

ASSEMBLY, No. 4259

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JUNE 25, 2018

Sponsored by:

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District 29 (Essex)

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SYNOPSIS

Restructures ticket sales law.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning ticket sales, amending P.L.1983, c.135, and
2 repealing various parts of the statutory law.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 1 of P.L.1983, c.135 (C.56:8-26) is amended to read
8 as follows:

9 1. As used in this act:

10 a. "Director" means the director of the Division of Consumer
11 Affairs in the Department of Law and Public Safety.

12 b. "Division" means the Division of Consumer Affairs in the
13 Department of Law and Public Safety.

14 c. "Person" means corporations, companies, associations,
15 societies, firms, partnerships and joint stock companies as well as
16 individuals.

17 d. "Place of entertainment" means any privately or publicly
18 owned and operated entertainment facility within this State, such as
19 a theater, stadium, museum, arena, racetrack or other place where
20 performances, concerts, exhibits, games or contests are held and for
21 which an entry fee is charged.

22 e. "Ticket" means any **piece of paper which indicates that the**
23 **bearer has paid for entry** physical, electronic, or other evidence
24 which permits entry to that the possessor of that evidence has a
25 license to enter a place of entertainment for one or more events at
26 the place of entertainment, at the date and time or dates and times
27 specified on the ticket, subject to the terms and conditions specified
28 by the ticket issuer.

29 f. "Ticket broker" means any person situated in and operating
30 in this State who is involved in the business of reselling tickets of
31 admission to places of entertainment and who charges a premium in
32 excess of the price, plus taxes, printed on the tickets. For the
33 purposes of **this act** P.L.1983, c.135 (C.56:8-26 et seq.), the term
34 "ticket broker" shall not include an individual not regularly engaged
35 in the business of reselling tickets, who resells less than 30 tickets
36 during any one-year period, and who obtained the tickets for his
37 own use, or the use of his family, friends, or acquaintances.

38 g. "Resale" means a sale by a person other than the owner or
39 operator of a place of entertainment or of the entertainment event or
40 an agent of any such person. Resale shall not include the first sale
41 or distribution of a ticket by a ticket issuer.

42 h. "Resell" means to offer for resale or to consummate a resale.

43 i. "Digger" means a person temporarily hired for the purpose
44 of securing tickets by intimidating a purchaser waiting in line to
45 procure event tickets.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 j. “Reseller” means any person, other than a ticket issuer or
2 ticket resale website, who resells a ticket.

3 k. “Ticket issuer” means any person, other than a ticket resale
4 website or reseller, that makes tickets available, directly or
5 indirectly, to the general public, and may include, as applicable, the
6 owner or operator of a place of entertainment, the producer or
7 promoter of an event, a sports team or sports league of teams, a
8 theater company, musical group or similar participant in an event,
9 or an agent for any such person.

10 l. “Ticket resale website” means an online platform that
11 provides a forum for the buying and selling of tickets, but does not
12 include a ticket broker, ticket issuer, reseller, or place of
13 entertainment.

14 (cf: P.L.2008, c.55, s.1)

15

16 2. Section 8 of P.L.1983, c.135 (C.56:8-33) is amended to read
17 as follows:

18 8. a. **【Each place of entertainment shall print on the face of**
19 **each ticket and include in any advertising for any event the price**
20 **charged therefor】** The seller of a ticket shall notify a ticket
21 purchaser of the purchase price of a ticket prior to the purchase of
22 that ticket from that ticket seller by that purchaser.

23 b. No **【person】 reseller** other than a registered ticket broker
24 shall resell or purchase with the intent to resell a ticket for
25 admission to a place of entertainment at a maximum premium in
26 excess of 20% of the ticket price or \$3.00, whichever is greater,
27 plus lawful taxes. No registered ticket broker shall resell or
28 purchase with the intent to resell a ticket for admission to a place of
29 entertainment at a premium in excess of 50% of the price paid to
30 acquire the ticket, plus lawful taxes.

31 c. Notwithstanding the provisions of subsection a. or b. of this
32 section, nothing shall limit the price for the resale or purchase of a
33 ticket for admission to a place of entertainment sold by any
34 **【person】 reseller** other than a registered ticket broker, provided
35 such resale or purchase is made through an Internet web site.

