

**Senator Deidre M. Henderson** proposes the following substitute bill:

**CONSUMER TICKET PROTECTION AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brad R. Wilson**

Senate Sponsor: Deidre M. Henderson

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**LONG TITLE**

**General Description:**

This bill enacts provisions related to consumer protection and event tickets.

**Highlighted Provisions:**

This bill:

- ▶ enacts the Ticket Sales Act;
- ▶ defines terms;
- ▶ requires a person who issues a ticket to an event to issue the ticket using a delivery method that enables the purchaser to lawfully resell the ticket independent of the person who issued the ticket;
- ▶ allows a person to issue a restricted ticket, under certain circumstances;
- ▶ provides that a person who issues a restricted ticket shall give the purchaser a conspicuous written disclosure stating that the ticket is nontransferable;
- ▶ prohibits a person from treating an individual differently because the individual resold a ticket to an event or purchased a resold ticket to an event;
- ▶ addresses required reporting to the Division of Consumer Protection; and
- ▶ addresses enforcement of the Ticket Sales Act.

**Money Appropriated in this Bill:**

None



26 **Other Special Clauses:**

27 This bill provides a special effective date.

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **13-2-1**, as last amended by Laws of Utah 2017, Chapter 98

31 ENACTS:

32 **13-52-101**, Utah Code Annotated 1953

33 **13-52-102**, Utah Code Annotated 1953

34 **13-52-103**, Utah Code Annotated 1953

35 **13-52-201**, Utah Code Annotated 1953

36 **13-52-301**, Utah Code Annotated 1953

37 **13-52-302**, Utah Code Annotated 1953



39 *Be it enacted by the Legislature of the state of Utah:*

40 Section 1. Section **13-2-1** is amended to read:

41 **13-2-1. Consumer protection division established -- Functions.**

42 (1) There is established within the Department of Commerce the Division of Consumer  
43 Protection.

44 (2) The division shall administer and enforce the following:

45 (a) Chapter 5, Unfair Practices Act;

46 (b) Chapter 10a, Music Licensing Practices Act;

47 (c) Chapter 11, Utah Consumer Sales Practices Act;

48 (d) Chapter 15, Business Opportunity Disclosure Act;

49 (e) Chapter 20, New Motor Vehicle Warranties Act;

50 (f) Chapter 21, Credit Services Organizations Act;

51 (g) Chapter 22, Charitable Solicitations Act;

52 (h) Chapter 23, Health Spa Services Protection Act;

53 (i) Chapter 25a, Telephone and Facsimile Solicitation Act;

54 (j) Chapter 26, Telephone Fraud Prevention Act;

55 (k) Chapter 28, Prize Notices Regulation Act;

56 (l) Chapter 32a, Pawnshop and Secondhand Merchandise Transaction Information Act;

- 57 (m) Chapter 34, Utah Postsecondary Proprietary School Act;
- 58 (n) Chapter 34a, Utah Postsecondary School State Authorization Act;
- 59 (o) Chapter 39, Child Protection Registry;
- 60 (p) Chapter 41, Price Controls During Emergencies Act;
- 61 (q) Chapter 42, Uniform Debt-Management Services Act;
- 62 (r) Chapter 49, Immigration Consultants Registration Act; [~~and~~]
- 63 (s) Chapter 51, Transportation Network Company Registration Act[~~;~~]; and
- 64 (t) Chapter 52, Ticket Sales Act.

65 Section 2. Section 13-52-101 is enacted to read:

66 **CHAPTER 52. TICKET SALES ACT**

67 **Part 1. General Provisions**

68 **13-52-101. Title.**

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

70 Section 3. Section 13-52-102 is enacted to read:

71 **13-52-102. Definitions.**

72 As used in this section:

73 (1) "Division" means the Division of Consumer Protection in the Department of  
74 Commerce.

75 (2) "Event" means a single, specific occurrence of a concert, game, performance, show,  
76 or other occasion.

