

MPP- Scalped Ticketing Screenshots.pdf

Uploaded by: Audrey Fix Schaefer

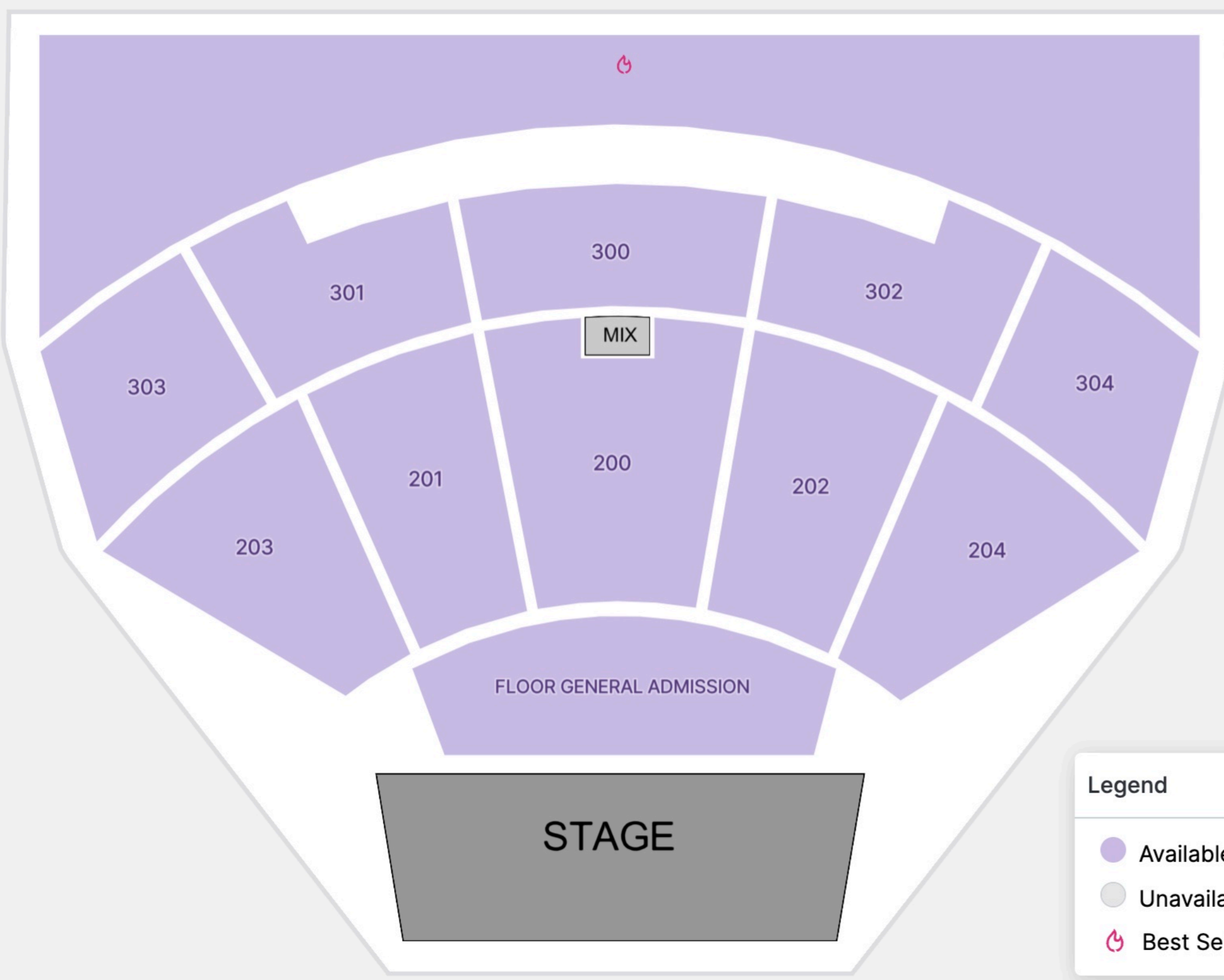
Position: FAV

Hozier
May 17 • Fri • 8:00PM • 2024
Merriweather Post Pavilion, Columbia, MD, USA

Not looking for Hozier? [Sell](#) [My Tickets](#) [Sign In](#)

To gain access to the event, you need to be accompanied by the original buyer of tickets.

Filters | 2 tickets | \$348 - \$11,820+ | Front rows | Zones



Legend

- Available
- Unavailable
- Best Selling

- No image available
- Section Pit Fan
2 tickets
Clear view ⓘ **\$14,044 each**
- Section Diamond Fan
2 tickets
Clear view ⓘ **\$14,628 each**
- Section Gold Deluxe
2 tickets
Clear view ⓘ **\$17,848 each**
- Section 300
2 tickets, seated together ⓘ **\$24,697 each**

- ✓ Login or Register
- ✓ Delivery
- ✓ Payment & Billing
- 4 Place Order

Payment

Confirm and Place Order

By clicking "Place order", you agree to the Vivid Seats [terms of use](#) and to the [Rewards Program terms and conditions](#) and confirm that you are aware that you may be paying above face value for your tickets. Your credit card will be charged \$25057.42. All prices in US Dollars. All sales are final.

If you select a Pay Later offer to pay for your tickets and add insurance, Allianz Ticket Protection will be charged to the first active payment method from your wallet in the following order: PayPal Balance, bank account, PayPal debit card, PayPal credit card, other debit card, other credit card, or e-check.

Loading Paypal...

Mitski

Merriweather Post Pavilion - Columbia, MD
Friday August 30, 2024 7:30pm

Ticket Details

Section: **Section 200**

Row: **F**

Notes: Please note that you will need to use an iOS or Android mobile device to gain entry to your event.

Price: **\$8929.00** each

Quantity: **2**

Mobile Tickets

100% Buyer Guarantee

Apply a Gift Card or Promo Code

Ticket Total	\$8929.00 x 2
Service Total	\$3597.21 x 2
Electronic Transfer	\$2.50 x 2

Total Charge **\$25057.42**

SAT
JUN 29, 2024
7:00PM

Alanis Morissette, Joan Jett And The Blackhearts & Morgan Wade

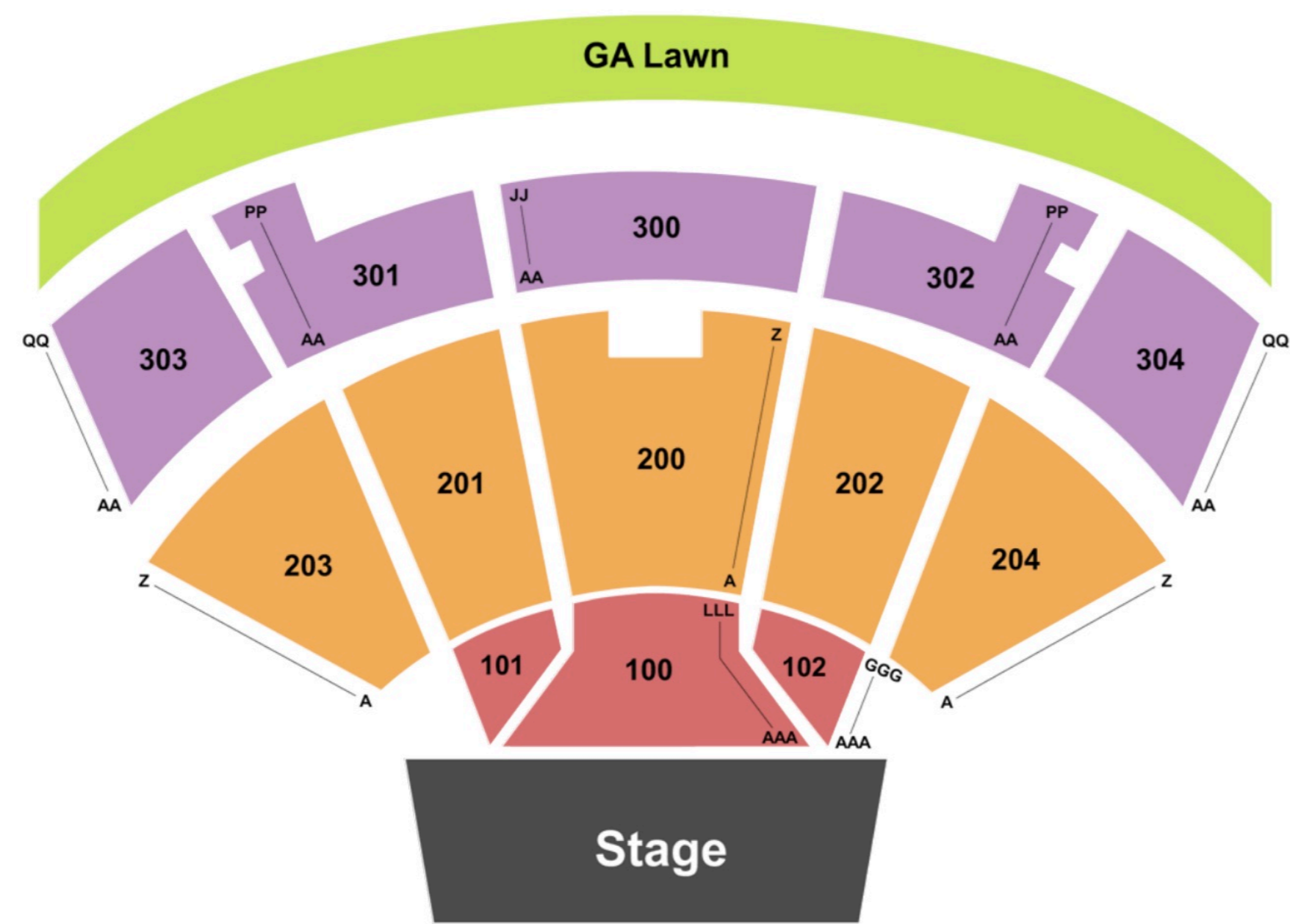
Merriweather Post Pavilion, Columbia, MD

Show All Events

Attend in Style
Explore ticket packages for extra access, amenities & more.
[Show Packages](#)

100% Money-Back Guarantee
Ticket Network is a resale marketplace, not a box office or venue. Prices may be above or below face value. Your seats are together unless otherwise noted. Tickets will be the ones your ordered or better. Refunds for canceled events

Seatics map



Select by Venue Level

Filter & Sort [Clear Filters](#)

Quantity: Any, 1, 2, 3, 4+

Min Price: 137

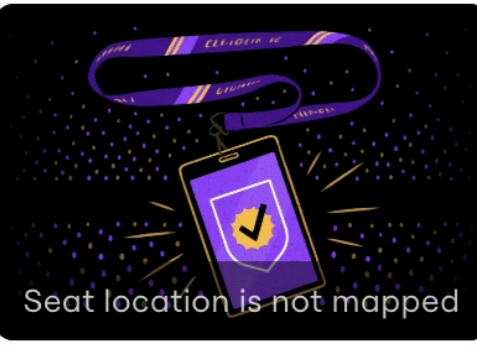
Max Price: 3,446

Show prices with estimated fees:

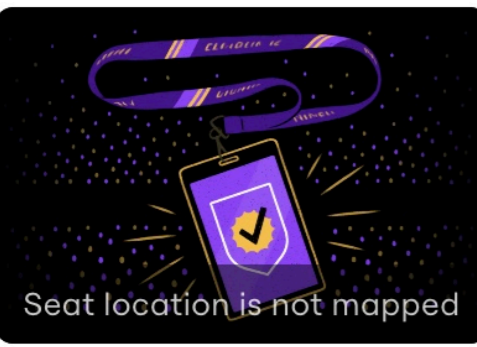
Sort by: Price - Low to High

Find tickets for [Alanis Morissette](#) in Columbia, MD at [Merriweather Post Pavilion](#) on June 29, 2024.
[Merriweather Post Pavilion](#) is located in Columbia, MD

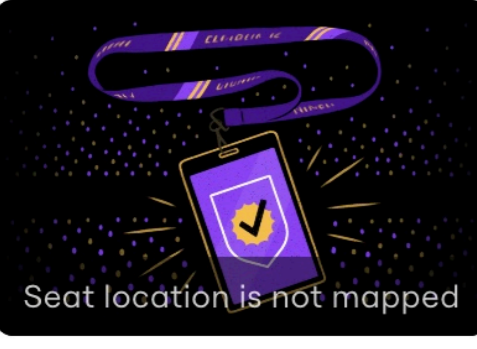
Quantity \$131 - \$897+ Excl. fees Best seats VIP



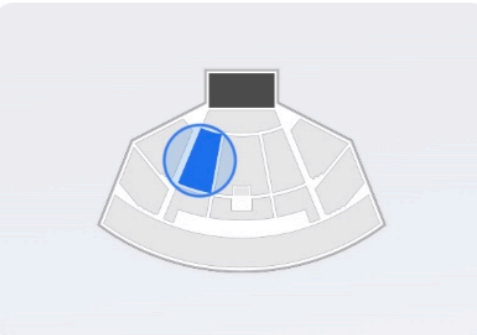
\$1,303 each, incl. fees
★ VIP package · 2-4 tickets
Deluxe Hotel



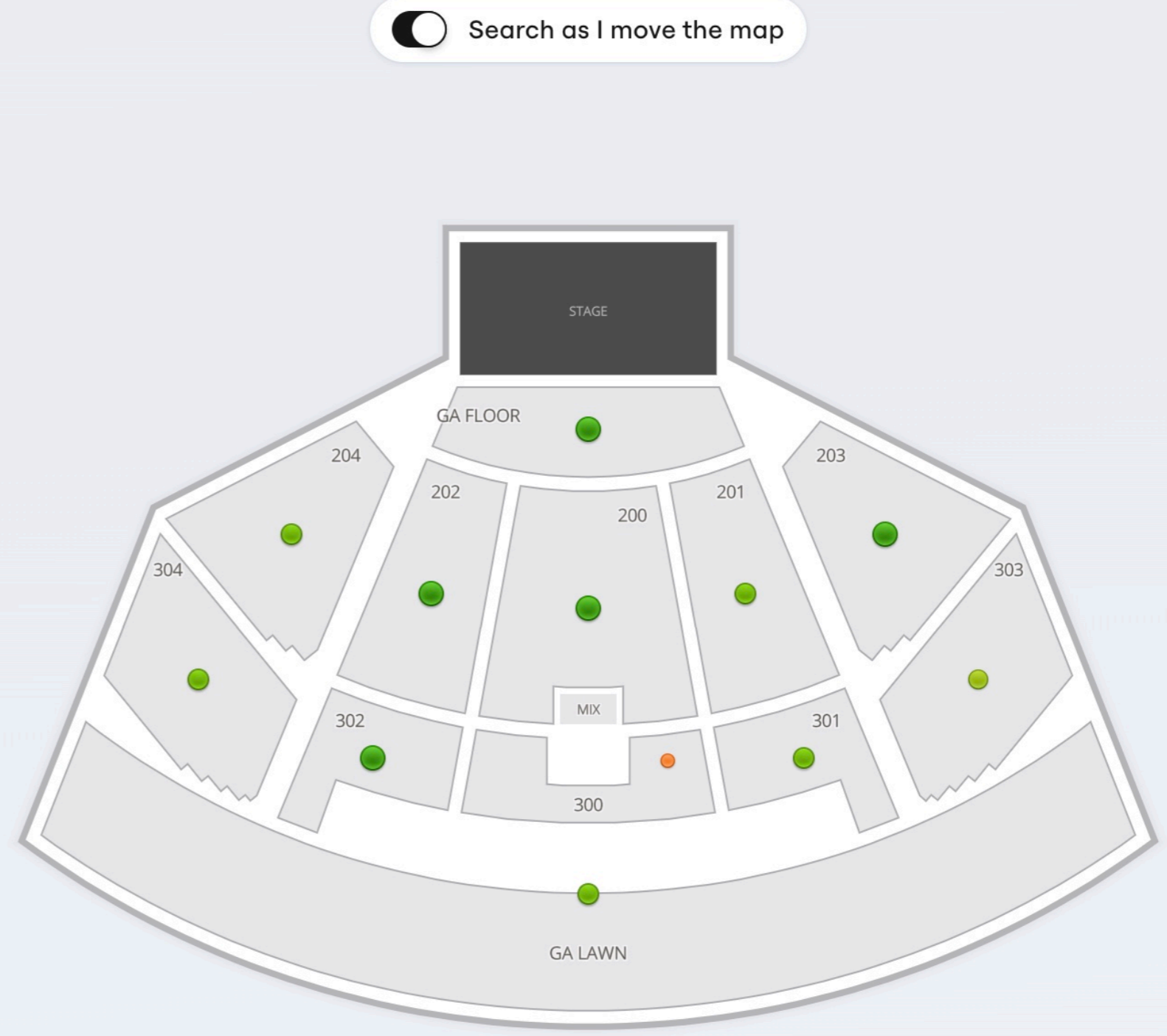
\$1,384 each, incl. fees
★ VIP package · 1-6 tickets
Gold VIP



\$1,801 each, incl. fees
★ VIP package · 1-6 tickets
Diamond VIP



\$5,302 each, incl. fees
0.2 Premium Price · 1-3 tickets
Section 202, Row Z



- ✓ Login or Register
- ✓ Delivery
- ✓ Payment & Billing
- 4 Place Order

Payment

EVENT TICKET PROTECTION

Get reimbursed 100% of your ticket cost for \$16.00 total.

