



Senate

General Assembly

File No. 807

January Session, 2007

Substitute Senate Bill No. 1043

Senate, May 9, 2007

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE PROTECTION OF CONSUMERS FROM UNLICENSED CONTRACTORS, CRIMINAL SIMULATION AND THE RESALE OF TICKETS TO ENTERTAINMENT EVENTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 20-341 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2007*):

4 (a) Any person who engages in or practices the work or occupation
5 for which a license is required by this chapter without having first
6 obtained an apprentice permit or a certificate and license for such
7 work, or who wilfully employs or supplies for employment a person
8 who does not have a certificate and license for such work, or who
9 wilfully and falsely pretends to qualify to engage in or practice such
10 work or occupation, or who engages in or practices any of the work or
11 occupations for which a license is required by this chapter after the
12 expiration of [his] such person's license, or who violates any other
13 provision of this chapter, unless the penalty is otherwise specifically

14 prescribed, shall be [fined not more than two hundred dollars for each
15 such violation] guilty of a class B misdemeanor. Notwithstanding
16 subsection (d) of section 53a-29 or section 54-56e, if the court
17 determines that a person who violated the provisions of this
18 subsection cannot fully repay any victim of the violations committed
19 by such person within the period of probation established in
20 subsection (d) of section 53a-29 or section 54-56e, the court may impose
21 probation for a period of not more than five years.

22 Sec. 2. Section 53a-141 of the general statutes is repealed and the
23 following is substituted in lieu thereof (*Effective October 1, 2007*):

24 (a) A person is guilty of criminal simulation when: (1) With intent to
25 defraud, he makes or alters any object in such manner that it appears
26 to have an antiquity, rarity, source or authorship which it does not in
27 fact possess; or (2) with knowledge of its true character and with intent
28 to defraud, he issues or possesses an object so simulated.

29 (b) Criminal simulation is a class [A misdemeanor] D felony.

30 Sec. 3. (NEW) (*Effective October 1, 2007*) (a) Any person who resells a
31 ticket to an entertainment event, including, but not limited to, a
32 sporting event, a concert or a theatrical or operatic performance, shall
33 refund to the purchaser of such ticket the full amount, including all
34 service fees and delivery charges, paid by the purchaser for such ticket
35 if any of the following occurs: (1) The event for which the ticket is
36 resold is cancelled; (2) the ticket received by the purchaser does not
37 grant the purchaser admission to the event described on the ticket; or
38 (3) the ticket fails to conform to its description as advertised by the
39 ticket reseller.

40 (b) A person who resells a ticket pursuant to subsection (a) of this
41 section shall provide the purchaser of such ticket with such ticket
42 reseller's name, address and telephone number or other information
43 necessary to allow such purchaser to contact such ticket reseller to
44 obtain a refund of the ticket price, if necessary.

45 (c) A violation of subdivision (1) or (2) of subsection (a) of this
46 section or of subsection (b) of this section is a class B misdemeanor.

47 Sec. 4. (NEW) (*Effective October 1, 2007*) (a) No person shall resell,
48 offer to resell or solicit the resale of a ticket to an entertainment event,
49 including, but not limited to, a sporting event, a concert or a theatrical
50 or operatic performance, on the day of such event, within one
51 thousand five hundred feet of the physical structure where such event
52 is scheduled to take place, if such resale is not authorized, in writing,
53 by the owner or operator of such structure or event or a duly
54 authorized agent of such owner or operator.

55 (b) The provisions of subsection (a) of this section do not apply to a
56 ticket reseller who: (1) Resells a ticket for not greater than the face
57 value printed on the ticket; or (2) maintains a permanent office within
58 one thousand five hundred feet of the physical structure where the
59 entertainment event is scheduled to take place.

60 (c) A violation of subsection (a) of this section is a class A
61 misdemeanor.

62 Sec. 5. Section 53-289 of the general statutes is repealed. (*Effective*
63 *October 1, 2007*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	20-341(a)
Sec. 2	<i>October 1, 2007</i>	53a-141
Sec. 3	<i>October 1, 2007</i>	New section
Sec. 4	<i>October 1, 2007</i>	New section
Sec. 5	<i>October 1, 2007</i>	Repealer section

JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Judicial Dept.	GF - Revenue Gain	Potential Minimal	Potential Minimal
Correction, Dept.; Judicial Dept.	GF - Cost	Potential Minimal	Potential Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

Any potential revenue gain from criminal fines under the bill or increased cost for incarceration and/or probation supervision is anticipated to be minimal.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 1043*****AN ACT CONCERNING THE PROTECTION OF CONSUMERS FROM UNLICENSED CONTRACTORS, CRIMINAL SIMULATION AND THE RESALE OF TICKETS TO ENTERTAINMENT EVENTS.*****SUMMARY:**

This bill (1) eliminates the \$3 cap on a ticket reseller's service charge, (2) requires ticket resellers to provide refunds if (a) the event is cancelled or (b) the ticket does not grant admission to the event or is not as advertised, and (3) generally prohibits reselling tickets within 1,500 feet of an event on the day of the event. In addition, the bill increases the penalty for criminal simulation.

