

HB0457S01 compared with HB0457

~~{deleted text}~~ shows text that was in HB0457 but was deleted in HB0457S01.

Inserted text shows text that was not in HB0457 but was inserted into HB0457S01.

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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

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 ~~{may not issue a ticket to an event by a method that substantially prevents the purchaser from reselling the ticket on the ticket website or~~

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~~by the method of the purchaser's choice~~ 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 ~~{ on a particular website or by a particular method };~~
- ▶ addresses required reporting to the Division of Consumer Protection; and
- ▶ addresses enforcement of the Ticket Sales Act.

Money Appropriated in this Bill:

None

Other Special Clauses:

~~{ None }~~ This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

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

ENACTS:

13-52-101, Utah Code Annotated 1953

13-52-102, Utah Code Annotated 1953

13-52-103, Utah Code Annotated 1953

13-52-201, Utah Code Annotated 1953

13-52-301, Utah Code Annotated 1953

13-52-302, Utah Code Annotated 1953

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

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

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

- (1) There is established within the Department of Commerce the Division of Consumer Protection.
- (2) The division shall administer and enforce the following:
 - (a) Chapter 5, Unfair Practices Act;
 - (b) Chapter 10a, Music Licensing Practices Act;
 - (c) Chapter 11, Utah Consumer Sales Practices Act;

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- (d) Chapter 15, Business Opportunity Disclosure Act;
- (e) Chapter 20, New Motor Vehicle Warranties Act;
- (f) Chapter 21, Credit Services Organizations Act;
- (g) Chapter 22, Charitable Solicitations Act;
- (h) Chapter 23, Health Spa Services Protection Act;
- (i) Chapter 25a, Telephone and Facsimile Solicitation Act;
- (j) Chapter 26, Telephone Fraud Prevention Act;
- (k) Chapter 28, Prize Notices Regulation Act;
- (l) Chapter 32a, Pawnshop and Secondhand Merchandise Transaction Information Act;
- (m) Chapter 34, Utah Postsecondary Proprietary School Act;
- (n) Chapter 34a, Utah Postsecondary School State Authorization Act;
- (o) Chapter 39, Child Protection Registry;
- (p) Chapter 41, Price Controls During Emergencies Act;
- (q) Chapter 42, Uniform Debt-Management Services Act;
- (r) Chapter 49, Immigration Consultants Registration Act; [~~and~~]
- (s) Chapter 51, Transportation Network Company Registration Act[~~-~~]; and
- (t) Chapter 52, Ticket Sales Act.

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

CHAPTER 52. TICKET SALES ACT

Part 1. General Provisions

13-52-101. Title.

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

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

13-52-102. Definitions.

As used in this section { "~~ticket website~~" means a website that:

~~(1) advertises or offers for sale tickets to an event; or~~

~~(2) facilitates a secondary ticket exchange for tickets to an event};~~

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

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

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(3) "Exempt entity" means:

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

(b) a nonprofit organization that:

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

Code;

(ii) is domiciled in the state; and

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

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

(5) "Transferrable ticket" means a ticket to an event that a person issues using a delivery method that enables the purchaser to lawfully resell the ticket independent of the person who issued the ticket or the person's agent or operator.

Section 4. Section ~~{13-52-201}~~13-52-103 is enacted to read:

~~{13-52-201}~~13-52-103. ~~Prohibited ticket resale restrictions.~~

~~(1) A person who issues a ticket for admission to an event may not issue the ticket solely through a delivery method that substantially prevents a purchaser from lawfully reselling the ticket through the ticket website or by the method of the purchaser's choice.~~

~~(2) A person may not discriminate against an individual or deny an individual admission to an event solely because the } Scope.~~

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

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

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

Part 2. Ticket Resale Restrictions

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

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

(2) (a) (i) A person may issue up to 10% of the total number of tickets the person issues

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for an event as restricted tickets.

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

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

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

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

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

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

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

(a) resold a ticket to the event ~~on a particular ticket website or by a particular method;~~ independent of the person who issued the ticket or the person's agent or operator; or

(b) purchased a resold ticket to the event ~~on a particular ticket website or by a particular method.~~

~~Section 5~~ independent of the person who issued the ticket or the person's agent or operator.

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

Part 3. Enforcement and Reporting

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

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

(2) A person who violates a provision of this chapter is subject to a fine of up to ~~2,500~~ 250 per violation.

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Legislative Review Note

~~Office of Legislative Research and General Counsel~~ Section 7. Section 13-52-302 is enacted to read:

13-52-302. Reporting.

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

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

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

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

(4) the number of events for which the person issued restricted tickets under

Subsection 13-52-201(2)(b).

Section 8. Effective date.

This bill takes effect on January 1, 2019.