

SENATE BILL 1113

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4lr2109

By: **Senators Hershey and Klausmeier**

Introduced and read first time: February 5, 2024

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Commercial Law – Consumer Protection – Event Ticket Sales**

3 FOR the purpose of requiring an operator, a primary ticket seller, or a ticket resale
4 marketplace for an entertainment event to grant a ticket purchaser a refund for the
5 purchase of a ticket under certain circumstances; prohibiting a person from engaging
6 in certain practices relating to the sale of event tickets; prohibiting a contract that
7 controls the distribution of event tickets from including certain provisions; and
8 generally relating to the sale and transfer of event tickets.

9 BY adding to

10 Article – Commercial Law

11 Section 13–310.2

12 Annotated Code of Maryland

13 (2013 Replacement Volume and 2023 Supplement)

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

15 That the Laws of Maryland read as follows:

16 **Article – Commercial Law**

17 **13–310.2.**

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
19 INDICATED.

20 (2) “NONTRANSFERABLE TICKETING SYSTEM” MEANS A TICKETING
21 SYSTEM THAT RESTRICTS, THROUGH CONTRACTUAL OR TECHNOLOGICAL MEANS,
22 THE ABILITY OF A TICKET PURCHASER TO FREELY USE, GIVE AWAY, OR RESELL THE
23 PURCHASER’S TICKET.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3) "OPERATOR" MEANS A PERSON THAT:**

2 **(I) OWNS, OPERATES, OR CONTROLS A FACILITY AT WHICH AN**
3 **ENTERTAINMENT EVENT TAKES PLACE; OR**

4 **(II) PROMOTES OR PRODUCES ENTERTAINMENT EVENTS.**

5 **(4) "ORIGINAL SALE" MEANS THE INITIAL SALE OF A TICKET BY AN**
6 **OPERATOR.**

7 **(5) "PRIMARY TICKET SELLER" MEANS A PERSON THAT HAS BEEN**
8 **AUTHORIZED TO ISSUE TICKETS TO CONSUMERS FOR ORIGINAL SALE.**

9 **(6) "RESALE" HAS THE MEANING STATED IN § 13-310.1 OF THIS**
10 **SUBTITLE.**

11 **(7) "TICKET" HAS THE MEANING STATED IN § 13-310.1 OF THIS**
12 **SUBTITLE.**

13 **(8) "TICKET RESALE MARKETPLACE" MEANS A PERSON THAT**
14 **OPERATES A PLATFORM OR EXCHANGE FOR THE PURCHASE AND RESALE OF**
15 **TICKETS BETWEEN THIRD PARTIES, INCLUDING AN OPERATOR OR PRIMARY TICKET**
16 **SELLER THAT FACILITATES THE PURCHASE AND RESALE OF TICKETS BETWEEN**
17 **THIRD PARTIES.**

18 **(B) (1) AN OPERATOR, A PRIMARY TICKET SELLER, OR A TICKET RESALE**
19 **MARKETPLACE SHALL GRANT A PURCHASER A FULL REFUND IF:**

20 **(I) THE TICKET RECEIVED BY THE PURCHASER IS**
21 **COUNTERFEIT;**

22 **(II) THE ENTERTAINMENT EVENT THAT THE TICKET IS FOR IS**
23 **CANCELED;**

24 **(III) THE TICKET FAILS TO CONFORM TO THE DESCRIPTION AS**
25 **ADVERTISED OR AS REPRESENTED TO THE PURCHASER; OR**

26 **(IV) THE TICKET DOES NOT PROVIDE THE PURCHASER**
27 **ADMISSION TO THE EVENT FOR WHICH THE TICKET WAS PURCHASED UNLESS THE**
28 **NONADMISSION IS DUE TO AN ACT OR OMISSION BY THE PURCHASER OR THE**
29 **OPERATOR OR PRIMARY TICKET SELLER.**

1 **(2) AN OPERATOR OR A PRIMARY TICKET SELLER MAY EMPLOY A**
2 **NONTRANSFERABLE TICKETING SYSTEM IF, AT THE TIME OF ORIGINAL SALE, THE**
3 **TICKET PURCHASER:**

4 **(I) IS OFFERED AN OPTION TO PURCHASE THE SAME TICKET IN**
5 **A TRANSFERABLE FORM THAT ALLOWS THE RESALE OF THE TICKET IN A TICKET**
6 **RESALE MARKETPLACE THAT IS NOT AFFILIATED WITH THE OPERATOR OR PRIMARY**
7 **TICKET SELLER; AND**

8 **(II) IS NOT REQUIRED TO CREATE OR ACCESS LOG-IN**
9 **CREDENTIALS TO THE AFFILIATED MARKETPLACE'S WEBSITE.**

10 **(3) (I) A PERSON MAY NOT PENALIZE OR DISCRIMINATE AGAINST**
11 **A TICKET PURCHASER OR DENY A PURCHASER ACCESS TO AN ENTERTAINMENT**
12 **EVENT ON THE BASIS THAT THE TICKET WAS TRANSFERRED OR RESOLD, INCLUDING**
13 **IF THE TICKET WAS TRANSFERRED OR RESOLD ON A TICKET RESALE MARKETPLACE**
14 **THAT IS NOT AFFILIATED WITH THE OPERATOR OR PRIMARY TICKET SELLER.**

15 **(II) THIS PARAGRAPH MAY NOT BE CONSTRUED TO PROHIBIT**
16 **AN OPERATOR FROM:**

17 **1. MAINTAINING AND ENFORCING POLICIES**
18 **REGARDING CONDUCT OR BEHAVIOR AT OR IN CONNECTION WITH THE OPERATOR'S**
19 **VENUE; OR**