If you can't attend the event for a number of covered reasons - such as covered illness, injury, airline delay, traffic accident, mechanical breakdown, weather emergency, and more - you can get 100% of the ticket price returned to you.

Recommended/offered/sold by Allianz Global Assistance. Underwriter: Jefferson Insurance Company. Plan incl. insurance & assistance services. Terms & exclusions (incl. for pre-existing conditions) apply. [Plan & Pricing details, disclosures, Coverage Alerts](#). Insurance billed separately through Allianz Global Assistance.

Please select yes or no

- Yes, protect my ticket purchase for Mitski Parking. ✓ **Highly Recommended**
- No, don't protect my ~~\$127.14~~ ticket purchase. I choose not to add the security of event ticket protection for my event.

 16,186 people protected their tickets in the last 7 days

Confirm and Place Order

By clicking "Place order", you agree to the Vivid Seats [terms of use](#) and to the [Rewards Program terms and conditions](#) and confirm that you are aware that you may be paying above face value for your tickets. Your credit

Mitski Parking

Merriweather Post Pavilion Parking - Columbia, MD
Friday August 30, 2024 8:00pm

Ticket Details

Section: ZONEA

Row: GA


Notes: Parking pass only. Does not include admission to the event. Please note that you will need to use an iOS or Android mobile device to gain entry to your event.

Price: **\$89.00** each

Quantity: 1

Mobile Tickets 

 **100% Buyer Guarantee** 

[Apply a Gift Card or Promo Code](#) 

Ticket Total	\$89.00
Service Total	\$35.64
Electronic Transfer	\$2.50

Total Charge **\$127.14**

HB0701_Christine_Gilroy.pdf

Uploaded by: Christine Gilroy

Position: FAV

TESTIMONY IN SUPPORT OF HB 701
Christine Gilroy

I'm Christine Gilroy, a Maryland resident who's been working in venue box offices for more than 17 years. I am in support of HB 701. I've seen the rise of professional scalpers and the BOTS they use to beat real fans to the tickets they deserve, and my co-workers and I have to take time out of every day to help fans who've been scammed by these platforms.

Without this legislation, trying to ensure real fans get tickets instead of scalpers is just a bad game of whack-a-mole. The only way to truly protect consumers is to remove the profit motive, like this bill does. Transferability at face value ensures that fans who can't attend have the option to sell their ticket to someone else who can, so both of them are made whole without being gouged.

These Professional Scalpers know exactly what they're doing - they often try to attack every single show we put on sale, adding tickets into hundreds of different carts all at once.

BOT activity is off the charts and just keeps climbing, even though they were outlawed both locally and federally years ago. We used to identify individual scalpers the old-fashioned way, where you'd catch the same name buying tickets with different credit cards or the same mailing address with different names - but now they're invisible violators.

Just recently one show we put on sale had more than a third of all available tickets purchased by BOTS.

Night after night we talk to fans whose tickets aren't working, only to discover that a scalper has sold the same ticket multiple times across multiple platforms. That ticket only works once, leaving the other customers confused and angry at our doors while blaming the ticket scanner and stopping the flow of fans into the venue, which ends up delaying other patrons in line, too.

When fans get stuck with these fake tickets, they blame our staff and it hurts our reputation. We try to calm them down and explain how to contact whoever they purchased from to file for a refund or a chargeback. Still, those refunds don't even begin to cover the fans' transportation costs, their accommodations, or their disappointment at missing the show.

These problems arise at almost every show, and time after time we hear that they "just clicked the first result on Google." Well, when you Google a show, like "Brooks & Dunn Merriweather Tickets", the entire first page is clogged with results from scalpers. Merriweather's official website doesn't even appear until you scroll down.

Scalpers are even selling tickets for shows before they're on sale, meaning that when people fall victim to those Google ads, those are the only tickets they can find. They don't know they're not real, and they don't know they're being gouged.

The whole process is incredibly misleading and stacked against real fans, so thank you Chair Wilson for sponsoring this bill and thank you all for listening. Everyone who works in a box office is begging you to pass this bill.

Fan Alliance Support HB 701.pdf

Uploaded by: Donald Cohen

Position: FAV



IN SUPPORT OF HB 701

February 16, 2024

Dear Chair Delegate Wilson, Vice Chair Delegate Crosby, Delegates Adams, Amprey, Arentz, Bofo, Charkoudian, Fennell, Fisher, Fletcher Harrison, Fraser-Hidalgo, Howard, Jackson, Johnson, Pippy, Pruski, Qi, Queen, Rogers, Rose, Turner, Valderrama and Wivell,

Fan Alliance is a national independent grassroots organization of fans dedicated to creating a sustainable music ecosystem **and we are in full support of HB 701.**

Ticketing reform is urgently needed – for both concert fans and artists. But it also needed for the ecosystem that makes their art possible – such as independent venues, promoters, and others in the performing arts world.

We hear from fans across the country about ticket pricing schemes that add hidden fees, that allow third party sellers to charge exorbitant prices for supposedly “sold out” concerts or for premium seats.

We hear from concert goers across the country about their experiences attempting to purchase tickets when a show is announced but are “crowded out” by ticket resellers who obviously have systems to buy up tickets quickly. This can only be possible if the resellers are using algorithms or other forms of “bots” to secure large numbers of tickets – only to resell them at highly inflated prices.

Music fans want to experience the music they love. But we also want the musicians we love to be able to sustain a decent lifestyle and for the venues that give them the space to share their art. We want our dollars to go those artists and venues, not siphoned off by tech-savvy and profit seeking secondary sellers.

HB 701 is the right approach. It has all the essential reforms and protections we need:

- transparency in ticket pricing,
- prohibiting ticket resellers to gouge Maryland consumers,
- banning the sale of “speculative” tickets, which are fake,
- ensuring that fans who can’t make an event are able to sell their tickets to other fans.

The current ticketing ecosystem is clearly broken. Maryland can play a leading role across the country in fixing it and protect artists, fans, and an entertainment experience we all desperately need. We urge your full support for this vital legislation.

Thank you for addressing this vital issue.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Cohen", written over a horizontal line.

Donald Cohen
www.thefanalliance.org

ARTIST MANAGER TESTIMONY IN SUPPORT OF HB 701.pdf

Uploaded by: Eric Baker

Position: FAV

TESTIMONY IN SUPPORT OF HB 701

Eric Baker

I'm Eric Baker, an artist manager with 35 years of experience, whose roster includes Jefferson Starship, Bell Biv DeVoe, and Skid Row and have managed many other iconic artists. I'm absolutely in favor of HB 701.

We all want a fair and transparent ticketing ecosystem that benefits artists, venues, promoters, and, most importantly, fans, and the abuses by scalpers in the current market environment are not only unfair for customers, but leech resources away from artists as well.

My artists want their shows to be accessible to all fans, not just those with the deepest pockets. When scalpers swoop in and purchase these tickets before real fans can, with the intention of gouging the audience, they're making a profit off the music my artists have created and off of the relationships my artist has built with their fans.

Scalpers add absolutely nothing to the marketplace - all they do is stand as a middleman with the intention of leeching our fans of their hard earned cash. The scalpers have no involvement in making the music, and they have no involvement in making the show happen. All they do is stand between fans and a fair price - the price that my artists have decided on. Plus, every additional dollar spent on a scalped ticket is a dollar less that fans are able to spend on music, on merch, and on other shows - that hurts artists terribly.

When fans purchase tickets from scalpers, they disrupt the artists' control over their own tickets and distribution channels. Some tickets are meant for specific audiences, like fan clubs. Others are for meet & greets, and it's incredibly important that artist teams know who's on the roster for a meet & greet beforehand. When that ticket gets scalped, it could go to anyone, which could, potentially, be dangerous.

Look, artists love their fans. Their entire career to date has depended on them, as does their future. They hate seeing them suffer like this. It's heartbreaking to hear of any fan who purchases a ticket only to show up and find out that it's fake, and it's heartbreaking to hear of any fan who spent hundreds or thousands above face value because they didn't know they weren't buying direct from the box office and thought that was the price the artist decided on.

We know our shows are popular, or at least we hope they are. But just because demand is so high does not give these predatory third parties the right to come in and gouge our fans, while offering nothing in return. They'd claim they're providing that fan with the ticket they missed out on at the on-sale, but why do you think the fan missed it the first time around? It's because the scalper was there first, lurking, and using unfair tactics to beat real fans to the punch.

We need HB 701 everywhere, to protect fans and make sure that value is going to those who earn it - not those who take it.

Hugh.pdf

Uploaded by: Hugh McElroy

Position: FAV

Testimony of Hugh McElroy

February 20, 2024
HB 701 FAVORABLE

Dear members of the Economic Matters committee,

My name is Hugh McElroy. I grew up in Bethesda, and am now a resident of Silver Spring. I play in an internationally touring band that started in 2001. After a long hiatus, my bandmates and I have begun actively touring again and have witnessed the transformational changes happening in in ticketing up close.

While there have always been unethical secondary market resellers charging huge mark-ups on the face value of tickets, the emergence of parasitic and predatory companies driving up prices for their own profit on an industrial scale is new, and it's not just impacting high profile artists like Taylor Swift.

The price of the ticket doesn't just pay my band for the work we put into the show. It also pays the the promoter, the sound engineers, the lighting engineers, stage crew, security, and others. The ticket price needs to ensure that every individual who works on a show is fairly compensated.

At the same time, our band works to operate in ways that align with our community values. We try to make our shows accessible to all people. Sometimes, that means working with promoters to set a ticket price below what we could charge if we simply wanted to maximize our revenue.

Here's a representative example of the challenges we now face:

On January 27 & 28, my band played at a club in Los Angeles, our first time playing there in over 20 years. We chose to perform at an independent venue called Lodge Room. As is the case with many of our favorite Maryland venues, Lodge Room does not use Ticketmaster.


We priced our show at \$20. The venue charged an additional \$5 fee. Here is what a fan attempting to buy a ticket would see:

Subscribe×

✶ BLACK EYES

General Admission

−1+\$20.00

 Jan 27

Subtotal:	\$20.00
Promotions:	-\$0.00
Ticket Fees:	\$5.00
Shipping Fees:	\$0.00
Tax:	\$0.00
TOTAL:	\$25.00

[Continue Shopping](#)

I have read & agree to the [Terms of Purchase](#)

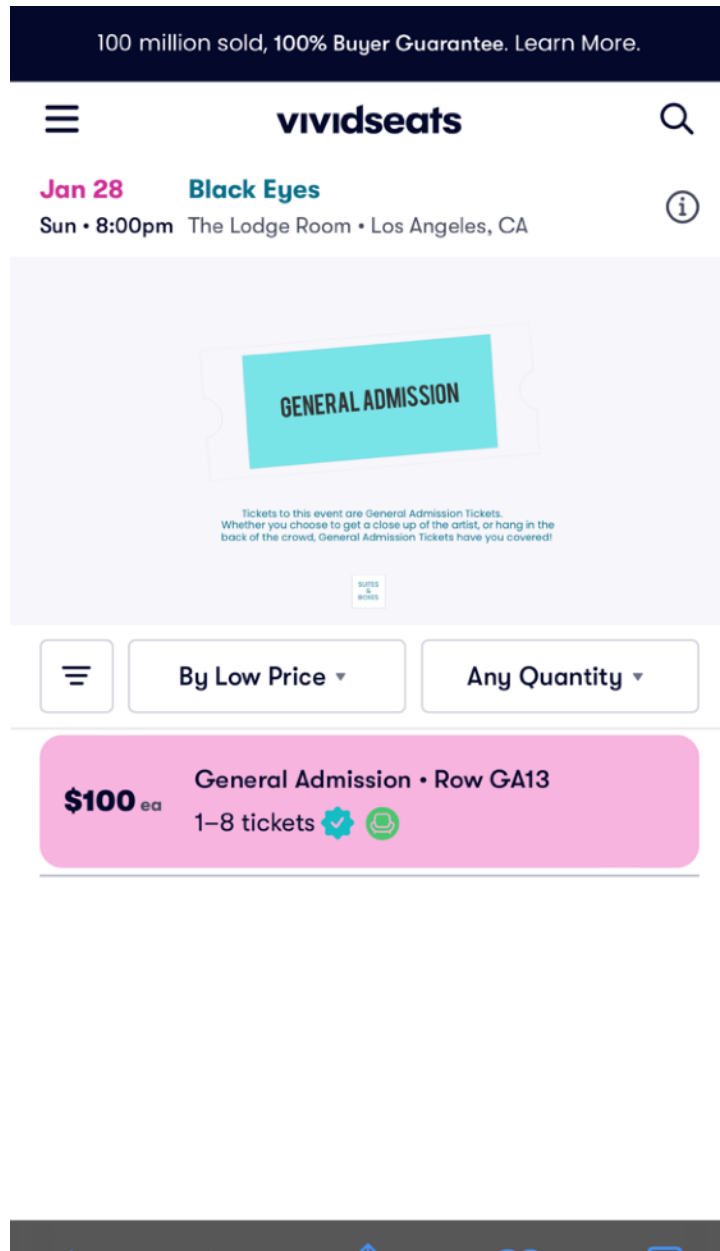
Proceed to Checkout

04:55
MIN : SEC

This is good and transparent, and what musicians like me hope for: clear and honest communication, reasonable prices and a simple experience for fans.

A bill like SB539/HB701 would improve this slightly by showing the \$25 total price at the outset but keeping the itemization, including the face price. That's important because the face price is the only part of the total ticket price my band can control or negotiate for.

Unfortunately, Vivid Seats chose to offer resale tickets to our show, using a range of deceptive and unfair tactics that trick consumers into paying more. Here's what that listing looked like.



As you can see, the \$20 ticket is being sold for \$100. That's a 400% markup. The show wasn't even sold out.

That little green chair icon indicates that this ticket is being sold as part of Vivid's "Seat Saver program." Vivid calls this a "concierge service", but it's really just a speculative ticket, a ticket that Vivid doesn't even possess but is selling anyway. It gets worse! Vivid was charging an extra \$42.42 in fees on top of that \$100. We wanted our fans to pay \$25; Vivid wanted them to pay 469% more.

