



House of Representatives

General Assembly

File No. 242

January Session, 2011

Substitute House Bill No. 6298

House of Representatives, March 28, 2011

The Committee on General Law reported through REP. TABORSAK of the 109th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE FAIR SALE OF TICKETS TO ENTERTAINMENT EVENTS.

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

1 Section 1. (NEW) (*Effective January 1, 2012*) (a) No person shall
2 restrict by any means the resale of a ticket to an entertainment event
3 when such ticket is included in a subscription or season ticket package.
4 Prohibited resale restrictions include, but are not limited to, restrictions
5 as a condition of purchase, as a condition to retain such tickets for the
6 duration of the subscription or season ticket package agreement, or as
7 a condition to retain any contractually agreed upon rights to purchase
8 future subscription or season ticket packages that are otherwise
9 conferred in the subscription or season ticket agreement. For purposes
10 of this section, "entertainment event" includes, but is not limited to, a
11 sporting event, a concert or a theatrical or operatic performance.

12 (b) No person shall deny access to an entertainment event to a ticket
13 holder who possesses a resold ticket to such entertainment event based
14 solely on the grounds that such ticket has been resold.

15 (c) (1) No person shall employ a ticketing sales system that fails to
16 give the purchaser an option to purchase tickets that the purchaser
17 may transfer to any party, at any price and at any time, without
18 additional fees and without the consent of the person employing such
19 ticketing system.

20 (2) Notwithstanding the provisions of subdivision (1) of this
21 subsection, a person employing such a ticketing sales system may
22 employ a paperless ticketing system that does not allow for
23 independent transferability of paperless tickets, provided the
24 purchaser of such tickets is offered the option, at the time of initial sale,
25 to purchase the same tickets in another form that is transferrable,
26 independent of such a ticketing sales system, including, but not limited
27 to, paper tickets or e-tickets and further provided the price for such
28 tickets is the same, regardless of the form or transferability of such
29 tickets.

30 (d) No operator of a place of entertainment or such operator's agent
31 shall require the purchaser of a ticket to an entertainment event to
32 choose "will call" as the purchaser's only ticket delivery option or
33 otherwise restrict such purchaser's ability to pick up tickets from a box
34 office or will call window in advance of such event, including, but not
35 limited to, requiring the purchaser to provide a credit card to pick up
36 such tickets. Nothing in this section shall prohibit such operator or
37 agent from requiring a ticket purchaser to pick up tickets during a box
38 office's normal business hours.

39 (e) Each operator of a place of entertainment or such operator's
40 agent selling tickets to an entertainment event shall offer the purchaser
41 of such tickets the option to purchase or pick up such tickets from the
42 place of entertainment or box office at a price that does not include a
43 service fee.

44 (f) The provisions of subsections (a) to (e), inclusive, of this section
45 shall not apply to tickets to entertainment events originally issued by
46 an entity exempt from taxation pursuant to Section 501(c)(3) of the
47 Internal Revenue Code of 1986, or any subsequent corresponding

48 internal revenue code of the United States, as amended from time to
49 time, for which not more than three thousand tickets are issued per
50 performance.

51 (g) Any violation of any provision of this section is a class B
52 misdemeanor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	January 1, 2012	New section

Statement of Legislative Commissioners:

In subsection (f), "tickets to" was added before "entertainment events" for accuracy.

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 12 \$	FY 13 \$
Judicial Dept.	GF - Revenue Gain	less than 10,000	less than 10,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill would result in a potential revenue gain of less than \$10,000 to the General Fund. The estimate assumes that the establishment of a fine and/or imprisonment for this offense will increase the likelihood that an estimated 25 offenders annually would be prosecuted and receive harsher penalties than under current law.¹

It is anticipated that the number of additional offenders placed on probation would be less than 25, and would not result in additional resources being required by the Judicial Department.

The Out Years

The annualized ongoing revenue identified above would remain constant into the future since fine amounts are set by statute.

¹ In 2010, zero convictions were made for this offense, as it was not specified in statute as a fine and/or term of imprisonment.

OLR Bill Analysis

sHB 6298

AN ACT CONCERNING THE FAIR SALE OF TICKETS TO ENTERTAINMENT EVENTS.

SUMMARY:

This bill prohibits a person from (1) restricting the resale of entertainment event tickets in subscriptions or season ticket packages, (2) denying access to an event solely because the ticket was resold, and (3) employing a ticketing system that does not give the purchaser an option of purchasing tickets that are transferrable. The bill also puts certain conditions on how tickets can be delivered.

An "entertainment event" includes a sporting event, concert, or theatrical or operatic performance.

The bill does not apply to tickets at entertainment events originally issued by tax-exempt organizations for performances where 3,000 or fewer tickets are issued.

Any violation of the bill is a class B misdemeanor, punishable by a prison term of up to six months, a fine of up to \$ 1,000, or both.

EFFECTIVE DATE: January 1, 2012

TICKET RESTRICTIONS

The bill prohibits a person from restricting the sale of a ticket to an entertainment event when the ticket is included in a subscription or season ticket package. Prohibited restrictions include those imposing conditions on (1) purchasing, (2) retaining tickets for the duration of the subscription or season ticket package agreement, or (3) retaining any contractual rights to purchase future subscription or season ticket packages.

It prohibits a person from employing a ticketing sales system that does not allow the purchaser to buy tickets that he or she may transfer without additional fees and the consent of the ticket distributor.

EXCEPTION FOR PAPERLESS TICKET

The bill permits a ticket seller to use a paperless ticketing system that does not allow transferring, if the ticket purchaser is offered the option, at the initial sale, to buy the same tickets in a transferable form. This option could include paper tickets or e-tickets, but they must be the same price.

TICKET DELIVERY

The bill prohibits an entertainment venue operator or his or her agent from (1) requiring the ticket purchaser to choose “will call” as the only delivery option or (2) restricting the purchaser’s ability to pick up tickets from the box office or will call window before an event, including requiring the purchaser to provide a credit card to pick up tickets. But, the operator or agent can require ticket purchasers to pick up tickets during a box office’s normal business hours.

An entertainment venue operator or his or her agent must offer ticket purchasers the option of purchasing or picking up tickets from the venue or box office without a service fee.

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute

Yea 16 Nay 2 (03/15/2011)