

181 (13) "URL" means the uniform resource locator for a website on the Internet.

182 (14) (a) "Venue" means real property located in the state where one or more persons
183 host a concert, game, performance, show, or similar occasion.

184 (b) "Venue" includes an arena, a stadium, a theater, a concert hall, an amphitheater, a
185 fairground, a club, a convention center, a public assembly facility, or a mass gathering location.

186 Section 5. Section **13-54-103** is enacted to read:

187 **13-54-103. Exemptions.**

188 (1) This chapter does not apply to:

189 (a) an entity that is owned, controlled, operated, or maintained by a bona fide church or
190 religious organization that is exempt from property taxation under the laws of the state; or

191 (b) a consumer reselling a ticket that the consumer purchased as a consumer.

192 (2) A person who claims an exemption under this section has the burden of proving
193 that the person is entitled to the exemption.

194 Section 6. Section **13-54-201** is enacted to read:

195 **Part 2. Requirements and Prohibited Practices**

196 **13-54-201. Disclosure requirements.**

197 (1) A reseller or ticket aggregator shall clearly and conspicuously disclose on each of
198 its ticket websites that:

199 (a) the website is a secondary market and is not the primary ticket seller; and

200 (b) the price of a ticket on the website may be higher than face value.

201 (2) A reseller shall clearly and conspicuously disclose during the checkout process an
202 itemization of the total price for which the reseller is offering the ticket for sale or resale,
203 including taxes and each fee.

204 Section 7. Section **13-54-202** is enacted to read:

205 **13-54-202. Prohibited practices.**

206 (1) (a) It is unlawful for any person who is not a primary ticket seller to represent,
207 directly or indirectly, that the person is a primary ticket seller.

208 ~~Ĥ→ [(b) There is a rebuttable presumption that a person violates Subsection (1)(a) if the~~
209 ~~person includes either of the following in the domain of the person's ticket website:~~

210 ~~—— (i) the name of an event, unless the person has written authorization from an agent of~~
211 ~~the event; or] ←Ĥ~~

212 ~~Ĥ→ [(ii) the name of an event participant, unless the person has written authorization from~~
 213 ~~the event participant or an agent of the event participant.]~~

213a (b) If a presiding officer or court determines appropriate after considering other relevant
 213b factors, the following actions by a person who is not a primary ticket seller establish a
 213c presumption that the person is representing that the person is a primary ticket seller in
 213d violation of Subsection (1)(a):

213e (i) using the name of an event in the domain of the person's ticket website, unless the
 213f person has written authorization from an agent of the event;

213g (ii) using the name of an event participant in the domain of the person's ticket website,
 213h unless the person has written authorization from the event participant or an agent of the event
 213i participant; or

213j (iii) using, in paid search results, the name of an event or event participant in a manner
 213k described in Subsection (1)(b)(i) or (ii). ←Ĥ

214 (2) It is unlawful for a person to fail to comply with a provision of Section 13-54-201.

215 (3) Nothing in this section prohibits a person from including the name of an event or an
 216 event participant in a URL after the top-level domain.

217 Section 8. Section **13-54-301** is enacted to read:

218 **Part 3. Enforcement**

219 **13-54-301. Enforcement powers.**

220 (1) The division may enforce the provisions of this chapter in accordance with Chapter
 221 2, Division of Consumer Protection.

222 (2) (a) In addition to the division's enforcement powers under Chapter 2, Division of
 223 Consumer Protection:

224 (i) the division director may impose an administrative fine of up to \$2,500 for each
 225 violation of this chapter; and

226 (ii) the division may bring an action in a court of competent jurisdiction to enforce the
 227 provisions of this chapter.

228 (b) In a court action by the division to enforce a provision of this chapter, the court
 229 may:

230 (i) find that an act or practice violates a provision of this chapter; and

231 (ii) award, for each violation of this chapter:

232 (A) actual damages on behalf of each consumer who complained to the division within
 233 a reasonable time after the division initiated the court action; and

234 (B) a fine of up to \$2,500. ☆

- 235 ✪ (c) For any judgment in favor of the division under this section, the court may award:
- 236 (i) costs, including the costs of investigation; and
- 237 (ii) reasonable attorney fees.
- 238 (3) Each ticket sold or offered for sale while a person is in violation of a provision of
- 239 this chapter constitutes a separate violation of this chapter.
- 240 (4) Nothing in this chapter affects:
- 241 (a) a remedy available to a person independent of this chapter; or
- 242 (b) the division's ability or authority to enforce any other law.