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Introduction

The secondary ticket marketplace is a resale marketplace between ticket purchasers and ticket resellers who have purchased tickets for admission to events that were originally sold or issued by the sponsors or promoters of the events. What was once a small offline industry of ticket resellers, or “scalpers,” as they commonly are known, now has grown into a multibillion-dollar online industry.

Growth in the ticket resale industry and public outcry against ticket scalping has attracted the attention of US regulators at the federal, state and local levels. In December 2016, President Obama signed into law the Better Online Ticket Sales Act (the BOTS Act), which makes it illegal to bypass a ticket seller’s online security and control measures that control ticket quantity or that maintain its purchase order or fairness rules. The BOTS Act also makes it unlawful to sell tickets that were acquired in violation of the BOTS Act if the seller knew or should have known of the violation. This federal law addresses the concern previously addressed by several states regarding the use in the ticketing industry of software (commonly referred to as BOTs or web robots) to interfere with the operation of ticket sales over the internet, allowing the user to gain unauthorized priority access in purchasing tickets and to avoid ticket quantity limitations. The use of BOTs had the effect of reducing access to the general public of online ticket sales at the intended original price.

There has been greater and varied attention paid in recent years to ticket resales at the state level than the federal level. Currently, 30 US states and several counties and municipalities have enacted laws specifically addressing the resale of tickets. This Secondary Ticket Marketplace, Guide To US Ticket Resale Regulations (this Guide) summarizes the various US State and local legal requirements with respect to the resale of tickets.

Laura D. Nemeth
Partner
T +1 216 479 8552
E laura.nemeth@squirepb.com

Laura is a Corporate Partner with over a decade of experience in the ticketing industry. She counsels clients regarding commercial contracts, including with vendors and venues, licensing and technology agreements, M&A transactions and other related matters.

Explanatory Note

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

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

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

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

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

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

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

**Arizona**

**Restrictions on Ticket Resales:** It is unlawful to offer or sell a ticket to an event:
- that was purchased for the purpose of resale; and
- for a price in excess of the price printed on the ticket, plus lawful taxes and any other charge or assessment which is required to be paid in order to purchase the ticket from the original vendor; and
- while within 200 feet of the entry to the venue or the entry to a contiguous parking area. (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.)

**Applicable Statute:** A.R.S. § 13-3718.

**California**

**Resale Restrictions:** It is unlawful to resell a ticket to an entertainment event:
- without the written permission of the owner or operator of the venue; and
- at any price more than the price that is printed or endorsed on the ticket; and
- while on the grounds of the venue; and
- if the ticket was obtained for the purpose of resale.

**Applicable Statute:** Cal. Penal Code § 346.

**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
- Internet websites may not permit resales or offers to resell tickets. (A.C.A. § 4-70-103(b))

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

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

**Case Note:** Ticketing agents are not exempt from the price cap contained in A.C.A. § 5-63-201(a)(1), which has been interpreted to include exclusive ticket sales agents of the event operator. In finding that an exclusive ticketing agent for an event operator was “selling tickets,” the agent was not allowed to add over $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; A.C.A. § 5-63-201.
Colorado

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

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

**Prohibited Resale Restrictions:**

- It is void as against public policy to include any condition to the original sale of a ticket that limits the terms and conditions of resale of the ticket, including conditions:
  - that restrict resale in a subscription or season ticket package;
  - require retention of a ticket for the duration of a subscription or season ticket package, if the conditions limit the rights of the purchaser to resell the ticket; or
  - that sanction the purchaser for not purchasing through an approved reseller (C.R.S. § 6-1-718(3)(a))

- No one shall deny access to a ticketholder who holds a valid ticket based solely because the ticketholder bought the ticket from a reseller who was not approved by the venue owner or operator or event promoter (C.R.S. § 6-1-718(4))

