

1 SB249
2 197166-1
3 By Senator Singleton
4 RFD: Fiscal Responsibility and Economic Development
5 First Read: 09-APR-19

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8 SYNOPSIS: This bill would provide that tickets to
9 entertainment events may be originally sold with
10 resale and transfer restrictions only if the ticket
11 seller also offers the option of purchasing the
12 same tickets without resale and transfer
13 restrictions.

14 This bill would also provide that no ticket
15 seller, entertainment venue operator, entertainment
16 event participant, entertainment event sponsor,
17 entertainment event promoter, or any agent of any
18 of these entities may penalize a ticket buyer or
19 seller for holding a resold ticket.

20 This bill would also allow ticket issuers
21 and venue operators to enforce certain policies,
22 limits, and restrictions pertaining to ticket sales
23 and event access.

24
25 A BILL
26 TO BE ENTITLED
27 AN ACT

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2 Relating to entertainment event ticketing; to
3 provide that tickets to entertainment events may be originally
4 sold with resale and transfer restrictions only if the ticket
5 seller also offers the option of purchasing the same tickets
6 without resale and transfer restrictions; to provide that no
7 ticket seller, entertainment venue operator, entertainment
8 event participant, entertainment event sponsor, entertainment
9 event promoter, or any agent of any of these entities may
10 penalize a ticket buyer or seller for holding a resold ticket;
11 and to also allow ticket issuers and venue operators to
12 enforce certain policies, limits, and restrictions pertaining
13 to ticket sales and event access.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. (a) For the purposes of this section, the
16 following terms shall have the following meanings:

17 (1) NONTRANSFERABLE TICKETING SYSTEM. A system in
18 which a ticket purchaser's ability to freely use, give away,
19 or resell tickets he or she has purchased is restricted,
20 either through contractual or technological means.

21 (2) TICKET ISSUER. Any entity providing tickets to
22 an entertainment event, including any of the following:

- 23 a. The operator of a venue.
24 b. The sponsor or promoter of an entertainment
25 event.

1 c. A sports team participating in an entertainment
2 event or a league whose teams are participating in an
3 entertainment event.

4 d. A theatre company, musical group, or similar
5 participant in an entertainment event.

6 e. An agent of any person described in subdivisions
7 a. through d.

8 (3) TICKET PLATFORM. A marketplace that enables
9 consumers to purchase and sell tickets.

10 (b)(1) A ticket issuer may employ a nontransferable
11 ticketing system only if the consumer is offered an option at
12 the time of initial sale to purchase the same ticket in a
13 transferable form that allows tickets to be given away or
14 resold independent of and without requiring the consumer to
15 log into the ticket issuer's preferred ticket platform,
16 without penalty or discrimination.

17 (2) A ticket buyer or seller may not be penalized,
18 discriminated against, or denied access to an event solely on
19 the grounds that the ticket or tickets were resold or on the
20 grounds that the tickets were resold through a certain ticket
21 platform.

22 (c) Notwithstanding any other provision of law, a
23 ticket issuer or venue operator may do any of the following:

24 (1) Maintain and enforce policies with respect to
25 conduct, behavior, or age restrictions at the venue or
26 entertainment event.

1 (2) Establish limits on the quantity of tickets that
2 may be purchased.

3 (3) Revoke or restrict season tickets for reasons
4 related to violations of venue policy, including any of the
5 following:

6 a. Attempts by two or more individuals to gain
7 admission to the same event using tickets purchased in a
8 resale transaction, with each individual presenting copies of
9 the same ticket.

10 b. Concerns regarding the protection or safety of
11 individuals.

12 c. Concerns regarding possible fraud or misconduct.

13 (4) Elect not to offer tickets in a transferable
14 form if those tickets are sold or given as part of a targeted
15 promotion, price discount promotion, or private event offered
16 to an individual or group of individuals by virtue of the
17 affiliation or status of the individual or group, including,
18 but not limited to, individuals or groups characterized by
19 disability, membership in a religious or civic organization,
20 or economic hardship. Tickets issued through a nontransferable
21 ticketing system under this exemption cannot be offered on a
22 promotional basis to the general public and must be clearly
23 marked as a ticket restricted to the specified individual or
24 group.

25 (d) This section does not apply to any events
26 officially associated with any institution of higher

1 education, including, but not limited to, athletic events,
2 concerts, or theatrical events.

3 (e) A ticket platform shall maintain a toll-free
4 telephone number for complaints and inquiries pertaining to
5 tickets offered for resale on the platform.

6 (f) A ticket platform shall issue a full refund or
7 shall offer replacement tickets of like kind and value under
8 any of the following circumstances:

9 (1) The event is canceled and not rescheduled.

10 (2) A ticket, purchased from the platform, is
11 counterfeit.

12 (3) The ticket has been canceled by the ticket
13 issuer for nonpayment by the original purchaser or for any
14 reason other than an act or omission of the purchaser.

15 (4) The ticket fails to conform to the description
16 provided by the reseller.

17 (5) The ticket was not delivered to the purchaser
18 prior to the occurrence of the event, unless the failure of
19 delivery was due to an act or omission of the purchaser.

20 (6) The ticket does not provide the consumer
21 admission to the event for which it was purchased.

22 (g) A refund pursuant to subsection (f) shall be
23 issued in the amount of the full price paid by the consumer
24 for the ticket, including all fees charged in connection with
25 the purchase.

26 (h) Nothing in this section shall prohibit a ticket
27 issuer or ticket platform from taking reasonable steps to

1 remediate incidents of fraud or from implementing consumer
2 protection policies that exceed the minimum standards set
3 forth in this section.

4 Section 2. This act shall become effective on the
5 first day of the third month following its passage and
6 approval by the Governor, or its otherwise becoming law.