

# SENATE BILL 892

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7lr2912  
CF 7lr0906

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By: **Senators Feldman, Hershey, Klausmeier, and Mathias**  
Introduced and read first time: February 3, 2017  
Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Commercial Law – Consumer Protection – Nontransferable Ticketing Systems**

3 FOR the purpose of prohibiting a ticket issuer from using a nontransferable ticketing  
4 system except under certain circumstances; prohibiting a purchaser or a seller of a  
5 ticket from being penalized, discriminated against, or denied access to an event  
6 under certain circumstances; authorizing a ticket issuer, an operator of a venue, or  
7 an agent of the operator to maintain and enforce certain policies, establish certain  
8 limits, revoke or restrict certain tickets, and opt not to sell tickets in a certain form  
9 under certain circumstances; defining certain terms; and generally relating to  
10 nontransferable ticketing systems, ticket transfers, and ticket sales.

11 BY repealing and reenacting, with amendments,  
12 Article – Commercial Law  
13 Section 14–4001 through 14–4003  
14 Annotated Code of Maryland  
15 (2013 Replacement Volume and 2016 Supplement)

16 BY adding to  
17 Article – Commercial Law  
18 Section 14–4002 and 14–4003  
19 Annotated Code of Maryland  
20 (2013 Replacement Volume and 2016 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
22 That the Laws of Maryland read as follows:

23 **Article – Commercial Law**

24 14–4001.

25 (a) In this subtitle the following words have the meanings indicated.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 (b) (1) “Entertainment event” means:

2 (i) A performance;

3 (ii) A recreation;

4 (iii) An amusement;

5 (iv) A diversion;

6 (v) A spectacle;

7 (vi) A show; or

8 (vii) Any similar event.

9 (2) “Entertainment event” includes:

10 (i) A theatrical or musical performance;

11 (ii) A concert;

12 (iii) A film;

13 (iv) A game;

14 (v) A ride; and

15 (vi) A sporting event.

16 (C) **“NONTRANSFERABLE TICKETING SYSTEM” MEANS A TICKETING SYSTEM**  
17 **THAT RESTRICTS, THROUGH CONTRACTUAL OR TECHNOLOGICAL MEANS, THE**  
18 **ABILITY OF A TICKET PURCHASER TO FREELY USE, GIVE AWAY, OR RESELL THE**  
19 **PURCHASER’S TICKET.**

20 [(c)] (D) “Ticket” means a ticket for admission to an entertainment event.

21 (E) (1) **“TICKET ISSUER” MEANS A PERSON THAT, DIRECTLY OR**  
22 **INDIRECTLY, ISSUES TICKETS FOR AN ENTERTAINMENT EVENT.**

23 (2) **“TICKET ISSUER” INCLUDES:**

24 (I) **A MUSICIAN OR A MUSICAL GROUP;**

25 (II) **AN OPERATOR OF A VENUE;**

1 (III) A SPONSOR OR A PROMOTER OF AN ENTERTAINMENT  
2 EVENT;

3 (IV) A SPORTS TEAM PARTICIPATING IN AN ENTERTAINMENT  
4 EVENT;

5 (V) A SPORTS LEAGUE WHOSE TEAMS ARE PARTICIPATING IN  
6 AN ENTERTAINMENT EVENT;

7 (VI) A THEATER COMPANY; AND

8 (VII) AN AGENT OF ANY OF THE ENTITIES LISTED IN ITEMS (I)  
9 THROUGH (VI) OF THIS PARAGRAPH.

10 (F) "TICKET PLATFORM" MEANS A MARKETPLACE THAT ENABLES  
11 CONSUMERS TO PURCHASE AND SELL TICKETS.

12 (G) "VENUE" MEANS A THEATER, A STADIUM, A FIELD, A HALL, OR ANY  
13 OTHER FACILITY AT WHICH AN ENTERTAINMENT EVENT TAKES PLACE.

14 14-4002.