**Permissible Conduct:** Notwithstanding the prohibitions on resale restrictions:

- With respect to season ticket packages, a venue owner or operator or event promoter may prohibit the resale of a contractual right that gives an original season ticket purchaser a priority or other preference to purchase a future season ticket package (C.R.S. § 6-1-718(3)(b))
- A venue owner or operator may maintain and enforce conduct and behavior policies at or in connection with the venue (C.R.S. § 6-1-718(5))
- A venue owner or operator or event promoter may revoke or restrict season tickets due to violations of venue policies and as necessary for the protection of patron safety or to address fraud or misconduct (C.R.S. § 6-1-718(5))

**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 own the reseller’s own behalf. In other words, a reseller who is not an owner of record of the tickets sold through its platform is subject to the Colorado regulations. (C.R.S. § 6-1-718(1)(f))

**Applicable Statute:** C.R.S. § 6-1-718.

City of Denver, Colorado

**Price Caps:**

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

**Internet Exclusion:** The price caps do not apply to tickets purchased over the internet.

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

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

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

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

**Exclusions:** The resale restriction does not apply to:

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

**Refund Requirements:**

- A ticket reseller must refund the full amount paid by the purchaser for the ticket, including all service fees and delivery charges, if:
  - the event is cancelled;
  - the ticket does not grant the purchaser admission to the event; or
  - the ticket fails to conform to its description as advertised by the ticket reseller. (Conn. Gen. Stat. § 53-289b(a))

- A ticket reseller must provide to the purchaser of the ticket the reseller’s name, address and telephone number or other information necessary to allow such purchaser to contact such reseller to obtain a refund of the ticket price, if necessary (Conn. Gen. Stat. § 53-289b(b))

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

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

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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; or
- for a NASCAR Race held at Dover Downs; or
- on any state or federal highway artery within Delaware.

**Applicable Statute:** 11 Del. C. § 918.
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 events 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 and on which tickets the organization has included a prescribed legend prohibiting resales for more than $1 over the original 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 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 and processing fees) if:
      - the event is cancelled;
      - the purchaser is denied admission to the event other than due to acts of the purchaser; or
      - the ticket is not delivered to the purchaser in the manner requested and, as a result, the purchaser is unable to attend the event. (Fla. Stat. § 817.36(1)(d))

**Quantity Restrictions:** It is unlawful to knowingly purchase a quantity of tickets from the original ticket seller that exceeds the limit 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 under contract with the ticket issuer. (Fla. Stat. § 817.357)

**Prohibited Software:** It is unlawful to intentionally use or sell 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. “Software” means computer programs that are primarily designed or produced for the purpose of interfering with the operation of an internet-ticketing platform. (Fla. Stat. § 817.36(5) and (6))

**Multi-use Ticket:** A multi-use ticket may not be transferred unless either it is printed on the ticket that it may be used by more than one person 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 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, 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 no sales tax must be charged or collected. 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)
- Commencing January 1, 2018, resellers who resell to tax-exempt organizations for reasons other than sale for resale may apply for a refund or credit of the tax the reseller paid on its purchase. (Fla. Stat. § 212.04(1)(c)(2))

**Ticket Print Requirement:** The price of the admission (excluding service fees) must be printed on the ticket. (Fla. Stat. § 212.04)

**Georgia**

**Price Cap:** It is unlawful for any person other than a ticket broker to resell or offer for resale tickets 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, 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(16))

**Service Charges:**

- A service charge not to exceed $3 may be charged when tickets are sold by an authorized ticket agent through places of established business, if the agent is licensed to do business by the municipality or county in which such places of business are located. (O.C.G.A. § 43-4B-25(a))
- The owner, operator or tenant of a venue or the sponsor of the event may authorize in writing any person to charge a service charge 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 to events held in Georgia to which the general public is admitted and who charges more than the face value of the ticket; or
- any person who has a permanent office or place of business in Georgia and who is involved in the business of reselling tickets to events held inside or outside of Georgia to which the general public is admitted and who charges more than the face value of the ticket. (O.C.G.A. § 43-4B-1(19))

