

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1650

5 By: Representative M. Shepherd
6 By: Senator Hester
7

For An Act To Be Entitled

9 AN ACT CONCERNING THE SALE OF EVENT TICKETS; TO
10 CREATE THE EVENT TICKETING AND RESALE CONSUMER
11 PROTECTION ACT; AND FOR OTHER PURPOSES.
12
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Subtitle

15 CONCERNING THE SALE OF EVENT TICKETS; AND
16 TO CREATE THE EVENT TICKETING AND RESALE
17 CONSUMER PROTECTION ACT.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code Title 4, Chapter 88, is amended to add
23 an additional subchapter to read as follows:

24 Subchapter 11 – Event Ticketing and Resale Consumer Protection Act

25
26 4-88-1101. Title.

27 This subchapter shall be known and may be cited as the "Event Ticketing
28 and Resale Consumer Protection Act".
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30 4-88-1102. Definitions.

31 As used in this subchapter:

32 (1) "Character strings" means a linear sequence of characters
33 that are typically stored in or processed by a computer;

34 (2) "Event" means a theatrical or musical production, concert,
35 show, sporting event, competition, tournament, festival, dance performance,
36 rodeo, pageant, speaker, exhibition, or other entertainment open to the



1 public in this state for which tickets are normally sold;

2 (3) "Internet domain name" means a globally unique, hierarchical
3 reference to an internet host or service, that:

4 (A) Is assigned through centralized internet naming
5 authorities;

6 (B) Is comprised of a series of character strings
7 separated by periods; and

8 (C) Has the right most character strings specifying the
9 top of the hierarchy;

10 (4) "Legislative body" means the quorum court of a county or the
11 city council, board of directors, board of commissioners, or similar elected
12 governing body of local government;

13 (5) "Local government" means:

14 (A) A county;

15 (B) A city of the first class, a city of the second class,
16 or an incorporated town; or

17 (C) Any other state entity or political subdivision of the
18 state or an agency, board, or commission of the state entity or political
19 subdivision of the state;

20 (6) "Ordinance" means an ordinance, resolution, or other
21 appropriate legislative enactment of a legislative body;

22 (7) "Platform operator" means an individual, organization,
23 group, association, partnership, or corporation owning, operating, managing,
24 licensing, or controlling a ticketing platform for an event scheduled at a
25 venue in this state;

26 (8) "Ticket" means a printed, electronic, or other type of
27 evidence of the right, option, or opportunity to occupy space at or enter a
28 venue, or to attend an event, even if not evidenced by any physical
29 manifestation of the right, option, or opportunity;

30 (9) "Ticket issuer" means an individual, public or private
31 entity, organization, group, association, partnership, or corporation that
32 originally makes tickets available, directly or indirectly, to an event, and
33 may include without limitation:

34 (A) A platform operator;

35 (B) An operator of a venue;

36 (C) A sponsor or promoter of an event;

1 (D) A sports team participating in an event or a
2 conference or league whose teams are participating in an event;

3 (E) A dance company, musical group, theater company, or a
4 similar participant in an event;

5 (F) An institution of higher education; or

6 (G) An agent of the individual, organization, group,
7 association, partnership, or corporation;

8 (10) "Ticketing platform" means a physical or virtual
9 marketplace that enables a consumer to purchase and sell tickets, including
10 without limitation a kiosk, mobile phone application, portal, or website
11 advertising the sale of tickets, offering the sale of tickets, or offering
12 tickets for resale to an event at a venue in this state;

13 (11) "Uniform resource location" or "URL" means an internet
14 website's name that may include a domain or subdomain name, or both; and

15 (12) "Venue" means an amphitheater, arena, camp, fair, or
16 festival ground, coliseum, concert or performance hall, conference center,
17 performing arts center, stadium, theater, or any other type of venue used for
18 events in this state.

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20 4-88-1103. Prohibitions by local government – Resale of tickets.

21 (a)(1) A local government shall not enact or adopt an ordinance,
22 policy, regulation, or action that prohibits the sale or resale of a ticket
23 for admission to a legal event at any price or prohibit the charge of any fee
24 in connection with the sale or resale.

25 (2) This section shall not be construed to prevent the
26 enforcement of an ordinance relating to any criminal activity, consumer
27 fraud, false advertising, or other deceptive business or trade practices.

