

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

A Bill

SENATE BILL 930

5
6 By: Senator B. Pierce

7 Filed with: Interim Senate Committee on Insurance and Commerce
8 pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

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

Subtitle

12
13
14
15 AN ACT TO ESTABLISH THE TICKET RESALE AND
16 CONSUMER PROTECTION ACT.

17
18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20
21 SECTION 1. Arkansas Code Title 4, Chapter 88, is amended to add an
22 additional subchapter to read as follows:

23 Subchapter 9 - Ticket Resale and Consumer Protection Act

24 4-88-901. Title.

25 This subchapter shall be known and may be cited as the "Ticket Resale
26 and Consumer Protection Act".

27
28 4-88-902. Definitions.

29 As used in this subchapter:

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

32 (A) Is open to the general public;

33 (B) Charges for admission; and

34 (C) Is held in a venue that:

35 (i) Accommodates one thousand (1,000) individuals or
36 more;

1 (ii) Is a public work project; or
2 (iii) Is located on municipal or government
3 property;

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

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

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

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

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

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

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

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

24
25 4-88-903. Internet sale of event tickets in excess of printed price.

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

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

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

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

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

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

3 (B) The event ticket is counterfeit;

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

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

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

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

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

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

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

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

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

30
31 4-88-904. Enforcement.

32 A violation of this subchapter is:

33 (1) A deceptive and unconscionable trade practice under § 4-88-
34 101 et seq.; and

35 (2) Punishable and enforceable as provided by § 4-88-101 et seq.
36

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

Referred by the Arkansas Senate

Prepared by: DLP/VJF