None of that extra money on top goes to us, the promoter, the venue, their staff, or anyone who had anything to do with putting on a successful event. It's all going to a ticket broker, and to Vivid Seats and its predatory private equity investors.

6:19 📶 🔋

🔒 vividseats.com

vividseats

Delivery Billing **Place Order**

Payment

🔒 Your order information is secured

This site uses SSL encryption to securely transmit your order information for processing.

Total Charge **\$142.42**

⊕ Pricing details

Apply a Gift Card or Promo Code ▼

Mobile delivery by: **01/27/2024**

Black Eyes

The Lodge Room - Los Angeles, CA

Sunday January 28, 2024 8:00pm

Ticket Details

Section: **General Admission**

Row: **GA13**

Notes: Please note that you will need a smartphone to gain entry to your event. This is a Seat SaverSM listing. Seat SaverSM is a service for tickets that the seller does not have in their possession.

Vivid Seats hides these fees until after customers have already entered their payment and billing information—this is what the FTC calls a “dark pattern.”—intentionally hiding information until so late in the process that customers are less likely to back out. They also hide itemization behind that drop down menu. (Did you even notice it?)

It’s only with extra clicks that you can see just how much you’re getting ripped off with ridiculous fees. And those fees help pay for online ads on search engines and social media sites, which most artists and independent venues can’t afford—ensuring that more and more consumers get funneled through Vivid and duped into paying more.

Vivid Seats wants the speculative ticket ban in SB 539 to be weakened to make an exception for “concierge services” like “Seat Saver” to continue to exist.

I disagree. I don’t want to see fans of my music get ripped off like this. I want a complete ban on speculative tickets, and I want ticket resale capped at the original purchase price. That way, no one gets stuck with a ticket they can’t use, and predatory corporations that I would never voluntarily choose to work with aren’t exploiting my community with deceptive practices.

Vivid Seats claims that their “concierge service” offers an alternative to Ticketmaster’s domination. My band has avoided ever dealing with Ticketmaster, and chosen *real* alternatives because we find that company’s practices appalling. But we find Vivid and other largely unregulated resale sites and brokers to be even worse. Vivid is attempting to use legitimate public frustration with Ticketmaster to try and excuse a nakedly dishonest and unethical business model.

I challenge anyone from Vivid Seats, or any of the seemingly endless parade of organizations funded by Vivid, Stubhub, Seatgeek, or brokers to explain how the opportunity to pay 469% markup on my band’s \$25 ticket benefits consumers.

I ask the committee for a favorable report.

HB 0801 testimony.pdf

Uploaded by: Jackie Coleman

Position: FAV



MARYLAND HALL
art for all

Testimony in favor of HB0701

February 20, 2024

Submitted by: Jackie Coleman, Executive Director of
Maryland Hall for the Creative Arts

Greetings distinguished members of the committee. My name is Jackie Coleman and I am the Executive Director of Maryland Hall. I appreciate the opportunity to provide my support of HB0780 concerning the sale and resale of tickets. Dedicated to Art for All, Maryland Hall is the region's cultural core, convening and engaging all people in arts experiences that strengthen community. We welcome, connect, and enrich all with inspiring arts experiences.

For the past 40 plus years Maryland Hall has hosted performances and events for the community to enjoy. Recently we have encountered sites on the web that are reselling tickets to our shows and other shows happening in our building at well over the cost we are charging. An unsuspecting consumer could readily purchase tickets through one of these sites unaware they are paying way over market value and potentially not even purchasing an actual seat. We work hard to offer tickets at prices as affordably priced as possible. This bill would support these efforts ensuring the dollars spent on tickets are supporting artists and not third party scammers.

I urge you to support HB0701 so Maryland Hall and other like organizations can focus on achieving their missions. Thank you for your time.

www.marylandhall.org

801 Chase St. Annapolis, MD 21401

FMC.pdf

Uploaded by: Kevin Erickson

Position: FAV

**Testimony of Kevin Erickson
musician & record producer,
Director of Future of Music Coalition
HB 701**

Good afternoon. I'm Kevin Erickson, and I direct Future of Music Coalition, a nonprofit organization that has for over two decades worked to ensure that musicians have a voice in the policy issues that impact their lives and livelihoods. I appreciate the opportunity to share our views on this important topic.

When the Taylor Swift on-sale disaster happened, it thrust ticketing issues into the national spotlight, but it mostly confirmed what we and other musician organizations been saying for sometime. The current state of ticketing is a dysfunctional mess; it's not working for artists, venues, or fans. The problems are complex, but most are not inevitable, but a product of public policy choices. We believe that better choices at the state and federal level can create better outcomes, and HB 701 represents a massive step forward.

HB 701 HOLDS EVERYONE ACCOUNTABLE

Other witnesses will share the familiar stories of extreme price gouging, fans being sold fraudulent tickets, confusing and deceptive practices on both primary and secondary sales.

Part of the reason that we haven't seen more progress in solving these problems is that historically policy debates have been dominated by Live Nation/Ticketmaster on one side and resale sites, brokers, and groups they fund on the other side. Those two opposing camps have had us locked in a binary analysis, blaming each other for all the problems.

Talking to musicians and the organizations that represent them can help us escape this trap. No one knows more or cares more about protecting fans than musicians, their livelihoods depend on doing what we can to giving fans experience. For us, it's pretty simple— bad behavior is unacceptable from any company. We want to hold all the different stakeholders accountable and this bill does that.

WHAT THE BILL DOES

HB 701 is perhaps the strongest pro-consumer and pro-artist piece of ticketing reform legislation currently under consideration in any state. The bill:

- **Requires all primary and secondary ticket sellers to offer all-in pricing with an itemized list of all charges**

This eliminates unpleasant surprise fees at the end of the transaction but also ensures that consumers see the base price and all fees from the beginning and throughout the transaction. This is the version of all-in pricing that has consensus support within the artist community; it ensures that fees aren't hidden and consumers are fully informed.

- **Limits resale of tickets to original purchase price (including fees and taxes)**

This eliminates the commercial incentive for brokers to buy up as many tickets as they can for high demand events and resell them for many times the original price. This will mean many more eventgoers will be able to purchase tickets at the artist's intended

price; Maryland consumers will pay millions less to third parties that aren't even involved in putting on the event.

- **Limits the fees charged by resale sites to 10%**

This means that resale sites like Stubhub, Seatgeek, Vivid Seats etc can continue to operate, but they can't profit from massive markups or outrageously high fees anymore for Maryland events.

- **Requires transferability for most tickets made available to the general public**

Resale restrictions are currently employed most frequently by venues/artists/presenters to try and ensure that fans are able to pay the intended price instead of having to pay inflated prices on the secondary market. Because other parts of the bill solve those problems, most transferability restrictions are no longer necessary.

The bill allows for reasonable restrictions; for example, a symphony orchestra that has a grant funded program for discounted tickets made available just for students would be able to ensure that these discounted tickets stay with the targeted population.

- **Bans speculative tickets**

Speculative tickets are one of the most nakedly predatory and deceptive practices in live event ticketing; they're hated by artists, fans, venues, and promoters. Speculative tickets happen when predatory resellers list and sell tickets they don't actually possess, banking on their ability to use technological tools and aggressive tactics to get tickets before actual fans and sell them, typically at a substantial markup. They also degrade the ticket buying experience for ordinary fans. This can result in frustrated fans getting stuck outside venues when their promised tickets aren't delivered; while they may eventually get a refund, this is no consolation, particularly if they traveled for an event.

Maryland is one of a handful of states that currently requires *disclosure* of speculative tickets, but this has proven inadequate. A complete ban would solve the problem once and for all.

- **Requires resellers to share ticketbuyers' contact information with resale ticket purchasers in case of cancellation or schedule change**

This ensures that venues/artists/teams/presenters can contact all ticketbuyers, something they've long wanted to do for safety/logistical/weather reasons. Currently, venues/artists/presenters only have contact info for buyers who purchased their tickets on the primary market.

HOW DOES THIS LEGISLATION INTERSECT WITH MONOPOLY CONCERNS?

It's helpful to think of the effort to "fix ticketing" as consisting of two distinct "buckets" , which add up to a complementary and holistic public policy approach. The first bucket is about *structural* issues, which helps you understand the harms that follow from consolidated ownership—the factors that DOJ is understood to be investigating with TM/LNE, the factors that led UK regulators to require divestments when Viagogo & Stubhub merged.

The second bucket is market regulation, which is concerned with rules of the road that apply to every firm; it's a means of addressing potentially bad practices and behavioral concerns by anyone in the field.

It's these two buckets together that add up to sound policy that protects fans, workers, small businesses, and diverse creative expression. Strong antitrust enforcement—ideally a DOJ complaint that leads to structural separation of Live Nation's different lines of business—has to be accompanied by clear bright line market regulation for primary and secondary markets—banning fake tickets and deceptive marketing, mandating up-front pricing with clear and conspicuous itemization, etc.

It makes sense that while DOJ is focused on a TM/LNE investigation, legislative approaches focus on addressing that second “market regulation” bucket—which DOJ can't do. Either “bucket” on its own would be insufficient to address the range of problems. We need a breakup and we need a good market regulation.

WHY IS THIS SO CONFUSING?

Some of the confusion around ticketing policy is a result of different coalitions forming around these two “buckets.” Some artist groups agree with some secondary ticketing platforms that Live Nation/Ticketmaster should be broken up. But various parties might have very different visions of what specific structural remedies might be appropriate.

Similarly, artist groups might agree with Live Nation that brokers, bots, and secondary platforms create serious problems and need to be regulated. But we might ultimately disagree about a fundamental vision of the healthier marketplace we want to see emerge.

At least four artist organizations that have called for Ticketmaster be broken up are also supporting this bill. We encourage you to reference our US senate testimony from January 2023 which delves more deeply into these issues.

WHAT TO LISTEN FOR FROM OPPOSITION

If you hear groups talk about “ticketbuyers rights” - we encourage you to always ask if they're describing a fan who bought a ticket because they want to go to the show, or a broker who bought a ticket because they want to resell it for profit. Those two individual's interests are not aligned and shouldn't be conflated. Brokers aren't even consumers, they're at best “entrepreneurs” whose business is about trying to get in between musicians and fans to siphon revenue away from music communities, so fans pay more and artists earn less.

If you hear secondary platforms and groups they fund suggest that a particular bill provision “helps Ticketmaster,” look into whether it actually just makes it harder for brokers to maximize their profits. Remember Ticketmaster has been reselling other venues' tickets as well as their own inventory at massive markups; this is a core way that Ticketmaster sustains its market power, and this bill attacks that directly.

You may hear people say that this bill will shut down legitimate resale. Ask whether it just forces them to adopt less exploitative business models. There's ethical resale platforms that already operate within these parameters—face value, only 10% fees. No one gets stuck with a ticket they can't use, but no one gets ripped off.

thatstheticmusicgroups.pdf

Uploaded by: Kevin Erickson

Position: FAV

United States Senate Committee on the Judiciary
Hearing: January 24, 2003: “That’s the Ticket: Promoting Competition and Protecting Consumers in Live Entertainment”

Joint statement of:

**Future of Music Coalition
Artist Rights Alliance
American Association of Independent Music
Music Workers Alliance
Union of Musicians & Allied Workers**

As groups working to elevate the voices of varied communities of musicians, songwriters, composers, producers, engineers, DJs, and independent record labels, we welcome the committee’s attention to this important and timely topic. We also welcome renewed attention to the intersection of music industry issues and antitrust policy.

This hearing comes at a pivotal moment for competition policy generally and for music communities specifically. In the past several years, a growing movement to revitalize antitrust policy has challenged regulators, enforcers, and policymakers to look beyond short-term consumer-facing price effects to the impacts on producers and the health of the overall marketplace, using all the available tools to ensure antitrust keeps up with the massive changes happening in our economy. Meanwhile, the pandemic and the resulting stress on many music revenue streams has made visible a range of systemic problems and long-standing power imbalances within our industry. While pandemic relief measures, including Save Our Stages offered crucially important emergency steps to keep independent venues alive, we cannot be content to build our way back to a pre-pandemic live events status quo that was unsustainable for too many.

In competition policy, the interests of music creators and music listeners are closely aligned: both benefit from a marketplace environment where a broad range of diverse partners—promoters, venues, ticketing providers, and others— all compete to best serve diverse artists and audiences’ needs. Ownership consolidation can alter both the scope and character of competition, centralizing power while creating new incentives to abuse that power. Consolidation in live music was causing problems long before Live Nation and Ticketmaster (LNE/TM) were allowed to merge, but it’s worth looking specifically at some of the outcomes musicians and fans have experienced since that merger closed.

It is easy to overestimate the amount of leverage that most musicians have over ticketing arrangements, particularly in the current environment. Most often, musicians are stuck using whatever arrangement the venue uses, and if they have objections, they must either find a different venue that uses a different ticket provider or skip the market entirely. Musicians with

leverage may be able to negotiate to offer fan-club or other presales, but still face fewer options than they would in a more competitive environment; as the demise of Songkick's ticketing platform illustrates.

Musicians have a role in setting the face price of the ticket—it usually represents a negotiated agreement between the artist's team and a live event promoter. Artists regularly work to balance their desire to offer fans an affordable experience with the need to generate revenue, particularly as production costs, travel costs, and audience expectations are all trending upward. Margins are narrow for many tours, and even now a positive COVID test on the road or unexpected COVID related expenses can easily imperil tours' profitability.

Typically, though, musicians have no role in setting fees above the face price of the ticket. Ticket fees are higher across the board, but it's important to understand LNE/TM's role in driving this dynamic. LNE/TM's huge footprint means the company is earning on ticketing fees for a huge swath of overall ticket transactions. Every time an independent promoter does a show at a Ticketmaster-contracted venue, they're helping enrich their most powerful competitor. Often though, they have no real choice. To be able to understand the degree to which TM/LNE control the landscape, one must look not just at the national marketplace but at individual geographic markets, and at particular categories of venue: large clubs, amphitheaters, arenas, and stadiums. If the promoter of Taylor Swift's tour can't find a way around working with Ticketmaster, that's a strong indicator of a monopoly problem.

Even venues that choose not to work with Ticketmaster may find that their tickets end up on Ticketmaster's resale site. LNE/TM can leverage its highly profitable ticketing business to advance its position in its lower-margin venue and concert promotion businesses, outbidding independent venues for top-grossing talent. To stay competitive, independent venues feel they must make that revenue back some other way. They often do this with increases in venue fees or food & beverage costs, passed along to consumers, or by taking a cut of artists' merchandise sales, which is a financial hit to artists and is also often ultimately passed along to consumers. While proponents of the 2010 merger pointed to the potential for lower fees because of the elimination of double marginalization, fees at LiveNation owned venues like the Fillmore San Francisco are frequently as high or higher than those offered by competitors. Without the financial cushion provided by top-grossing events, independent venues may feel less able to take creative risks by booking emerging talents and unheard community voices. This, coupled with further consolidation, harms communities, imperiling cultural diversity.

Some artists and managers have reported overall positive experiences with Live Nation, but that is not a defense against practices and terms that lower standards for the entire artist community. In 2020, news broke about a leaked memo where Live Nation unilaterally announced changes to contracts between its promoter business and artists. The conglomerate used its market power to dictate a 20 percent reduction in the compensation guaranteed to artists for playing a show regardless of ticket sales. Live Nation also shifted more financial responsibility to artists in the event that a concert or festival is canceled.

While it's true Live Nation walked back some of these provisions after the leaked memo provoked a strong backlash, it serves as a compelling example of just how brazenly Live Nation feels it can wield its market power. In a healthy competitive market, workers can respond to bad contract terms by choosing a different employer. But Live Nation operates so many popular festivals and venues that refusing to accept these terms is a choice many artists feel they can't make.