**Exclusion:** Owners, operators or tenants of the venue 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))

**Broker Business Requirements:** Ticket brokers must:

- maintain a permanent office or place of business in Georgia, excluding a post office box, for the purpose of engaging in the business of a ticket broker;
- apply for a ticket broker’s license, pay an annual license fee of $500, and renew the license annually;
- pay any local tax required by a local government; and
- register for sales and use tax purposes. (O.C.G.A. § 43-4B-26)

**Broker Ticketing Requirements:**

- **Required Disclosures:**
  - Post at their established place of businesses the terms of the purchaser’s right to cancel the purchase of a ticket (O.C.G.A. § 43-4B-28(a))
  - Disclose to the purchaser the event cancellation refund policy (O.C.G.A. § 43-4B-28(a))
  - Disclose to the purchaser 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))

- **Geographic Restrictions:**
  - A ticket broker may only sell tickets at its permanent office, place of business or through the internet. (O.C.G.A. § 43-4B-28(a))
  - 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))
  - 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))

- **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 or tenant of the venue. (O.C.G.A. § 43-4B-28(b))

- **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))

- **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:**
  - 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))
  - 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 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))
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)).

**Exclusions:**
- Charitable organizations 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)


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**Cobb County, Georgia**

**Geographic Resale Restrictions:** It is unlawful in Cobb County, Georgia:
- to resell, repurchase or offer for resale tickets within 2,700 feet of a venue that admits more than 15,000 persons to any single event;
- to resell, repurchase or offer for resale tickets within 1,500 feet of a venue that admits fewer than 15,000 persons to any single event; 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.

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

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**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.

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**Hawaii**

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

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

**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)

**Boxing and Mixed Martial Arts Events:** All tickets to any boxing or mixed martial arts event must have the purchase price printed on it and no such ticket may be sold for more than the price printed. (HRS § 440-17)

**Applicable Statutes:** HRS § 481B-15; HRS § 440-17.
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 414/1.5(e))

**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;
    - 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, 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 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 venue.

- **Taxes:** The ticket broker must collect and remit all applicable taxes.
- **Advertisements:** All advertisements must identify the ticket broker and its Illinois registration number.

- **Resales Through Internet Websites:** Operators of internet 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.
  - **Consumer Protections:** Operators must maintain a toll free number dedicated to consumer complaints and inquiries.
  - **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 non-refundable in the event of cancellation;
    - if the event is cancelled and not rescheduled;
    - if the ticket does not permit admission to the event;
    - if the ticket is not substantially as described on the website;
    - if the ticket seller willfully fails to send the ticket; or
    - if the ticket seller attempted to deliver the ticket as required by the website services, but it was not received.
  - **Taxes:** The operator must either collect and remit all applicable taxes or publish a notice on the site that discloses (1) the reseller’s obligation to pay applicable local tax in connection with the resale and (2) that the reseller and purchaser 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, standards of professional conduct.
  
  – Refunds: Operators must have a standard refund policy that guarantees a full refund (including all fees, regardless of how characterized) if:
    - the event is cancelled and the purchaser returns the tickets, in which event reasonable delivery fees need not be refunded if previously disclosed in the guarantee as non-refundable in the event of cancellation;
    - the ticket does not permit admission to the event;
    - the ticket is not substantially as advertised on the service;
    - the ticket seller willfully fails to send the ticket; or
    - the ticket seller attempted to deliver the ticket as required by the service, but it was not received.
  
  – Consumer Protection Rebate Fund or Insurance: The operator must maintain a consumer protection rebate fund in an amount in excess of $100,000 or maintain errors and omissions insurance providing at least $100,000 in coverage.
  
  – Dispute Resolution Procedure: Operators must have an independent and disinterested dispute resolution procedure that allows mediation or resolution of complaints of either the reseller or the purchaser by third parties and that requires both the reseller and the purchaser to submit to Illinois jurisdiction.
  
