or transactional charge or fee and any state or city tax, must be marked conspicuously on the ticket, along with the name of the vendor if the admission was purchased other than at a ticket office or from management of the venue. (Cincinnati, Ohio Code of Ordinances § 309-7)

License Requirement: No person may sell or resell, or facilitate the sale or resale of, admission tickets without holding a valid license or exemption certificate. (Cincinnati, Ohio Code of Ordinances § 309-99(a)). 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).

Exception: This provision does not apply to the sale of tickets for admission to an event for face value or less, provided that the tickets are not (i) offered for sale or sold to the occupants of vehicles in traffic; (ii) offered for sale or sold in a manner that blocks, obstructs or restricts the passage of pedestrians or vehicles in the lawful use of the sidewalks or highways or ingress or egress to the abutting property; nor (iii) offered for sale or sold within the Eastern or 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)

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

Oregon

Prohibited Software: It is unlawful to intentionally sell or use software, the purpose of which is to circumvent, thwart, interfere with or evade a control or 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.

PENDING LEGISLATION ALERT:

P.A. H.B. 636 (2023)

This bill would prohibit unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce including not clearly and conspicuously advertising, displaying or offering the all-in price on an event ticket, including all mandatory fees but excluding taxes, at the point in the shopping experience when the consumer is first shown the ticket.

P.A. H.B. 1378 (2023)

This bill would provide for online access control measures such as prohibiting the use of a software application that runs automated tasks for the purpose of purchasing tickets with the intent to resell them or for the purpose of circumventing electronic queues associated with online ticket sales. This bill also would provide primary ticket platforms who suffer injury as a result of another person's violation of this restriction the right to bring a civil action for the injury, plus \$1,000 for each ticket sale made in violation of the restriction, reasonable attorneys' fees and costs.

P.A. H.B. 1658 (2023)

This bill would prohibit speculative ticketing. It would provide that a reseller may not advertise, offer for sale, contract for the resale of a ticket or accept full or partial consideration for resale of a ticket unless specified requirements are met, including that the reseller shall have possession or constructive possession of the ticket or a written contract to obtain the ticket at a certain price from the rights holder or operator. This bill also would prohibit secondary ticketing platforms from using deceptive URLs. This bill also would provide primary ticket platforms who suffer injury as a result of another person's violation of this restriction the right to bring a civil action for the injury, plus \$1,000 for each ticket sold in violation of the restriction, reasonable attorneys' fees and costs.



City of Pittsburgh, Pennsylvania

Scope: A person may not sell or offer for sale any ticket for admission to any event at Heinz Field or PNC Park on public property without first getting a license. (Pittsburgh, Pennsylvania Code of Ordinances § 726.01)

- Tickets may not be offered for sale or sold on sidewalks in construction zones, within 15 feet of a bus stop, to occupants in vehicles in traffic, or in any manner that obstructs the passage of pedestrians or vehicles.
- Ticket sellers should not use a display stand, table, booth, chair or sign other than a hand-held sign for the sale of tickets.

License Requirements: An applicant for a license must file an application with the Department of Permits, Licenses and Inspections for an annual license. An annual license is valid for one year from the date of issuance. (Pittsburgh, Pennsylvania Code of Ordinances §§ 726.02, 726.04)

Exceptions: A person may only resell or offer to resell a ticket to an event in the Reselling Zone created in § 726.06.

- The “Reselling Zone” is located at the northeastern corner of Dorsett Way and North Shore Drive and consists of an area approximately 23 feet by 30 feet. (Pittsburgh, Pennsylvania Code of Ordinances § 726.06)
- The Reselling Zone shall be identified by appropriate signage, and signage, which may include information such as the validity of tickets and the maximum price at which tickets may be sold.

Penalty: Any person attempting to resell a ticket outside the Reselling Zone shall first be warned and instructed to move back into the zone. If that person again attempts to resell outside the Reselling Zone, they will be fined \$500.

Applicable Ordinance: Pittsburgh, Pennsylvania Code of Ordinances §§ 726.01-726.07.

Puerto Rico

Ticket Vendor Definition: “Ticket Vendor” means any person who is 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 Promoter for events to be held in a physical location in Puerto Rico. (Departamento de Hacienda de Puerto Rico, CC RI 23-10).