77 (3) "Exempt entity" means:

78 (a) a Division I college postseason basketball tournament; or

79 (b) a nonprofit organization that:

80 (i) is exempt from federal income taxation under Section 501(c)(3), Internal Revenue  
81 Code;

82 (ii) is domiciled in the state; and

83 (iii) produces an annual international film festival in the state.

84 (4) "Restricted ticket" means a ticket to an event that is subject to a restriction that  
85 prohibits the purchaser from reselling or otherwise transferring the ticket by any lawful  
86 method.

87 (5) "Transferrable ticket" means a ticket to an event that a person issues using a

88 delivery method that enables the purchaser to lawfully resell the ticket independent of the  
89 person who issued the ticket or the person's agent or operator.

90 Section 4. Section 13-52-103 is enacted to read:

91 **13-52-103. Scope.**

92 (1) This chapter does not apply to an official event of any state institution of higher  
93 education, as defined in Section 53B-3-102, including an athletic event, concert, or theatrical  
94 performance.

95 (2) Nothing in this chapter prohibits a venue from maintaining and enforcing one or  
96 more policies regarding conduct or behavior at or in connection with the venue.

97 Section 5. Section 13-52-201 is enacted to read:

98 **Part 2. Ticket Resale Restrictions**

99 **13-52-201. Limitations on ticket resale restrictions -- Exemptions -- Disclosures.**

100 (1) Except as provided in Subsection (2), each ticket a person issues for an event shall  
101 be a transferrable ticket.

102 (2) (a) (i) A person may issue up to 10% of the total number of tickets the person issues  
103 for an event as restricted tickets.

104 (ii) The total number of tickets described in Subsection (2)(a)(i):

105 (A) includes each ticket that provides access to the event, regardless of whether the  
106 ticket is made available for sale; and

107 (B) does not include a ticket that is part of a youth basketball program associated with  
108 a professional sports team where tickets are donated or issued at a reduced rate.

109 (b) Notwithstanding Subsection (2)(a), each calendar year, a venue may issue an  
110 unlimited number of restricted tickets for up to 10% of the total concert and theater events held  
111 at the venue during the calendar year.

112 (c) Notwithstanding Subsections (2)(a) and (b), an exempt entity may issue an  
113 unlimited number of restricted tickets.

114 (3) A person who issues a restricted ticket shall provide the purchaser a clear and  
115 conspicuous written notice that states the ticket may not be resold or transferred.

116 (4) A person may not discriminate against an individual or deny an individual  
117 admission to an event solely because the individual:

118 (a) resold a ticket to the event independent of the person who issued the ticket or the

119 person's agent or operator; or

120 (b) purchased a resold ticket to the event independent of the person who issued the  
121 ticket or the person's agent or operator.

122 Section 6. Section **13-52-301** is enacted to read:

123 **Part 3. Enforcement and Reporting**

124 **13-52-301. Enforcement powers -- Penalty.**

125 (1) The division may enforce the provisions of this chapter in accordance with Chapter  
126 2, Division of Consumer Protection.

127 (2) A person who violates a provision of this chapter is subject to a fine of up to \$250  
128 per violation.

129 Section 7. Section **13-52-302** is enacted to read:

130 **13-52-302. Reporting.**

131 On July 15, 2019, and January 15 and July 15 of each year thereafter, each person who  
132 is subject to the provisions of this chapter shall submit a report to the division that contains the  
133 following information for the six months preceding the day on which the person submits the  
134 report:

135 (1) the number of transferrable tickets the person issued;

136 (2) the number of restricted tickets the person issued;

137 (3) the number of scheduled concert and theater events for which the person issued  
138 tickets; and

139 (4) the number of events for which the person issued restricted tickets under  
140 Subsection [13-52-201\(2\)\(b\)](#).

141 Section 8. **Effective date.**

142 This bill takes effect on January 1, 2019.