  – Taxes: The operator must either collect and remit all applicable taxes or publish a notice on the site of the reseller’s obligation to pay applicable local tax in connection with the resale and that the reseller and purchaser personal and transactional information may be disclosed to law enforcement or other governmental officials.

• Resales by or for Charitable Organizations: Tickets may be resold for a price in excess of the face value if the resale is conducted through an action by or on behalf of a charitable organization (815 ILCS 414/1.5(d))

Additional Requirements of All Ticket Resellers Other Than Internet Auctions: Before accepting payment, all ticket brokers and other resellers (other than registered internet auction listing services) must disclose clearly and conspicuously to the purchaser the following information and obtain the purchaser’s acknowledgment of the disclosure via an affirmiative act by the purchaser:

  • the registered name and city of the venue;
  • that the reseller is not the box office or its licensed ticketing agent;
  • whether it is registered in Illinois; and
  • its refund policy and contact information.

Prohibited Resale Restrictions:

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

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

**Resale Restrictions:** It is unlawful to intentionally sell or offer to sell a ticket 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.

**Applicable Statute:** KRS § 518.070.

Louisiana

**Price Cap:** It is unlawful to resell or offer to resell tickets for an amount in excess of the price printed on the face of the ticket. (La. R.S. § 4:1.B.)

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

- **Collegiate Athletic Events:** In connection with sales of tickets to athletic events of institutions of higher education, amounts in excess of the face value of the ticket may be requested by the institution or its alumni association (La. R.S. § 4:1.D.)
- **Internet Sales:** If a venue operator and event organizer authorize the resale of tickets for more than the face value, then a website operator may sell or offer for sale such tickets via the website, provided that it guarantees a full refund of the amount paid as follows:
  - **Required Refunds:** In order to resell or offer to resell tickets above the face value, a website operator must provide a full refund, including service, handling or processing fees (unless such fees are declared non-refundable under the website operator’s guarantee), in the following circumstances:
    - the event is cancelled;
    - the purchaser is denied admission to the event otherwise than due to the purchaser’s acts or omissions; or
    - the purchaser is unable to attend because the ticket is not delivered in the manner described on the website or pursuant to the operator’s delivery guarantee. (La. R.S. § 4:1.E.)
  - **Refund Guarantee:** The website operator’s guarantee must be posted on the website and directed to the purchaser prior to completion of the resale transaction. (La. R.S. § 4:1.F.)

**Applicable Statute:** La. R.S. § 4:1.

Maryland

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

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


Massachusetts

**License Requirement:** It is unlawful to resell any ticket without being licensed by the commissioner of the division of professional licensure. (Mass. Ann. Laws Ch. 140, § 185A)

**Resale Restrictions:** Giving away a ticket or selling it for a price lower than the face value is categorized as a resale. (Mass. Ann. Laws Ch. 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 fees. 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 service charges do not include costs related to the general business operations of the reseller. (Mass. Ann. Laws Ch. 140, § 185D)

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

- ticket sales or resales, the proceeds of which exclusively benefit non-profit, religious, educational or charitable institutions; or
- sales or resales of tickets to agricultural fairs, if the proceeds of such sales or resales are not distributed to members of the associations conducting the fair. (Mass. Ann. Laws Ch. 140, § 185G)

**Applicable Statutes:** Mass. Ann. Laws Ch. 140, § 185A-G.
**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 (MCLS § 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 or printed price (MCLS § 750.465(2))

- 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 (MCLS § 750.465(3))

- 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 (MCLS § 750.465(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, but such permission must be limited to sales other than at the box office. (MCLS § 750.465(2))

**Ticket Print Requirements:** The price and seat number must be printed conspicuously on each ticket. In addition, if the ticket is sold 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.” (MCLS § 750.465(1))

**Restricted Tickets:** It is permissible for an owner, tenant, operator or manager of a venue to restrict the sale of a ticket if:

- the ticket was sold under restrictive conditions and states on the face of the ticket that it is not transferable;

- the ticket was sold at a rate less than the general admission charged; and

- the purchaser is either registered or identified on the face of the ticket. (MCLS § 750.465(5))

**Applicable Statute:** MCLS § 750.465.
Minnesota

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

Applicable Statute: Minn. Stat. § 609.806.