These are some of the reasons that our groups have encouraged the Department of Justice to unwind the LiveNation/Ticketmaster merger. We are proud to be members of the Break Up Ticketmaster coalition alongside a diverse array of groups who are similarly concerned about the company's unchecked power, and have helped focus public attention on this problem.

At the same time, we also want to be clear that Ticketmaster is not the only company in live music engaging in unfair business practices that harm musicians, independent venues, and fans. Taking a holistic view of the ticketing marketplace requires a serious critical look at the role played by resellers and brokers.

These companies also represent a key driver of high ticket prices by making it more difficult for artists to get tickets to fans at prices below what a theoretical market would bear. The worst of these companies employ automated technologies like those targeted by the BOTS Act. Some sell speculative tickets, where fictional tickets are sold before the actual on-sale date, based on the speculation that the seller will be able to obtain tickets to meet demand. One company even offers to purchase existing Ticketmaster consumer accounts in an apparent attempt to use these old accounts to bypass Ticketmaster's bot detection and fraud prevention protocols and more effectively pose as legitimate ticket buyers. At a structural level, even the most reputable secondary market companies operate with a business model that incentivises them to increase prices as much as possible, funneling as much revenue as possible away from artists, venues, and promoters to third parties that contribute nothing to the event but higher prices that have put the price of attending a live music performance out of reach for too many consumers.

While artists and fans alike would benefit from efforts to increase competition in the primary ticketing marketplace, there's nothing inherently anti-competitive about artists choosing to work with ticketing companies to limit the availability of tickets on the secondary market, or to ensure tickets make it to real fans rather than brokers and resellers. Ticketbuyers' frustration with Ticketmaster/LiveNation should not be used to advance policies that would primarily benefit extractive secondary sellers.

Concern about the secondary market doesn't mean that ticket buyers who are unable to attend the event due to illness or conflicts must take a financial hit. Many of these consumer concerns could be addressed by broader implementation of face value fan-to-fan marketplaces, ideally without additional fees. Ticketmaster and AXS both have implemented versions of this technology.

There is a connection between the bad practices happening in the secondary marketplace and Ticketmaster's domination of primary ticketing. Because Ticketmaster has the primary ticket marketplace mostly locked down, would-be competitors and their investors focus instead mostly on the secondary marketplace. Too much of the investment flowing into ticketing ends up directed toward innovative and efficient ways to snap up tickets before real fans, to be sold at wildly inflated prices. In turn, primary ticketing companies end up feeling forced to focus more of their resources on systems and technologies aimed at keeping inventory away from predatory resellers, in an escalating arms race. It defies common sense that Ticketmaster itself should be allowed to enter the secondary ticket marketplace, where it becomes both the primary seller and buyer of the same good.

Out of control prices on the primary and secondary ticket markets places further distance between artists and their fans. That distance undermines one primary reason for artists to subject themselves to grueling tour schedules, namely the ability to promote new music to likely consumers of sound recordings, which are now ubiquitously available to consumers through digital streaming services, but at shockingly low royalty rates for artists and their label partners. Live performance and selling recorded music are two separate businesses, and artists shouldn't have to combine both (often supplemented by gig economy work or service economy jobs) just to support their families.

None of these problems are inevitable; rather they reflect the outcome of a series of public policy choices. The Department of Justice conditioned its approval of the Ticketmaster/LiveNation merger on a consent decree that included both structural and behavioral elements, and promised "vigorous enforcement." With the benefit of hindsight, we can see the error of that approach: the structural elements of the consent decree failed to create any meaningful competition. For example, it required that Ticketmaster license a ticketing software product to competitor AEG, but AEG decided not to even use that software. Behavioral conditions included a prohibition on retaliating against venues that chose other ticket services, or sharing data between the ticketing and promotions side of the business, but while the Trump DOJ found clear evidence of consent decree violations, they chose only to modify and extend the consent decree rather than undoing the merger.

One of the many problems with behavioral conditions is that they create an ongoing monitoring obligation, not just for enforcers, but for the stakeholders that may have the least amount of agency and capacity: workers and small businesses. Essentially this amounts to a new form of uncompensated labor that artists and their teams are expected to perform, even though many lack expertise or legal resources to know whether any unfair treatment they may be experiencing is illegal. This can be true for venues as well, and the challenge is made even more difficult by massive information asymmetries; artists and venues may be impacted by anticompetitive behavior but may not have access to direct documentary evidence. Fears of retaliation remain widespread, and with good reason, given the results of the last DOJ investigation.

Media reports indicate that current DOJ leadership has undertaken a fresh investigation, and our groups have encouraged the DOJ to use the opportunity to correct past mistakes and break up LiveNation/Ticketmaster. However, the agencies need not stop there; they can use the lessons of this merger to shape their approach to merger reviews moving forward. DOJ and FTC are currently in the process of drafting revised merger guidelines, and these new guidelines should explicitly make clear that if the authorities conclude that a merger is likely to lessen competition, they should seek to block the transaction outright. The guidelines can incorporate insights about new ways that dominant firms can use gatekeeper power, leveraging across markets, and data exploitation to reinforce their dominance, marginalize rivals, and lower wages.

Furthermore, the FTC can make use of its broad Section 5 authority to ensure some clear rules of the road that protect workers and fans against the harms resulting from unfair methods of competition in the live sector and in other parts of the music ecosystem. The FTC's recent policy statement on Section 5 offers a promising framework. All-in pricing disclosure is currently on the table in the FTC's current "junk fees" rulemaking, and this could address one recurrent consumer frustration, as long as the rule is well-enforced and includes specific itemization of all the various types of fees.

DOJ and FTC both benefit from congressional oversight, but Congress can also do more. As conversations about possible ticket reform move forward, it's crucial to center the lived experience of working musicians and other impacted parties, including fans and independent venues. Legislation could address speculative ticketing, and require transparency provisions, without weakening artists' ability to make decisions about how to run ticketing for their own shows, based on what they understand about their specific audiences. Ultimately, music communities need a live music marketplace characterized by competition, diversity of practice, and creative autonomy. For that to happen, neither Ticketmaster/Live Nation nor the brokers and resellers should be making the rules.

Last week, country artist Zach Bryan announced a summer tour of arenas and amphitheaters, avoiding Ticketmaster-contracted venues entirely. While this may have required skipping some major markets (and might not have been possible at all if he was touring stadiums), Bryan aims to offer a fan-friendly experience, with comparatively low prices and fees. Notably, Bryan also made clear his intention to ensure tickets get to fans rather than bots and resellers by working with AXS to use rotating bar code technology instead of paper tickets, instituting limits on transferability, and creating a fan-to-fan face value resale option so no one is stuck with a ticket they can't use. This approach isn't right for every artist, but it's important that artists be able to choose the options that make sense for their specific fan communities. As the Committee considers these issues, one guiding question might be: what would make it possible for more artists-particularly those without Bryan's fame and clout- to have the agency and freedom to ensure a better fan experience?

We look forward to further discussion with the Committee and thank you for your consideration.

who to blame.pdf

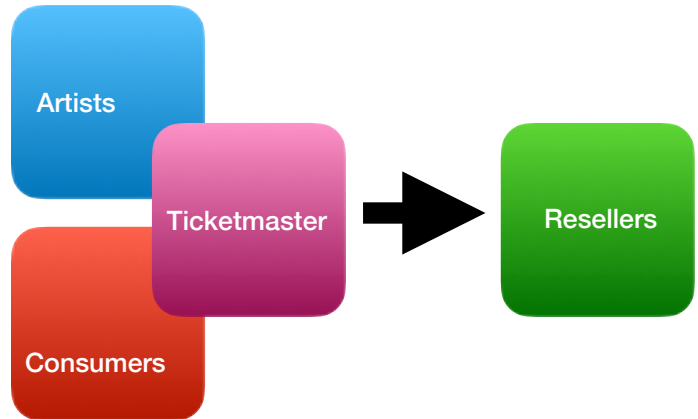
Uploaded by: Kevin Erickson

Position: FAV

Who should be blamed for ticketing marketplace dysfunction?

Ticketmaster's view:

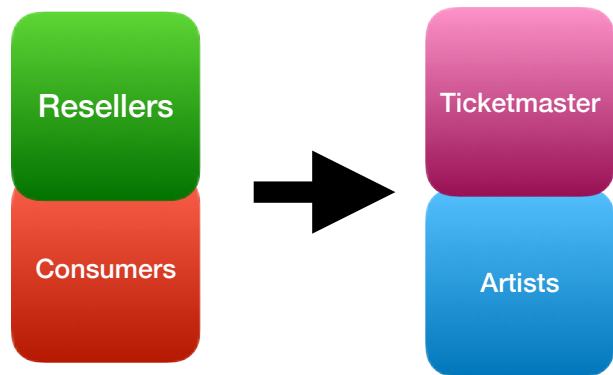
Blame the resellers, brokers, & bots.



Resellers' view:

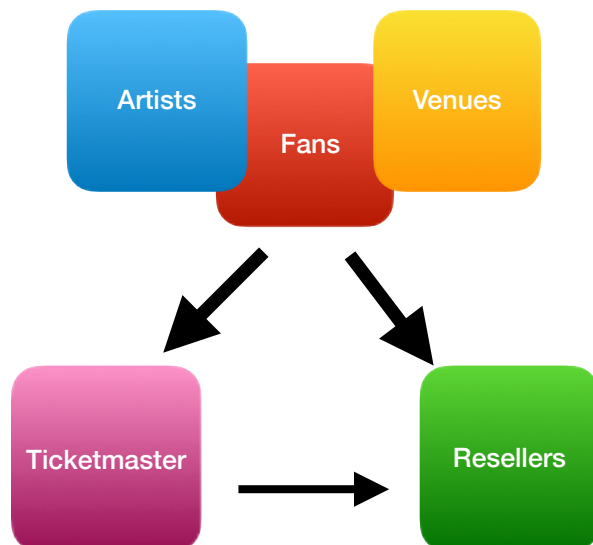
(Shared by proxy groups like "Ticketbuyer Bill of Rights Coalition")

Blame Ticketmaster (and sometimes, artists too).



Our view:

Ticketmaster and predatory bulk resellers both bear responsibility.



02_20_24 Maryland House Bill HB701 Testimony (Laur

Uploaded by: Laura Price

Position: FAV



33 West Street, ste 200
Annapolis, MD 21041

My name is Laura Price and I have been the Director of Marketing and Ticketing at Rams Head On Stage in Annapolis, Maryland for 11 years. Rams Head On Stage is under the umbrella of Rams Head Presents which also promotes and tickets concerts and festivals at 8 different venues in Annapolis Maryland, in upstate New York and in Key West, Florida.

Rams Head On Stage alone presents approximately 350 concerts per year.

I am in support of Bill HB0701. I've seen firsthand the negative effects of the Ticket Scalping industry for as long as I've held this position.

There are numerous problems but I'd like to highlight 3 that are recurring, almost daily.

Number 1: There are a number of ticket resellers that create websites using **search engine title tags**, making their websites appear as though they are our **venue's** official website, then pay high dollar to search engines to make sure their websites come up first when fans search for concerts at our venue. This is deceptive to the consumer, allowing them to believe they are visiting **our** website, which is www.ramsheadonstage.com.

The 2nd problematic issue is that if these scalpers can "reel in" a music fan, many times the mark-up on each ticket is upwards of 8 to 10 times the face value. I remember a recent case where a lovely couple who had purchased tickets to their favorite band arrived at our venue and discovered that they paid \$400 per ticket to a show where the actual ticket was only \$50. They were furious and blamed our venue, asking us how we could let this happen. Our box office spends a lot of time on the phone with these consumers trying to educate them, **daily**.

The 3rd concerning issue is that when a music fan purchases tickets from a ticket reseller website, we rarely have access to the contact information if there is a show postponement or a show cancellation. Many times these victims have booked hotel stays, made weekend plans, and have even booked airfare in some cases.

As frequently as we try and put out there, please only visit our official website, this practice has become so pervasive that it is difficult to fight.

I feel Bill HB0701 is a great step in protecting the consumer.

A handwritten signature in black ink that reads "Laura Price". The signature is fluid and cursive, with the first name being more prominent.

NITO SB539:HB701 Testimony.pdf

Uploaded by: Nathaniel Marro

Position: FAV



In Support of Senate Bill 539/House Bill 701

Comments Of:
National Independent Talent Organization

The National Independent Talent Organization, a 501c (6) trade organization representing touring artist managers and agents, as well as artists themselves, submits this testimony in support of Senate Bill 539 & House Bill 701.

For the past two years a core of NITO's mission has been to address an increasingly difficult task, getting tickets into the hands of fans at the price the artist intends. Whether it is higher and higher ticket fees, predatory resellers buying up tickets and reselling for profit, or deceptive websites and fake tickets, the process has been harder for the average fan to navigate and their trust has diminished in the process. Senate Bill 539 & House Bill 701 addresses these problems and will not only help build back trust with artist fan bases, but also save millions of dollars for Maryland concert goers.

By codifying transfer and eliminating profit incentives these two bills get to the core of the dark side of the resale market and disincentivize the worse actors from participating. We recognize that plans change and the need to sell a concert ticket in order to make your money back is a very real problem many fans face. However, most fans we speak to when they are faced with this situation, resell their tickets for face value at the price they paid. They want someone else to be able to go to their place and enjoy the show they planned on enjoying without feeling ripped off. NITO's study of the secondary ticket market (attached) shows that on average secondary tickets were twice as expensive as face value / primary market tickets. Our study also shows that on average, resellers were profiting over \$40,000 per show we studied. By limiting resale to the price paid, all that reseller profit goes back in the hands of Maryland citizens and will end up saving Maryland concert goers millions of dollars annually. This is not only important for their family budgeting, but this allows fans to attend more shows instead of sinking their finite disposable income on one or two overpriced secondary market tickets.

We also fully support the ban on spec ticketing and itemized all-in pricing. Fans should know if the tickets they are buying are real or not. While this seems like common sense, its terribly unfortunate the amount of fans showing up at a box office with a spec ticket that was never fulfilled or a fake ticket that never existed. We have seen many instances where a tour was announced, but no ticket was on sale, yet there were still thousands of tickets listed on the secondary sites. Fans do not always know what they are buying is a spec ticket, they often click on the first link they see, regardless if it is a primary or secondary market ticket. This is consumer protection 101 and we applaud the bill sponsors for understanding that.

NITO believes it is essential that the buyer also know the price the artist is charging, the face value, with the fees clearly separated from that price. We support all in pricing, the consumer must know what the total cost will be, but while an artist can decide on the face value price of a ticket, they often have no say over the fees added on top of the ticket. The money an artist is making at a concert is also only derived from the face value of the ticket and artists are very aware of the price sensitivity of their fans. It is essential they know what the artist is charging and if there is any hope to get fees reduced, the fees must be clearly visible and separated.

Please find the attached NITO Resale Study as a part of our written testimony. You will find even relevant information that supports the importance of these bills in protecting consumers and protecting artist's desires. The relationship between fan and artist is essential to protect. The explosion in the secondary market has tarnished the fan buying experience and there is little artists can do to protect their fans. These bills take a giant leap forward in protecting consumers and the National Independent Talent Organization offers its full support.