36 (cf: P.L.2008, c.55, s.2)

37

38 3. Section 9 of P.L.1983, c.135 (C.56:8-34) is amended to read
39 as follows:

40 9. a. No person shall resell or purchase with the intent to resell
41 any ticket, in or on any street, highway, driveway, sidewalk,
42 parking area, or common area owned by a place of entertainment in
43 this State, or any other area adjacent to or in the vicinity of any
44 place of entertainment in this State as determined by the director;
45 except that a person may resell, in an area which may be designated
46 by a place of entertainment in this State, any ticket or tickets
47 originally purchased for his own personal or family use at no

1 greater than the lawful price permitted under **[this act]** P.L.1983,
2 c.135 (C.56:8-26 et seq.).

3 b. Notwithstanding any other provision of law, any reseller or
4 ticket resale website shall guarantee to each purchaser of resold
5 tickets that the reseller or ticket resale website will provide a full
6 refund of the amount paid by the purchaser, including, but not
7 limited to, all fees, regardless of how characterized, if any of the
8 following occurs:

9 (1) the event for which that ticket has been resold is cancelled,
10 provided that if the event is cancelled, then actual handling and
11 delivery fees need not be refunded as long as that previously
12 disclosed guarantee specifies that those fees will not be refunded; or

13 (2) the ticket received by the purchaser does not grant the
14 purchaser admission to the event described on the ticket, for reasons
15 that may include, but are not limited to, that the ticket is counterfeit,
16 the ticket has been cancelled by the ticket issuer due to non-
17 payment, or the event described on the ticket was cancelled for any
18 reason prior to purchase of the resold ticket, unless the ticket is
19 cancelled due to an act or omission by that purchaser.

20 c. (1) No reseller shall employ a tentative ticket policy
21 whereby the reseller sells tickets that are not in the reseller's
22 possession at the time of sale, unless that policy is disclosed to a
23 ticket purchaser at the outset of the transaction. That disclosure
24 shall include an approximate delivery date and the number of
25 tickets that are guaranteed together, including the zone or section
26 number. If the reseller is unsuccessful in securing those tickets, the
27 reseller shall refund any deposit made by a purchaser of those
28 tickets within 10 days after the event.

29 (2) A reseller shall not sell a ticket for the same seat to more
30 than one person at the same time.

31 d. No person shall use or cause to be used any means, method
32 or technology that is designed, intended or functions to disguise the
33 identity of the purchaser with the purpose of purchasing or
34 attempting to purchase a quantity of tickets to a place of
35 entertainment in excess of authorized limits established by a ticket
36 issuer.

37 e. No person shall use or cause to be used software, or any
38 other technology or device, that is designed, intended or functions
39 to interfere with a computer, computer network, or computer
40 system, or any part thereof, for the purpose of purchasing or
41 attempting to purchase or obtain access to a quantity of tickets to a
42 place of entertainment in excess of authorized limits established by
43 a ticket issuer, or that is designed, intended or functions to
44 circumvent or disable any access control systems, electronic
45 queues, waiting periods or other sales volume limitation systems to
46 ensure the equitable distribution of tickets instituted on the website
47 of the ticket issuer.

48 (cf: P.L.2001, c.394, s.7)

1 4. Section 10 of P.L.1983, c.135 (C.56:8-35) is amended to
2 read as follows:

3 10. Any person who gives or offers anything of value to an
4 employee of a place of entertainment, in that employee's individual
5 capacity, and not in that employee's capacity as an employee, in
6 exchange for, or as an inducement to, special treatment by that
7 employee with respect to obtaining tickets, or any employee of a
8 place of entertainment who receives or solicits anything of value, in
9 that employee's individual capacity, and not in that employee's
10 capacity as an employee, in exchange for special treatment by that
11 employee with respect to issuing tickets, shall be in violation of
12 **【this act】** P.L.1983, c.135 (C.56:8-26 et seq.).
13 (cf: P.L.1983, c.220, s.5)
14

15 5. Section 12 of P.L.1983, c.135 (C.56:8-37) is amended to
16 read as follows:

17 12. **【Any】** a. Any person who violates P.L.1983, c.135 (C.56:8-
18 26 et seq.) shall be subject to all remedies and penalties available
19 pursuant to P.L.1960, c.39 (C.56:8-1 et seq.).