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.


Missouri

Ban on Resale Restrictions: 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: § 67.306 R.S.Mo.

New Jersey

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

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))

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

- Maintain a permanent office in New Jersey (N.J. Stat. § 56:8-27)
- 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)
• 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)
• Disclose to the ticket purchaser:
  – the location of the seats, by map or verbal description;
  – the broker’s cancellation policy;
  – that a service charge has been added to the price; 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)

Ticket Broker Refund Requirements: Ticket brokers must refund:
• The full price of a tour package and tickets when the broker has guaranteed tickets in a tour package and fails to provide them
• 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
• The full price of the ticket, less shipping charges, if the tickets are returned in three days (or returned in one day, if the ticket was purchased within seven days before the event), but no refund must be given on any ticket purchased within six days before an event unless the broker is able to resell the ticket (N.J. Stat. § 56:8-27)
• A purchaser is not entitled to a refund if the purchaser places a special order with a ticket broker for tickets that (1) are not in stock or are intended for the purchaser’s specific need and (2) the ticket broker pays for the tickets in advance, unless the ticket broker is able to otherwise sell such tickets and so long as the purchaser is notified in advance that there will not be a refund (N.J. Stat. § 56:8-35.2)

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 (N.J. Stat. § 56:8-33(b))
• It is unlawful for a registered ticket broker to resell a ticket or purchase a ticket with the intent to resell a ticket at a premium in excess of 50% of the price paid to acquire the ticket, plus taxes (N.J. Stat. § 56:8-33(b))

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

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.

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)

Prohibited Special Treatment in Obtaining Tickets: It is unlawful for any person to offer or give anything of value to an employee of a venue as an inducement to obtain special treatment with respect to obtaining tickets. It is likewise unlawful for an employee of a venue to receive or solicit anything of value in exchange for special treatment with respect to issuing tickets. (N.J. Stat. § 56:8-35)

Prohibited Ticket Withholding: It is unlawful for a person with access to tickets prior to their release to the general public, to withhold more than 5% of the aggregate number of tickets available for the event. (N.J. Stat. § 56:8-35)

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 non-profit or political organization, if the premium proceeds are devoted to the lawful purposes of the organization. (N.J. Stat. § 56:8-38)


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.B.)

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 the where the buyer and seller are domiciled. (N.Y. Arts & Cult. Aff. Law § 25.03)

**Price Cap:** No owner or operator of a venue may demand any premium or price in excess of the face value of the ticket, plus lawful taxes, whether such premium or excess price is designated as price, gratuity or otherwise. (N.Y. Arts & Cult. Aff. Law § 25.29)

**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)

**Definition of Resale:** “Resale” means any sale of a ticket for an event at a venue in the State of New York 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)

**Exclusions:** The term “resale” does not include:
- Any sale by the owner or operator of a venue or its agent who is expressly authorized to make first sales of tickets.
- Any sale by any person who purchases tickets solely for their own use or the use of such person’s invitees, employees or agents or who purchases tickets on behalf of others and resells such tickets to such invitees, employees and agents or others at or less than face value.
- 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)

