

1 HB265  
2 181146-4  
3 By Representative Lee  
4 RFD: State Government  
5 First Read: 16-FEB-17

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8 SYNOPSIS: Under existing law, an admission ticket that  
9 was originally issued, sold, or authorized by an  
10 organizer of certain events may be transferred or  
11 resold.

12 This bill would: (1) allow a ticket issuer  
13 to employ a nontransferable ticketing system only  
14 if the consumer is offered an option at the time of  
15 original sale to purchase the same ticket in a  
16 transferable form; and (2) provide that a ticket  
17 buyer or seller may not be penalized or  
18 discriminated against or denied access to an event  
19 solely on the grounds that the ticket or tickets  
20 were resold.

21 This bill would also specify specific  
22 circumstances in which a ticket issuer or venue  
23 operator may elect not to offer tickets in a  
24 transferable form.

25  
26 A BILL  
27 TO BE ENTITLED

1 AN ACT

2  
3 Relating to ticket sales; to allow a ticket issuer  
4 to employ a nontransferable ticketing system only under  
5 specified circumstances; to provide that a ticket buyer or  
6 seller may not be penalized or discriminated against or denied  
7 access to an event solely on the grounds that the ticket or  
8 tickets were resold; to prohibit a person from using or  
9 selling software to circumvent a security measure, access  
10 control system, or other control or measure used by a primary  
11 ticket sales platform or secondary ticket exchange to engage  
12 in specified activity; and to specify that the act does not  
13 apply to certain events hosted by an institution of higher  
14 education.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. (a) For the purposes of this section, the  
17 following terms shall have the following meanings:

18 (1) NONTRANSFERABLE TICKETING SYSTEM. Restricting,  
19 through contractual or technological means, a ticket  
20 purchaser's ability to freely use, give away, or resell the  
21 tickets he or she has purchased.

22 (2) TICKET ISSUER. Any person that makes tickets  
23 available, directly or indirectly, to an entertainment event,  
24 and may include any of the following:

- 25 a. The operator of a venue.  
26 b. The sponsor or promoter of an entertainment  
27 event.

1 c. A sports team participating in an entertainment  
2 event or a league whose teams are participating in an  
3 entertainment event.

4 d. A theatre company, musical group, or similar  
5 participant in an entertainment event.

6 e. An agent of any person described in paragraphs a.  
7 through d.

8 (3) TICKET PLATFORM. A marketplace that enables  
9 consumers to purchase and sell tickets.

10 (b) (1) A ticket issuer may employ a nontransferable  
11 ticketing system only if the consumer is offered an option at  
12 the time of initial sale to purchase the same ticket in a  
13 transferable form that allows tickets to be given away or  
14 resold independent of the ticket issuer's preferred ticket  
15 platform, without penalty or discrimination.

16 (2) A ticket buyer or seller may not be penalized,  
17 discriminated against, or denied access to an event solely on  
18 the grounds that, or the ticket platform through which, the  
19 ticket or tickets were resold.

20 (c) Notwithstanding any other provision of law, a  
21 ticket issuer or venue operator may do any of the following:

22 (1) Maintain and enforce policies with respect to  
23 conduct, behavior, or age at the venue or entertainment event.

24 (2) Establish limits on the quantity of tickets that  
25 may be purchased.

1           (3) Revoke or restrict season tickets for reasons  
2 related to violations of venue policy, including any of the  
3 following:

4           a. Attempts by two or more individuals to gain  
5 admission to the same event using tickets purchased in a  
6 resale transaction, with each individual presenting copies of  
7 the same ticket.

8           b. Concerns regarding the protection or safety of  
9 individuals.

10          c. Concerns regarding possible fraud or misconduct.

11          (4)a. Elect not to offer tickets in a transferable  
12 form if those tickets are sold or given to individuals or  
13 groups as part of a targeted promotion, discounted price, or  
14 private event offered because of the individuals' or groups'  
15 status or affiliation, including, but not limited to, groups  
16 or individuals characterized by a disability, membership in a  
17 religious or civic organization, or economic hardship.

18          b. Tickets issued through a nontransferable  
19 ticketing system under the exemption in this subdivision  
20 cannot be offered promotionally to the general public and must  
21 be clearly marked as a ticket restricted to the specified  
22 individual or group.

23          (d) This act does not apply to any events officially  
24 associated with any institution of higher education,  
25 including, but not limited to, athletic events, concerts, or  
26 theatrical events.

1                   Section 2. This act shall become effective on the  
2 first day of the third month following its passage and  
3 approval by the Governor, or its otherwise becoming law.