NITO Ticket Resale Study.pdf

Uploaded by: Nathaniel Marro

Position: FAV

NITO Ticket Resale Study

Predatory ticket resellers are earning tens of millions of dollars at the expense of consumers, artists, and venues, according to a new study by the National Independent Talent Organization (NITO)

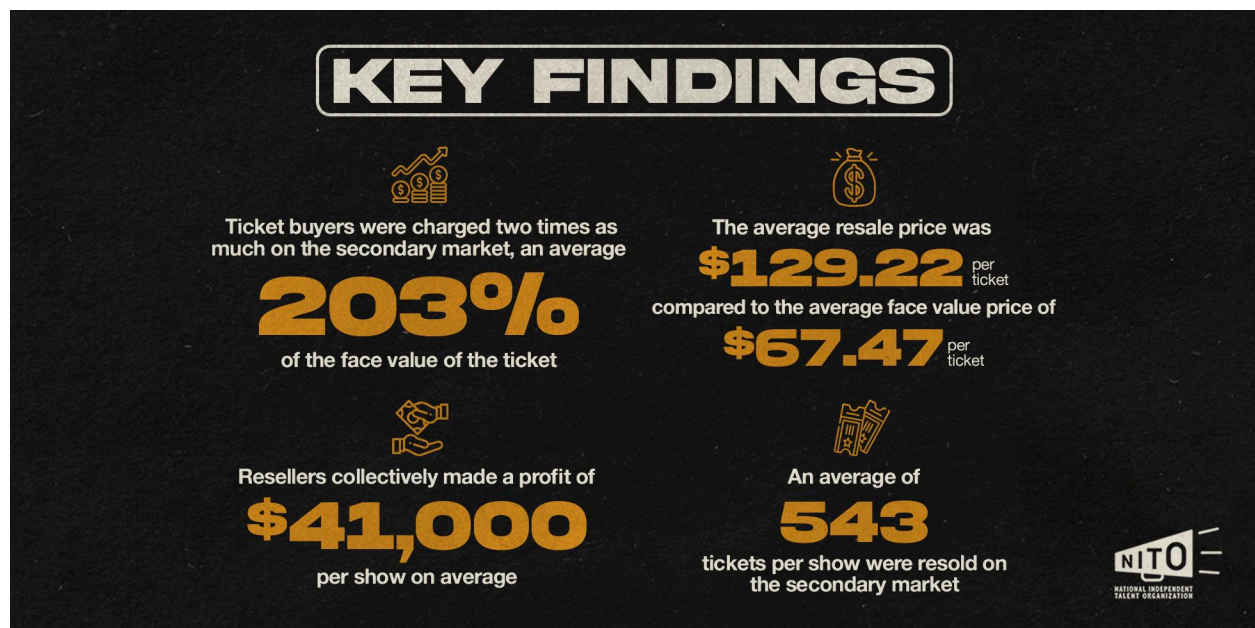


Ticket resellers earned an average cumulative profit of \$41,000 per show by charging an average of two times the original ticket price, according to a new analysis by the National Independent Talent Organization (NITO).

NITO's study found multiple instances of tickets sold at 10 times the original price. In one instance, a ticket was resold for \$1,014.49 when the average face value price was just \$79.55.

One single show from the study netted an estimated \$365,000 gross profit for resellers from the sale of 2,491 tickets at an average resale price of \$210.89 per ticket on tickets with an original average face value of \$64.48.

The NITO study of tickets sold and resold for 65 random shows by artists represented by NITO members sheds light on the predatory resellers and secondary ticket platforms that are price-gouging consumers and exploiting artists. The venues studied ranged in capacity from 1,500 to 20,000 and the artist's names were withheld unless permitted.



Key Findings

- Ticket Buyers were charged an average of 203% of face value on the secondary ticket market
- The average face value ticket price was \$67.47, and the average resale price was \$129.22 per ticket
- Resellers collectively made an average gross profit of \$41,000 per show for reselling an average of 543 tickets per show.

Many Tickets Were Resold For Shows That Were Not Sold Out

In many instances, there were a significant number of tickets resold by secondary sellers at inflated prices when tickets were still available from the primary ticket seller. NITO found two possible reasons why.

Ticket buyers are confused by the use of search engine optimization and paid placements within searches that prioritize secondary site listings over the primary ticket seller. So even though inventory was still available on the primary site, they paid a premium to a reseller. Second, some consumers are willing to pay higher prices to sit in seats they could have purchased directly if the ticket reseller had not purchased them first.

Either way, consumers and artists are negatively impacted.

The Cure And Face-Value Ticket Exchanges

NITO also reviewed data from artists not represented by NITO to determine the effectiveness of alternative fan-to-fan face-value exchange systems.

Currently, these exchanges exist formally through primary ticketing platforms and informally through sites like CashorTrade that enable fans to transfer or sell their tickets at or below the original face value.

These exchanges can limit the potential for exorbitant profits by ticket resellers when implemented effectively. However, many state laws don't allow any type of resale restrictions, making these face value exchanges less effective in those states.

NITO examined the recent tour by The Cure, comparing secondary ticket sales in states where resale restrictions are allowed with those where they are not.

The results were clear.

THE CURE

TOTAL RESALE TICKETS BY MARKET

ESTIMATED RESALE PROFIT

5/23/23	Los Angeles	20	\$ 31,330
6/06/23	Denver	1,512	\$ 238,884
6/10/23	Chicago	1,832	\$ 528,858
6/20/23- 6/21/23	New York City	3,875 <small>(combined)</small>	\$ 519,579 <small>(combined)</small>

California state law allows for Artist to set fan-to-fan face value resale restrictions. NY, IL, CO do not.



In California, where resale restrictions are allowed, the number of tickets resold and reseller profits were 92% to 99% less than in states like New York, Illinois, and Colorado, which do not allow restrictions on resale. The open resale laws in the latter states drastically limited the effectiveness of the fan-to-fan exchanges and because of it, those fans were exploited despite the artist's best efforts. The Cure's resold tickets in Chicago were on average 396% above the face value price.

Resellers Earned & Fans Overpaid Almost \$1 Million For A Single Show

Another arena-level artist used fan-to-fan face-value exchanges with similar dramatic results. There were just 18 total tickets resold for their two LA arena shows and 26 for an Oakland Arena show.

By contrast, for the same artist in New York City, where state law prohibits restrictions on resale, 1,053 tickets were resold for a single show at an average price 712% higher than the average face value price.

The study estimated that, collectively, resellers profited \$936,351.00 on that one show which also means that consumers overpaid nearly \$1,000,000 extra for secondary market tickets.

A prominent country artist, who tours in stadiums and routinely keeps ticket prices lower to allow more fans to attend, had 7,767 tickets sold on the secondary market for a gross of \$2,318,610.42. This artist's average ticket price is \$72.16, and they were resold at an average of \$298.52, a 313% markup.

While this artist intended to benefit their fans by keeping ticket prices lower, it only allowed for higher profits for resellers.

Conclusions

While many consumer and “fan first” groups claim that the resale market benefits consumers, NITO’s data shows otherwise.

Most consumers can only spend so much on concert tickets each year. So even though the artist sets an original ticket price that they believe is fair, if those tickets are bought and resold at a higher price, consumers can now afford to attend fewer concerts which hurts artists, venues, and live entertainment as a whole.

Fan-to-fan face-value ticket exchanges clearly work and allow fans to buy tickets at the price the artist intended. But too often, State laws limit their effectiveness, preventing fans across the country from benefiting equally.

Most tickets sold on the secondary market are sold by predatory ticketing professionals with access to technology that often assures that they can buy the best tickets before fans. The secondary ticket sites use their excessive profits to push their ticket listings to the top of search results, confusing fans and stifling official ticket sales.

Resellers exploit fans, artists and their crews, venues, promoters, and their staffs - none of whom benefit from secondary ticket sales.

About NITO

National Independent Talent Organization (NITO) members include several hundred independent music managers and booking agencies and the thousands of musicians that they represent. NITO is a member of the Fix the Tix coalition, led by the National Independent Venue Association (NIVA). The coalition is asking Congress to enact comprehensive legislation that:

- Restores integrity to the ticketing marketplace by allowing artists and venues to set the terms and conditions of resale
- Safeguards consumers against fake tickets, price gouging, and other deceptive practices
- Provides transparency in ticket pricing with upfront itemized fees
- Guarantees transferability and promotes fan-to-fan face-value ticket exchanges

For more information on NITO, visit www.nitolive.org/, and for the full Fix the Tix platform, visit www.nivassoc.org/fixthetix.

To arrange an interview with a member of the NITO Board or the NITO Ticketing Taskforce, contact NITO Board member and Communications Chair Bruce Houghton of The Skyline Artists Agency at bruce@skylineonline.com or 818.284.3023.

House speech.pdf

Uploaded by: Penny Harrison

Position: FAV

Good afternoon, my name is Penny Harrison and I'm here from Potomac, MD in support of HB0701. I am a lifetime Marylander who is here today as a live entertainment enthusiast. While it's our love of music that originally united us, this bill would transcend into every aspect of live entertainment. I wish I had more time before you today to share my countless stories about the frustration of trying to unsuccessfully purchase tickets for an event, only to resort to paying ridiculous resale prices that far exceed most Marylanders weekly wages. Or getting tickets in my cart to check-out and having my credit card declined because I forgot to calculate the hundreds of dollars in fees that were tacked on at the end setting me over my spending limit. Live entertainment has quickly become out of reach for most Marylanders. Who are we kidding... it's out of reach for most Americans. Which is a shame. What is most interesting about the hearings thus far is that the only people that have come forward opposing the passing of this bill, are the resale companies, or people that profit from reselling their tickets to consumers at inflated prices for their own gain. This bill should be passed for the majority of Marylanders, and not the few in the minority, which are only seeking to derail this bill so they may continue to abuse the system currently in place.

Sen Klobuchar, who is currently working with 5 other senators to pass the Fan First Act in the senate, has gone on record to say that she is open to placing a cap on the amount a ticket can be resold for. Kaitlyn Henrich, a spokesperson for Ticketmaster Corporate Affairs response was "If Congress could pass that law, across the entire industry, we'd all be on a level playing field." Sounds to me like Goliath has thrown the ball in your court. Now is the time for Maryland to pass this bill and take the lead for other states to follow, while we continue to wait the finding from the ongoing federal investigations by the US Senate and DOJ into these practices. It's up to you to pass this bill and show Ticketmaster (also known as LiveNation), and all of the resale sites that you didn't come to play ball, but to win one for the people of our state. It's time for you to set the precedence for what is acceptable by passing HB0701. Thank you for your time today.

Ron Ozer, Programming Lead Elkton Music Hall in MD

Uploaded by: Ron Ozer

Position: FAV



**ELKTON MUSIC HALL
PROGRAMMING LEAD RON OZER**

IN SUPPORT OF HB0701
February 16, 2024

Dear Chair Delegate Wilson, Vice Chair Delegate Crosby, Delegates Adams, Amprey, Arentz, Boafo, Charkoudian, Fennell, Fisher, Fletcher Harrison, Fraser-Hidalgo, Howard, Jackson, Johnson, Pippy, Pruski, Qi, Queen, Rogers, Rose, Turner, Valderrama and Wivell:

First let me introduce the newest music venue in Maryland, Elkton Music Hall, which opened in July 2023 at a time when some thought it crazy to open a concert space! Since March I have been working as a for Elkton negotiating deals for artists to perform ticketed events at the new 300 capacity concert hall. This new small business has taken a derelict old building and completely renovated it into a beautiful new gathering place in a small town that is struggling to overcome a long history of economic challenges. Located in the old Elkton downtown in an economic empowerment zone, we know first-hand how hard it is to make a small live music venue work for the owners, the staff and the patrons.

I strongly support SB 539, the Maryland event ticketing legislation, as its goal is for Maryland to offer significant defense of concert fans in an increasingly predatory marketplace. I personally am part a coalition of live event professionals across the spectrum of entertainment, with representation from the performing arts, artists groups, recorded music, independent ticketing companies, independent concert venues, and promoters and producers. This coalition represents stakeholders who take on all the risk to create once-in-a-lifetime experiences and bring joy, employment, and economic impact to communities such as Elkton, Maryland. We advocate for fans to protect them from deceptive and predatory ticketing practices and from price-gouging that has run rampant through the secondary markets, harming fans, artists, and venues alike. My work depends on venues succeeding, and being able to sell tickets at face value is key to our work.

HB 701 will codify consumer protections by 1) bringing transparency to ticket prices, 2) making it illegal for ticket resellers to gouge Maryland consumers, 3) banning the sale of "speculative" tickets, which are fake and 4) ensuring that fans who can't make an event are able to sell their tickets to other fans. HB 701, when properly enforced, will end toxic, predatory practices that fleece music fans.

From the moment a show is announced real fans must struggle to secure real tickets at the hands of these predatory resellers; initial Google searches often yield purposefully deceptive results with websites posing as the artist or venue, while still other resellers and sites claim to have tickets available for purchase before the event has even gone on sale. If Maryland removes the profit motive from those using illegal BOTS to vacuum up tickets and then posting them for exorbitant prices, more tickets will be available for true fans.

While fans suffer because of this broken system, so do artists. Fans who fall victim to price-gouging are then limited in the number of events they can afford to attend, harming the careers of established and emerging artists. As a talent booker, I work for the success of both the artist and the venue. Resellers add no value to this equation and often reap more profits than anyone involved in the real work.

Predatory resellers view tickets as nothing more than commodities to be traded for outrageous sums, throwing away the cultural and communal value they provide for our society. They exist to undermine the hard work, talent, and livelihoods of artists, inserting themselves as unnecessary and unwanted middlemen who make their money off the backs of the artists and venues who partner to make these events happen. As a result, resale ticket prices on just one platform (Stubhub) have increased by more than 100 percent since 2019 according to Bloomberg, while the face value of tickets has only increased by 10 percent.

Legislation such as HB 701 is vital to protecting fans, preserving equitable access to entertainment, and restoring balance to the currently broken ticketing ecosystem. It is my profound hope that this bill's strength and potential effectiveness is enacted by the state of Maryland and that it will stand as a beacon for fans and an example to other states seeking to pass true consumer protections into law.

Ron Ozer, Programming for Elkton Music Hall, Elkton Maryland

Bill HB701 - Annapolis Symphony Orchestra Written

Uploaded by: Sarah Johansen

Position: FAV



Annapolis Symphony Orchestra
Sarah Johansen, Director of Business Operations
801 Chase Street, Suite 201
Annapolis, Maryland 21401
410-269-1132

TESTIMONY OF
ANNAPOLIS SYMPHONY ORCHESTRA
IN SUPPORT OF

HB 701 On behalf of the Annapolis Symphony Orchestra please accept our written testimony in support of Bill HB 701 "Consumer Protection - Sale and Resale of Tickets"

The Annapolis Symphony Orchestra has experienced significant and negative impacts from third-party ticket sales. As recently as November and December of 2023, our organization and our patrons encountered significant issues from third-party ticket sales. Although these were not the first such instances we encountered, the grave concerns wrought by third-party ticket sales were markedly increased from previous concerts and involved much higher levels of financial distress for ticket purchasers. Not only are third-party ticket vendors more aggressive than ever, some are disreputable, and the industry is growing faster than ever.

Annapolis Symphony Orchestra sells tickets to our performances only through our website or over the phone at our office. We use proprietary software and do not share ticketing with other businesses or organizations. To be clear, we have never authorized ticket sales through a third-party provider.

Our recent concerts, especially Holiday Pops, saw multiple ticket holders calling to confirm performance details, only to discover that we did not have evidence of their ticket purchase in our system. Their names, phone numbers or emails weren't in our system, their seats didn't match our seating charts, and we had no confirmation of their purchase whatsoever. Further, some patrons paid more than five times face value for tickets even though tickets were directly available at face value on our website.

Even when a patron has a typical customer service issue, such as needing reprinted tickets, I can do little to assist them if they purchased tickets from a third-party site. In order to ensure this patron continues to attend and support ASO events, we have chosen to offer comp tickets without being assured that we received revenue in the first place.

The impact on our organization is significant and damaging in terms of reputation and trust among our patrons. As a nonprofit arts organization, every dollar of income counts. We try to balance raising revenue with affordability and value. When a third-party charges an excessive price for our tickets, with high fees, this negatively impacts the perceived value of our performance. Those inflated ticket prices do not benefit the organization. These sites often use the exact title of our concerts and appear to be legitimate business partners. Their advertisements are misleading at best and dishonest at worst.

