

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

SENATE BILL 930

5 By: Senator B. Pierce
6

For An Act To Be Entitled

8 AN ACT TO ESTABLISH THE TICKET RESALE AND CONSUMER
9 PROTECTION ACT; AND FOR OTHER PURPOSES.
10

Subtitle

11 AN ACT TO ESTABLISH THE TICKET RESALE AND
12 CONSUMER PROTECTION ACT.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code Title 4, Chapter 88, is amended to add an
20 additional subchapter to read as follows:

21 Subchapter 9 - Ticket Resale and Consumer Protection Act

22 4-88-901. Title.

23 This subchapter shall be known and may be cited as the "Ticket Resale
24 and Consumer Protection Act".
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26 4-88-902. Definitions.

27 As used in this subchapter:

28 (1) "Event" means a concert, theatrical performance, sporting
29 event, exhibition, show, or similar activity in this state that:

30 (A) Is open to the general public;

31 (B) Charges for admission; and

32 (C) Is held in a venue that:

33 (i) Accommodates one thousand (1,000) individuals or
34 more;

35 (ii) Is a public work project; or

36 (iii) Is located on municipal or government



1 property;

2 (2)(A) "Event ticket" means a physical, electronic, or other
3 form of a certificate, document, voucher, or token that indicates the bearer,
4 possessor, or individual is entitled to:

5 (i) A revocable or irrevocable right, privilege, or
6 license to enter a venue for an event or to occupy a particular seat or area
7 in an event; or

8 (ii) Purchase the right, privilege, or license with
9 respect to one (1) or more future events.

10 (B) "Event ticket" does not include an event ticket to a
11 college athletic event;

12 (3) "Person" means a natural person, partnership, corporation,
13 association, or other legal entity;

14 (4)(A) "Resale" includes any form of transfer or alienation, or
15 an offer for transfer or alienation, of possession or entitlement to
16 possession of an event ticket from one (1) person to another, with or without
17 consideration, by means of an Internet website.

18 (B) "Resale" does not include the initial sale of an event
19 ticket by the ticket issuer; and

20 (5) "Venue" means the theater, stadium, field, arena, hall, or
21 other facility where an event takes place.

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23 4-88-903. Internet sale of event tickets in excess of printed price.

24 (a)(1) A person may offer for resale an event ticket on the Internet
25 at any price, including a price greater than the price on the face of the
26 ticket.

27 (2) After receipt of payment, the event ticket may be delivered
28 by mail, delivery service, or facsimile, email, Internet, or other electronic
29 means.

30 (b) A person that offers an event ticket for resale shall:

31 (1) Maintain a toll-free telephone number for complaints and
32 inquiries regarding the status of the event ticket; and

33 (2) Provide a full refund to a person that purchases an event
34 ticket if:

35 (A) The event is canceled before the scheduled occurrence
36 of the event and is not rescheduled;

1 (B) The event ticket is counterfeit;

2 (C) The event ticket is canceled by the ticket issuer for
3 nonpayment by the original purchaser or for any reason other than an act or
4 omission of the purchaser of the event ticket;

5 (D) The event ticket materially and to the detriment of
6 the purchaser of the event ticket fails to conform to the description
7 provided by the seller or reseller; or

8 (E) The purchaser of the event ticket is denied admission
9 to the event, unless denial of admission to the event is due to the action or
10 omission of the purchaser of the event ticket.

11 (c)(1) The obligations of a person that offers an event ticket for
12 resale under subdivision (b)(2) of this section shall be posted on the
13 Internet website used to offer an event ticket for resale.

14 (2) A prospective resale purchaser shall be required to
15 acknowledge the posting required by subdivision (c)(1) of this section before
16 agreeing to a resale transaction.

17 (d) A refund issued under subdivision (b)(2) of this section shall
18 include service fees, handling fees, and processing fees unless a service
19 fee, handling fee, or processing fee is declared nonrefundable under the
20 contract between the buyer and seller of an event ticket resale.

21 (e) A person and the website operator of a person that offers an event
22 ticket for resale shall comply with § 4-70-103.

23 (f) Section 5-63-201 does not apply to the resale of an event ticket
24 under this subchapter.

25 (g) This section does not prohibit a person from implementing consumer
26 protection policies that supplement or enhance the requirements of this
27 section.

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29 4-88-904. Enforcement.

30 A violation of this subchapter is:

31 (1) A deceptive and unconscionable trade practice under § 4-88-
32 101 et seq.; and

33 (2) Punishable and enforceable as provided by § 4-88-101 et seq.
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