



House of Representatives

General Assembly

File No. 144

February Session, 2010

Substitute House Bill No. 5228

House of Representatives, March 25, 2010

The Committee on General Law reported through REP. SHAPIRO of the 144th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE SALES OF EVENT TICKETS ON THE SECONDARY MARKET.

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

1 Section 1. (NEW) (*Effective October 1, 2010*) (a) No operator of a place
2 of entertainment, who offers subscription or season ticket packages for
3 sale, shall restrict by any means the resale of any tickets included in
4 such subscription or season ticket package as a condition of purchase,
5 as a condition to retain such tickets for the duration of a subscription
6 or season ticket package agreement, or as a condition to retain any
7 contractually agreed upon rights to purchase future subscription or
8 season ticket packages.

9 (b) No operator of a place of entertainment shall deny access to a
10 ticket holder who possesses a resold subscription or season ticket
11 based solely on the grounds that such ticket has been resold.

12 (c) Nothing in this section shall be construed to prohibit an operator
13 of an entertainment event from maintaining and enforcing policies

14 regarding conduct or behavior at or in connection with such operator's
15 venue. An operator may revoke or restrict a ticket for reasons relating
16 to a violation of written venue policies reasonably related to the
17 protection of the safety of patrons or to address fraud or misconduct in
18 connection with the sale or use of such ticket.

19 Sec. 2. (NEW) (*Effective October 1, 2010*) Each owner, lessee, operator
20 or manager of a venue having seating for more than three thousand
21 persons shall release the following information to the general public
22 for each entertainment event, including, but not limited to, a sporting
23 event, concert or theatrical or operatic performance, for which tickets
24 are offered for sale to the general public: (1) The total number of tickets
25 available for the event, (2) the number of tickets released by such
26 owner, lessee, operator or manager for sale to the public, and (3) the
27 number of tickets for the event that are unavailable for purchase due to
28 stage design or maintenance or other issues that prevent the use of
29 seats in the venue. For purposes of this section, tickets available only
30 through fan club purchases shall be considered offered for sale to the
31 general public. Information required to be released pursuant to this
32 section shall be released not later than two days after tickets are first
33 offered for sale to the public by the venue owner, lessee, operator or
34 manager. Such information may be posted on the venue owner's,
35 lessee's, operator's or manager's main Internet web site page upon
36 which tickets for the entertainment event are offered for sale to the
37 general public.

38 Sec. 3. (NEW) (*Effective October 1, 2010*) (a) No person shall
39 intentionally use or sell software to circumvent a security measure, an
40 access control system or a control or measure used to ensure an
41 equitable ticket purchasing process on a ticket seller's Internet web site.
42 For purposes of this subsection, "software" means a computer program
43 that is primarily designed or produced for the purpose of interfering
44 with the operation of any person who sells admission tickets to
45 entertainment events, including, but not limited to, sporting events,
46 concerts or theatrical or operatic performances.

47 (b) Any person who violates the provisions of subsection (a) of this
48 section shall be guilty of a class D felony.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	New section
Sec. 2	<i>October 1, 2010</i>	New section
Sec. 3	<i>October 1, 2010</i>	New section

GL *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 11 \$	FY 12 \$
Judicial Dept.	GF - Revenue Gain	Minimal	Minimal
Correction, Dept.	GF - Cost	Potential	Potential
Consumer Protection, Dept.	GF - Revenue Gain	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill classifies restricting the resale of event tickets included in a subscription or season ticket package as a condition of purchase as a Class D Felony. To the extent that these changes increase the likelihood that offenders would be prosecuted or receive harsher penalties than currently provided for, a potential revenue gain from criminal fines and potential cost for incarceration and/or probation supervision in the community would result. It is anticipated that relatively few fines would be imposed on an annual basis, and, consequently, any revenue gain under the bill is expected to be minimal.

On average, it costs the state \$3,736 to supervise an offender on probation in the community as compared to \$47,425 to incarcerate the offender.

The bill results in a potential revenue gain to the state due to potential violations of the Connecticut Unfair Trade Practices Act (CUTPA) associated with ticket sales violation contained within sections 1 and 2 of the bill.

The Out Years

The annualized ongoing cost identified above would continue into the future subject to inflation. Revenues would remain relatively constant since fines are set by statute.

OLR Bill Analysis

sHB 5228

AN ACT CONCERNING THE SALES OF EVENT TICKETS ON THE SECONDARY MARKET.

SUMMARY:

This bill (1) sets conditions on the sale of season tickets, (2) requires certain entertainment venues to disclose the number of event tickets available, and (3) bans the use or sale of software designed to circumvent security measures used to ensure an equitable ticket purchasing process.

EFFECTIVE DATE: October 1, 2010

RESALE OF SEASON TICKETS

The bill bans entertainment operators from restricting season ticket package or subscription resale as a condition (1) of purchase, (2) to retain tickets for the season or as part of the package, or (3) to retain any contractually agreed upon rights to purchase future season tickets.

The bill also bans operators from denying access to a ticket holder who possesses a resold season ticket, solely because it is a resold ticket. An operator can still revoke or restrict a ticket for violating written venue policies related to patron safety, to address fraud, or for misconduct in connection with the sale or use of such ticket.

TICKET DISCLOSURE

The bill requires venues having more than 3,000 seats to release the following information to the general public for each entertainment event for which tickets are offered for sale to the general public: (1) total number of tickets available to the event; (2) number of tickets released by the owner, lessee, operator, or manager for sale to the

public; and (3) the number of tickets that are unavailable due to stage design, maintenance, or other issues. The information must be released within two days after tickets are first on sale to the public. The information can be posted on the owner's Internet web site, on the same page as the one used for ticket sales. Tickets available only through fan clubs are considered for sale to the general public.

TICKET SOFTWARE

The bill bans the use or sale of software designed to circumvent security measures used to ensure an equitable ticket purchasing process on a ticket seller's Internet web site. "Software" is defined as a computer program that is primarily designed or produced for the purpose of interfering with the operation of any person who sells admission tickets to entertainment events. Violating this ban is a class D felony, which is punishable by up to five years in prison, a fine up to \$5,000, or both.

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute

Yea 16 Nay 3 (03/16/2010)