Dishonest pricing practices hinder the community's access to the arts. Third-party ticket vendors impact our reputation as a community-based organization that exists to serve lovers of music and our greater community in impactful and essential ways. When ticket purchasers encounter excessive prices, exorbitant fees, counterfeit websites, and other inconveniences, they may never return.

The ASO requests a favorable report on HB 701.

About the ASO

The Annapolis Symphony Orchestra is a 501C3 not-for-profit organization headquartered in Annapolis, Maryland. For 62 years, the ASO has brought the highest caliber musicianship and classical and orchestral music programming to our state's capital and Anne Arundel County. Not only do we present concerts, but we also are the host organization for the Annapolis Symphony Academy, a music school for children ages 4 to college. Fifty per cent of our Academy students come from Title I schools and under-resourced communities. We invest significantly in our community outreach efforts and work hard to bring music to schools, hospitals, addiction recovery centers, museums, and senior living facilities across the region.

February 20_ National and Maryland Live Music & Ev

Uploaded by: Stephen Parker

Position: FAV



National and Maryland Live Music & Event Organizations Support Maryland's HB 701

February 20, 2024

Dear Chair Wilson, Vice Chair Crosby, Delegates Adams, Amprey, Arentz, Boafo, Charkoudian, Fennell, Fisher, Harrison, Fraser-Hidalgo, Howard, Jackson, Johnson Jr., Pippy, Pruski, Qi, Queen, Rogers, Rose, Turner, Valderrama, and Wivell,

We write in staunch support of SB 539, the Maryland event ticketing legislation, as it has the potential to make Maryland the fiercest defender of concert fans in the nation. We represent a coalition of live event professionals across the spectrum of entertainment, with representation from the performing arts, artists groups, recorded music, independent ticketing companies, independent concert venues, and promoters and producers. This coalition represents stakeholders who take on all the risk to create once-in-a-lifetime experiences and bring joy, employment, and economic impact to communities across America. We've come together to advocate for fans, to protect them from deceptive and predatory ticketing practices and the price-gouging that has run rampant through the secondary markets, harming fans, artists, and venues alike.

SB 539 will codify consumer protections by 1) bringing transparency to ticket prices, 2) making it illegal for ticket resellers to gouge Maryland consumers, 3) banning the sale of "speculative" tickets, which are fake and and 4) ensuring that fans who can't make an event are able to sell their tickets to other fans. SB 539, when properly enforced, will end toxic, predatory practices that fleece music fans.

From the moment a show is announced real fans are faced with a treacherous uphill battle to secure real tickets at the hands of these predatory resellers; initial Google searches often yield purposefully deceptive results with websites posing as the artist or venue, while still other resellers and sites claim to have tickets available for purchase before the event has even gone on sale. If Maryland removes the profit motive from those using illegal BOTS to vacuum up tickets and then posting them for exorbitant prices, more tickets will be available for true fans.

While fans suffer because of this broken system, so do artists. Fans who fall victim to price-gouging are then limited in the number of events they can afford to attend, harming the careers of established and emerging artists.

Predatory resellers view tickets as nothing more than commodities to be traded for outrageous sums, throwing away the cultural and communal value they provide for our society. They exist to undermine the hard work, talent, and livelihoods of artists, inserting themselves as unnecessary and unwanted middlemen who make their money off the backs of the artists and venues who partner to make these events happen. As a result, resale ticket prices on just one platform (Stubhub) have increased by more than 100 percent since 2019 according to Bloomberg, while the face value of tickets has only increased by 10 percent.

For all these reasons and more, legislation like SB 539 is vital to protecting fans, preserving equitable access to entertainment, and restoring balance to the currently broken ticketing ecosystem. It is our profound hope that this bill's strength and potential effectiveness is enacted by the state of Maryland and that it will stand as a beacon for fans and an example to other states seeking to pass true consumer protections into law.

Thank you for your consideration,

National Independent Venue Association (NIVA)
American Association of Independent Music (A2IM)
All Good Presents
Artist Rights Alliance
Association of Performing Arts Professionals (APAP)
Black Music Action Coalition (BMAC)
Cash or Trade
Eventbrite
Future of Music Coalition
I.M.P., Maryland-based Venue Operator and Concert Promoter
International Association of Venue Managers (IAVM)
Merriweather Post Pavilion
Music Artists Coalition (MAC)
Music Managers Forum-US (MMF-US)
National Independent Talent Organization (NITO)
North American Performing Arts Managers and Agents (NAPAMA)
Performing Arts Alliance (PAA)
Ramshead Presents
Recording Academy
Screen Actors Guild-American Federation of Television and Radio Artists (SAG-AFTRA)
United Musicians and Allied Workers (UMAW)

Maryland Written Testimony -- HB701.pdf

Uploaded by: Stephen Parker

Position: FAV



Testimony in Support of MD HB 701

Stephen Parker | Executive Director, National Independent Venue Association

My name is Stephen Parker, and I am the Executive Director of the National Independent Venue Association (NIVA). NIVA is the national trade organization representing venues, promoters, festivals, and performing arts centers across the country. Our stages are the center of live performance in every community, including music, comedy, theater, spoken word, and dance.

NIVA strongly supports HB 701, a bill to protect consumers during the sale and resale of tickets. We commend Chair Wilson, Vice Chair Crosby, Delegates Adams, Amprey, Arentz, Boaf, Charkoudian, Fennell, Fisher, Harrison, Fraser-Hidalgo, Howard, Jackson, Johnson Jr., Pippy, Pruski, Qi, Queen, Rogers, Rose, Turner, Valderrama, and Wivell for advancing public policy to protect Maryland fans and consumers from predatory ticket resellers.

Consumers are defrauded every day across the country, including at venues here in Maryland. From the 300-capacity Elkton Music Hall to the 500-capacity Bethesda Jazz and Blues Club to the 19,000-capacity Merriweather Post Pavilion in Columbia, fans are subjected to deceptive websites, fake tickets, and price gouging when bots and predatory resellers buy up tickets at face value and charge exorbitant prices - far above face value.

Hundreds of one-star Better Business Bureau (BBB) reviews of the top three secondary ticket-selling companies in the U.S. tell this same story. Thousands of social media posts verify it. Stories of friends, family, neighbors, and Swifties make it personal.

Katherine C. bought "tickets" to Monster Jam and was not allowed to enter in the pouring rain with two young children. Keith W. drove four hours to a concert, and when he arrived, his "ticket" was inadmissible. Andi M. spent \$300 on "tickets" that he never received. CKP spent \$1400 on Funny Girl tickets that didn't exist.

"How do you sell tickets that are not in your possession?!", asked BBB reviewer Dennis P.

Predatory ticket resellers impersonate venues and festivals using deceptive advertising. They sell "tickets" that they do not yet have, may never have, or do not exist. Finally,



Testimony in Support of MD HB 701

Stephen Parker | Executive Director, National Independent Venue Association

and most disturbingly, these predatory secondary resellers often cancel the “ticket” week-of, day-of, or never deliver a ticket, all without consequence.

In 2018, a report from the U.S. Government Accountability Office found that consumers are frequently deceived or confused by predatory resellers and significant non-refundable costs (travel, hotels, etc.) associated with speculative tickets and deceptive websites that may never be delivered.

“Where is the consumer protection on this?” asked BBB reviewer Maggie S.

Congress is beginning to act, but states are taking the lead and serving as the incubators of innovation that they always have been to show what is possible when protecting consumers in the secondary ticketing market. In recent years, we have seen strong laws that protect consumers from Arizona to Arkansas.

Maryland can be the next leading state to protect fans from predatory resellers by passing HB 701.

HB 701:

- Bans speculative or fake tickets and adds critical protections to those fans who choose to participate in “seat saver”-like programs;
- Ensures true transparency for fans in the ticket buying process by ensuring that they see the face value and fees they will be charged and where in the venue their ticket gives them access to from the beginning of the transaction until they pay for the tickets;
- Prevents price gouging of fans by ensuring that tickets must be resold at face value and no more than 10 percent of the total price of the ticket can be charged in fees;
- Guarantees that tickets can be transferred from fan to fan: and
- Creates accountability for resale platforms to be held accountable if they allow violations of these critical consumer protections.

Opponents of HB 701 will claim that these protections will restrict fans, but - in reality - this law protects fans, allows them to exchange tickets freely, and ensures that



Testimony in Support of MD HB 701

Stephen Parker | Executive Director, National Independent Venue Association

predatory resellers and secondary ticketing platforms do not price gouge consumers and drive a financial wedge between fans, artists, and venues.

HB 701 is supported by more than a dozen national organizations, including:

- National Independent Venue Association (NIVA)
- American Association of Independent Music (A2IM)
- Artist Rights Alliance
- Association of Performing Arts Professionals (APAP)
- Black Music Action Coalition (BMAC)
- Cash or Trade
- Eventbrite
- Future of Music Coalition
- International Association of Venue Managers (IAVM)
- Music Artists Coalition (MAC)
- Music Managers Forum-US (MMF-US)
- National Independent Talent Organization (NITO)
- North American Performing Arts Managers and Agents (NAPAMA)
- Performing Arts Alliance (PAA)
- Recording Academy
- Screen Actors Guild-American Federation of Television and Radio Artists (SAG-AFTRA); and
- United Musicians and Allied Workers (UMAW).

Independent venues, promoters, festivals, and performing arts centers across the country - along with the entire live events industry - encourage you to make HB 701 law.

HB 701 - CPD - Sale and Resale of Tickets - Suppor

Uploaded by: Steven M. Sakamoto-Wengel

Position: FAV

CANDACE McLAREN LANHAM
Chief Deputy Attorney General

CAROLYN A. QUATTROCKI
Deputy Attorney General

LEONARD J. HOWIE III
Deputy Attorney General

CHRISTIAN E. BARRERA
Chief Operating Officer

ZENITA WICKHAM HURLEY
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PETER V. BERNS
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WILLIAM D. GRUHN
Chief
Consumer Protection Division

ANTHONY G. BROWN
Attorney General

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION DIVISION

Writer's Direct Dial No.
(410) 576-6307

February 20, 2024

TO: The Honorable C. T. Wilson, Chair
House Economic Matters Committee

FROM: Steven M. Sakamoto-Wengel
Consumer Protection Counsel for Regulation, Legislation and Policy

RE: House Bill 701 – Commercial Law - Consumer Protection – Sale and
Resale of Tickets (SUPPORT)

The Consumer Protection Division of the Office of the Attorney General (the “Division”) supports House Bill 701, sponsored by Chair Wilson, which provides important protections for consumers who purchase tickets for entertainment events. House Bill 701 would help address the problem of ticket resellers and ticket bots that buy up significant quantities of tickets to popular concerts and other events in order to resell them on the secondary market for substantial markups by limiting the price at which tickets may be resold and fees that resale markets can impose. The bill would also require clear all-in pricing, so that ticket prices reflect the full price of the ticket, including all fees and taxes. House Bill 701 would further protect consumers by ensuring that, in the event they are unable to use a ticket they purchased, they have the ability to sell or transfer the ticket to another individual for no more than what they paid for it. And the bill would bar the sale of speculative tickets (a ticket put up for sale by a broker when the broker does not yet have the ticket in hand), which often results in ticket buyers not getting the tickets they thought they were buying or, in many cases, not getting the tickets they paid for at all.

The Division receives a significant number of complaints from consumers regarding the sale and resale of tickets to concerts, sports and other events, including:

- Difficulty purchasing tickets from the original seller because substantial quantities of tickets have been bought up by ticket bots and scalpers;
- Misleading ticket prices that do not include added fees and other charges;
- Excessive markups and fees to buy tickets on the secondary market;

- Restrictions on the resale or transfer of tickets that the purchaser legitimately is unable to use; and
- Learning upon arriving at the event that the ticket they purchased is counterfeit, has been sold to multiple purchasers, or not for the seats or section promised by the seller.

House Bill 701 would help to protect Maryland consumers by addressing these issues. Accordingly, the Division requests that the House Economic Matters Committee give HB 701 a favorable report.

cc: Members, House Economic Matters Committee

Sports Fans Coalition Testimony on HB 701.pdf

Uploaded by: Brian Young

Position: FWA



Chairman Wilson and Members of the Committee,

My name is Brian Young, Director of Public Policy for Sports Fans Coalition¹, a national non-profit advocacy organization devoted to representing fans wherever public policy impacts the games we love. This includes advocating for equal pay for women athletes and passing the *Equal Pay for Team USA Act*²; the Sports Bettors Bill of Rights which, through working with Senator Zucker, now protects Maryland sports bettors; college, name, image and likeness protections, especially through the passing of the *Jordan McNair Safe and Fair Play Act*³ alongside Comptroller Lierman, and opposing publicly financed sports stadiums, such as Monumental Sports' attempted move to Alexandria, VA.

Marylanders love their sports, whether it's the Ravens, Commanders, Orioles, Terrapins or Navy. Maryland has some of the richest sports cultures in the country. Maryland also has some of the top sports arenas and stadiums in the nation. We believe Marylanders should have access to a fair, transparent, and fan-friendly live event ticketing marketplace. HB 701, asks the right questions and addresses the problems most affecting fans today. We thank this committee for their work on this important bill. However, we urge the committee to strengthen several aspects of the bill to avoid unintended consequences that if unchanged would have the potential to further entrench a monopolist's power in Maryland and harm the fan experience.

First, let me start by saying we support upfront pricing. We believe the first price you see should be the last and **only** price you ever see.

While there are a few provisions we believe need amending, the most important to sports fans is the prohibition on reselling season tickets for more than "a comparable ticket." Especially in the age of dynamic pricing, knowing what a comparable ticket is can be difficult. Do we expect fans to check the primary market first before listing their ticket, and then adjust the price as demand fluctuates every day?

Fans often invest thousands of dollars per year, every year to support their favorite team. However, many of these fans rely on selling a high-profile or rivalry game to subsidize the investment or even afford playoff tickets – something Ravens fans know well this year. Those who say "if you can't afford it alone, don't buy it" fail to recognize that many of these season ticket licenses are heirlooms and may be passed down to younger generations, carrying with it an emotional commitment. Or, maybe the fan could have afforded it without resale but was laid off recently and needs to make a mortgage payment or pay a surprise medical bill.

Price caps like this can also give life to a gray market where fans don't have any of the protections legitimate exchanges provide. We urge you to strike this paragraph.

¹ www.sportsfans.org

² <https://www.congress.gov/bill/117th-congress/senate-bill/2333>

³ <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/HB0125?ys=2021RS&search=True>



We also believe that Transferability is the best consumer protection for fans. In fact transferability results in savings for sports fans, who can often buy a ticket below face value. We analyzed more than 25 million tickets sold on the secondary market and found between 2017 and 2023 sports fans saved nearly \$260 million by buying tickets on the secondary market. In that same study, Maryland sports fans saved about \$2 million. In states that protect transfer and have professional sports teams, those savings were on average \$14 million per state.⁴ We urge you to amend Paragraph F on page 4 to guarantee the Right to Transferability.

We share concerns with fellow consumer advocates over the data sharing requirement on resellers to provide a customer's contact information with the ticket issuer. While proponents claim it's necessary for emergency communications, they currently have a number of ways to contact their fans, including through the secondary market who will contact fans in the case of these emergencies. This requirement instead would empower the primary ticketers and venues to market and share customer data without a fan's consent. Additionally, it would grant Live Nation/Ticketmaster and other primary ticket sellers the information needed to cancel tickets of fans who choose not to purchase tickets directly through their preferred channel. We recommend striking this provision.

