

HOUSE No. 4335

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act to reform 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. Chapter 140 of the General Laws is hereby amended by inserting after
2 section 182A the following section:-

3 Section182B. Notwithstanding any general or special law to the contrary, an operator of a
4 place of entertainment, or operator's agent, shall not employ a paperless ticketing system unless
5 the consumer is offered an option in a clear and conspicuous manner at the time of initial sale to
6 purchase the same tickets in some other form without additional fees.

7 SECTION 2. Section 185A of chapter 140 of the General Laws, as so appearing in 2014
8 Official Edition, is hereby amended by inserting after the first paragraph the following
9 paragraph:-

10 “Ticket reseller shall mean any person, entity, corporation or association engaged in the
11 business of reselling, offering for resale, or negotiating the resale of tickets of admission or other
12 evidence of right of entry to any sporting event, theatrical exhibition, public show, or public
13 amusement or exhibition, including the officers, agents and employees of such person, entity,

corporation or association. A person, entity, corporation, or association shall be deemed to be “engaged in the business of resale” if such person, entity, corporation, or association has sold more than 80 tickets, sets of tickets, or right of entry by means of telephone, mail, delivery service, facsimile, internet, email or other electronic means in the preceding twelve months. A resale shall not include the initial sale of any event ticket by the original ticket seller or an online marketplace.”

SECTION 3. Section 185A of chapter 140 of the General Laws, as so appearing, is hereby amended by deleting the second paragraph of this section.

SECTION 4. Chapter 140 of the General Laws, is hereby amended by striking out section 185D, as so appearing, and inserting in place thereof the following section:-

Section 185D. Consumer protection standards relative to the reselling of tickets:

(a) Any person engaged in the business of the resale of a ticket, and any online marketplace shall:

(1) maintain at all times a toll-free telephone number and an e-mail address or other means of contact approved by regulation for complaints and inquiries regarding its activities in the resale of event tickets;

(2) implement and reasonably publicize a standard refund policy that meets the minimum standards stated in subsection (b); and

(3) take reasonable measures to safeguard against the resale of counterfeit tickets purchased from the reseller.

(b) The standard refund policy by such person or online marketplace:

(1) shall provide a consumer who purchases an event ticket a full refund if: (i) the event is cancelled before the scheduled occurrence of the event, and is not re-scheduled; (ii) the event ticket does not provide access to the event or venue of the event, provided the date and time of the event are correct on the event ticket; (iii) the event ticket has been cancelled by the ticket issuer for non-payment by the original purchaser, or for any reason other than an act or omission of the consumer; (iv) the event ticket materially and to the detriment of the consumer fails to conform to the description provided by the seller or person engaged in the business of resale; or (v) the event ticket was not delivered to the consumer prior to the occurrence of the event, unless such failure of delivery was due to any act or omission of the consumer;

(2) shall include in a full refund the full price paid by the consumer for the event ticket, together with any fees charged in connection with that purchase, including but not limited to convenience fees, processing fees, at-home printing charges, but excluding shipping or delivery fees, and

(3) may condition entitlement to a refund upon timely return of the ticket purchased, and may include reasonable safeguards against abuse of the policy.

(c) Provision of a replacement ticket that is of equal value and in a comparable location, at no additional charge to the consumer, shall be considered providing a full refund for the purposes of subsection (b).

(d) Nothing in this section shall be construed to prohibit any person, entity or association, or an agent of any such person, entity or association subject to this section from implementing consumer protection policies that exceed the minimum standard set forth in this section, and that are otherwise compliant with this act.

57 (e) A ticket reseller or online marketplace shall be prohibited from using any automated
58 system, software or other technology designed or produced for the purpose of purchasing tickets
59 from a ticket issuer for the purpose of resale on the secondary market.

60 (f) The department of public safety shall keep a record of all licensed ticket resellers
61 operating in the commonwealth and shall make the list accessible to the public. This record shall
62 include, but not be limited to: (1) the licensee's name, mailing address, telephone number and
63 email address; (2) the length of time the licensee has been licensed in commonwealth; and (3) the
64 number of complaints and the type of complaint that has been filed against the licensee.

65 SECTION 5. Section 185E of chapter 140 of the General Laws, as so appearing, is
66 hereby amended by deleting the last sentence of this section.