**Reseller License:** Ticket resellers, including internet 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)

**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)

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

- **Bond:** A licensed reseller must file a bond in the sum $25,000, with two or more sureties or an authorized surety company (N.Y. Arts & Cult. Aff. Law § 25.15)
- **Records of Sales:** Every licensee shall at all times keep full and accurate records showing the prices at which all tickets have been bought and sold and the names and addresses of the person whom they were bought. These records must be retained for at least 10 years. Twice annually, every licensed reseller must report to the department of state the total number of, and average resale price of, all tickets to each ticketed event (N.Y. Arts & Cult. Aff. Law § 25.25)
- **Disclosure Requirements:**
  - **License:** A licensed reseller must conspicuously display its license at all times in its principal office; if the licensee conducts business through the internet; a hyperlink to a copy of the license must be provided in a conspicuous manner on the site (N.Y. Arts & Cult. Aff. Law § 25.19)
  - **Price Lists:** If the licensee conducts business through the internet, it must conspicuously display a price list, or hyperlink to the price list, on the website on which tickets are accessed. The price list must show the face value, together with the price being charged by such licensee for the resale of such ticket (N.Y. Arts & Cult. Aff. Law § 25.23)
  - **Refund Terms:** The licensee 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)
- **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 the following events:
  - If the event has been cancelled, in which case actual handling and delivery fees need not be refunded if the guarantee specifies that those fees will not be refunded
  - If the ticket does not grant the purchaser admission to the event, unless the ticket was cancelled due to an act or omission by the purchaser
  - If the ticket is not as described, unless the purchaser pre-approved a substitution of the ticket
• 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 for the disposition of disputes as a condition to facilitate the transaction (N.Y. Arts & Cult. Aff. Law § 25.07)

**Ticket Print Requirements:** Every owner or operator of a venue must, if a price is charged for admission, print or endorse on the face of each ticket the established price or face value (or final auction price if sold or resold by auction). (N.Y. Arts & Cult. Aff. Law § 25.07)

**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)
- 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)

**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)

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

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**New York Assembly Bill 8245**

New York Assembly Bill 8245 was introduced to the New York State legislature on June 2, 2017. If this bill is enacted in its current form, it would result in the following amendments or additions to the New York Arts and Cultural Affairs Law described in this Guide:

- No owner or operator of a venue, licensed reseller or other secondary ticket seller would be permitted to sell or resell any ticket that such person does not own at the time of the offer or sale (2017 Bill Text NY A.B. 8245, §2)
- Owners or operators of venues would be prohibited from reselling any ticket to a licensed reseller or other ticket reseller during the first 48 hours after tickets are first available for primary sale to the general public. This restriction would not apply to season tickets or other bundled-series tickets (2017 Bill Text NY A.B. 8245, §8)
- Owners and operators of venues and their agents would be prohibited from transferring a prospective ticket purchaser through any means to a licensed reseller or other secondary ticket reseller without providing a clear and conspicuous disclosure that informs the prospective purchaser that the ticket is not being offered by the owner, operator or agent, but rather by a licensed reseller or other ticket reseller in the secondary market (2017 Bill Text NY A.B. 8245, §9)
- Websites or other electronic services that facilitate resales, or resales by way of auction, would be required to post a clear and conspicuous notice on the website that the website is for the secondary sale of a ticket (2017 Bill Text NY A.B. 8245, §3)
- Websites or other electronic services that facilitate resales, or resales by way of auction, would be required to post their license or certificate, or a hyperlink to such posting (2017 Bill Text NY A.B. 8245, §3)
- On a monthly basis, every licensed reseller or other ticket reseller that facilities resales between independent parties would be required to report to the owner or operator of the venue the difference between the face value of each ticket sold and the price received for each ticket sold. This difference would be required to be used in the calculation of any residual payments due to artists or performers under any contracts entered into after the effective date of this provision. Any additional residual payments due and owing based on such price differential would be required to be paid by the reseller to any persons who are obligated to make such residual payments (2017 Bill Text NY A.B. 8245, §5)
- In any advertisement or promotion of a ticket to a venue, including online advertising, the total price of the ticket and the portion of the ticket that represents a service charge, or any other fee surcharge, would be required to be clear and conspicuously disclosed (2017 Bill Text NY A.B. 8245, §6)
**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 the following conditions are met:

- The venue has not prohibited the resale of tickets at a price greater than the face value;
- 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; 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)

**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:

- 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;
- If purchaser is denied admission to the event other than because of an action or omission of the purchaser; and
- 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)

**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)

**Note:** If any provision of this section is declared by a court to violate the Internet Tax Freedom Act, Pub. L. 105-277, §§ 1100-1104, as amended, or is otherwise found to be invalid, then NC Gen. Stat. 14-344.1 is repealed. (Session Laws 2010-31, s. 31.7(d)).

**Applicable Statute:** N.C. Gen. Stat. § 14-344.1.

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**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 resales of tickets to theatrical, sporting, or other public amusements. (O.R.C. § 505.95)

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

- the name and address of each contributor that purchases or donates tickets and the number of tickets purchased or donated; and
- the name and address of each organization that receives the donated tickets for the use of others, and the number of tickets received by the organization. These records must be kept for at least three years. (O.R.C. §1716.07)

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

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**City of Cincinnati, Ohio**

**Price Cap:** It is unlawful to sell a ticket at a price more than the price printed on the ticket. (Cincinnati, Ohio Code of Ordinances § 309-99-A)

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

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

**Exception:** Tickets may be sold or offered for sale on public streets, sidewalks, public rights-of-way and other city-owned property without a license and identification card if not offered or sold to occupants of vehicles, in a manner that obstructs pedestrian or vehicular traffic, or within the Eastern and Western Riverfronts. (Cincinnati, Ohio Code of Ordinances § 840-7)

**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-A; §840-3; § 840-7 and § 840-9
Pennsylvania

Scope of Pennsylvania Law: The Pennsylvania ticket resales laws apply only to the sale and resale of tickets within Pennsylvania. (4 P.S. § 211.1)

Price Caps:
- The maximum premium for which a ticket may be resold by ticket brokers who are duly licensed by a city with a population of more than 1 million must not exceed the greater of 25% of the face value of the ticket or $5, plus taxes (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 printed 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. (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 resell a ticket through an internet website, which is not required to obtain a license to resell if it meets the following conditions:
- 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; and
- Refund Requirements: the website operator guarantees a full refund, including all fees regardless of how characterized, in the following circumstances:
  - 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;
  - 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; or
  - if the ticket is not as described on the website. (4 P.S. § 202(c))

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)
- 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).
- Prohibited Software: It is unlawful to knowingly use ticket-purchasing software to acquire tickets from a ticket seller. (4 P.S. § 212.1)
- Charitable Exceptions: The Pennsylvania regulations described in this Guide do not apply to fundraising activities performed by or on behalf of charitable organizations or to political fundraising. (4 P.S. § 213)
- 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. § 202; 4 P.S. § 205; 4 P.S. § 210; 4 P.S. § 211; 4 P.S. § 211.1; 4 P.S. § 212.1; 4 P.S. § 213; 4 P.S. §215; 53 P.S. § 101.

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.

### 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 an internet 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 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 denied admission to the event, unless the denial is due to the act or omission of the purchaser; and
- 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(B))

**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:**

### Virginia

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

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

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

**Exceptions:** The ban on resale restrictions does not apply to:
- student tickets issued for an event at an auxiliary enterprise facility financed with bonds; or
- any concert or theater venue located within or adjacent to a national park that offers yearly memberships that include concert or theater tickets. (Va. Code Ann. § 59.1-466.6)

**Applicable Statutes:**

### Texas

#### City of Bedford, Texas

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

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

### Washington

**Prohibited Software:** It is unlawful knowingly to use software to interfere with the mechanisms of a ticket seller’s website. (Rev. Code Wash. (ARCW) § 19.345.020)

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

### Wisconsin

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

**Applicable Statute:** Wis Stat. § 42.07.
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46 Offices in 21 Countries

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