

HOUSE No. 442

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Moran

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to modernize the issuance and sale of sports and entertainment tickets.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michael J. Moran</i>	<i>18th Suffolk</i>	<i>2/18/2021</i>
<i>Kip A. Diggs</i>	<i>2nd Barnstable</i>	<i>2/23/2021</i>
<i>Richard M. Haggerty</i>	<i>30th Middlesex</i>	<i>2/23/2021</i>

HOUSE No. 442

By Mr. Moran of Boston, a petition (accompanied by bill, House, No. 442) of Michael J. Moran, Kip A. Diggs and Richard M. Haggerty relative to the issuance and sale of sports and entertainment tickets. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act to modernize the issuance and sale of sports and entertainment tickets.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 185A of chapter 140 of the General Laws, as so appearing, is
2 hereby amended by striking the last sentence of the first paragraph of this section.

3 SECTION 2. Section 185A of chapter 140 of the General Laws, as so appearing, is
4 hereby amended by inserting after the first paragraph the following paragraph:

5 “Ticket reseller shall mean any person, entity, corporation or association engaged in the
6 business of reselling, offering for resale, or negotiating the resale of tickets of admission or other
7 evidence of right of entry to any sporting event, theatrical exhibition, public show, or public
8 amusement or exhibition, including officers, agents and employees of such person, entity,
9 corporation, or association. A person, entity, corporation, or association shall be deemed to be
10 “engaged in the business of resale” if such person, entity, corporation, or association has sold
11 more than 100 sets of tickets by means of telephone, mail, delivery, service, facsimile, internet,

12 email, or other electronic means in the preceding twelve months. A resale shall not include the
13 initial sale of any event ticket by the ticket issuer.

14 SECTION 3. Section 185A of Chapter 140 of the General Laws, as appearing, is hereby
15 amended by inserting at the end thereof the following:-

16 As used in this chapter, the following words shall have the following meaning:

17 “Non-Transferable Ticketing System” means restricting, through contractual or
18 technological means, a ticket purchaser’s ability to freely give away or resell the tickets they
19 have purchased through a ticket platform that is not affiliated with the ticket issuer.

20 “Ticket issuer” means any person that makes tickets available, directly or indirectly, to an
21 entertainment event, and may include the operator of a venue; the sponsor or promoter of an
22 entertainment event; a sports team participating in an entertainment event or a league whose
23 teams are participating in an entertainment event; a theatre company, musical group or similar
24 participant in an entertainment event; or an agent of any such person.

25 “Ticket Platform” means a marketplace that enables consumers to purchase and sell
26 tickets.

27 SECTION 4. Section 185A of chapter 140 of the General Laws, as so appearing, is
28 hereby amended by deleting the second paragraph of this section.

29 SECTION 5. Chapter 140 of the General Laws, is hereby amended by striking out
30 section 185D, as so appearing, and inserting in place thereof the following section:-

31 Section 185D. Consumer protection standards relative to the purchase, sale, and resale of
32 tickets:

- 33 (a) Any person who resells a ticket shall:
- 34 (1) Maintain a toll-free telephone number, e-mail address, or other means of contact
35 for complaints and inquiries regarding the resale of event tickets;
- 36 (2) Implement and reasonably publicize a standard refund policy that meets the
37 minimum standards established in subsection (c); and
- 38 (3) Take responsible measures to safeguard against the resale of counterfeit tickets.
- 39 (b) Any person who resells a ticket can meet the requirements of subsection (a) by
40 using a ticket platform that meets the requirements of subsection (a).
- 41 (c) The standard refund policy in subsection (a)(2):
- 42 (1) Shall provide a consumer who purchases an event ticket a full refund if: (i) the
43 event ticket does not provide access to the event or venue of the event, provided the date and
44 time of the event are correct on the event ticket; (ii) the event ticket has been cancelled by the
45 ticket issuer for non-payment by the original purchaser, or for any reason other than an act or
46 omission of the consumer; (iii) the event ticket materially and to the detriment of the consumer
47 fails to conform to the description provided to the consumer; or (iv) the event ticket was not
48 delivered to the consumer prior to the occurrence of the event, unless such failure of delivery
49 was due to any act or omission of the consumer;
- 50 (2) Shall include the full order value paid by the consumer for the event ticket,
51 together with any fees charged in connection with that purchase, including but not limited to
52 convenience fees, processing fees, at-home printing charges, and

53 (3) May condition entitlement to a refund upon timely return of the ticket purchased,
54 and may include reasonable safeguards against abuse of the policy.

55 (d) Provision of a replacement ticket to the same event that is in a comparable
56 location, at no additional charge to the consumer, shall be considered providing a full refund for
57 the purposes of subsection (c).

58 (e) If an event is canceled and not rescheduled, consumers are entitled to a full refund
59 as provided in subsection (c)(2) from the person, ticket issuer, or ticket platform they directly
60 purchased the ticket from.

61 (f) Nothing in this section shall be construed to prohibit any person, entity or
62 association, or an agent of any such person, entity or association subject to this section from
63 implementing consumer protection policies that exceed the minimum standard set forth in this
64 section, and that are otherwise compliant with this act.

65 (g) A person may not knowingly use or sell software to circumvent a security
66 measure, access control system, or other control or measure used by a ticket issuer or ticket
67 platform to enforce event ticket purchasing limits or to maintain the integrity of online ticket
68 purchasing order rules.

69 (h) Notwithstanding any contrary terms or conditions, a) a ticket issuer may employ a
70 non-transferable ticketing system only if the consumer is offered an option at the time of initial
71 sale to purchase the same ticket in a transferable form that allows tickets to be given away or
72 resold independent of and without requiring the consumer to log into the ticket issuer's preferred
73 ticket platform, without penalty or discrimination, and b) a ticket buyer or seller shall not be

74 penalized, discriminated against, or denied access to an event solely on the grounds that, or the
75 ticket platform through which, the ticket or tickets were resold.

76 SECTION 6. Said chapter 140, as so appearing, is hereby amended by adding after
77 section 185H following new section:-

78 Section 185I. Notwithstanding any other provision of this chapter, a ticket issuer or venue
79 operator may:

80 a) Maintain and enforce policies with respect to conduct, behavior, public health and
81 safety, or age at the venue or entertainment event;

82 b) Establish limits on the quantity of tickets that may be purchased;

83 c) Elect not to offer tickets in a transferable form as required by the provisions of
84 section one hundred and eight-five D if those tickets are sold or given to individuals or groups as
85 part of a private event, or a targeted promotion at a discounted price offered because of the
86 individuals or groups status or affiliation with religious or charitable institutions, societies or
87 organizations or civic leagues or organizations not organized for profit but operated exclusively
88 for the promotion of social welfare, associations of veterans of any wars of the United States,
89 students, or groups or individuals characterized by a disability or economic hardship. Tickets
90 issued through a non-transferable ticketing system pursuant to the exemption in this subsection
91 shall not be offered promotionally to the general public and must be clearly marked as a ticket
92 restricted to the specified individual or group.