HOUSE DOCKET, NO. 2556 FILED ON: 1/17/2019

HOUSE . . . . . No. 283

The Commonwealth of Massachusetts

PRESENTED BY:

John J. Mahoney

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 to reduce discriminatory restrictions by enhancing transparency in ticket sales.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
John J. Mahoney	*13th Worcester*	*1/17/2019*

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HOUSE . . . . . No. 283

By Mr. Mahoney of Worcester, a petition (accompanied by bill, House, No. 283) of John J. Mahoney for legislation to reduce discriminatory restrictions by enhancing transparency in ticket sales. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act to reduce discriminatory restrictions by enhancing transparency in ticket sales.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 140 of the General Laws is amended by adding after section 182A the following new sections:-

Section 182B. No person shall employ an entertainment event ticketing sales system that fails to give the purchaser an option to purchase tickets that the purchaser may transfer to any party, at any price and at any time, without additional fees and without the consent of the person employing such ticketing system. For purposes of this section, “entertainment event” includes, but is not limited to, a sport event, a concert or a theatrical or operatic performance, but does not include a movie.

Section 182C. Notwithstanding any other general or special law to the contrary, any person, that sells a ticket to an entertainment event, including but not limited to, a sporting event, a concert or a theatrical or operatic performance, shall refund to the purchaser of such ticket the full amount, including all service fees and delivery charges, paid by the purchaser for

such ticket if any of the following occurs: (a) the event for which such ticket has been sold or resold is cancelled, provided that if the event is cancelled then actual handling and delivery fees need not be refunded as long as such previously disclosed guarantee specifies that such fees will not be refunded; (b) the ticket received by the purchaser does not grant the purchaser admission to the event described on the ticket, unless the ticket is cancelled due to an act or omission by such purchaser; or (c) the ticket fails to conform to its description as advertised by the seller unless the buyer has pre-approved a substitution of tickets.

Section 182D. A place of entertainment which is funded through public donations or qualifies as a 501(c)(3) under the Internal Revenue Code shall be prohibited from entering into exclusive ticketing contracts with primary sellers.

Section 182E. No ticket seller shall disclose ticket purchasing information to a third party if the ticket seller has not been given permission to make such disclosure by entering into information sharing agreements with ticket resellers, marketplaces and exchanges doing business with such ticket seller.

Section 182F. No operator, promoter or ticketing service for a place of entertainment shall print the name, or any other personally identifiable information, of a customer on a ticket to an event at said place of entertainment unless the customer is able to remove, delete or fully obscure such name or personally identifiable information on said ticket without such removal, deletion or obscureness impacting the ability to use said ticket to enter the event. The place of entertainment shall include any public or provide entertainment facility, such as a stadium, arena, racetrack, museum, amusement park, or other place where performances, concerts, exhibits,

athletic games or contests are held, for which an entry fee is charged, to which the public is invited to observe, and for which tickets are sold.

SECTION 2. Section 185A of chapter 140 of the General Laws is hereby amended by inserting at the end thereof the following:-

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

"Original sale" means the first sale of a ticket by an operator.

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

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

No operator of a place of entertainment may selectively apply a term or condition to the original sale of tickets to entertainment events based on the type of entertainment event, whether a concert or musical performance, theatre production, sporting event, or other type of entertainment event.

Internet search engines shall not discriminate against small businesses operating under sections 185A through 185G of chapter 140 by engaging in unfair practices designed to bias search content in favor of Internet content providers paying the highest advertising fees. Search engines shall not block lawful websites, impair or degrade lawful Internet search traffic, engage in paid prioritization, or interfere with or otherwise disadvantage Internet content providers based solely on the advertising costs paid by such a content provider.

No agency, department, commission, authority or political subdivision of the commonwealth shall regulate the creation or usage of Uniform Resource Locators (URLs) by third parties with regard to the name of an entertainment artist or artists or place of entertainment.

SECTION 3. Said chapter 140 is hereby further amended in section 185B by striking "thereof." and inserting in place thereof the following:-

thereof, provided however, that such fee shall not exceed one hundred dollars.

SECTION 4. Section 185D of said Chapter 140 is hereby amended by adding at the end therof the following:-

No person or entity, including an operator, that regulates admission to an event at a place of entertainment, shall mandate a minimum price at which tickets to an event may be sold or resold, whether as a condition of purchase or a contractual provision.