License Requirements:

- All promoters must register with the Public Performance Promoters Services Office (OSPEP, Spanish Acronym). (15 L.P.R.A. § 2003)
- All Market Facilitators, including Ticket Vendors, that sell or resell taxable items in Puerto Rico (either in excess of \$100,000 or 200 transactions in a given fiscal year) must obtain a Merchant Registration Certificate from the Puerto Rico Department of Treasury. (Departamento de Hacienda de Puerto Rico, CC RI 23-10).

Fines:

- Any Ticket Vendor that sells tickets on behalf of 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 Vendor 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 these purposes by the owner, manager, or promoter of the event. (15 L.P.R.A. § 15)

Applicable Statutes: 13 L.P.R.A. §§ 32025(b) and 33345(e)-(f); 15 L.P.R.A. § 15; and 15 L.P.R.A. § 2003.

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.

Penalties for Violation: Any person who violates the rules in this section is guilty of a misdemeanor and shall be fined less than \$1,000 for each offense.

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 Internet, geographic, and original ticket seller exceptions to the price cap.

South Dakota

City of Sioux Falls, South Dakota

Price Cap: It is unlawful to sell a ticket for more than its face value on the grounds of the event or within a one-half-mile radius of each event. No ticket stub that would provide entry to the first game of a double header and serves as re-entry for the second game may be resold or attempted to be resold.

Resell Definition: “Resell” includes advertising or soliciting for resale and any sale or attempted sale subsequent to the initial offer to the public.

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))

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.

Ticket Marketplace Definition: 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))

Third-Party Ticket Reseller Definition: Third-party ticket reseller means 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 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. § 47-50-121(a)(4))

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 § 47-50-121(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. § 47-50-121(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 charges paid by the purchaser for such ticket. (Tenn. Code Ann. § 47-50-118)

Speculative 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; 47-50-121; 47-50-118; 47-50-119; and 67-6-102-78(G).

PENDING LEGISLATION ALERT:

TN S.B. 1523 (2023)

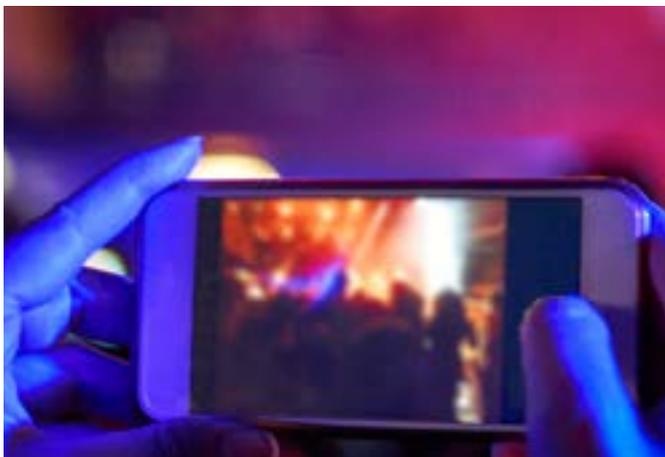
This bill would (1) prohibit a ticket vendor from charging fees for the sale of a ticket that exceed 15% of the face value of the ticket; (2) require a ticket vendor to disclose to the consumer the face value of the ticket, the cost of additional mandatory fees, the cost of additional fees charged by the ticket vendor, and the total cost of the ticket; and (3) deem a violation to constitute an unfair or deceptive act or practice, subject to penalties and remedies under the Tennessee Consumer Protection Act.

City of Bristol, Tennessee

Ticket Sale Restrictions: It is unlawful for any person, while located in the city limits, to sell or offer to sell any admission ticket to any events in the city for an amount greater than the price printed on the face of the ticket. (Bristol, Tennessee Code of Ordinances § 50-29(a))

- It is unlawful to use or attempt to use public streets of the city with a speed limit of over 25 miles per hour for the purpose of selling, distributing, advertising, or offering for sale admission tickets. (Bristol, Tennessee Code of Ordinances § 70-12)

Applicable Ordinance: Bristol, Tennessee Code of Ordinances §§ 50-29, 70-12.



