

# Senate Commerce Committee

*Aaron Jones 271-2609*

**SB 328-FN**, relative to deceptive ticket sale practices.

**Hearing Date:** January 16, 2024

**Time Opened:** 9:18 a.m.

**Time Closed:** 9:30 a.m.

**Members of the Committee Present:** Senators Gannon, Ricciardi and Chandley

**Members of the Committee Absent :** Senators Innis and Soucy

**Bill Analysis:** This bill makes the resale of event tickets by a person who is not the venue or an authorized agent of the venue unlawful if it does not meet certain criteria.

---

**Sponsors:**

Sen. D'Allesandro  
Sen. Perkins Kwoka  
Sen. Whitley  
Sen. Prentiss

Sen. Watters  
Sen. Altschiller  
Sen. Rosenwald  
Rep. Heath

Sen. Fenton  
Sen. Soucy  
Sen. Chandley  
Rep. Goley

---

**Who supports the bill:** Senator Lou D'Allesandro, Senator Donna Soucy, Senator Debra Altschiller, Senator Donovan Fenton, Senator Cindy Rosenwald, Senator Rebecca Perkins Kwoka, Senator David Watters, Janet Lucas

**Who opposes the bill:** Julie Smith

**Who is neutral on the bill:** Mary Stewart (NH Attorney General's Office)

**Summary of testimony presented in support:**

***Jenny Horgan, Senate Democratic Policy Director, on behalf of Senator Lou D'Allesandro***

- This bill would make the resale of event tickets by a person who is not the venue or an authorized agent of the venue unlawful if it does not meet certain criteria.

***Jenny Horgan, Senate Democratic Policy Director, on behalf of Senator Donna Soucy***

- Recently, Senator Soucy and a friend were purchasing tickets to see "Kinky Boots" in Manchester.

- When searching for the tickets, her friend clicked on the first search term for the Palace Theater and the tickets were listed for \$175 each. These tickets, however, were not from the Palace Theater's website.
- If they had not gone to the correct website, they would have overpaid for their tickets. In addition, it is not known if those seats would have already been occupied.

### ***Senator Lou D'Allesandro***

- Senator D'Allesandro said the cost of resale tickets have dramatically escalated; therefore, legislation is needed to stop this practice.
- Individuals who would like to go to an event for a fair price are eliminated from doing so.
- Senator D'Allesandro said the practice has become so pervasive that it has impacted venues, such as the Palace Theater.
- If there were improvements to the language, Senator D'Allesandro said he was amenable to them. He said the underlying premise of the bill was good, and it was the job of the Legislature to protect the public.
- **Senator Gannon** asked if he would work with the Attorney General's Office on an amendment.
  - **Senator D'Allesandro** replied absolutely.
- **Senator Chandley** said the Attorney General's Office was helpful on this issue the last time, and she was happy to work with Ms. Stewart and Senator D'Allesandro to help craft something that was workable.
  - **Senator D'Allesandro** appreciated the efforts of Senator Chandley on this subject matter. If they are able to get together and solve the problem, he said it would be a better solution.

**Summary of testimony presented in opposition:** None

### **Neutral Information Presented:**

#### ***Mary Stewart, New Hampshire Attorney General's Office***

- The Department did not support or oppose the bill. They appreciated the work that had been done on this issue because it was a problem for consumers.
- The Department had concerns about enforcement.
  - In Section 1, a seller of a ticket has to indicate or disclose one or more conditions. If they wanted to be more specific in this section, then "if" and "then" should be included.
  - In Section B, bots are not defined. The Department was not sure how they would investigate or enforce this section. If someone bought a ticket, the Department would need to issue a subpoena. The problem, however, is

that the person who sold the ticket might not be the same as the entity that purchased it.

- In Section C, speculative tickets cannot be sold; however, Section A would allow a seller to sell a ticket, even if they do not own it. Also, reseller is not defined in this section.
- In Section D, the act of reselling tickets would be seemingly prohibited.
- **Senator Ricciardi** asked if the prime sponsor and the Attorney General's Office could make these corrections.
  - **Ms. Stewart** said that Brandon Garod, who is a Senior Assistant Attorney General, had previously worked with Senator Chandley. She said they would continue to work with the sponsor.

AJ

Date Hearing Report completed: January 22, 2024