

ASSEMBLY, No. 3194

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblyman CLINTON CALABRESE

District 36 (Bergen and Passaic)

Assemblyman ROBERT J. KARABINCHAK

District 18 (Middlesex)

Co-Sponsored by:

**Assemblywomen Jimenez, Vainieri Huttle, Assemblyman Mejia and
Assemblywoman Quijano**

SYNOPSIS

“New Jersey Ticket Consumer Choice Act.”

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 8/24/2020)

1 AN ACT concerning ticket sales and amending and supplementing
2 P.L.1983, c.135.

3

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

6

7 1. This act shall be known and may be cited as the “New Jersey
8 Ticket Consumer Choice Act.”

9

10 2. As used in this act:

11 “Issuer” means a person who makes tickets available, directly or
12 indirectly, to an entertainment event, and who is the operator of a
13 venue; the sponsor or promoter of an entertainment event; a sports
14 team participating in an entertainment event or a league whose
15 teams are participating in an entertainment event; a theater
16 company, musical group or similar participant in an entertainment
17 event; or the agent of any such person.

18 “Non-transferable ticketing system” means a ticketing system
19 that restricts, through contractual or technological means, the ability
20 of a ticket purchaser to use, give away, or resell a ticket purchased
21 through the system.

22 “Status or affiliation” means any status or affiliation of an
23 individual or group, and includes, but is not limited to, an
24 individual or group characterized by a disability, or membership in
25 a religious or civic organization.

26 “Ticket platform” means a marketplace that enables consumers
27 to purchase and sell tickets.

28

29 3. a. Except as provided in subsection b. of this section, an
30 issuer that employs a non-transferable ticketing system shall offer a
31 purchaser an option at the time of initial sale to purchase the same
32 ticket in a transferable form that allows the ticket to be given away
33 or resold independent of and without requiring the consumer to log
34 into the issuer’s preferred ticket platform, without penalty or
35 discrimination.

36 b. An issuer may offer tickets to an individual or group as part
37 of a targeted promotion, discounted price, or private event offered
38 based on status or affiliation, through a non-transferable ticketing
39 system without offering an option to purchase tickets in a
40 transferable form. Any ticket issued through a non-transferable
41 ticketing system pursuant to this subsection shall not be offered
42 promotionally to the general public and shall be clearly marked as a
43 ticket restricted to the specified individual or group.

44 c. An issuer may:

45 (1) maintain and enforce policies with respect to conduct,
46 behavior, or age at the venue or entertainment event;

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 (2) establish limits on the quantity of tickets that may be
2 purchased; and

3 (3) revoke or restrict season tickets for reasons related to
4 violations of venue policy, including attempts by two or more
5 individuals to gain admission to the same entertainment event using
6 tickets purchased in a resale transaction, with each individual
7 presenting copies of the same ticket, concerns regarding the
8 protection or safety of individuals, and concerns regarding possible
9 fraud or misconduct.

10

11 4. A ticket buyer or seller shall not be penalized, discriminated
12 against, or denied access to an entertainment event solely because
13 the ticket for the entertainment event was resold, or because the
14 ticket was resold on a specific ticket platform.

15

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

18 8. a. The seller of a ticket shall notify a ticket purchaser of the
19 purchase price of a ticket prior to the purchase of that ticket from
20 that ticket seller by that purchaser.

21 b. **【No reseller other than a registered ticket broker shall resell**
22 **or purchase with the intent to resell a ticket for admission to a place**
23 **of entertainment at a maximum premium in excess of 20% of the**
24 **ticket price or \$3.00, whichever is greater, plus lawful taxes. No**
25 **registered ticket broker shall resell or purchase with the intent to**
26 **resell a ticket for admission to a place of entertainment at a**
27 **premium in excess of 50% of the price paid to acquire the ticket,**
28 **plus lawful taxes.】** (Deleted by amendment, P.L. , c.) (pending
29 before the Legislature as this bill.)

30 c. **【Notwithstanding the provisions of subsection a. or b. of this**
31 **section, nothing shall limit the price for the resale or purchase of a**
32 **ticket for admission to a place of entertainment sold by any reseller**
33 **other than a registered ticket broker, provided such resale or**
34 **purchase is made through an Internet web site.】** (Deleted by
35 amendment, P.L. , c.) (pending before the Legislature as this
36 bill.)

37 (cf: P.L.2018, c.117, s.2)

38

39 6. This act shall take effect immediately.

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STATEMENT

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44 This bill, the “New Jersey Ticket Consumer Choice Act,” would
45 guarantee the right of New Jersey ticket purchasers to opt-out of
46 ticket restrictions that limit their ability to use, sell, or give away
47 the tickets they have purchased.

A3194 JOHNSON, CALABRESE

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1 Specifically, this bill allows ticket issuers to sell tickets through
2 a ticketing system that restricts the rights of consumers to resell
3 their tickets only if, at the time of the initial sale, the consumer is
4 offered the option to purchase the same ticket in a form not subject
5 to restrictions by the issuer. Issuers would be permitted, however,
6 to sell or give away tickets in a non-transferable form in the context
7 of targeted promotions or private events.

8 The bill prohibits any penalty or discrimination against a ticket
9 holder solely because the ticket was resold or because of the
10 specific ticket platform on which the ticket was resold. The bill
11 provides for the recognition of the rights of issuers and venue
12 owners and operators to institute policies governing overall
13 operation of entertainment events and ticket sales. Finally, the bill
14 removes the existing statutory caps on the resale prices of tickets.

15 The consumer choice provisions of this bill protecting the right
16 of ticket purchasers to resell their tickets have been in effect in New
17 York State for six years.