

[First Reprint]

ASSEMBLY, No. 4259

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED JUNE 25, 2018

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District 36 (Bergen and Passaic)

Senator PAUL A. SARLO

District 36 (Bergen and Passaic)

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District 29 (Essex)

SYNOPSIS

Restructures ticket sales law.

CURRENT VERSION OF TEXT

As amended by the Senate on June 30, 2018.



(Sponsorship Updated As Of: 7/2/2018)

1 AN ACT concerning ticket sales, amending P.L.1983, c.135, and
2 repealing various ¹**[parts]** sections¹ of ¹**[the statutory law]**
3 P.L.2001, c.394¹.

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

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

10 1. As used in this act:

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

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

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

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

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

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

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

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

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate floor amendments adopted June 30, 2018.

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

4 j. "Reseller" means any person, other than a ticket issuer or
5 ticket resale website, who resells a ticket.

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

13 l. "Ticket resale website" means an online platform that
14 provides a forum for the buying and selling of tickets, but does not
15 include a ticket broker, ticket issuer, reseller, or place of
16 entertainment.

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

18

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

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

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

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

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

40

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

43 9. a. No person shall resell or purchase with the intent to resell
44 any ticket, in or on any street, highway, driveway, sidewalk,
45 parking area, or common area owned by a place of entertainment in
46 this State, or any other area adjacent to or in the vicinity of any
47 place of entertainment in this State as determined by the director;
48 except that a person may resell, in an area which may be designated

1 by a place of entertainment in this State, any ticket or tickets
2 originally purchased for his own personal or family use at no
3 greater than the lawful price permitted under **【this act】** P.L.1983,
4 c.135 (C.56:8-26 et seq.).

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

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

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

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

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

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

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

1 ensure the equitable distribution of tickets instituted on the website
2 of the ticket issuer.

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

4

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

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

17 (cf: P.L.1983, c.220, s.5)

18

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

21 12. **【Any】** a. Any person who violates P.L.1983, c.135 (C.56:8-
22 26 et seq.) shall be subject to all remedies and penalties available
23 pursuant to P.L.1960, c.39 (C.56:8-1 et seq.).

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

27 (cf: P.L.1983, c.135, s.12)

28

29 6. The following sections are repealed:

30 Section 8 of P.L.2001, c.394 (C.56:8-35.1);

31 Section 9 of P.L.2001, c.394 (C.56:8-35.2); ¹and¹

32 Section 11 of P.L.2001, c.394 (C.56:8-35.3)¹**【**; and

33 Section 13 of P.L.1983, c.135 (C.56:8-38)**】**¹.

34

35 7. This act shall take effect on the first day of the sixth month
36 next following enactment.