Thank you for your work to protect fans, and I'm happy to answer any questions the committee may have and hope to continue the conversation with the working group.

Brian Young
Director, Public Policy
Sports Fans Coalition

HB701_TicketNetwork_FWA.pdf

Uploaded by: Bruce Morris

Position: FWA



Honorable C.T. Wilson, Chair
Economic Matters Committee
Room 231 House Office Building
Annapolis, Maryland 21401

RE: HB701 Commercial Law-Consumer Protection-Sale and Resale of Tickets

FAVORABLE WITH AMENDMENTS

February 20, 2024

Chairman Wilson and Members of the Committee,

TicketNetwork is a technology company and ticket resale marketplace based in Connecticut, but serving consumers across the United States and abroad, with thousands of clients both residing in and buying or selling tickets to events in the state of Maryland. We offer software tools designed to facilitate the sale and resale of tickets, and support retail websites where consumers looking for tickets to sought-after events can shop and compare prices while being protected from fraudulent behavior by our 100% guarantee.

TicketNetwork supports legislation that brings greater transparency and consumer confidence whenever they're shopping for tickets to events at M&T Bank Stadium, Merriweather Post Pavilion, Rams Head, or any other great sporting and live entertainment venue in this state. However, there are numerous areas in HB701 that could bring with them significant unintended consequences related to consumer privacy, price transparency, and competition.

We oppose HB701 as currently written but believe that with amendments to address some of the issues outlined below, it could become a great consumer protection bill.

From the start, HB701 shows clear intent to add strident new regulations on ticket resale, while largely ignoring the primary ticket sales process - the source of widespread consumer complaints across the country, culminating in Senate hearings and DOJ investigations in 2023 alone. While the bill does address some concerns central to those complaints, it is only in the context of tickets on resale marketplaces, rather than all tickets, including those offered for initial sale.

"All-in" ticket pricing is required by HB701, but only for resold tickets. Ticket prices are capped by HB701 on resale marketplaces, but "dynamic" surged pricing, which regularly pushes ticket prices listed at 10+ times any published "face value" figure during moments of peak demand through the primary box office system, is not addressed. HB701 does provide some consumer protection of the right to use, transfer, or resell tickets, but those protections are nullified by the overly broad "reasonable restrictions" that event operators can place on those protections.

Section C is also problematic. Rather than requiring a reseller to proactively notify consumers of any changes to their event – which resale marketplaces already do as a matter of basic customer service, this section would require the sharing of personal data with a third party. Such rules would be in violation of our most basic customer data privacy guidelines and could conflict with other state or national laws depending on where the marketplace customer resides.



Maryland is a state with a vibrant arts community, great spaces for live concerts, and some of the best sports teams around. Its consumers deserve a robust and competitive marketplace for their tickets. We hope to continue to work with you, members of this body, and other stakeholders with that goal in mind, whether through revisions to this bill or the adoption of a better consumer ticketing framework through a workgroup during the interim.

Thank you for your time and consideration.

Bruce Morris,
TicketNetwork Director of Government Affairs

HB701_TicketNetwork_FWA.pdf

Uploaded by: Bryan Alston

Position: FWA



Honorable C.T. Wilson, Chair
Economic Matters Committee
Room 231 House Office Building
Annapolis, Maryland 21401

RE: HB701 Commercial Law-Consumer Protection-Sale and Resale of Tickets

FAVORABLE WITH AMENDMENTS

February 20, 2024

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Thank you for your time and consideration.

Bruce Morris,
TicketNetwork Director of Government Affairs

SeatGeek Testimony to Maryland House ECM Committee

Uploaded by: C. William Frick

Position: FWA



Chair Wilson, Vice Chair Crosby, and Members of the Economic Matters Committee,

SeatGeek appreciates the opportunity to offer this written testimony to the Committee and for the Committee's attention on strengthening consumer protection in the live event ticketing.

SeatGeek is a technology company that strives to empower fans with the best possible ticket purchasing experience. Since its 2009 founding, SeatGeek has become a leading resale marketplace. SeatGeek also entered the primary ticketing market in 2016 when it realized that the primary ticketer - in most cases Ticketmaster - controls so much of what happens in the entire ticketing ecosystem.

Here in Maryland, SeatGeek is proud to be the primary ticketing partner for the Baltimore Ravens and the Washington Commanders and, by virtue of its relationship with Major League Baseball, the official fan to fan ticket marketplace for the Baltimore Orioles.

SeatGeek has always sought to maintain focus on the consumer. We believe that fans:

- (1) want to understand the full, all-in cost of their ticket, with no deception or surprise fees along the way; and
- (2) should have robust refund rights so that if they buy tickets for an event that is canceled, they are protected.

We also believe that Marylanders are best served when tickets are fully transferable and they have the ability to choose which marketplace to transact on, at a price mutually agreeable to both buyer and seller. Any consumer protection legislation ought to begin by ensuring that this right is protected.

Secondary markets for live event tickets operate in much the same way as other secondary markets, and provide similar benefits to consumers. The availability and ease of use of resale ticket exchanges allows consumers to purchase tickets from primary event providers like professional sports teams with much greater confidence. This includes season ticket holders who know they will be able to easily and quickly resell tickets they no longer are able to use.

When fans sell tickets directly on SeatGeek, they are allowed to set their own price. To help sellers set a market-clearing price, SeatGeek makes price recommendations to sellers based on our best estimate of supply and demand for a specific event and ticket type.

While we hope that fans who initially bought tickets from SeatGeek or our professional sports clients will come to our secondary platform if they choose to resell, we strongly support Marylanders' right to transact on a platform of their choosing. We want to compete honestly and



transparently with the other resale exchanges represented here today. When we compete with each other for your business, Marylanders benefit.

Fans should not experience financial hardship or loss if they wind up being unable to attend a live event for which they had purchased tickets. But this is exactly what will happen if HB 701 is passed as currently drafted. While we respect the intent of House Bill 701, we respectfully submit that price controls, in ticketing or otherwise, are antithetical to transparency. Commerce for high demand events will simply and inevitably be driven underground as sellers seek full value. Many of those sellers will not be able to do so safely on reputable sites and fraud will proliferate. Respectfully, we believe that this bill won't lower prices, but instead risks inadvertently driving legitimate resale activity back onto the street corner or the dark corners of the web.

We welcome efforts intended to improve the ticket buying and selling experience for Maryland consumers and look forward to offering whatever help we can provide in this process.

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Uploaded by: John Breyault

Position: FWA



Written Testimony Regarding House Bill 701

Submitted By:

John Breyault, Vice President of Public Policy, Telecommunications, and Fraud

National Consumers League

Before the

Economic Matters Committee

Maryland House of Delegates

February 20, 2024

The National Consumers League (“NCL”) is pleased to submit the following testimony urging support for HB 701 , with amendments. Founded in 1899, the National Consumers League is America’s pioneering consumer and worker advocacy organization. Our non-profit mission is to promote social and economic justice for consumers and workers in the United States and abroad.¹ Since 2009, NCL has advocated for a fairer, more competitive, and transparent live event industry by supporting policies that benefits fans, artist, venues, and all stakeholders in success of live events.

Last February, NCL joined 13 other public interest organizations from Maryland and across the nation to launch the Ticket Buyer Bill of Rights a comprehensive set of pro-competition and pro-consumer policies.² NCL is pleased to see that HB 701 includes many of the tenets from the Ticket Buyer Bill of Rights, such as all-in pricing requirements and a ban on deceptive speculative ticketing. Unfortunately, as introduced, there are several proposed

¹ For more information, visit www.nclnet.org

² Online: <https://www.ticketbuyerbillofrights.org/>

reforms in HB 701 that will have the unintended consequence of allowing one company – Live Nation/Ticketmaster – to expand its control of the live event industry in Maryland. We urge you to consider amendments to the bill to address our concerns.

First, the all-in pricing requirements³ in the bill should be strengthened. The bill calls for the listing of the all-in price during “each step of a transaction.” NCL believes that the first price a consumer sees when shopping for event tickets should be the final price that fan pays. We are concerned that ticketers wishing to evade these requirements could consider the listing of a ticket price to be separate from a “transaction,” (i.e. when a consumer selects the ticket). We urge you to amend the bill to require that the all-in price, including all mandatory fees and taxes, be provided any time a ticket price is listed.

Second, we have significant concerns about the data sharing provision,⁴ which would require resellers to provide ticket issuers with the contact information of the resale ticket purchaser. Absent robust collection and use restrictions, this language could contribute to significant harm to consumers’ privacy. It is also unclear to us that ticket issuers require this information at all to provide information to resale ticket purchasers of changes to an event. Ticket issuers, artists, and promoters have numerous channels through which to communicate with event attendees, including Instagram, TikTok, Twitter/X, Facebook, radio and television announcements, and artists’ and venue websites, to name only a few.

A requirement that resellers share contact information of their customers with ticket issuers, would also provide Live Nation/Ticketmaster and other primary ticket sellers with information that could be used to cancel tickets sold through competing distribution channels such as resale marketplaces or otherwise penalize fans who choose not to purchase tickets directly from the primary ticketer. This would only strengthen the dominance of Live Nation/Ticketmaster, which resold nearly \$4.5 billion in tickets in 2022,

³ Pg. 3, lines 8-9.

⁴ Pg. 3, lines 16-19.

making it one of the largest resale marketplaces in the industry.⁵ We urge you to amend the bill to strike this unnecessary and anti-competitive provision.

Finally, while we are pleased to see language protecting the right of fans to resell, donate, or give away their tickets,⁶ we are concerned that the language could be misused by ticket issuers to restrict competition in ticket sales and limit resale to a Live Nation/Ticketmaster's resale platform. Specifically, the "[s]ubject to reasonable restrictions imposed by a ticket issuer" language is overly vague and may render the intent of this section (to protect ticket transferability) toothless. We urge you to amend this section to strike the "[s]ubject to reasonable restrictions" language.

On behalf of live event fans in Maryland, thank you for giving NCL the opportunity to submit our testimony today. We look forward to working with the bill's sponsors as this bill moves through the Senate.

⁵ Live Nation Form 10-K. (February 23, 2023). ("Our resale business continued to grow, with nearly \$4.5 billion dollars in gross transaction value for 2022, more than doubling resale gross transaction value in 2019. It was our highest resale year ever, powered by both Concerts and all the major sports leagues") Online: https://investors.livenationentertainment.com/sec-filings/annual-reports/content/0001335258-23-000014/lyv-20221231.htm?TB_iframe=true&height=auto&width=auto&preload=false

⁶ Pg. 4, Lines 4-6.

Lyric Testimony HB0701.pdf

Uploaded by: Jonathan Schwartz

Position: FWA

February 20, 2024

Support HB 701 with amendments

For 129 years, Lyric Baltimore has provided the people of the Baltimore region and the State of Maryland with world class entertainment on our historic stage. We strongly support protecting ticket purchasers from the unscrupulous actors who prey upon our patrons.

Speculative ticketing is a scourge of our industry. When a ticket buyer comes to our venue with problematic tickets, they take out their frustration on our staff and attack our good name, even though we had nothing to do with the fraudulent ticket sale. The ticket buyer has been the victim of bad actors, usually from out of state, and sadly have no recourse.

As a ticket issuer, we want to be the place, either online or in person, where tickets for our venue are purchased. That is the only way we can guarantee that the ticket is legitimate. Further that direct connection allows the Lyric to contact the ticket purchaser with “Know Before You Go” information regarding special conditions set by the artist or promoter, or local road closures or other local impacts. The contact information supplied at purchase is the only way Lyric Baltimore can advise of a delay, postponement, or cancellation.

While Lyric Baltimore supports the aims of this bill, there are problems that the sponsor can address through amendments. Here are two suggested amendments.

- 1) **Strike page 3 Section C lines 16-19.** This section is impractical and burdensome for the venue. As a non-profit with two full-time box-office employees, requiring Lyric Baltimore to receive and store information from an unknown number of ticket sellers regarding resold tickets is unacceptable. This bill places the substantial burden of an unknown number of hours of time on our staff, an unknown and uncompensated expense on our non-profit and the impossible task of the verification of an unknown number of ticket purchasers and third-party resellers. I ask that this section be stricken from this bill.
- 2) **Add significant funding for the Attorney General’s office.** Currently the State of Maryland has legislation on its books banning bots and predatory websites, yet neither of these laws is enforced. The reason stated by both the prior and current Attorney General is that they lack the financial resources for staffing to tackle these issues. Without adding funding for positions dedicated to identifying and prosecuting bad actors in the ticketing marketplace, this bill, like its predecessors, will be well intentioned and unenforced.

StubHub Comments on HB 701.pdf

Uploaded by: Kevin Callahan

Position: FWA



HB 701 (Sale and Resale of Tickets) – Favorable with Amendments

Kevin Callahan

House Economic Matters Committee

Tuesday, February 20, 2024

Chair Wilson, Vice Chair Crosby, and members of the House Economic Matters Committee,

Thank you for the opportunity to submit comments regarding House Bill 701, regarding the sale and resale of tickets. StubHub believes that a competitive, transparent, and secure ticket marketplace unequivocally supports fans. Competition can drive affordability and an overall better consumer experience.

While we are supportive of several of the consumer protections included in HB 701 as introduced, such as all-in pricing for the whole industry and codifying Marylanders' ability to transfer the tickets they purchased in the manner they choose, we would appreciate the opportunity to work with Chair Wilson and stakeholders to further public policies that create a competitive, transparent, and secure ticketing marketplace that benefits Maryland consumers.

Background on StubHub

Founded in 2000, StubHub revolutionized the ticket resale marketplace by providing a safe, transparent, and trusted marketplace to buy and sell tickets. Our industry leading FanProtect Guarantee ensures buyers and sellers can transact in confidence, knowing that in the rare instance something goes wrong with a transaction, each order is protected, and our customer service team is available to assist with the issue and find comparable or better tickets, or a full refund.

Price and Fee Caps

We are concerned with the price and fee caps established under HB 701. Sellers on our site dictate the price of the tickets sold on our site. We value the ability of our users to buy and sell tickets at the prices they deem appropriate, without manipulation through mechanisms such as price caps or floors that impact the ability to sell at the market rate.

From a consumer standpoint, price caps have been observed to undermine consumer protections by incentivizing the movement of legitimate business activity off secure platforms and into non-regulated forums such as through social media that lack consumer protections. The trend for states has been to move away from antiquated and ineffective price cap statutes to allow consumers to benefit more from a regulated resale market that provides critical protections.

Additionally, limitations on fees earned by secondary ticket exchanges undermines our ability to protect our users and provide our service to customers wishing to sell or buy tickets to events in Maryland. StubHub only revenue on a transaction is from the fees on the ticket sale which we use to build the world's leading live event marketplace, including funding our security measures, investing in our FanProtect Guarantee, and providing for customer service at a global level.

It is also concerning to see that HB 701 as introduced only targets the fees of secondary ticket exchanges while not addressing the fees assessed by ticket issuers/primary ticketing companies, like Ticketmaster. In comparison, Ticketmaster's secondary ticket exchange platforms do not share the same costs of integration because of their position as a primary ticketer as well. We believe StubHub's fees are competitive with the broader secondary ticketing industry. It is critical that policymakers take action to ensure the live event industry is competitive so that one player cannot unilaterally dictate the price of fees to customers.

Data Transfer and Privacy

Requirements in HB 701 for resellers and secondary ticket exchanges to provide customer data to a ticket issuer is concerning from a privacy and data protection standpoint. The bill is vague in how these requirements would be implemented. Further, we are not aware of any other requirement for us to disclose to other unaffiliated businesses our customer data especially as it is unclear how that data would be collected, maintained, protected, and used by the ticket issuers. We strongly urge striking this language.

