

**Effective 5/14/2019**

## **Chapter 54 Ticket Website Sales Act**

### **Part 1 General Provisions**

#### **13-54-101 Title.**

This chapter is known as the "Ticket Website Sales Act."

Enacted by Chapter 115, 2019 General Session

Amended by Chapter 115, 2019 General Session, (Coordination Clause)

#### **13-54-102 Definitions.**

- (1) "Consumer" means a person who purchases a ticket for use by the person or the person's invitee.
- (2) "Division" means the Division of Consumer Protection in the Department of Commerce.
- (3) "Domain" means the portion of text in a URL that is to the left of the top-level domain.
- (4) "Event" means a single, specific occurrence of one of the following, that takes place at a venue:
  - (a) a concert;
  - (b) a game;
  - (c) a performance;
  - (d) a show; or
  - (e) an occasion similar to the occasions described in Subsections (4)(a) through (d).
- (5) "Event participant" means any of the following persons who is associated with an event or on behalf of whom a person sells a ticket to an event:
  - (a) an artist;
  - (b) a league;
  - (c) a team;
  - (d) a tour group;
  - (e) a venue; or
  - (f) any person similar to the persons described in Subsections (5)(a) through (e).
- (6) "Person" does not include a government entity.
- (7) "Primary ticket seller" means the person who first sells a particular ticket.
- (8)
  - (a) "Reseller" means a person who sells or offers for sale a ticket after it is sold by a primary ticket seller.
  - (b) "Reseller" includes a person who engages in conduct described in Subsection (8)(a), regardless of whether the person is also the primary ticket seller of the ticket or the primary ticket seller of another ticket to the same event.
  - (c) "Reseller" does not include a person who transfers a ticket to another person without reimbursement or consideration.
- (9) "Ticket" means evidence of an individual's right of entry to an event.
- (10) "Ticket aggregator" means a person who aggregates the prices for which other persons offer tickets for sale or resale.
- (11) "Ticket purchasing software" means software that is primarily designed for the purpose of:

- (a) interfering with the sale of tickets by circumventing controls or measures on a ticket website to bypass posted event ticket purchasing limits; or
  - (b) undermining the integrity of posted online ticket purchasing order rules.
- (12) "Ticket website" means:
- (a) with respect to a reseller, a website on which the reseller sells or offers for sale or resale one or more tickets; or
  - (b) with respect to a ticket aggregator, a website on which the ticket aggregator aggregates the prices for which other persons offer tickets for sale or resale.
- (13) "Top-level domain" includes .com, .net, and .org.
- (14) "URL" means the uniform resource locator for a website on the Internet.
- (15)
- (a) "Venue" means real property located in the state where one or more persons host a concert, game, performance, show, or similar occasion.
  - (b) "Venue" includes an arena, a stadium, a theater, a concert hall, an amphitheater, a fairground, a club, a convention center, a public assembly facility, or a mass gathering location.

Amended by Chapter 251, 2023 General Session

### **13-54-103 Exemptions.**

- (1) This chapter does not apply to:
- (a) an entity that is owned, controlled, operated, or maintained by a bona fide church or religious organization that is exempt from property taxation under the laws of the state; or
  - (b) a consumer reselling a ticket that the consumer purchased as a consumer.
- (2) A person who claims an exemption under this section has the burden of proving that the person is entitled to the exemption.

Enacted by Chapter 115, 2019 General Session

## **Part 2 Requirements and Prohibited Practices**

### **13-54-201 Disclosure requirements.**

- (1) A reseller or ticket aggregator shall clearly and conspicuously disclose on each of its ticket websites that:
- (a) the website is a secondary market and is not the primary ticket seller; and
  - (b) the price of a ticket on the website may be higher than face value.
- (2) A primary ticket seller and a reseller shall clearly and conspicuously disclose during the checkout process an itemization of the total price for which the primary ticket seller or reseller is offering the ticket for sale or resale, including taxes and each fee.

