

1 HB265
2 181146-6
3 By Representative Lee
4 RFD: State Government
5 First Read: 16-FEB-17

1 ENGROSSED

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4 A BILL
5 TO BE ENTITLED
6 AN ACT
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8 Relating to ticket sales; to allow a ticket issuer
9 to employ a nontransferable ticketing system only under
10 specified circumstances; to provide that a ticket buyer or
11 seller may not be penalized or discriminated against or denied
12 access to an event solely on the grounds that the ticket or
13 tickets were resold; to prohibit a person from using or
14 selling software to circumvent a security measure, access
15 control system, or other control or measure used by a primary
16 ticket sales platform or secondary ticket exchange to engage
17 in specified activity; and to specify that the act does not
18 apply to certain events hosted by an institution of higher
19 education.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

23 (1) NONTRANSFERABLE TICKETING SYSTEM. Restricting,
24 through contractual or technological means, a ticket
25 purchaser's ability to freely use, give away, or resell the
26 tickets he or she has purchased.

1 (2) TICKET ISSUER. Any person that makes tickets
2 available, directly or indirectly, to an entertainment event,
3 and may include any of the following:

4 a. The operator of a venue.

5 b. The sponsor or promoter of an entertainment
6 event.

7 c. A sports team participating in an entertainment
8 event or a league whose teams are participating in an
9 entertainment event.

10 d. A theatre company, musical group, or similar
11 participant in an entertainment event.

12 e. An agent of any person described in paragraphs a.
13 through d.

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

16 (b) (1) A ticket issuer may employ a nontransferable
17 ticketing system only if the consumer is offered an option at
18 the time of initial sale to purchase the same ticket in a
19 transferable form that allows tickets to be given away or
20 resold independent of the ticket issuer's preferred ticket
21 platform, without penalty or discrimination.

22 (2) A ticket buyer or seller may not be penalized,
23 discriminated against, or denied access to an event solely on
24 the grounds that, or the ticket platform through which, the
25 ticket or tickets were resold.

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

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

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

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

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

12 b. Concerns regarding the protection or safety of
13 individuals.

14 c. Concerns regarding possible fraud or misconduct.

15 (4)a. Elect not to offer tickets in a transferable
16 form if those tickets are sold or given to individuals or
17 groups as part of a targeted promotion, discounted price, or
18 private event offered because of the individuals' or groups'
19 status or affiliation, including, but not limited to, groups
20 or individuals characterized by a disability, membership in a
21 religious or civic organization, or economic hardship.

22 b. Tickets issued through a nontransferable
23 ticketing system under the exemption in this subdivision
24 cannot be offered promotionally to the general public and must
25 be clearly marked as a ticket restricted to the specified
26 individual or group.

1 (d) This act does not apply to any events officially
2 associated with any institution of higher education,
3 including, but not limited to, athletic events, concerts, or
4 theatrical events.

5 (e) With respect to tickets that are being offered
6 for resale, a ticket platform must do all of the following:

7 (1) Maintain a toll-free telephone number for
8 complaints and inquiries.

9 (2) Implement a standard refund policy that provides
10 a ticket purchaser a full refund or comparable replacement
11 tickets under any of the following circumstances:

12 a. The event is canceled and not rescheduled.

13 b. The ticket received by the purchaser is
14 counterfeit.

15 c. The ticket has been canceled by the ticket issuer
16 for non-payment by the original purchaser or for any reason
17 other than an act or omission of the purchaser.

18 d. The ticket fails to conform to the description
19 provided by the reseller.

20 e. The ticket was not delivered to the purchaser
21 prior to the occurrence of the event, unless such failure of
22 delivery was due to an act or omission of the purchaser.

23 f. The ticket does not provide the consumer
24 admission to the event for which it was purchased.

25 (3) The refund shall include the full price paid by
26 the consumer for the ticket, in addition to all fees charged

1 in connection with that purchase, including, but not limited
2 to, download, delivery, and shipping fees.

3 (f) Nothing in this section shall prohibit a ticket
4 issuer or ticket platform from taking reasonable steps to
5 remediate incidents of fraud or from implementing consumer
6 protection policies that exceed the minimum standards set
7 forth in this section.

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

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on State Government
..... 16-FEB-17

Read for the second time and placed
on the calendar..... 23-FEB-17

Read for the third time and passed
as amended..... 15-MAR-17

Yeas 63, Nays 33, Abstains 3

Jeff Woodard
Clerk