Metro Government of Nashville and Davidson County, Tennessee

Peddling Restrictions: No person shall, in any park or to any person in any park, sell or offer for sale tickets for entertainment events except under a permit issued by the metropolitan board of parks and recreation as provided in Article 11, Chapter 10 of the Charter of the metropolitan government. (Metro Government of Nashville and Davidson County, Tennessee Code of Ordinances § 13.24.210)

- **Nashville Convention Center area regulations:** The sale or offering for sale any goods or personal property is prohibited within certain areas on any date where an event or show has been scheduled in the Nashville Convention Center. (Metro Government of Nashville and Davidson County, Tennessee Code of Ordinances § 6.32.010)
- **Municipal auditorium area regulations:** The sale or offering for sale of any articles of personal property is prohibited between the hours of 8 a.m. and 11 p.m. on any day where a performance or event has been scheduled. (Metro Government of Nashville and Davidson County, Tennessee Code of Ordinances § 6.32.020)
- **Nashville Arena area regulations:** The sale or offering for sale any goods or personal property is prohibited within certain areas on any date where an event has been scheduled in the Nashville Arena. (Metro Government of Nashville and Davidson County, Tennessee Code of Ordinances § 6.32.040)
- **Ryman Auditorium area regulations:** The sale or offering for sale of any and all articles of personal property whatsoever by any person is prohibited within certain areas on any date where a performance or event has been scheduled at the Ryman Auditorium. (Metro Government of Nashville and Davidson County, Tennessee Code of Ordinances § 6.32.050)
- **Tennessee Performing Arts Center area regulations:** The sale or offering for sale of any and all articles of personal property whatsoever by any person is prohibited within certain areas on any date where a performance or event has been scheduled at the Tennessee Performing Arts Center. (Metro Government of Nashville and Davidson County, Tennessee Code of Ordinances § 6.32.060)
- **War Memorial Auditorium area regulations:** The sale or offering for sale of any and all articles of personal property whatsoever by any person is prohibited within certain areas on any date where a performance or event has been scheduled at the War Memorial Auditorium. (Metro Government of Nashville and Davidson County, Tennessee Code of Ordinances § 6.32.070)
- **Ascend Amphitheater area regulations:** The sale or offering for sale of any and all articles of personal property whatsoever by any person is prohibited within certain areas on any date where a performance or event has been scheduled at the Ascend Amphitheater. (Metro Government of Nashville and Davidson County, Tennessee Code of Ordinances § 6.32.080)



- **First Tennessee Park area regulations:** The sale or offering for sale of any and all articles of personal property whatsoever by any person is prohibited within certain areas on any date where a performance or event has been scheduled at the First Tennessee Park. (Metro Government of Nashville and Davidson County, Tennessee Code of Ordinances § 6.32.090)

Applicable Ordinances: Metro Government of Nashville and Davidson County, Tennessee Code of Ordinances § 13.24.210; Metro Government of Nashville and Davidson County, Tennessee Code of Ordinances §§ 6.32.010 – 6.32.090.

Texas

BOT Prohibitions: A person may not use or create a bot:

- To purchase tickets in excess of posted limits for an online ticket sale;
- To use multiple purchaser accounts or email addresses to purchase more tickets than the online limit; *or*
- To circumvent or disable an electronic queue, waiting period, or other sales volume limitation system. (Tex. Bus. & Com. Code Title 10, Subtit. B, Ch. 328; § 328.002)

Deceptive URLs: 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. 328; §§ 328.001; 327.002; 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

Ticket Reselling Definition: “Ticket reselling” means reselling a ticket previously sold by Texas A&M University for an event held on the university campus. Ticket reselling may involve reselling tickets for different prices than the ticket face value. This term does not include the occasional resale of a ticket purchased for personal use.

Ticket Reseller Definition: “Ticket reseller” means any person engaged in the activity of Texas A&M University ticket reselling. This term does not include any person occasionally reselling a ticket purchased for personal use.

Permitted Ticket Reseller Definition: “Permitted ticket reseller” means any person who has obtained a valid university permit to engage in ticket reselling.

Ticket Resale Restrictions: It is unlawful for a person to engage in ticket reselling, regardless of if the ticket is valid or counterfeit, who is not a permitted ticket reseller and not in possession of a valid university permit.

Applicable Ordinance: College Station, Texas Code of Ordinances § 8-240, § 8-241.

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 Irving, Texas

Taxation: Every seller of a ticket of admission to an event held at the Irving Entertainment Center shall add the 10% admissions tax to the price of each ticket sold to such event.

Applicable Ordinances: Irving, Texas Code of Ordinances §§ 16G-2; and 16G-3.



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.

- A person may resell or offer to resell a ticket to an event if that person does so on private property and so long as that private property is not owned or leased by the event.

