

SENATE BILL 892

I3

7lr2912
CF 7lr0906

By: **Senators Feldman, Hershey, Klausmeier, and Mathias**

Introduced and read first time: February 3, 2017

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Commercial Law – Consumer Protection – Nontransferable Ticketing Systems**

3 FOR the purpose of prohibiting a ticket issuer from using a nontransferable ticketing
4 system except under certain circumstances; prohibiting a purchaser or a seller of a
5 ticket from being penalized, discriminated against, or denied access to an event
6 under certain circumstances; authorizing a ticket issuer, an operator of a venue, or
7 an agent of the operator to maintain and enforce certain policies, establish certain
8 limits, revoke or restrict certain tickets, and opt not to sell tickets in a certain form
9 under certain circumstances; defining certain terms; and generally relating to
10 nontransferable ticketing systems, ticket transfers, and ticket sales.

11 BY repealing and reenacting, with amendments,
12 Article – Commercial Law
13 Section 14–4001 through 14–4003
14 Annotated Code of Maryland
15 (2013 Replacement Volume and 2016 Supplement)

16 BY adding to
17 Article – Commercial Law
18 Section 14–4002 and 14–4003
19 Annotated Code of Maryland
20 (2013 Replacement Volume and 2016 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
22 That the Laws of Maryland read as follows:

23 **Article – Commercial Law**

24 14–4001.

25 (a) In this subtitle the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(b) (1) “Entertainment event” means:

- (i) A performance;
- (ii) A recreation;
- (iii) An amusement;
- (iv) A diversion;
- (v) A spectacle;
- (vi) A show; or
- (vii) Any similar event.

(2) “Entertainment event” includes:

- (i) A theatrical or musical performance;
- (ii) A concert;
- (iii) A film;
- (iv) A game;
- (v) A ride; and
- (vi) A sporting event.

(C) “NONTRANSFERABLE TICKETING SYSTEM” MEANS A TICKETING SYSTEM THAT RESTRICTS, THROUGH CONTRACTUAL OR TECHNOLOGICAL MEANS, THE ABILITY OF A TICKET PURCHASER TO FREELY USE, GIVE AWAY, OR RESELL THE PURCHASER’S TICKET.

[(c)] (D) “Ticket” means a ticket for admission to an entertainment event.

(E) (1) “TICKET ISSUER” MEANS A PERSON THAT, DIRECTLY OR INDIRECTLY, ISSUES TICKETS FOR AN ENTERTAINMENT EVENT.

(2) “TICKET ISSUER” INCLUDES:

- (I) A MUSICIAN OR A MUSICAL GROUP;**
- (II) AN OPERATOR OF A VENUE;**

(III) A SPONSOR OR A PROMOTER OF AN ENTERTAINMENT
EVENT;

(IV) A SPORTS TEAM PARTICIPATING IN AN ENTERTAINMENT
EVENT;

(V) A SPORTS LEAGUE WHOSE TEAMS ARE PARTICIPATING IN
AN ENTERTAINMENT EVENT;

(VI) A THEATER COMPANY; AND

(VII) AN AGENT OF ANY OF THE ENTITIES LISTED IN ITEMS (I)
THROUGH (VI) OF THIS PARAGRAPH.

(F) "TICKET PLATFORM" MEANS A MARKETPLACE THAT ENABLES
CONSUMERS TO PURCHASE AND SELL TICKETS.

(G) "VENUE" MEANS A THEATER, A STADIUM, A FIELD, A HALL, OR ANY
OTHER FACILITY AT WHICH AN ENTERTAINMENT EVENT TAKES PLACE.

14-4002.