28 (b)(1) Unless otherwise permitted by a ticket issuer, if an
29 individual, organization, group, association, partnership, or corporation
30 knowingly purchases from the ticket issuer a quantity of tickets to an event
31 that exceeds the maximum ticket limit quantity posted by, or on behalf of,
32 the ticket issuer at the point of original sale or printed on the tickets,
33 and intends to resell the tickets in violation of this subchapter is a
34 violation of § 4-88-107.

35 (2) An individual, organization, group, association,
36 partnership, or corporation is not liable under this section with respect to

1 tickets if that individual or collective is the ticket issuer.

2 (c)(1) Except as provided in subdivision (c)(2) of this section, an
3 individual, public or private entity, organization, group, association,
4 partnership, or corporation that offers for resale or resells a ticket may
5 charge any amount that the market may reasonably dictate above the admission
6 price charged by the ticket issuer.

7 (2) A ticket to a collegiate sporting event in this state
8 designated by an institution of higher education or its designee as being
9 available for sale to the general public, shall first be made available for
10 sale by the institution of higher education or its designee at a price no
11 greater than face-value of the ticket, but may include associated
12 transactional fees and costs, for a period of no less than ten (10) days.

13 (d) Under this subchapter, a ticket to a collegiate sporting event
14 designated as being "for sale to the general public" shall not include:

15 (1) Tickets to events issued, hosted, or sold by a third-party
16 vendor;

17 (2) The ticket reserved by an institution of higher education
18 for fundraising directly or through an affiliated entity;

19 (3) Tickets for internal or complementary usage; or

20 (4) Tickets reserved to meet contractual obligations of the
21 institution of higher education or its affiliated entities.

22 (e) Except as provided in subsection (f) of this section, a platform
23 operator shall not intentionally use an internet domain name, or any
24 subdomain thereof, in a ticketing platform's uniform resource location that
25 contains any of the following:

26 (1) The name of any specific team, league, or venue where events
27 are held;

28 (2) The name of the exhibition or performance or of another
29 event described in subsection (f) of this section, including the name of a
30 person, team, performance, group, or entity scheduled to perform at the event
31 or venue;

32 (3) Any trademark not owned by the platform operator, including
33 without limitation trademarks owned by authorized agents or partners of the
34 venue or event identified in subdivisions (e)(1) or (e)(2) of this section;
35 or

36 (4) Any name or names substantially similar to those in

1 subdivisions (e)(1) or (e)(2) of this section, including without limitation
2 any misspellings of any name or names described in subdivisions (e)(1) or
3 (e)(2) of this section.

4 (f) Subsection (e) of this section does not apply to a platform
5 operator who is authorized by any persons or entities identified in
6 subdivisions (e)(1) or (e)(2) of this section to act on the venue, performer,
7 team, or event's behalf with respect to the sale or resale of tickets.

8 (g) An individual, organization, group, association, partnership, or
9 corporation shall not knowingly sell, give, transfer, use, distribute, or
10 possess with the intent to sell, give, or distribute software that is
11 primarily designed or produced for the purpose of interfering with the
12 operations of any ticket issuer that sells, through a ticketing platform,
13 tickets for admission to an event by circumventing any security measures on
14 the ticket issuer's ticketing platform, circumventing any access control
15 systems of the ticket issuer's ticketing platform, or circumventing any
16 controls or measures that are instituted by the ticket issuer on the
17 ticketing platform to ensure an equitable ticket purchasing process.

18 (h) A violation of this section is an unfair or deceptive trade
19 practice as defined in § 4-88-107 and subject to the enforcement and penalty
20 provisions contained therein.

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22 4-88-1104. Ticket sale requirements – Refunds.

23 (a) An individual who is in the business of selling or reselling
24 tickets to an event or venue in this state or an organization, group,
25 association, partnership, or corporation that sells or resells a ticket to an
26 event or venue in this state shall:

27 (1) Guarantee that the consumer will receive their tickets in
28 reasonable time for their event;

29 (2) Guarantee that the purchased tickets will provide the
30 consumer valid entry into the event or venue;

31 (3) Maintain a telephone number, e-mail address, live virtual
32 support, provide a physical representative at the venue for the duration of
33 the event or other evolving means of contact for complaints, customer
34 service, and inquiries; and

35 (4)(A) Implement a standard refund policy that provides a
36 consumer a full refund or comparable replacement ticket if:

1 (i) The ticket received by the consumer is
2 counterfeit;

3 (ii) The ticket has been cancelled by the ticket
4 issuer for nonpayment by the original consumer, or for any reason other than
5 an act or omission of the consumer;

6 (iii) The ticket fails to conform to the description
7 provided by the ticket issuer or reseller;

8 (iv) The ticket was not delivered to the consumer
9 before the occurrence of the event, unless the failure of delivery was due to
10 an act or omission of the consumer; or

11 (v) The ticket does not provide the consumer
12 admission to the event or venue for which it was purchased.