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 a potential purchaser—text, images, website graphics, website design, or Internet addresses that individually or in combination is 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. (Utah Code Ann. § 13-54-202(5))

Failure to Deliver 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 use ticket purchasing software to circumvent any portion of the process for purchasing a ticket on a ticket website, including: (i) circumventing security measures, identity validation measures, or an access control system; or, (ii) disguising the identity of a ticket purchaser for the purpose of purchasing a number of tickets that exceeds the maximum number of tickets allowed for a person to purchase. (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))

Exemptions: The above restrictions do not apply to a consumer reselling a ticket that the consumer purchased as a consumer, or to an entity that is owned, controlled, operated, or maintained by a bona fide church or religious organization that is exempt from property taxation under the laws of Utah. (Utah Code Ann. § 13-54-103(1))

Ticket Transferability: Every ticket issued for an event must be a transferrable ticket. (Utah Code Ann. § 13-56-201(1))

Exceptions:

- **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. The total number of tickets 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. (Utah Code Ann. § 13-56-201(2)(a))
- **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. (Utah Code Ann. § 13-56-201(2)(b))
- **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. (Utah Code Ann. § 13-56-201(3))
- **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(4))

Resale Refund Requirements: A primary ticket seller or reseller from which a consumer purchases a ticket must guarantee a full refund, including handling fees, if:

- The relevant event is cancelled;
- 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. (Utah Code Ann. § 13-54-203)



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; 13-54-301; and 13-56-201.

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 provide, by ordinance, that it is unlawful for any person, firm or corporation to resell for profit any ticket for admission to any sporting event, theatrical production, lecture, motion picture or any other event open to the public for which tickets are ordinarily sold, 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 facility in which the event is being held. (Va. Code Ann. § 15.2-969)

Penalty: Such ordinance may provide that violators thereof are guilty of a Class 3 misdemeanor. (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 shall 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 a specific 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 issued under Article X, Section 9(d) of the Constitution of Virginia and supported in part by student fees; *or*
- Any concert or theatre venue located within or adjacent to a national park that offers yearly memberships that include concert or theatre tickets as part of the membership benefit. (Va. Code Ann. § 59.1-466.6)

Deceptive URLs: No Internet ticketing platform or reseller shall (i) use or display any trademarked or copyrighted URL, title, designation, image, mark, or any other symbol of an operator, rights holder, or primary ticket provider without the consent of such operator, rights holder, or primary ticket provider or (ii) use or display any combination of text, images, website graphics, website display, or website addresses that is substantially similar to the website of an operator in a manner that could reasonably be expected to mislead a potential purchaser. (Va. Code Ann. § 59.1-466.8)

Pricing Requirement: It is unlawful to advertise goods or services with intent not to sell at the price or upon the terms advertised. (Va. Code Ann. § 59.1-200.A.8)

Applicable Statutes: Va. Code Ann. §§ 15.2-969; 59.1-200.A.8; 59.1-466.5; 59.1-466.6; 59.1-466.7; and 59.1-466.8.



Hanover County, Virginia

Price Cap: It is unlawful for any person or entity to resell for profit (i.e., above face value) any ticket for admission to any sporting event, theatrical production, motion picture, or any other event open to the public for which tickets are ordinarily sold, 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 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 for admission to any sporting event, theatrical production, lecture, motion picture, state fair or any other event open to the public for which tickets are ordinarily sold, 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 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, firm or corporation to resell for profit any ticket for admission to any sporting event, theatrical production, lecture, motion picture or any other event open to the public for which tickets are ordinarily sold 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 tickets is authorized by the sponsor of the event and 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 to resell for profit any ticket for admission to any sporting event, theatrical production, lecture, motion picture or any other event open to the public for which tickets are ordinarily sold, 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 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 Norfolk, Virginia

Price Cap: It is unlawful for any person to resell for profit any ticket for admission to any sporting event, theatrical production, lecture, motion picture or other event open to the public for which tickets are ordinarily sold, except in the case of religious, charitable, or educational organizations, where all or a portion of the admission price reverts to the sponsoring group.

Applicable Ordinance: Norfolk, Virginia Code of Ordinances § 29-35..

City of Richmond, Virginia

Price Cap: It is unlawful for any person to resell for profit any ticket for admission 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 and the manager or owner of the facility in which the event is being held; or
- Any resale of a ticket that occurs on the Internet.

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



City of Roanoke, Virginia

Price Cap: It is unlawful for any person to sell or offer for sale any ticket of admission to any baseball, basketball or football game or other athletic contest or concert or performance held in a municipally owned facility, when such sale is for a price in excess of the sale price written or printed on such ticket. Each such sale constitutes a separate offense.

Applicable Ordinance: Roanoke, Virginia Code of Ordinances § 24-11.

