

2018 -- H 7971

LC004667

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - SHOWS AND EXHIBITIONS

Introduced By: Representatives Craven, and O'Brien

Date Introduced: March 16, 2018

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 5-22-26 of the General Laws in Chapter 5-22 entitled "Shows and  
2 Exhibitions" is hereby amended to read as follows:

3 **5-22-26. ~~Ticket speculators.~~ Ticket sales and resale.**

4 (a) When used in this section, the following words and phrases shall have the following  
5 meanings:

6 (1) "Non-transferable ticketing system" means restricting, through contractual or  
7 technological means, a ticket purchaser's ability to freely use, give away, or resell the tickets they  
8 have purchased.

9 (2) "Ticket issuer" means any person that makes tickets available, directly or indirectly,  
10 to an entertainment event, and may include the operator of a venue; the sponsor or promoter of an  
11 entertainment event; a sports team participating in an entertainment event or a league whose  
12 teams are participating in an entertainment event; a theatre company, musical group or similar  
13 participant in an entertainment event; or an agent of any such person.

14 (3) "Ticket platform" means a marketplace that enables consumers to purchase and sell  
15 tickets.

16 (4) "Resale of tickets" means the act of reselling tickets purchased from the ticket issuer.

17 (b) No person shall ~~sell~~ resell, offer for ~~sale~~ resale, or attempt to ~~sell~~ resell any ticket,  
18 privilege, or license of admission to an entertainment event, including, but not limited to, any  
19 place of public amusement, arena, stadium, theatre, performance, sport, exhibition, or athletic

1 contest in this state ~~at a price greater than the price, including tax, printed on the ticket, and a~~  
2 ~~reasonable service charge for services actually rendered not to exceed three dollars (\$3.00) or ten~~  
3 ~~percent (10%) of the price printed on the ticket, whichever is greater. The owner or operator of~~  
4 ~~the property on which an entertainment event is to be held or is being held may authorize, in~~  
5 ~~writing, any person to sell a ticket, privilege, or license of admission at a price in excess of that~~  
6 ~~authorized under this section. That writing shall specify the price for which the ticket, privilege,~~  
7 ~~or license of admission is to be sold. Any person violating any provision of this section is guilty~~  
8 ~~of a misdemeanor and shall be fined not more than one thousand dollars (\$1,000) for each~~  
9 ~~offense.~~ unless they provide the ticket purchaser a full refund or comparable replacement ticket if:

10 (1) The event is canceled and not rescheduled;

11 (2) The ticket received by the purchaser is counterfeit;

12 (3) The ticket fails to conform to the description provided by the seller or reseller;

13 (4) The ticket was not delivered to the purchaser prior to the occurrence of the event,

14 unless such failure of delivery was due to an act or omission of the purchaser; or

15 (5) The ticket does not provide the consumer admission to the event for which it was

16 purchased.

17 (c) The refund shall include the full price paid by the consumer for the ticket, in addition

18 to all fees charged in connection with that purchase, including, but not limited to, download,

19 delivery, and shipping fees.

20 (d) A person subject to this section by engaging in the resale of event tickets may satisfy

21 the requirements of this section by utilizing a ticket platform that fully complies with this section.

22 (e) Notwithstanding any contrary terms or conditions:

23 (1) A ticket issuer may employ a nontransferable ticketing system only if the consumer is

24 offered an option at the time of initial sale to purchase the same ticket in a transferable form that

25 allows tickets to be given away or resold independent of the ticket issuer's preferred ticket

26 platform, without penalty or discrimination.

27 (2) A ticket buyer or seller shall not be penalized, discriminated against, or denied access

28 to an event solely on the grounds that, or the ticket platform through which, the ticket or tickets

29 were resold.

30 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would establish that a person reselling tickets for an entertainment event would  
2 provide a full refund if the event is cancelled and not rescheduled, the ticket is counterfeit,  
3 misrepresented, delivered after the event or fails to provide admission. It would allow ticket  
4 issuers to sell nontransferable tickets only if transferable tickets are also offered. It would remove  
5 the criminal penalty for violation of this section.

6           This act would take effect upon passage.

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