

HOUSE BILL 934

I3

9lr2844
CF SB 891

By: **Delegate D.E. Davis**

Introduced and read first time: February 8, 2019

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2019

CHAPTER _____

1 AN ACT concerning

2 **Consumer Protection – Resale of Tickets – Disclosures and Refunds**

3 FOR the purpose of prohibiting a ticket reseller from selling or offering to sell ~~tickets that~~
4 ~~are not currently in the possession of the reseller~~ speculative tickets unless the
5 reseller makes certain disclosures; requiring a reseller to refund a certain deposit or
6 other consideration within a certain period of time, under certain circumstances;
7 defining certain terms; and generally relating to the resale of tickets.

8 BY repealing and reenacting, without amendments,

9 Article – Commercial Law

10 Section 13–310

11 Annotated Code of Maryland

12 (2013 Replacement Volume and 2018 Supplement)

13 BY adding to

14 Article – Commercial Law

15 Section 13–310.1

16 Annotated Code of Maryland

17 (2013 Replacement Volume and 2018 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Commercial Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 13-310.

2 (a) This section does not apply to nonprofit organizations.

3 (b) A person who sells reserved seat tickets for an athletic, recreational, cultural,
4 or entertainment event shall display prominently at the ticket-sale location a seating plan
5 which clearly shows the location of every reserved seat and every physical obstruction to
6 the viewing of the event.

7 **13-310.1.**

8 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
9 INDICATED.

10 (2) (I) ~~“RESALE” MEANS THE SALE OF A TICKET BY A PERSON~~
11 ~~OTHER THAN THE ISSUER OF THE TICKET OR A PERSON EXPRESSLY AUTHORIZED TO~~
12 ~~MAKE THE FIRST SALE OF THE TICKET~~ SECOND OR SUBSEQUENT SALE OF A TICKET.

13 (II) “RESALE” INCLUDES A SALE BY ANY MEANS, INCLUDING IN
14 PERSON, BY TELEPHONE, BY MAIL, BY E-MAIL, BY FACSIMILE, OR THROUGH A
15 WEBSITE OR OTHER ELECTRONIC MEANS.

16 (3) “RESELLER” MEANS A PERSON WHO OFFERS A TICKET FOR
17 RESALE.

18 (4) (I) “SPECULATIVE TICKET” MEANS A TICKET THAT IS NOT IN
19 THE ACTUAL OR CONSTRUCTIVE POSSESSION OF A RESELLER AT THE TIME OF SALE.

20 (II) “SPECULATIVE TICKET” INCLUDES A TICKET SOLD BY A
21 RESELLER THAT, AT THE TIME OF RESALE:

22 1. IS NOT IN THE PHYSICAL POSSESSION OF THE
23 RESELLER;

24 2. IS NOT OWNED BY THE RESELLER; OR

25 3. IS NOT UNDER CONTRACT TO BE TRANSFERRED TO
26 THE RESELLER.

27 ~~(4)~~ (5) “TICKET” MEANS PHYSICAL, ELECTRONIC, OR OTHER
28 EVIDENCE, THAT GRANTS THE POSSESSOR OF THE EVIDENCE PERMISSION TO ENTER
29 A PLACE OF ENTERTAINMENT FOR ONE OR MORE EVENTS AT A SPECIFIED DATE AND
30 TIME.

1 ~~(B) A RESELLER MAY NOT SELL OR OFFER TO SELL TICKETS THAT ARE NOT~~
2 ~~CURRENTLY IN THE POSSESSION OF THE RESELLER UNLESS THE RESELLER~~

3 (B) A RESELLER MAY NOT SELL OR OFFER TO SELL SPECULATIVE TICKETS
4 UNLESS THE RESELLER, CLEARLY AND CONSPICUOUSLY, DISCLOSES TO A
5 PROSPECTIVE PURCHASER AT THE OUTSET OF THE SALES TRANSACTION:

6 (1) THAT THE TICKETS ARE SPECULATIVE TICKETS, AND THE
7 RESELLER IS NOT IN POSSESSION OF THE TICKETS;

8 (2) THAT THE RESELLER IS MAKING AN OFFER TO PROCURE THE
9 TICKETS FOR THE PROSPECTIVE PURCHASER;

10 ~~(2)~~ (3) AN APPROXIMATE DATE ON WHICH THE TICKETS WILL BE
11 DELIVERED TO THE PURCHASER;

12 ~~(3)~~ (4) THE NAME OR A DESCRIPTION OF THE EVENT FOR WHICH
13 THE TICKETS WILL PERMIT ENTRY;

14 ~~(4)~~ (5) THE TOTAL NUMBER OF TICKETS INCLUDED IN THE
15 TRANSACTION;

16 ~~(5)~~ (6) THE NUMBER OF TICKETS FOR SEATS THAT ARE TOGETHER;

17 ~~(6)~~ (7) THE ZONE OR SECTION NUMBER OF THE TICKETS, TO THE
18 EXTENT APPLICABLE TO THE VENUE; AND

19 ~~(7)~~ (8) FOR RESERVED SEAT TICKETS, ~~THE~~;

20 (I) THE SEAT NUMBERS OF THE TICKETS; OR

21 (II) IF APPLICABLE, THAT THE RESELLER CANNOT GUARANTEE
22 THE SPECIFIC SEATS BECAUSE THE TICKETS ARE SPECULATIVE TICKETS.

23 (C) (1) A RESELLER SHALL REFUND TO A PURCHASER ANY
24 CONSIDERATION OR DEPOSIT PAID FOR TICKETS SOLD UNDER THIS SECTION IF THE
25 RESELLER FAILS TO OBTAIN THE TICKETS:

26 (I) WITHIN 24 HOURS AFTER THE APPROXIMATE DATE OF
27 DELIVERY SPECIFIED IN SUBSECTION (B)(2) OF THIS SECTION, BUT BEFORE THE
28 COMMENCEMENT OF THE EVENT FOR WHICH THE TICKETS WERE SOLD; OR

29 (II) IN CONFORMITY WITH THE DISCLOSURES REQUIRED UNDER
30 THIS SECTION.

1 **(2) A RESELLER SHALL MAKE A REFUND REQUIRED UNDER THIS**
2 **SUBSECTION NOT LATER THAN 10 DAYS AFTER THE FINAL DAY OF THE EVENT FOR**
3 **WHICH THE TICKETS WERE SOLD.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.