20 b. In addition to any other penalty provided by law, any person
21 who violates any provision of 【this act】 P.L.1983, c.135 (C.56:8-26
22 et seq.) shall be guilty of a crime of the fourth degree.
23 (cf: P.L.1983, c.135, s.12)
24

25 6. The following sections are repealed:
26 Section 8 of P.L.2001, c.394 (C.56:8-35.1);
27 Section 9 of P.L.2001, c.394 (C.56:8-35.2);
28 Section 11 of P.L.2001, c.394 (C.56:8-35.3); and
29 Section 13 of P.L.1983, c.135 (C.56:8-38).
30

31 7. This act shall take effect on the first day of the sixth month
32 next following enactment.
33
34

35 STATEMENT

36
37 This bill restructures the law regarding ticket sales in New
38 Jersey.

39 The bill redefines "ticket" to mean any physical, electronic, or
40 other evidence that the possessor of that evidence has a license to
41 enter a place of entertainment for one or more events at the place of
42 entertainment, at the date and time or dates and times specified on
43 the ticket, subject to the terms and conditions specified by the ticket
44 issuer. The new definition of ticket also provides that tickets may
45 be electronic, and need not be paper, as provided in current law.

46 The bill removes a requirement in current law that requires a
47 place of entertainment to print on the face of each ticket and include
48 in any advertising for any event the price charged for the ticket.

1 Instead, the bill requires the seller of a ticket to notify a ticket
2 purchaser of the purchase price of a ticket prior to the purchase of
3 that ticket from that ticket seller by that purchaser.

4 The bill provides that any reseller or ticket resale website must
5 guarantee to each purchaser of resold tickets that the reseller or
6 ticket resale website will provide a full refund of the amount paid
7 by the purchaser, including, but not limited to, all fees, regardless of
8 how characterized, if the event for which that ticket has been resold
9 is cancelled or the ticket received by the purchaser does not grant
10 the purchaser admission to the event described on the ticket.

11 The bill prohibits resellers from employing a tentative ticket
12 policy whereby the reseller sells tickets that are not in the reseller's
13 possession at the time of sale, unless that policy is disclosed to a
14 ticket purchaser at the outset of the transaction. That disclosure
15 must include an approximate delivery date and the number of
16 tickets that are guaranteed together, including the zone or section
17 number. If the reseller is unsuccessful in securing those tickets, the
18 reseller must refund any deposit made by a purchaser of those
19 tickets within 10 days after the event.

20 The bill prohibits a reseller from selling a ticket for the same seat
21 to more than one person at the same time.

22 Under the bill, no person may use any means designed to
23 disguise the identity of the purchaser with the purpose of
24 purchasing a quantity of tickets to a place of entertainment in
25 excess of authorized limits established by a ticket issuer.

26 Under the bill, no person may use any technology or device that
27 functions to interfere with a computer, computer network, or
28 computer system, for the purpose of purchasing a quantity of tickets
29 to a place of entertainment in excess of authorized limits established
30 by a ticket issuer, or that functions to circumvent or disable any
31 sales volume limitation systems to ensure the equitable distribution
32 of tickets instituted on the website of the ticket issuer.

33 The bill provides that violations of the current law concerning
34 ticket sales, P.L.1983, c.135 (C.56:8-26 et seq.), are a violation of
35 the consumer fraud law, P.L.1960, c.39 (C.56:8-1 et seq.).

36 The bill removes a prohibition on persons, who have access to
37 tickets to an event prior to the tickets' release for sale to the general
38 public, from withholding those tickets from sale to the general
39 public in an amount exceeding 5% of all available seating for the
40 event. The bill removes current requirements for refunds on special
41 advance orders with ticket brokers and the creation of methods for
42 sellback of certain tickets.

43 The bill also removes an exemption from current law concerning
44 ticket sales for any person who sells, raffles or otherwise disposes
45 of the ticket for a bona fide nonprofit or political organization when
46 the premium proceeds are devoted to the lawful purposes of the
47 organization.