

2019 -- H 5691

LC001387

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- SHOWS AND EXHIBITIONS

Introduced By: Representatives Morin, Casey, Vella-Wilkinson, Millea, and Amore

Date Introduced: February 27, 2019

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 5-22-26 of the General Laws in Chapter 5-22 entitled "Shows and
2 Exhibitions" is hereby amended to read as follows:

3 **5-22-26. ~~Ticket speculators~~ Ticket sales and practices.**

4 ~~No person shall sell, offer for sale, or attempt to sell any ticket, privilege, or license of~~
5 ~~admission to an entertainment event, including, but not limited to, any place of public~~
6 ~~amusement, arena, stadium, theatre, performance, sport, exhibition, or athletic contest in this state~~
7 ~~at a price greater than the price, including tax, printed on the ticket, and a reasonable service~~
8 ~~charge for services actually rendered not to exceed three dollars (\$3.00) or ten percent (10%) of~~
9 ~~the price printed on the ticket, whichever is greater. The owner or operator of the property on~~
10 ~~which an entertainment event is to be held or is being held may authorize, in writing, any person~~
11 ~~to sell a ticket, privilege, or license of admission at a price in excess of that authorized under this~~
12 ~~section. That writing shall specify the price for which the ticket, privilege, or license of admission~~
13 ~~is to be sold. Any person violating any provision of this section is guilty of a misdemeanor and~~
14 ~~shall be fined not more than one thousand dollars (\$1,000) for each offense.~~

15 (a) When used in this section the following words and phrases shall have the following
16 meanings:

17 (1) "Operator" means a person or entity who owns, operates, or controls a place of
18 entertainment or who promotes or produces entertainment and that sells a ticket to an event for
19 original sale, including an employee of such person or entity.

1 (2) "Original sale" means the first sale of a ticket by an operator.

2 (3) "Place of entertainment" means a public or private entertainment facility, such as a
3 stadium, arena, racetrack, museum, amusement park, or other place where performances,
4 concerts, exhibits, athletic games, or contests are held, for which an entry fee is charged, to which
5 the public is invited to observe, and for which tickets are sold. "Place of entertainment" does not
6 include a ski area.

7 (b) No person shall employ an entertainment event ticketing sales system that fails to give
8 the purchaser an option to purchase tickets that the purchaser may transfer to any party, at any
9 price and at any time, without additional fees and without the consent of the person employing
10 such ticketing system. For purposes of this section, "entertainment event" includes, but is not
11 limited to, a sport event, a concert or a theatrical or operatic performance, but does not include a
12 movie.

13 (c) A person or entity, including an operator, that regulates admission to an event at a
14 place of entertainment must disclose, at the time of the original sale of tickets to that event, the
15 number of tickets available for sale as well as the number of tickets made available for sale to the
16 general public for that event.

17 (d) Any person who sells a ticket to an entertainment event, including, but not limited to,
18 a sporting event, a concert or a theatrical or operatic performance, shall refund to the purchaser of
19 such ticket the full amount, including all service fees and delivery charges, paid by the purchaser
20 for such ticket if any of the following occurs:

21 (1) The event for which the ticket is resold is cancelled; provided that, if the event is
22 cancelled then actual handling and delivery fees need not be refunded as long as such previously
23 disclosed guarantee specifies that such fees will not be refunded;

24 (2) The ticket received by the purchaser does not grant the purchaser admission to the
25 event described on the ticket unless the ticket is cancelled due to an act or omission by such
26 purchaser; or

27 (3) The ticket fails to conform to its description as advertised by the ticket seller unless
28 the buyer has pre-approved a substitution of tickets.

29 (e) It is void as against public policy for search engines to discriminate against small
30 businesses by engaging in unfair practices designed to bias search content in favor of Internet
31 content providers paying the highest advertising fees. Search engines shall not block lawful
32 websites, impair or degrade lawful Internet search traffic, engage in paid prioritization, or
33 interfere with or otherwise disadvantage Internet content providers based solely on the advertising
34 costs paid by such a content provider.

1 (f) It is void as pre-empted by federal and international domain name and trademark
2 regulations for a state entity to regulate the creation or usage of Uniform Resource Locators
3 (URLs) by third parties with regard to the name of an entertainment artist or artists or place of
4 entertainment.

5 (g) It is void as against public policy for a person or entity, including an operator, that
6 regulates admission to an event at a place of entertainment, to mandate a minimum price at which
7 tickets to an event may be sold or resold, whether as a condition of purchase or a contractual
8 provision.

9 (h) It is void as against public policy for the operator of a place of entertainment to
10 selectively apply a term or condition to the original sale of tickets to entertainment events based
11 on the type of entertainment event, whether a concert or musical performance, theatre production,
12 sporting event, or other type of entertainment event.

13 (i) It shall be unlawful for an operator of a place of entertainment to create a distance-
14 based restriction on the sale or resale of tickets to an event at that place of entertainment.

15 (j) A place of entertainment which is funded through public donations or qualifies as a
16 501(c)(3) under the Internal Revenue Code shall be prohibited from entering into exclusive
17 ticketing contracts with primary ticket sellers.

18 (k) It shall be unlawful for ticket sellers to disclose ticket purchasing information to a
19 third party if the ticket seller has not been given permission to make such disclosure by entering
20 into information sharing agreements with ticket resellers, online resale marketplaces and online
21 exchanges doing business with such ticket seller.

22 (l) It shall be unlawful for the operator, promoter or ticketing service for a place of
23 entertainment to print the name, or any other personally identifiable information ("PII"), of a
24 customer on a ticket to an event at that place of entertainment unless the customer is able to
25 remove, delete or fully obscure such name or PII on said ticket without such removal, deletion or
26 obscureness impacting the ticket's use to enter the event.

27 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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- 1 This act would amend the rules and regulations for sellers of event tickets.
- 2 This act would take effect upon passage.

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