(A) A TICKET ISSUER MAY NOT USE A NONTRANSFERABLE TICKETING
SYSTEM UNLESS:

(1) THE TICKET ISSUER OFFERS A PURCHASER OF A TICKET AN
OPTION TO PURCHASE THE SAME TICKET IN A TRANSFERABLE FORM THAT ALLOWS
THE PURCHASER TO GIVE AWAY OR RESELL THE TICKET, INDEPENDENT OF THE
PREFERRED TICKET PLATFORM OF THE TICKET ISSUER; AND

(2) THE OPTION UNDER ITEM (1) OF THIS SUBSECTION IS OFFERED:

(I) AT THE TIME OF INITIAL SALE OF THE TICKET; AND

(II) WITHOUT PENALTY OR DISCRIMINATION.

(B) A PURCHASER OR A SELLER OF A TICKET MAY NOT BE PENALIZED,
DISCRIMINATED AGAINST, OR DENIED ACCESS TO AN ENTERTAINMENT EVENT
SOLELY ON THE GROUNDS THAT THE TICKET WAS:

(1) RESOLD; OR

(2) PURCHASED ON A PARTICULAR TICKET PLATFORM.

14-4003.

(A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, A TICKET ISSUER, AN OPERATOR OF A VENUE, OR AN AGENT OF THE OPERATOR MAY:

(1) MAINTAIN AND ENFORCE ANY POLICIES REGARDING CONDUCT, BEHAVIOR, OR AGE AT THE VENUE;

(2) ESTABLISH LIMITS ON THE QUANTITY OF TICKETS PURCHASED;

(3) REVOKE OR RESTRICT SEASON TICKETS FOR REASONS RELATING TO VIOLATIONS OF VENUE POLICIES, INCLUDING:

(I) ATTEMPTS BY TWO OR MORE INDIVIDUALS TO GAIN ADMISSION TO THE SAME ENTERTAINMENT EVENT USING TICKETS PURCHASED IN A RESALE TRANSACTION, WITH EACH OF THE INDIVIDUALS PRESENTING COPIES OF THE SAME TICKET;

(II) CONCERNS REGARDING THE PROTECTION OR SAFETY OF INDIVIDUALS AT THE VENUE; AND

(III) CONCERNS REGARDING POSSIBLE FRAUD OR MISCONDUCT;

(4) OPT NOT TO OFFER TICKETS IN A TRANSFERABLE FORM IF THE TICKETS IN A NONTRANSFERABLE FORM ARE SOLD OR GIVEN TO INDIVIDUALS OR GROUPS AS PART OF A TARGETED PROMOTION OR A DISCOUNTED PRICE BECAUSE OF THE INDIVIDUALS' OR GROUPS' STATUS; AND

(5) OPT NOT TO OFFER OR SELL TICKETS IN A TRANSFERABLE FORM IF THE TICKETS ARE FOR AN EVENT NOT OPEN TO THE GENERAL PUBLIC.

(B) THE OPTION UNDER SUBSECTION (A)(4) OF THIS SECTION:

(1) INCLUDES GROUPS OR INDIVIDUALS CHARACTERIZED BY A DISABILITY, MEMBERSHIP IN A RELIGIOUS OR CIVIC ORGANIZATION, OR ECONOMIC HARDSHIP; AND

(2) REQUIRES THAT TICKETS SOLD TO CERTAIN INDIVIDUALS OR GROUPS ARE:

1 **(I) NOT OFFERED PROMOTIONALLY TO THE GENERAL PUBLIC;**

2 **AND**

3 **(II) MARKED CLEARLY AS A TICKET RESTRICTED TO THE**
4 **SPECIFIED INDIVIDUALS OR GROUPS.**

5 **[14-4002.] 14-4004.**

6 A person may not intentionally sell or use software to circumvent a security measure,
7 an access control system, or any other control or measure on a ticket seller's Web site that
8 is used to ensure an equitable ticket buying process.

9 **[14-4003.] 14-4005.**

10 A violation of this subtitle is:

11 (1) An unfair or deceptive trade practice within the meaning of Title 13 of
12 this article; and

13 (2) Subject to the enforcement and penalty provisions contained in Title 13
14 of this article.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2017.