

SENATE BILL 1043

By Campbell

AN ACT to amend Tennessee Code Annotated, Title 29;
Title 39; Title 47; Title 48 and Title 67, relative to
ticket sales.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 50, is amended by adding
the following as a new section:

(a) As used in this section:

(1) "Entertainment":

(A) Means a form of diversion, recreation, or show; and

(B) Includes:

(i) Theatrical or operatic performances;

(ii) Concerts;

(iii) Motion pictures;

(iv) Shows or events at fair grounds;

(v) Amusement parks; and

(vi) Athletic games or competition, including football,

basketball, baseball, boxing, tennis, hockey, or another sport;

(2) "Holdback" mean reserving tickets for pre-sales or for sale to a credit
card partner or other person or individual with which the third-party ticket reseller
has a relationship, such that the tickets are not offered for sale to the general
public;

(3) "Place of entertainment":

(A) Means a privately or publicly-owned facility for entertainment for which an entry fee is charged; and

(B) Includes a theater, stadium, arena, racetrack, museum, amusement park, or other place where performances, concerts, exhibits, or athletic games or contests are held;

(4) "Resale":

(A) Means a sale of a ticket for entrance to a place of entertainment located within the boundaries of this state, other than a sale by the operator or the operator's agent who is expressly authorized to make first sales of the tickets; and

(B) Includes a sale made in person, or by means of telephone, mail, delivery service, facsimile, internet, email, or other electronic means, where the venue for which the ticket grants admission is located in this state;

(5) "Third-party ticket reseller" means an individual, firm, corporation, or other entity that:

(A) Engages in the business of reselling tickets to a place of entertainment;

(B) Operates an internet website or other electronic service that provides a mechanism for two (2) or more parties to participate in a resale transaction;

(C) Facilitates resale transactions by means of an auction; or

(D) Maintains an office, branch of an office, bureau, agency, or other entity for purposes of engaging in the business of reselling tickets to a place of entertainment; and

(6) "Ticket" means evidence of the right of entry to a place of entertainment located within this state.

(b)

(1) A third-party ticket reseller shall provide to a consumer the following information for the cost of a ticket:

(A) The cost of the ticket without fees;

(B) The cost of additional mandatory fees;

(C) The cost of additional fees charged by the third-party ticket reseller; and

(D) The total cost of the ticket, including the costs and fees described in subdivisions (b)(1)(A)-(C).

(2) The third-party ticket reseller shall disclose the information described in subdivision (b)(1) conspicuously, in the same location that the ticket is offered, prior to the consumer selecting a ticket for purchase. For purposes of this subdivision (b)(2), "same location that the ticket is offered" includes:

(A) For a sale on the internet, the webpage on which the consumer views price information for the ticket;

(B) For a sale in person, the document or other manner in which the purchase price for a ticket is shown to the consumer; and

(C) For a sale in another manner, in a manner and location that provides notice to the consumer of the information described in subdivision (b)(1) prior to the consumer selecting the ticket for purchase.

(c) A third-party ticket reseller shall not reserve more than forty-five percent (45%) of the tickets the third-party ticket reseller has for an entertainment event as a

holdback. Fifty-five percent (55%) of the tickets available for an entertainment event must be sold, or offered for sale, to the general public.

(d) A violation of this section constitutes a violation of the Tennessee Consumer Protection Act of 1977, compiled in chapter 18, part 1 of this title. A violation of this section is considered an unfair or deceptive act or practice affecting trade or commerce and is subject to the penalties and remedies as provided in the Tennessee Consumer Protection Act of 1977.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it, and applies to sales occurring on or after that date.