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HOUSING AND ECONOMIC DEVELOPMENT

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STATE OF MAINE

SENATE

132ND LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to S.P. 403, L.D. 913, “An Act to Prohibit Ticket Sellers from Prohibiting the Transfer of Tickets to Third Parties”

Amend the bill by striking out the title and substituting the following:

'An Act to Amend the Law Regulating the Resale of Tickets'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 8 MRSA c. 37, as amended, is amended to read:

CHAPTER 37

SALE AND RESALE OF TICKETS

§1301. Resale Sale and resale of tickets

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Entertainment event" means an event for which a ticket has been purchased, including, but not limited to, a performance, concert, exhibit, game or contest.

A-1. "Bot" means any program, device or software designed to circumvent security measures or access controls on a ticket sales platform to obtain tickets.

~~B. "Place of entertainment" means a facility used to host an entertainment event including, but not limited to, a theater, stadium, arena, racetrack, museum or amusement park.~~

B-1. "Mandatory fee" means a fee or charge required as part of the advertised price of a ticket, including, but not limited to, a service fee or convenience fee.

1 B-2. "Service fee" means an additional fee added to the total price of a ticket to pay
2 for administrative costs, including, but not limited to, ticket software, credit card
3 processing and venue fees.

4 B-3. "Speculative ticket" means a ticket not in the actual or constructive possession of
5 the ticket reseller at the time the ticket is listed for resale.

6 C. "Ticket" means documentation of a right to attend an entertainment event.

7 C-1. "Ticket issuer" means a person or entity that issues tickets for original sale,
8 including, but not limited to, musicians or their agents, venues, promoters, theater
9 companies and marketplaces for initial purchases. "Ticket issuer" does not include a
10 nonprofit corporation as defined in Title 13-B, section 102, subsection 9.

11 D. "Ticket reseller" means a business entity whose primary business is the sale or
12 resale of tickets. "Ticket reseller" does not include ~~any of the following: a nonprofit~~
13 corporation as defined in Title 13-B, section 102, subsection 9.

14 ~~(1) A nonprofit corporation as defined in Title 13-B, section 102, subsection 9; or~~

15 ~~(2) A place of entertainment that engages in the sale or resale of tickets to~~
16 ~~entertainment events at the place of entertainment.~~

17 E. "Total price" means the maximum total of all fees or charges a consumer must pay
18 for a ticket, except that shipping charges and government charges may be excluded.

19 F. "Venue" means a place of entertainment used to host an entertainment event,
20 including, but not limited to, a theater, stadium, arena, racetrack, museum or
21 amusement park.

22 **1-A. Required ticket disclosures.** A ticket reseller or ticket issuer advertising,
23 offering for sale, selling or reselling a ticket shall:

24 A. Clearly and conspicuously disclose the total price of the ticket, including all
25 mandatory fees, whenever the price is advertised or displayed;

26 B. Display the total price of the ticket more prominently than other pricing information
27 in all advertisements, offers or displays;

28 C. Provide a complete itemization of the total price of the ticket that includes the
29 nature, purpose and amount of any mandatory fee in a font size smaller than that of the
30 total price; and

31 D. Clearly and conspicuously disclose to the consumer at the time of purchase the seat
32 number or section at the venue associated with the ticket.

33 **2. Refunds required.** A ticket reseller that engages in the resale of a ticket in the
34 State to a ~~place of entertainment venue~~ venue shall, upon the request of the ~~customer~~ consumer,
35 refund the amount paid by the ~~customer~~ consumer for the ticket in any of the following
36 circumstances:

37 A. The entertainment event is cancelled;

38 B. The ticket is not accepted by the ~~entity~~ venue holding the entertainment event
39 because it is counterfeit or does not conform with the requirements established by the
40 ~~entity~~ venue holding the entertainment event or was never inventoried by the ticket
41 issuer or recognized at the venue as valid;

C. The ticket is cancelled by the ~~entity~~ venue holding the entertainment event for any reason; ~~or~~

D. The ~~person who purchased the ticket~~ consumer does not receive the ticket in time to attend the entertainment event; or

E. The ticket reseller made a material misrepresentation relating to the sale of the ticket.

A person operating a venue shall provide a person holding a counterfeit, duplicate or otherwise invalid ticket purchased from a ticket reseller the contact information for the Office of the Attorney General.

This subsection does not prevent a ticket issuer from setting limits on maximum ticket purchases or enforcing terms and conditions. For the purposes of this subsection, a ticket to an entertainment event is deemed a license.

2-A. Prohibited practices. A ticket reseller or ticket issuer may not:

A. Misrepresent any fee or charge associated with a ticket in any advertisement, offer or display;

B. Exclude a mandatory fee from the advertised price of a ticket without clearly and conspicuously disclosing the nature, purpose and amount of the mandatory fee prior to a consumer's consenting to pay for the ticket;

C. Sell or offer to sell or resell more than one copy of the same ticket to an entertainment event;

D. Sell speculative tickets;

E. Use deceptive website addresses or imply endorsement or ownership of any intellectual property of the venue or artist without explicit written authorization of the venue or artist;

F. Circumvent Internet sales limitations using bots or similar tools; or

G. Charge more than 10% of the total price of the original ticket, including taxes and fees, for the service of providing a marketplace for the resale of a ticket.

2-B. Enforcement. The Attorney General shall enforce this section.

3. Penalty. Violation of this section is an unfair trade practice as prohibited by Title 5, section 207.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment replaces the bill and changes the title. It amends the laws governing the resale of tickets to include practices that regulate price disclosures and the refund of tickets. The amendment includes consumer protections, including the prohibition of speculative ticket sales and the use of deceptive website addresses and bots to circumvent

1 online sales limitations. The amendment imposes a price cap on the resale of tickets. The
2 amendment requires enforcement by the Attorney General.

3 **FISCAL NOTE REQUIRED**

4 **(See attached)**