

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 747

(Delegate Brooks)

Economic Matters

Consumer Protection - Internet Event Ticket Sales - Prohibition on Sharing
Personal Information

This bill generally prohibits a ticket seller (*i.e.*, a person who sells tickets for admission to an entertainment event, including a ticket reseller and a ticket website) from disclosing the personal information of a purchaser to a third party. However, a ticket seller is authorized to disclose the personal information of a purchaser to another ticket seller if the ticket seller enters into an information sharing agreement with the other ticket seller. The personal information of a purchaser may not be printed on a ticket to an entertainment event unless the purchaser is able to remove, delete, or fully obscure the personal information without invalidating the ticket. Violation of the bill is an unfair, abusive, or deceptive trade practice under the Maryland Consumer Protection Act (MCPA), subject to MCPA's civil and criminal penalty provisions.

Fiscal Summary

State Effect: The bill's imposition of existing penalty provisions does not have a material impact on State finances or operations. The Office of the Attorney General, Consumer Protection Division, can handle the bill's requirements with existing resources.

Local Effect: The bill's imposition of existing penalty provisions does not have a material impact on local government finances or operations.

Small Business Effect: Minimal, assuming small business ticket sellers do not regularly sell personal information.

Analysis

Current Law: An “entertainment event” is defined as a performance, recreation, amusement, diversion, spectacle, show, or any similar event and includes a theatrical or musical performance, concert, film, game, ride, or sporting event. A “ticket website” means a website advertising or offering the sale (or resale) of tickets or facilitating a secondary ticket exchange or electronic marketplace that enables consumers to sell, purchase, and resell tickets to an entertainment event in the State.

An unfair, abusive, or deceptive trade practice under MCPA includes, among other acts, any false, falsely disparaging, or misleading oral or written statement, visual description, or other representation of any kind, which has the capacity, tendency, or effect of deceiving or misleading consumers. The prohibition against engaging in any unfair, abusive, or deceptive trade practice encompasses the offer for or actual sale, lease, rental, loan, or bailment of any consumer goods, consumer realty, or consumer services; the extension of consumer credit; the collection of consumer debt; or the offer for or actual purchase of consumer goods or consumer realty from a consumer by a merchant whose business includes paying off consumer debt in connection with the purchase of any consumer goods or consumer realty from a consumer.

The Consumer Protection Division is responsible for enforcing MCPA and investigating the complaints of aggrieved consumers. The division may attempt to conciliate the matter, issue a cease and desist order, or file a civil action in court. A merchant who violates MCPA is subject to a fine of up to \$10,000 for each violation and up to \$25,000 for each repetition of the same violation. In addition to any civil penalties that may be imposed, any person who violates MCPA is guilty of a misdemeanor and, on conviction, is subject to a fine of up to \$1,000 and/or imprisonment for up to one year.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Department of Legislative Services

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