Amended by Chapter 251, 2023 General Session

### **13-54-202 Prohibited practices.**

- (1)

- (a) It is unlawful for any person who is not a primary ticket seller to represent, directly or indirectly, that the person is a primary ticket seller.
- (b) If a presiding officer or court determines appropriate after considering other relevant factors, the following actions by a person who is not a primary ticket seller establish a presumption that the person is representing that the person is a primary ticket seller in violation of Subsection (1)(a):
  - (i) using the name of an event in the domain of the person's ticket website, unless the person has written authorization from an agent of the event;
  - (ii) using the name of an event participant in the domain of the person's ticket website, unless the person has written authorization from the event participant or an agent of the event participant;
  - (iii) using, in paid search results, the name of an event or event participant in a manner described in Subsection (1)(b)(i) or (ii);
  - (iv) using on the person's website any of the following that individually or in combination is substantially similar to a primary ticket seller's, venue's, or event's website, with the intent to mislead a potential purchaser, without written authorization:
    - (A) text;
    - (B) images;
    - (C) website graphics;
    - (D) website design; or
    - (E) Internet address.
- (2) It is unlawful for a person who lists or offers a ticket for sale to:
  - (a) accept payment for the ticket; and
  - (b) fail to deliver to the consumer who purchases the ticket a ticket that reflects the transaction to which the parties agreed.
- (3) It is unlawful for a person to:
  - (a) knowingly sell more than one copy of the same ticket;
  - (b) use ticket purchasing software to circumvent any portion of the process for purchasing a ticket on a ticket website, including:
    - (i) circumventing:
      - (A) security measures;
      - (B) identity validation measures; or
      - (C) an access control system; or
    - (ii) disguising the identity of a ticket purchaser for the purpose of purchasing a number of tickets that exceeds the maximum number of tickets allowed for a person to purchase.
- (4) It is unlawful for a person to fail to comply with a provision of Section 13-54-201.
- (5) Nothing in this section prohibits a person from including the name of an event or an event participant in a URL after the top-level domain.

Amended by Chapter 251, 2023 General Session

**13-54-203 Resale refund requirements.**

A primary ticket seller or reseller from which a consumer purchases a ticket shall guarantee a full refund, including handling fees, if:

- (1) the event for which the primary ticket seller or reseller sold the ticket is canceled;
- (2) the ticket does not grant the purchaser admission to the event;
- (3) the ticket is counterfeit; or

- (4) the ticket fails to conform to the description that the primary ticket seller or reseller advertised to the purchaser.

Enacted by Chapter 251, 2023 General Session

### **Part 3**

### **Enforcement**

#### **13-54-301 Enforcement powers.**

- (1) The division may enforce the provisions of this chapter in accordance with Chapter 2, Division of Consumer Protection.
- (2)
  - (a) In addition to the division's enforcement powers under Chapter 2, Division of Consumer Protection:
    - (i) the division director may impose an administrative fine of up to \$2,500 for each violation of this chapter; and
    - (ii) the division may bring an action in a court of competent jurisdiction to enforce the provisions of this chapter.
  - (b) In a court action by the division to enforce a provision of this chapter, the court may:
    - (i) find that an act or practice violates a provision of this chapter; and
    - (ii) award, for each violation of this chapter:
      - (A) actual damages on behalf of each consumer who complained to the division within a reasonable time after the division initiated the court action; and
      - (B) a fine of up to \$2,500.
  - (c) For any judgment in favor of the division under this section, the court may award:
    - (i) costs, including the costs of investigation; and
    - (ii) reasonable attorney fees.
- (3) Each ticket sold or offered for sale while a person is in violation of a provision of this chapter constitutes a separate violation of this chapter.
- (4) Nothing in this chapter affects:
  - (a) a remedy available to a person independent of this chapter; or
  - (b) the division's ability or authority to enforce any other law.

Enacted by Chapter 115, 2019 General Session