The bill also increases the criminal penalty for violating the licensing law overseen by the occupational licensing boards.

EFFECTIVE DATE: October 1, 2007

TICKET RESELLING***Eliminated Service Charge Cap***

The bill eliminates the prohibition against selling, offering to sell, or attempting to sell tickets to sporting or entertainment events to be held in Connecticut at a price greater than \$3 above the price, including tax, printed on the face of the ticket. Current law, eliminated by the bill, allows an owner to authorize someone to sell tickets at a price above the cap. A violator is guilty of ticket scalping. A first offense is a class C misdemeanor (see BACKGROUND). A second offense is a class A misdemeanor. Any subsequent offense is a class D felony. The sale of each ticket constitutes a separate offense.

Refunds

The bill requires a reseller of a ticket to an entertainment event to

refund the purchase price if (1) the event is cancelled, (2) the ticket received by the purchaser does not grant admission to the event described on the ticket, or (3) the ticket fails to conform to the reseller's advertisement of it. It defines "entertainment event" as including sporting events, concerts, or theatrical, or operatic performances. The refunded amount must include all service fees and delivery charges paid by the purchaser. The bill requires resellers to provide each purchaser with the reseller's name, address, telephone number, or other information needed to allow the purchaser contact the reseller to obtain a refund, if necessary. Someone who fails to give a refund if the event is cancelled or the ticket does not grant admission to the event commits a class B misdemeanor.

Reselling Restrictions

The bill prohibits reselling, offering to resell, or soliciting the resale of a ticket to an entertainment event on the day of the event, within 1,500 feet of the physical structure in which the entertainment event takes place. But it allows the owner or operator of the structure or the event, or a duly authorized agent, to authorize resale in writing. The restriction also does not apply to a ticket reseller who (1) resells a ticket for no more than face value or (2) has a permanent office within 1,500 feet of the structure. Someone who violates these restrictions commits a class A misdemeanor.

CRIMINAL SIMULATION

The bill increases the penalty for criminal simulation by reclassifying it from a class A misdemeanor to a class D felony. Criminal simulation is when (1) with intent to defraud, someone makes or alters an object in a way to make it appear to have an antiquity, rarity, source, or authorship that it does not have or (2) with knowledge of its true character and with intent to defraud, someone issues or possesses an object so simulated.

OCCUPATIONAL LICENSING LAW VIOLATIONS

Under current law, the penalty for violating the licensing law overseen by the occupational licensing boards is a fine of \$200 per

violation for (1) working without a license or apprentice permit; (2) willfully employing, or supplying for employment, someone who does not have a license or apprentice permit; (3) willfully pretending to qualify for a license or permit; (4) working after the expiration of a license or permit; or (5) violating any other provision of the licensing law. The bill instead makes anyone who engages in any of the prohibited acts guilty of a class B misdemeanor, which is punishable by up to six months imprisonment, a fine of up to \$1,000, or both. If the court imposes restitution and determines that a contractor cannot fully repay a victim within the normal probationary period (up to two years for a class B misdemeanor), the law authorizes the court to impose a probationary period of up to five years.

The occupational licensing boards are the examining boards for Electrical Work; Plumbing and Piping Work; Heating, Piping, Cooling, and Sheet Metal Work; Elevator Installation, Repair, and Maintenance Work; Fire Protection Sprinkler Systems Work; and Automotive Glasswork and Flat Glasswork.

BACKGROUND

Related Bills

HB 1041 (File 143) and HB 6983 (File 642) make the same increase in the penalty for violating the occupational licensing laws.

Legislative History

The House referred the bill to the Judiciary Committee, which added the provisions on ticket reselling.

COMMITTEE ACTION

General Law Committee

Joint Favorable
 Yea 19 Nay 0 (03/14/2007)

Judiciary Committee

Joint Favorable Substitute

Yea 30 Nay 0 (04/27/2007)