13 (B) The refund under subdivision (a)(4)(A) of this section
14 shall include the full order value paid by the consumer for the ticket, in
15 addition to all fees charged in connection with that purchase, including
16 without limitation download fees, delivery fees, shipping fees, and sales
17 taxes.

18 (b) If an event is cancelled and not rescheduled, a consumer is
19 entitled to a refund as provided in subdivision (a)(4)(A) of this section
20 from the ticket issuer, ticketing platform, or reseller from which they
21 directly purchased the ticket.

22 (c)(1) It is a violation of the Deceptive Trade Practices Act, § 4-88-
23 101 et seq., if a ticket issuer, ticketing platform, or reseller fails to
24 refund according to subdivision (a)(4)(A) of this section.

25 (2) All available remedies are actionable for a violation of
26 subdivision (c)(1) of this section under § 4-88-107 of the Deceptive Trade
27 Practices Act.

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29 4-88-1105. Counterfeits – Criminal penalties.

30 (a) An individual, organization, group, association, partnership, or
31 corporation that counterfeits, forges, alters, clones, or possesses a ticket,
32 card, wristband, or other medium that accesses or is associated with a
33 ticket, or a ticket, token, or paper designed for admission to or the
34 rendering of services by an event or venue offering services to the general
35 public, with the intent to defraud the event or venue, commits a Class A
36 misdemeanor.

1 (b) An individual, organization, group, association, partnership, or
 2 corporation that commits a second or subsequent violation of subsection (a)
 3 of this section commits a Class D felony.

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 5 4-88-1106. Violations.

6 (a)(1) An individual, organization, group, association, partnership,
 7 or corporation violating this subchapter is guilty of a violation.

8 (2) Upon conviction, an individual, organization, group,
 9 association, partnership, or corporation shall be fined in a sum not less
 10 than one hundred dollars (\$100) nor greater than five hundred dollars (\$500).

11 (b) Every sale or resale, or offer for sale or resale, that violates
 12 this subchapter is a separate actionable offense.

13 (c) An institution of higher education and its officers, agents,
 14 employees, volunteers, designees, and affiliated entities shall not be held
 15 criminally or civilly liable for a violation of this subchapter.

16 (d) This subchapter shall not be construed as a waiver of any immunity
 17 available under state law or its instrumentalities, officers, agents,
 18 employees, or volunteers.

19
 20 SECTION 2. Arkansas Code § 5-63-201 is repealed.

21 ~~5-63-201. Tickets to certain events—Sale in excess of regular price.~~

22 ~~(a)(1) It is unlawful for any person, corporation, firm, or~~
 23 ~~partnership to resell or offer for resale a ticket to an event for a price~~
 24 ~~higher than the greater of either:~~

25 ~~(A) The price originally charged for the ticket by the~~
 26 ~~venue or entity hosting the event or the venue or entity's authorized agent~~
 27 ~~plus a reasonable charge for handling or credit card use; or~~

28 ~~(B) The price printed on the ticket.~~

29 ~~(2) This subsection does not apply to an institution of higher~~
 30 ~~education that receives funds per ticket above the face value of the ticket.~~

31 ~~(b)(1) Any person, corporation, firm, or partnership violating any~~
 32 ~~provision of this section is guilty of a violation and upon conviction shall~~
 33 ~~be fined in any sum not less than twenty-five dollars (\$25.00) nor more than~~
 34 ~~five hundred dollars (\$500).~~

35 ~~(2) Every sale or offer for sale is a separate offense.~~

36 ~~(c) As used in this section, "event" means a live entertainment event,~~

1 ~~athletic event, sporting event, theater performance, musical performance, or~~
2 ~~an event held for the benefit of charity.~~

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