Town of Vinton, Virginia

Price Cap: It is unlawful for any person, firm or corporation to resell for profit any ticket for admission to any sporting event, theatrical production, lecture, motion picture, musical concern, or any other event open to the public for which tickets are ordinarily sold, regardless of whether the event shall take place within the corporate limits of the Town of Vinton. This price cap does not apply to any event sponsored by a religious, charitable or educational organization 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 and the manager or any owner of the facility in which the event is being held. The sale of each individual ticket shall be considered a separate offense, regardless of whether multiple tickets are sold in a single transaction.

Applicable Ordinance: Vinton, Virginia Code of Ordinances § 62-4.

City of Virginia Beach, Virginia

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

PENDING LEGISLATION ALERT:

WA H.B. 1648 (2023)

The bill would add 14 comprehensive amendments to Washington's ticket resale law, including the following: (1) a ban on the use of prohibited software; (2) affirmative obligations of ticket sellers to notify the attorney general of the use of prohibited software; (3) mandatory licensing requirements for all ticket sellers and resellers; (4) price disclosure requirements prior to ticket selection, including base price and all-in pricing; (5) prohibitions on price increases between ticket selection and purchase; (6) disclosure of refund, cancellation and consumer complaint procedures; (7) permissible nontransferable ticket systems, subject to the purchaser being provided an option at purchase to purchase a transferable ticket; (8) prohibitions on deceptive URLs; (9) speculative ticketing prohibitions; and (10) civil penalties of up to \$500 for each ticket sold in violation of these provisions.

City of Seattle, Washington

Disclosure Requirements: The established price, service charge, sales tax, city admission tax and total price at which every admission ticket is sold shall be separately, conspicuously, and indelibly printed or written on the face or back of that part of the ticket which is to be collected by the management of the place to which admission is gained.

Admissions Ticket and Reseller Requirements: It is unlawful for a promoter, sponsor, venue, or anyone contractually related to the aforementioned to sell an admission ticket or card on which the name of the person conducting the event and the price is not so printed, stamped, or written, or to sell or offer to sell an admission ticket or card at a price in excess of the price printed, stamped, or written thereon. Ticket sales that occur through a subsequent sale(s) of the ticket(s) by the initial purchaser who purchased the ticket(s), may be made at market price. No admission tax will be assessed by the City on the price of an admission ticket in a secondary market transaction, conducted by the initial purchaser or a subsequent purchaser thereof. However, vendors and other persons regularly engaged in the business of reselling tickets or admissions into events must obtain a business license tax certificate.

Market Price Definition: "Market price" means the price at which a seller is ready and willing to sell, and a buyer is ready and willing to buy. Market price is a price that is acceptable to both buyer and seller which might be different from the listed price.

Applicable Ordinances: Rev. Code Wash. (ARCW) § 19.345.020; Seattle, Washington Code of Ordinances § 5.40.060; Seattle, Washington Code of Ordinances § 5.40.040(F).



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 Cap: 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.

City of Milwaukee County, Wisconsin

Prohibition on Sales: It is unlawful to sell, keep, or offer for sale tickets to Miller Park events, including the stadium structure, concourse, walks, parking area and roads and roadways surrounding and serving Miller Park. (Milwaukee County, Wisconsin Code of Ordinances § 11.01 (1))

Exceptions:

- It is not a violation of this provision to resell or to offer for resale no more than ten tickets to a Miller Park event to be held on the same day as the resale, provided such resale or offer to sell is at a price not greater than the price appearing on the face of the ticket and provided that such resale or offer to resell occurs at a Miller Park location designated by the Milwaukee Brewers Baseball club. (Milwaukee County, Wisconsin Code of Ordinances § 11.01 (2))
- This prohibition shall not apply to the sale of tickets to Miller Park events at Miller Park ticket windows. (Milwaukee County, Wisconsin Code of Ordinances § 11.01 (1))

Applicable Ordinance: Milwaukee County, Wisconsin Code of Ordinances § 11.01.

City of Madison, Wisconsin

Price Cap: It is unlawful to buy or sell or offer to sell any ticket to any event for which tickets are required for entrance for more than the price printed on such ticket.

Applicable Ordinance: Madison, Wisconsin Code of Ordinances § 23.15.

City of La Crosse, Wisconsin

Price Cap: It is unlawful to buy or sell any ticket to any event at the La Crosse Center for which tickets are required for entrance for more than the price printed on such ticket.

Applicable Ordinance: City of La Crosse, Wisconsin Code of Ordinances § 34-21.



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