20 **2. REVOKING OR RESTRICTING SEASON TICKETS FOR**
21 **REASONS RELATING TO A VIOLATION OF A VENUE POLICY, INCLUDING POLICIES**
22 **REGARDING THE PROTECTION OR SAFETY OF INDIVIDUALS AT THE VENUE OR TO**
23 **ADDRESS POTENTIAL FRAUD OR MISCONDUCT.**

24 **(4) (I) A CONTRACT CONTROLLING TICKET DISTRIBUTION MAY**
25 **NOT INCLUDE A PROVISION THAT PERMITS A PRIMARY TICKET SELLER TO BE THE**
26 **EXCLUSIVE AND SOLE PRIMARY TICKET SELLER FOR AN OPERATOR.**

27 **(II) A PRIMARY TICKET SELLER MAY NOT THREATEN OR**
28 **PENALIZE AN OPERATOR FOR ENTERING INTO A CONTRACT CONTROLLING TICKET**
29 **DISTRIBUTION WITH A COMPETING PRIMARY TICKET SELLER OR TICKET RESALE**
30 **MARKETPLACE.**

31 **(III) ANY WAIVER OF THE PROHIBITIONS UNDER**
32 **SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH IS CONTRARY TO PUBLIC POLICY**
33 **AND VOID AND UNENFORCEABLE.**

1 (IV) THIS PARAGRAPH MAY NOT BE CONSTRUED TO:

2 1. REQUIRE AN OPERATOR TO ENTER INTO AN
3 AGREEMENT WITH A PRIMARY TICKET SELLER OR TICKET RESALE MARKETPLACE;
4 OR

5 2. REQUIRE THAT AN OPERATOR OF A PLACE OF
6 ENTERTAINMENT HAVE AN AGREEMENT WITH MULTIPLE PRIMARY TICKET SELLERS
7 OR TICKET RESALE MARKETPLACES.

8 (C) A PERSON, IN THE COURSE OF THE PERSON'S BUSINESS, VOCATION, OR
9 OCCUPATION, MAY NOT:

10 (1) SELL A TICKET UNLESS THE PERSON DISCLOSES:

11 (I) IN THE TICKET LISTING, BEFORE THE TICKET IS
12 PURCHASED, THE TOTAL COST OF THE TICKET, INCLUDING ANY ANCILLARY FEES
13 THAT MUST BE PAID TO PURCHASE THE TICKET; AND

14 (II) IN A CLEAR AND CONSPICUOUS MANNER, THE PORTION OF
15 THE TICKET THAT REPRESENTS A SERVICE CHARGE OR ANY OTHER FEE OR
16 SURCHARGE FOR THE PURCHASE;

17 (2) (I) MAKE A FALSE OR MISLEADING DISCLOSURE OF
18 SUBTOTALS, FEES, CHARGES, OR ANY OTHER COMPONENT OF THE TOTAL PRICE OF
19 A TICKET TO A PURCHASER; OR

20 (II) PRESENT SUBTOTALS, FEES, CHARGES, OR OTHER
21 COMPONENTS OF THE TOTAL PRICE OF THE TICKET MORE PROMINENTLY OR IN A
22 FONT SIZE THAT IS LARGER THAN THE FONT SIZE USED TO PRESENT THE TOTAL
23 PRICE OF THE TICKET;

24 (3) INCREASE THE PRICE OF A TICKET AFTER A PURCHASER HAS
25 SELECTED A TICKET FOR PURCHASE UNLESS:

26 (I) THE INCREASE IS AN ADDED FEE FOR THE DELIVERY OF A
27 PAPER TICKET SELECTED BY THE PURCHASER;

28 (II) MULTIPLE DELIVERY OPTIONS FOR THE TICKET HAVE BEEN
29 PRESENTED TO THE PURCHASER; AND

30 (III) THE FEE AMOUNT IS DISCLOSED TO THE PURCHASER
31 BEFORE PAYMENT IS ACCEPTED BY THE PERSON FOR THE TICKET PURCHASE;

1 **(4) SET THE ORIGINAL SALE PRICE OF A TICKET AND THEN REQUIRE**
2 **A MINIMUM PURCHASE PRICE FOR RESALE OF THE TICKET; OR**

3 **(5) SELL A TICKET WITHOUT FIRST DISCLOSING IN A CLEAR AND**
4 **CONSPICUOUS MANNER ON THE WEBSITE BEING UTILIZED FOR THE ORIGINAL SALE**
5 **OF TICKETS FOR THE EVENT AND NOT LESS THAN 1 DAY BEFORE THE DATE ON**
6 **WHICH THE TICKETS ARE MADE AVAILABLE FOR SALE:**

7 **(I) THE TOTAL NUMBER OF TICKETS THAT WILL BE OFFERED**
8 **FOR SALE FOR THE EVENT;**

9 **(II) THE PRICE OF THE TICKETS BEING OFFERED FOR SALE,**
10 **INCLUDING A BREAKDOWN OF:**

11 **1. THE NUMBER AND TOTAL COST OF TICKETS BEING**
12 **OFFERED AT A SET PRICE; AND**

13 **2. THE NUMBER OF TICKETS WITH PRICES THAT WILL**
14 **FLUCTUATE TO REFLECT MARKET DEMAND; AND**

15 **(III) WHETHER AND WHEN ADDITIONAL TICKETS FOR THE**
16 **EVENT WILL BE MADE AVAILABLE FOR SALE AT A LATER DATE.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2024.