

HOUSE BILL 1235

13

1lr2436

By: **Delegate Brooks**

Introduced and read first time: February 8, 2021

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Commercial Law – Consumer Protection – Entertainment Events and Ticketing**
3 **Practices**

4 FOR the purpose of requiring an entertainment event ticketing system to allow a purchaser
5 to buy and transfer a ticket without additional fees or the consent of a certain person;
6 authorizing a person to operate a certain paperless entertainment event ticketing
7 system under certain circumstances; requiring an entertainment event ticketing
8 system to give a purchaser the option to remove any personal information from the
9 purchaser's ticket; prohibiting a certain entertainment event or venue from denying
10 a certain person admission to an event on a certain basis; requiring an entertainment
11 event ticket website to provide a certain purchaser with certain information;
12 prohibiting certain persons from setting a minimum price at which a ticket may be
13 sold or resold; prohibiting certain persons from prohibiting a ticket from being resold
14 under certain circumstances; prohibiting a certain owner or operator of an
15 entertainment event or venue to enter into certain contracts with primary ticket
16 sellers; providing for the application of a certain provision of this Act; defining
17 certain terms; and generally related to entertainment event ticketing systems.

18 BY repealing and reenacting, with amendments,
19 Article – Commercial Law
20 Section 13–301(14)(xxxiv) and (xxxv); and 14–4001 and 14–4004 to be under the
21 amended subtitle “Subtitle 40. Internet Event Ticket Sales”
22 Annotated Code of Maryland
23 (2013 Replacement Volume and 2020 Supplement)

24 BY adding to
25 Article – Commercial Law
26 Section 13–301(14)(xxxvi), 14–4004, and 14–4005
27 Annotated Code of Maryland
28 (2013 Replacement Volume and 2020 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Commercial Law

13–301.

Unfair, abusive, or deceptive trade practices include any:

(14) Violation of a provision of:

(xxxiv) The federal Servicemembers Civil Relief Act; [or]

(xxxv) § 11–210 of the Education Article[.]; **OR**

(XXXVI) TITLE 14, SUBTITLE 40 OF THIS ARTICLE; OR

Subtitle 40. [Interference with] Internet **EVENT** Ticket Sales.

14–4001.

(a) In this subtitle the following words have the meanings indicated.

(b) (1) “Entertainment event” means:

(i) A performance;

(ii) A recreation;

(iii) An amusement;

(iv) A diversion;

(v) A spectacle;

(vi) A show; or

(vii) Any similar event.

(2) “Entertainment event” includes:

(i) A theatrical or musical performance;

(ii) A concert;

(iii) A film;

- (iv) A game;
- (v) A ride; and
- (vi) A sporting event.

(c) (1) “Lower-level domain name” means the portion of text in a URL that is to the left of top-level domains such as .com, .net, or .org.

(2) “Lower-level domain name” includes:

- (i) A second-level domain name;
- (ii) A third-level domain name; and
- (iii) Any other subdomain name.

(D) “PERSONAL INFORMATION” HAS THE MEANING STATED IN § 14-3501 OF THIS TITLE.

(E) “RESELLER” HAS THE MEANING STATED IN § 13-310.1 OF THIS ARTICLE.

[(d)] (F) “Ticket” means a ticket for admission to an entertainment event.

[(e)] (G) “Ticket website” means a website:

- (1) Advertising the sale or resale of tickets;
- (2) Offering the sale or resale of tickets; or
- (3) Facilitating a secondary ticket exchange or electronic marketplace that enables consumers to sell, purchase, and resell tickets to an entertainment event in the State.

[(f)] (H) “URL” means the Uniform Resource Locator for a website.

[(g)] (I) “Venue” means a theater, a stadium, a field, a hall, a convention center, a fairground, or any other facility where an entertainment event takes place.

14-4004.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN ENTERTAINMENT EVENT TICKETING SYSTEM SHALL ALLOW A PURCHASER TO BUY AND TRANSFER A TICKET WITHOUT:

1 (1) ADDITIONAL FEES; OR

2 (2) THE CONSENT OF THE PERSON OPERATING THE ENTERTAINMENT
3 EVENT TICKETING SYSTEM.

4 (B) (1) A PERSON MAY OPERATE A PAPERLESS ENTERTAINMENT EVENT
5 TICKETING SYSTEM THAT DOES NOT ALLOW A PURCHASER TO BUY AND TRANSFER A
6 TICKET IF, AT THE TIME OF THE INITIAL SALE, THE PURCHASER IS GIVEN THE
7 OPTION TO PURCHASE THE SAME TICKET IN A FORM THAT IS:

8 (I) TRANSFERABLE;

9 (II) WITHOUT ADDITIONAL FEES; AND

10 (III) INDEPENDENT OF THE ENTERTAINMENT EVENT TICKETING
11 SYSTEM.

12 (2) A TICKET MADE AVAILABLE UNDER THE OPTION PROVIDED IN
13 ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION MAY BE A PAPER TICKET
14 OR AN ELECTRONIC TICKET.

15 (C) AN ENTERTAINMENT EVENT TICKETING SYSTEM SHALL GIVE A
16 PURCHASER THE OPTION TO REMOVE ANY PERSONAL INFORMATION FROM THE
17 PURCHASER'S TICKET.

18 (D) AN ENTERTAINMENT EVENT TICKET WEBSITE SHALL, IF APPLICABLE,
19 PROVIDE WRITTEN SECONDARY MARKET DISCLOSURE INFORMATION TO A
20 POTENTIAL TICKET PURCHASER.

21 (E) AN ENTERTAINMENT EVENT OR VENUE MAY NOT DENY ADMISSION TO A
22 PERSON WHO POSSESSES A RESOLD TICKET BASED ON THE FACT THAT THE TICKET
23 HAS BEEN RESOLD.

24 (F) AN OWNER OR OPERATOR OF AN ENTERTAINMENT EVENT OR VENUE, A
25 PRIMARY TICKET SELLER, OR A RESELLER MAY NOT:

26 (1) SET A MINIMUM PRICE AT WHICH A TICKET MAY BE SOLD OR
27 RESOLD; OR

28 (2) PROHIBIT A TICKET FROM BEING RESOLD AS A CONDITION OF
29 PURCHASE OR IN A CONTRACTUAL PROVISION RELATING TO THE SALE OR RESALE
30 OF THE TICKET.

1 **14-4005.**

2 (A) THIS SECTION APPLIES TO AN OWNER OR OPERATOR OF AN
3 ENTERTAINMENT EVENT OR VENUE THAT IS:

4 (1) FUNDED THROUGH PUBLIC DONATIONS; OR

5 (2) A NONPROFIT ORGANIZATION EXEMPT FROM TAXATION UNDER §
6 501(C)(3) OF THE INTERNAL REVENUE CODE.

7 (B) AN OWNER OR OPERATOR OF AN ENTERTAINMENT EVENT OR VENUE
8 MAY NOT ENTER INTO A CONTRACT WITH A PRIMARY TICKET SELLER TO ALLOW THE
9 PRIMARY TICKET SELLER TO BE THE ONLY PERSON AUTHORIZED TO SELL TICKETS
10 TO THE ENTERTAINMENT EVENT.

11 **[14-4004.] 14-4006.**

12 A violation of this subtitle is:

13 (1) An unfair or deceptive trade practice within the meaning of Title 13 of
14 this article; and

15 (2) Subject to the enforcement and penalty provisions contained in Title 13
16 of this article.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2021.