Transferability

We would suggest language to amend HB 701 to clarify the ability of a Maryland consumer to transfer or resell the tickets they purchased. As introduced, the provisions are vague ("subject to reasonable restrictions") and may have the unintended consequence of further empowering primary ticket sellers to impose unfair restrictions on the sale of a ticket rightfully purchased by a Maryland consumer. Generally, in the United States, the original sale of a ticket for any event is exclusively conducted by one primary ticket platform. In today's marketplace, 70-80% of primary ticket sales are controlled by one primary ticket platform, Ticketmaster.

Additional Consumer Protections for Consideration

As the General Assembly continues its consideration of HB 701 to provide robust consumer protections for ticket-buying Marylanders, we encourage the Committee to consider the following public policies that will continue to promote competition and transparency in the marketplace:

1. Further review of existing Maryland's deceptive URL law

We have heard the concern over the potential use of deceptive websites to sell tickets. Maryland enacted a law supported by many of the stakeholders involved in this issue including StubHub to prohibit these types of websites. In addition to ensuring that resources are available for the enforcement of the law, we would be supportive of

updating the law to reflect some recent public policy advancements in this area to further refine the statute.

2. Amending Maryland's bots law to require the reporting of bots activity

StubHub supports strong enforcement of Maryland's bots law. We recognize that enforcement requires collaboration with the industry, particularly with those primary ticket sellers attacked by illegal bots usage. StubHub welcomes the collaboration and encourages those attacked by illegal bots to report the behavior to the Maryland Attorney General and the Federal Trade Commission for further investigation. Some legislative proposals in Congress and in other states have considered requiring the reporting of bots usage to ensure that enforcement of state/federal bots laws can happen.

3. Transparency regarding ticket holdbacks and dynamic pricing

Primary ticket sellers frequently hold back large percentages of tickets from sale to the general public. This practice of holdbacks was identified in a 2016 report by the Office of the New York Attorney General that found on average, only 46% of tickets go on sale to the public during the initial on-sale. The remaining 54% are held back for industry insiders, artists fan clubs, credit card pre-sales, etc. For top shows, the average number of tickets offered to the public falls to 25%.

The practice of holdbacks is a significant factor in ticket availability and can be manipulated to create a false sense of scarcity in ticket supply. When a false sense of scarcity is created, dynamic pricing can then be leveraged to increase primary ticket prices when those held back tickets are later released into the marketplace. We would encourage the Committee to consider how holdbacks and dynamic pricing affect Maryland consumers.

HB 701 incorporates several positive concepts for consumers that we support, such as all-in pricing that is applied across the industry and a consumer's ability to transfer their tickets however they choose. We would welcome the opportunity to collaborate with Chair Wilson and the Committee on amendments which would improve the overall experience for Maryland consumers when it comes to the sale and resale of tickets. We respectfully ask the Committee for further work on the bill to preserve consumer choice and protection in the live event ticketing space and to allow for robust competition to better serve Marylanders.

HB701VividFWA.pdf

Uploaded by: Michael O'Neil

Position: FWA



Economic Matters Committee
Room 231 House Office Building
Annapolis MD 21401

February 20th, 2024

House Bill 701
Commercial Law - Consumer Protection - Sale and Resale of Tickets
Testimony of Michael O'Neil, Vivid Seats, Favorable with Amendments

Good afternoon, Chair Wilson and Members of the Economic Matters Committee,

For the record, my name is **Michael O'Neil**, and I serve on the Public Policy team for Vivid Seats, a ticket resale marketplace which aims to connect fans with memory-making live events. We have signed in as favorable with amendments and very much appreciate the opportunity to provide our perspective on how best to protect ticket purchasers in Maryland.

Vivid Seats offers award-winning customer service and accompanies that with the leading loyalty program in the industry that rewards every purchase. We provide fans with a secure, safe, and convenient place to buy and sell tickets to a wide variety of events. When fans buy tickets on our platform, they do so with peace of mind. Every ticket sold on Vivid Seats is backed by our 100% Buyer Guarantee - a promise that the fan will receive valid tickets, delivered on time and as described - or else the fan gets their money back.

We support the intent behind of House Bill 701 to protect consumers, and commend the sponsor for examining the role played by both the initial ticket seller and the reseller. We look forward to continuing to work with her on this effort and, in particular, and we have provided our suggested amendments to the bill to ensure competition between live event marketplaces continues to thrive for Maryland consumers.

We support the concept of clear pricing disclosures, and have worked in other states to pass similar legislation. We do have concerns with other aspects of the bill.

We are concerned that the bill's price cap requirement for dynamic pricing may have unintended consequences as written. Not every performer or team is as popular as Taylor Swift, not by a long shot. Many tickets sell on resale marketplaces for less than face value. On our marketplace today, for example, you can find Maryland sports tickets selling well below face value. We also have concerns with the data transfer portion, which would require companies to share their customer's data. Further, we have concerns with a requiring a ticket to be license, as we believe it is the property of the purchaser. Finally, Vivid Seats agrees undisclosed speculative ticket is a problem, and would like to continue to be able to offer our popular service for customers called "Seat Saver" which saves time for fans who are not able to sit in front of a laptop for hours on end.

The Maryland Legislature can use this opportunity to benefit consumers by protecting competition across our industry. Competition provides consumers with greater choice and flexibility in purchasing tickets for live events and it creates better pricing. The revised version of this bill will protect consumers in this state because it requires that fans be able to transfer tickets on the platform of their choice if they choose to gift or resell a ticket rather than attend an event.

Vivid Seats has worked with lawmakers and regulators across the United States to ensure legislation reflects a desire for consumers to enjoy a healthy, competitive marketplace. We look forward to continue discussion on how we can support your continued efforts to craft legislation.

Thank you. I am happy to answer any questions that you may have.

HB 701 2024 Support Letter - Baltimore Ravens.pdf

Uploaded by: NICK MANIS

Position: FWA

B A L T I M O R E R A V E N S



February 20, 2024

Delegate C. T. Wilson
Chair, House Economic Matters Committee
Room 231
House Office Building
Annapolis, Maryland 21401

RE: House Bill 701 – Support with Amendments- Commercial Law – Sale and Resale of Tickets

Dear Chair Wilson and House Economic Matters Committee Members:

On behalf of the Baltimore Ravens, I am writing to Support, with Amendments, House Bill 701 - Commercial Law – Sale and Resale of Tickets. The Ravens have engaged with ticket-related legislation for many years and our primary concern continues to be the impact these various bills have on the large-scale events that we host, our fans, and your constituents. While we support some of the consumer protections within the bill, the provisions mentioned below would negatively impact many of our most important fans, who help us create a game day experience that is consistently voted as one of the top in the NFL. With that in mind, we'd like to express the following concerns with House Bill 701 which impact our Permanent Seat License and season ticket holders:

- 1. It targets certain segments of the entertainment industry and ticket buyers but impacts all.** We have concerns with several aspects of this legislation. The subject is complex, and the bill addresses broad topics that impact a wide audience of ticket buyers with language that seemingly targets a certain industry segment [concerts] and certain segment of ticket buyers [ticket brokers], but ultimately impacts ticket buyers for the entire entertainment industry. Inevitably it could lead to unintended consequences, potentially including the opposite impact on pricing as the bill intends.
- 2. It's harmful to current and future season ticket holders.** While the bill includes some meaningful consumer protections, the proposed limiting of ticket re-sales to no higher than face value results in several unintended consequences. In the attempt to protect consumers from market forces that may push ticket prices significantly above the original purchase price, many, and particularly those that have purchased a season ticket package, are actually harmed. This limitation eliminates a means to offset the costs of a season ticket package which, in some cases, allows the buyers to afford that commitment. For example, the Ravens have sold Permanent Seat Licenses (PSL) with season tickets, which transfers ticket ownership rights to the PSL Owner, allowing them to then utilize, transfer or sell tickets in those packages. We are aware of a significant number of PSL Owners who utilize the option to sell some games in their season tickets to offset the overall cost of the packages. Some potentially could not afford to be season ticket holders or even be interested without their current right to re-sell above face value. Under this bill they could offset a smaller amount, placing a greater financial burden on

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the consumer, causing them to sell more games that they would like or even be forced to give up their PSLs and season tickets entirely.

3. **The value of owning season tickets is greatly diminished or eliminated.** In terms of filling M&T Bank Stadium for each home game and creating a home field competitive advantage that our fans expect, season tickets are the most important product we sell, as those sales make up 90% of our overall ticket sales. Restricting the ability to re-sell tickets for above the face value amount leads to significantly less value in season ticket ownership and creates an alternative where fans, who could be season ticket holders, would just choose to purchase popular games at face value rather than making the season ticket commitment.
4. **Eliminating transfer restrictions will eliminate a ticket program created for fans who do not have the same means to purchase season tickets as others but want to attend games.** The provision eliminating transfer restrictions would also harm another segment of our ticket buyers. We currently offer a promotion with hundreds of season tickets being made available for each regular season game at a set price well below the season ticket face value. An important condition of this program is a restriction on transfer so that these seats are used by the purchaser and not just bought up only with the intent to re-sell at a profit. We could no longer offer this program without the ability to control how tickets are distributed. The committee has addressed this issue in many previous legislative sessions, and we see no new compelling reasons to pass this additional measure in the current session.

We look forward to further discussions with you, Senator Gile and members of the committee and request the bill is amended to protect the rights of our loyal and very supportive ticket holders. Should you require additional information, please do not hesitate to contact our representatives in Annapolis, Nick Manis or John Favazza.

Sincerely,



Baker R. Koppelman
Sr. Vice President, Ticket Sales & Operations

CC: House Economic Matter Committee Members
Mr. Nick Manis
Mr. John Favazza
Mr. Brandon Etheridge

Upfront Testimony.pdf

Uploaded by: don wehner

Position: UNF

UP FRONT

PROMOTIONS

Presents!

The Honorable Pamela Beidle
Senate Finance Committee

RE: SB 539 – Sale and Resale of Tickets
Position: Support with Amendments

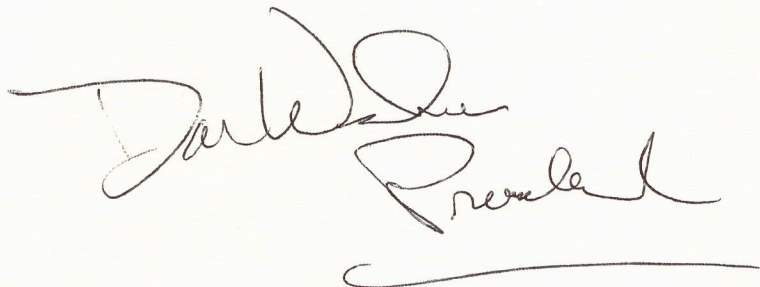
Dear Chairwoman Beidle and Members of the Committee:

Upfront Inc DBA Upfront Promotions wish to write to express their NON support of SB 539, with some necessary amendments. While we support the intent of the bill, our industry believes that if the amendments are adopted, the bill will be even stronger in protecting Maryland consumers and the entertainment industry. The following organizations agree with our position:

Here are our proposed amendments:

1. Alter the definition of "ticket issuer" to "rights holder." Our industry believes that the artist/sports team should retain rights as the rights holder, such as, determining whether to restrict transferability. There are often instances when an artist will choose whether or not to play in a state based on whether the artist has the ability to restrict transferability. Often times, an artist will opt to restrict transferability so only the artists' true fans will be able to attend these concerts.
2. Delete provision (D) in its entirety. This provision of this bill seeks to control the marketplace. Our industry cannot thrive if we are encumbered by price controls, fee caps, etc. Many of our ticket buyers operate with the understanding that if they cannot attend every event, they will be able to sell these tickets on the open marketplace. Furthermore, Artists offer fan club/VIP experience and retain 100% of the value above the ticket prices and if artist are not allowed to offer these , they may elect to not play the state and go elsewhere

We look forward to working with you to continue to craft legislation that will provide better protections for Maryland fans and support Maryland's entertainment industry.



David W. [unclear]
President

Ticketing Bill HB0701 Final House Letter.pdf

Uploaded by: Ron Legler

Position: UNF



**HIPPODROME
THEATRE** *at the*
FRANCE-MERRICK
PERFORMING ARTS CENTER

February 16, 2024

The Honorable Delegate Wilson

Economic Matters Committee

House of Delegates Office Building
6 Bladen Street
Annapolis, MD 21401

Re: Senate Bill SB539 - Commercial Law - Consumer Protection – Sale and Resale of Tickets

Dear Delegate Wilson and Members of the Committee:

My name is Ron Legler, President of the France-Merrick Performing Arts Center/Hippodrome Theatre in Baltimore, Maryland. The Hippodrome, the sole National Touring Broadway Series venue in our state, proudly serves as a member of the Maryland Sports & Entertainment Industry Coalition. Today, I offer testimony regarding Senate Bill 539 addressing specific concerns and potential adjustments for your consideration.

The Hippodrome Theatre expresses gratitude for the opportunity to participate in the public hearing on Senate Bill SB539. While we oppose Senate Bill SB539 as currently written, we greatly appreciate the significant progress made in SB539 and express support for many of the terms set forth in this legislation.

We applaud and support the bill's aim to enhance transparency in ticket purchasing. Initiatives like mandatory disclosure of total price breakdowns and speculative ticketing practices in the secondary market align with our values. In fact, the Hippodrome has proactively implemented all-inclusive pricing since 2016, demonstrating our commitment to fair and upfront costs for patrons. In addition, all too often, we encounter honest people who come to our venue expecting to see a show, only to find that the ticket they purchased was fake and they were duped by a predatory broker. In these situations, it is heartbreaking to see the customers' disappointment and embarrassment when they learn that they do not have a valid ticket and they did not buy from the venue's official sites. As a venue operator, we do our best never to turn away someone who has come to see our shows. Our box office scrambles to try to find the patron tickets to buy a second time and helps them navigate doing a credit card charge back on their original purchase, all while servicing the needs of thousands of patrons entering our doors for the same show. To put it mildly, it is a hassle for all involved. As a venue, we are in the business of providing experiences and memories to last a lifetime. When a visit to our theatre is ruined by fraudulent sales, it casts a negative shadow on our relationship with the consumer because trust is lost – even though we were not the bad actor. We are therefore appreciative of your action to further protect consumers of live entertainment and the arts in Maryland.



**HIPPODROME
THEATRE** *at the*
FRANCE-MERRICK
PERFORMING ARTS CENTER

However, the Hippodrome believes that some proposed modifications to SB539 are necessary to ensure that Maryland remains a competitive and attractive marketplace for Broadway, concerts, comedy, dance, sports and other entertainment attractions.

We express concern regarding the data sharing requirements outlined in Section C. Mandating venues to store and manage customer data from various secondary market platforms creates an undue burden on already busy box offices, potentially hindering operational efficiency and raising data security concerns.

We respectfully request the removal of Sections D, E, and F. While supporting the Fan-to-Fan resale concept, imposing restrictions on secondary market pricing and service fees risks infringing upon consumers' resale rights and disrupting the delicate balance within the ticketing ecosystem. Additionally, we believe artists and presenters, as rights holders, should retain the ability to determine ticket transferability, a factor often influencing their decision to perform in specific locations.

It is crucial to remember that major touring productions, concerts, and sporting events have venue selection options. Without key amendments, this legislation could incentivize prominent promoters and artists to bypass Maryland in favor of other states, including neighboring Washington D.C., potentially impacting our local economy and cultural landscape.

We urge you to consider our concerns and explore amendments that address data sharing, remove price controls and fee caps to maintain market flexibility, and respect the choices and preferences of rights holders. By collaborating, we can achieve the shared goal of protecting consumers while safeguarding the vitality of Maryland's vibrant entertainment industry.

Thank you for your time and consideration.

Sincerely,

Ron Legler

Ron Legler
President, France-Merrick Performing Arts Center/Hippodrome