

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

FILED SENATE
May 2, 2024
S.B. 894
PRINCIPAL CLERK

S

D

SENATE BILL DRS45451-MLa-160

Short Title: Revise Law on Sale & Resale of Tickets.

(Public)

Sponsors: Senators Garrett, Batch, and Chaudhuri (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED
AN ACT TO REVISE THE LAWS GOVERNING THE SALE, RESALE, AND OFFER FOR
SALE OR RESALE OF ADMISSION TICKETS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-344.1 reads as rewritten:

"§ 14-344.1. Internet sale ~~resale~~ of admission tickets in excess of printed price tickets.

(a) Internet Resale. – A person may resell an admission ticket under this section on the Internet at a price greater than the price on the face of the ticket only if all of the following conditions are met:

~~(1) The venue where the event will occur has not prohibited the Internet ticket resale as provided under subsection (b) of this section.~~

(1a) Except as otherwise provided in this subdivision, the total price at which a person may resell an admission ticket does not exceed the sum of the total price of the initial ticket, including all fees and taxes in connection with the initial ticket. If initial tickets were purchased for a series of events, such as season tickets for a sports team, the total resale price of a ticket for a single event shall not exceed the total price of a comparable ticket, including all fees and taxes.

(2) The person reselling the ticket offers the ticket for resale on a Web site with a ticket guarantee that meets the requirements of subsection (c) of this section. A prospective purchaser must be directed to the guarantee before completion of the resale transaction.

(3) The person has obtained a certificate of registration under G.S. 105-164.29 and collects and remits to the State the sales and use tax in accordance with Article 5 of Chapter 105 of the General Statutes.

(4) The listing of the ticket and each step of the transaction to purchase the ticket complies with the requirements set forth in G.S. 14-344.1A.

~~(b) Resale Prohibited. The venue where an event will occur may prohibit the resale of admission tickets for the event at a price greater than the price on the face of the ticket. To prohibit the resale of tickets under this section, the venue must file a notice of prohibition of the resale of admission tickets for a specified event with the Secretary of State and must post the notice of prohibition conspicuously on its Web site. The primary ticket seller for the event must also post the notice conspicuously on its Web site. A prohibition under this subsection may not become valid until 30 days after the notice is posted on the venue's Web site. The prohibition expires on December 31 of each year unless the prohibition is renewed. To renew a prohibition, a venue must renew its notice of prohibition filed with the Secretary of State and must post the notice as~~



* D R S 4 5 4 5 1 - M L A - 1 6 0 *

~~required under this subsection. A venue who files a notice of prohibition must pay a fee in the amount set in G.S. 55-1-22 for filing articles of incorporation. A venue that renews a notice of prohibition must pay a fee in the amount set in G.S. 55-1-22 for filing a paper annual report.~~

(b1) Service Fee. – A Web site enabling the resell of an admission ticket under this section may charge a fee that does not exceed ten percent (10%) of the total price of the initial ticket for each ticket resold on the Web site.

(c) Ticket Guarantee. – A person who resells or offers to resell admission tickets under this section must guarantee to the purchaser a full refund of the amount paid for the ticket under each of the following conditions:

(1) The ticketed event is cancelled. Reasonable handling and delivery fees may be withheld from the refund price of a cancelled ticketed event if the ticket guarantee on the Web site specifically informs the purchaser that handling and delivery fees will be withheld from the refunded amount.

(2) The purchaser is denied admission to the ticketed event. This subdivision does not apply if admission to the ticketed event is denied to the purchaser because of an action or omission of the purchaser.

(3) The ticket is not delivered to the purchaser in the manner described on the Web site or pursuant to the delivery guarantee made by the reseller, and the failure results in the purchaser's inability to attend the ticketed event.

(c1) Resale Ticket Purchaser Information. – A person who resells an admission ticket under this section shall provide the initial ticket issuer with the contact information of the resale ticket purchaser to enable the initial ticket issuer to notify the resale ticket purchaser of any change in the event circumstances, such as an event cancellation or rescheduling.

(c2) Prohibit Sale of Speculative Tickets. – A person shall not resell or offer to resell a ticket that is not in the actual or constructive possession of the reseller at the time of the sale.

(c3) Other Prohibitions or Restrictions. – Subject to reasonable restrictions imposed by the person who, directly or indirectly, issued the initial ticket for an event, a person shall not prohibit or restrict the transfer or resale of a ticket that was made available to the general public for purchase.

(c4) Resale Web Sites. – It is unlawful for a Web site to enable the resale of a ticket in violation of this section.

(d) Student Tickets. – This section does not apply to student tickets issued by institutions of higher education in North Carolina for sporting events.

...."

SECTION 2. Article 44 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-344.1A. Required information on admission tickets.

(a) Requirement. – The listing of a ticket subject to G.S. 14-344 or G.S. 14-344.1 and each step of the transaction to purchase the ticket shall include all of the following:

(1) A clear and conspicuous disclosure of the total price of the ticket, including all fees and taxes.

(2) An itemized listing of all charges that comprise the total price of the ticket, including all fees and taxes.

(3) An identification of the seat number and zone or section of the ticket, to the extent applicable to the seat and venue.

(b) Punishment. – A person who sells, resales, or offers to sale or resale a ticket in violation of subsection (a) of this section is guilty of a Class 2 misdemeanor."

SECTION 3. There is appropriated from the General Fund to the Department of Commerce the sum of one hundred thousand dollars (\$100,000) in nonrecurring funds for the 2024-2025 fiscal year to use to increase public awareness of the revisions to the laws governing

1 the sale, resale, and offer for sale or resale of admission tickets set forth in Sections 1 and 2 of
2 this act.

3 **SECTION 4.** Prosecutions for offenses committed before the effective date of this
4 act are not abated or affected by this act, and the statutes that would be applicable but for this act
5 remain applicable to those prosecutions.

6 **SECTION 5.** Sections 1 and 2 of this act become effective December 1, 2024, and
7 apply to tickets sold, resold, or offered for sale or resale on or after that date. The remainder of
8 this act becomes effective July 1, 2024.