

SENATE No. 94

The Commonwealth of Massachusetts

PRESENTED BY:

James B. Eldridge

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 reforming the issuance and sale of sports and entertainment tickets.

PETITION OF:

NAME:

James B. Eldridge

DISTRICT/ADDRESS:

Middlesex and Worcester

SENATE No. 94

By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 94) of James B. Eldridge for legislation to reform the issuance and sale of sports and entertainment tickets. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act reforming 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. Notwithstanding Sections 185A through 185G, inclusive, of chapter 140 of
2 the General Laws, or any other General or Special Law to the Contrary, the General Laws shall
3 be amended by inserting the following:-

4 Section 1. A ticket is a license, issued by the operator of a place of entertainment, for
5 admission to the place of entertainment at the date and time specified on the ticket, subject to the
6 terms and conditions as specified by the operator. Notwithstanding any other provision of law to
7 the contrary, it shall be prohibited for any operator of a place of entertainment, or operator's
8 agent, to:

9 (a) restrict by any means the resale of any tickets included in a subscription or season
10 ticket package as a condition of purchase, as a condition to retain such tickets for the duration of
11 the subscription or season ticket package agreement, or as a condition to retain any contractually
12 agreed upon rights to purchase future subscription or season ticket packages that are otherwise
13 conferred in the subscription or season ticket agreement;

14 (b) deny access to a ticket holder who possesses a resold subscription or season ticket
15 to a performance based solely on the grounds that such ticket has been resold; or

16 (c) employ a paperless ticketing system unless the consumer is given an option to
17 purchase paperless tickets that the consumer can transfer at any price, and at any time, and
18 without additional fees, independent of the operator or operator's agent.

19 SECTION 2. Notwithstanding the foregoing, an operator or operator's agent may employ
20 a paperless ticketing system that does not allow for independent transferability of paperless
21 tickets only if the consumer is offered an option at the time of initial sale to purchase the same
22 tickets in some other form that is transferrable independent of the operator or operator's agent
23 including, but not limited to, paper tickets or e-tickets. Said option shall not be limit the
24 purchaser to retrieving the tickets at the venue unless the purchaser agrees. The established price
25 for any given ticket shall be the same regardless of the form or transferability of such ticket. The
26 ability for a ticket to be transferred independent of the operator or operator's agent shall not
27 constitute a special service for the purpose of imposing a service charge.