

HOUSE No. 430

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:
<i>John J. Mahoney</i>	<i>13th Worcester</i>	<i>2/18/2021</i>

HOUSE No. 430

By Mr. Mahoney of Worcester, a petition (accompanied by bill, House, No. 430) of John J. Mahoney for legislation to reduce discriminatory restrictions by enhancing transparency in ticket sales. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 283 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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:

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

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

9 Section 182C. Notwithstanding any other general or special law to the contrary, any
10 person, that sells a ticket to an entertainment event, including but not limited to, a sporting
11 event, a concert or a theatrical or operatic performance, shall refund to the purchaser of such
12 ticket the full amount, including all service fees and delivery charges, paid by the purchaser for
13 such ticket if any of the following occurs: (a) the event for which such ticket has been sold or
14 resold is cancelled, provided that if the event is cancelled then actual handling and delivery fees
15 need not be refunded as long as such previously disclosed guarantee specifies that such fees
16 will not be refunded; (b) the ticket received by the purchaser does not grant the purchaser
17 admission to the event described on the ticket, unless the ticket is cancelled due to an act or
18 omission by such purchaser; or (c) the ticket fails to conform to its description as advertised by
19 the seller unless the buyer has pre-approved a substitution of tickets.

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

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

27 Section 182F. No operator, promoter or ticketing service for a place of entertainment
28 shall print the name, or any other personally identifiable information, of a customer on a ticket to
29 an event at said place of entertainment unless the customer is able to remove, delete or fully
30 obscure such name or personally identifiable information on said ticket without such removal,

31 deletion or obscureness impacting the ability to use said ticket to enter the event. The place of
32 entertainment shall include any public or provide entertainment facility, such as a stadium, arena,
33 racetrack, museum, amusement park, or other place where performances, concerts, exhibits,
34 athletic games or contests are held, for which an entry fee is charged, to which the public is
35 invited to observe, and for which tickets are sold.

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

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

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

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

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

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

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

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

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

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

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

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