

1 SB197
2 189448-2
3 By Senator Smitherman
4 RFD: Tourism and Marketing
5 First Read: 18-JAN-18

8 SYNOPSIS: This bill would prohibit the intentional
9 creation or operation of event ticketing websites
10 with domain names that, without authorization,
11 contain the name of a venue, performing artist,
12 performance title, exhibition title, or similar
13 descriptors.

14 Amendment 621 of the Constitution of Alabama
15 of 1901, now appearing as Section 111.05 of the
16 Official Recompilation of the Constitution of
17 Alabama of 1901, as amended, prohibits a general
18 law whose purpose or effect would be to require a
19 new or increased expenditure of local funds from
20 becoming effective with regard to a local
21 governmental entity without enactment by a 2/3 vote
22 unless: it comes within one of a number of
23 specified exceptions; it is approved by the
24 affected entity; or the Legislature appropriates
25 funds, or provides a local source of revenue, to
26 the entity for the purpose.

1 The purpose or effect of this bill would be
2 to require a new or increased expenditure of local
3 funds within the meaning of the amendment. However,
4 the bill does not require approval of a local
5 governmental entity or enactment by a 2/3 vote to
6 become effective because it comes within one of the
7 specified exceptions contained in the amendment.

8
9 A BILL
10 TO BE ENTITLED
11 AN ACT

12
13 Relating to ticket websites; to prohibit the
14 intentional creation or operation of event ticketing websites
15 with domain names that, without authorization, contain the
16 name of a venue, performing artist, performance title,
17 exhibition title, or similar descriptors; and in connection
18 therewith would have as its purpose or effect the requirement
19 of a new or increased expenditure of local funds within the
20 meaning of Amendment 621 of the Constitution of Alabama of
21 1901, now appearing as Section 111.05 of the Official
22 Recompilation of the Constitution of Alabama of 1901, as
23 amended.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. (a) As used in this act, the following
26 terms shall have the following meanings:

1 (1) TICKET WEBSITE. A website advertising the sale
2 of tickets, offering the sale of tickets, or offering tickets
3 for resale.

4 (2) URL. A website's uniform resource locator or web
5 address.

6 (3) VENUE. An arena, stadium, theater, concert hall,
7 amphitheater, fairground, or other place or property utilized
8 for concerts, exhibitions, or performances.

9 (4) WEBSITE OPERATOR. A person owning, operating, or
10 controlling a ticket website for an event scheduled at a
11 venue.

12 Section 2. (a) (1) Except as provided in subdivision
13 (2), a website operator may not intentionally create or
14 maintain a ticket website that uses an Internet domain name or
15 sub-domain in its URL that contains any of the following:

16 a. The name of a venue.

17 b. The name of an exhibition or performance,
18 including the name of the person or entity scheduled to
19 perform or appear at the venue.

20 c. Any name substantially similar to those in
21 paragraph a. or b.

22 (2) Subdivision (1) does not apply to a website
23 operator who is authorized by the venue or authorized
24 ticketing agency to be acting upon its behalf.

25 (b) A violation of subsection (a) shall be a Class B
26 misdemeanor. Each violation of subsection (a) shall constitute
27 a separate offense.

1 (c) A receipt of purchase funds for an event ticket
2 by a website operator in violation of subsection (a) shall be
3 a Class B misdemeanor. Each violation of this subsection shall
4 constitute a separate offense.

5 Section 3. Although this bill would have as its
6 purpose or effect the requirement of a new or increased
7 expenditure of local funds, the bill is excluded from further
8 requirements and application under Amendment 621, now
9 appearing as Section 111.05 of the Official Recompilation of
10 the Constitution of Alabama of 1901, as amended, because the
11 bill defines a new crime or amends the definition of an
12 existing crime.

13 Section 4. This act shall become effective on the
14 first day of the third month following its passage and
15 approval by the Governor, or its otherwise becoming law.