15 (A) A TICKET ISSUER MAY NOT USE A NONTRANSFERABLE TICKETING  
16 SYSTEM UNLESS:

17 (1) THE TICKET ISSUER OFFERS A PURCHASER OF A TICKET AN  
18 OPTION TO PURCHASE THE SAME TICKET IN A TRANSFERABLE FORM THAT ALLOWS  
19 THE PURCHASER TO GIVE AWAY OR RESELL THE TICKET, INDEPENDENT OF THE  
20 PREFERRED TICKET PLATFORM OF THE TICKET ISSUER; AND

21 (2) THE OPTION UNDER ITEM (1) OF THIS SUBSECTION IS OFFERED:

22 (I) AT THE TIME OF INITIAL SALE OF THE TICKET; AND

23 (II) WITHOUT PENALTY OR DISCRIMINATION.

24 (B) A PURCHASER OR A SELLER OF A TICKET MAY NOT BE PENALIZED,  
25 DISCRIMINATED AGAINST, OR DENIED ACCESS TO AN ENTERTAINMENT EVENT  
26 SOLELY ON THE GROUNDS THAT THE TICKET WAS:

27 (1) RESOLD; OR

1           **(2) PURCHASED ON A PARTICULAR TICKET PLATFORM.**

2 **14-4003.**

3           **(A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, A**  
4 **TICKET ISSUER, AN OPERATOR OF A VENUE, OR AN AGENT OF THE OPERATOR MAY:**

5                   **(1) MAINTAIN AND ENFORCE ANY POLICIES REGARDING CONDUCT,**  
6 **BEHAVIOR, OR AGE AT THE VENUE;**

7                   **(2) ESTABLISH LIMITS ON THE QUANTITY OF TICKETS PURCHASED;**

8                   **(3) REVOKE OR RESTRICT SEASON TICKETS FOR REASONS RELATING**  
9 **TO VIOLATIONS OF VENUE POLICIES, INCLUDING:**

10                           **(I) ATTEMPTS BY TWO OR MORE INDIVIDUALS TO GAIN**  
11 **ADMISSION TO THE SAME ENTERTAINMENT EVENT USING TICKETS PURCHASED IN A**  
12 **RESALE TRANSACTION, WITH EACH OF THE INDIVIDUALS PRESENTING COPIES OF**  
13 **THE SAME TICKET;**

14                           **(II) CONCERNS REGARDING THE PROTECTION OR SAFETY OF**  
15 **INDIVIDUALS AT THE VENUE; AND**

16                           **(III) CONCERNS REGARDING POSSIBLE FRAUD OR MISCONDUCT;**

17                   **(4) OPT NOT TO OFFER TICKETS IN A TRANSFERABLE FORM IF THE**  
18 **TICKETS IN A NONTRANSFERABLE FORM ARE SOLD OR GIVEN TO INDIVIDUALS OR**  
19 **GROUPS AS PART OF A TARGETED PROMOTION OR A DISCOUNTED PRICE BECAUSE**  
20 **OF THE INDIVIDUALS' OR GROUPS' STATUS; AND**

21                   **(5) OPT NOT TO OFFER OR SELL TICKETS IN A TRANSFERABLE FORM**  
22 **IF THE TICKETS ARE FOR AN EVENT NOT OPEN TO THE GENERAL PUBLIC.**

23           **(B) THE OPTION UNDER SUBSECTION (A)(4) OF THIS SECTION:**

24                   **(1) INCLUDES GROUPS OR INDIVIDUALS CHARACTERIZED BY A**  
25 **DISABILITY, MEMBERSHIP IN A RELIGIOUS OR CIVIC ORGANIZATION, OR ECONOMIC**  
26 **HARDSHIP; AND**

27                   **(2) REQUIRES THAT TICKETS SOLD TO CERTAIN INDIVIDUALS OR**  
28 **GROUPS ARE:**

1                                   **(I) NOT OFFERED PROMOTIONALLY TO THE GENERAL PUBLIC;**  
2 **AND**

3                                   **(II) MARKED CLEARLY AS A TICKET RESTRICTED TO THE**  
4 **SPECIFIED INDIVIDUALS OR GROUPS.**

5 **[14-4002.] 14-4004.**

6           A person may not intentionally sell or use software to circumvent a security measure,  
7 an access control system, or any other control or measure on a ticket seller's Web site that  
8 is used to ensure an equitable ticket buying process.

9 **[14-4003.] 14-4005.**

10           A violation of this subtitle is:

11                   (1)    An unfair or deceptive trade practice within the meaning of Title 13 of  
12 this article; and

13                   (2)    Subject to the enforcement and penalty provisions contained in Title 13  
14 of this article.

15           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2017.