

SB 201 - AS AMENDED BY THE SENATE

03/30/2023 1135s

03/30/2023 1264s

2023 SESSION

23-1006

04/05

SENATE BILL **201**

AN ACT relative to resale of event tickets.

SPONSORS: Sen. Chandley, Dist 11; Sen. Perkins Kwoka, Dist 21; Sen. Watters, Dist 4; Sen. Whitley, Dist 15; Sen. Soucy, Dist 18; Rep. Nutter-Upham, Hills. 8

COMMITTEE: Commerce

AMENDED ANALYSIS

This bill makes the resale of event tickets by a person who is not the venue or an authorized agent of the venue without prominent display and acknowledgment of that condition an unlawful act under the consumer protection regulations.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to resale of event tickets.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Statement of Findings.

2 I. The general court recognizes that independent live-performance venues are important
3 entertainment centers and essential to the growth and success of New Hampshire's local economies.
4 They serve as critical tax bases, as employers, as tourism destinations and as revenue generators for
5 neighboring businesses such as restaurants, hotels, and retailers.

6 II. The general court further finds that the "secondary ticket marketplace" purports to be a
7 resale marketplace between ticket purchasers and ticket resellers who have purchased tickets for
8 admission to events that were originally sold or issued by the sponsors or promoters of the events.
9 Problems arise when these sites resell tickets at a significantly higher cost than the venue when
10 tickets are, in fact, available at face-value from the venue; when they "resell" tickets that they do not
11 own; when they give fake confirmation numbers to the patron with no intention of providing the
12 tickets; and when they engage in a host of deceptive or unethical behaviors.

13 III. The general court further finds that what was once a small offline industry of ticket
14 resellers has grown into a multi billion dollar online industry, and is an enormous and expensive
15 problem for venues, patrons and artists. These websites are not connected to venues and are often
16 designed to make purchasers believe they are buying tickets directly from the venue.

17 IV. The general court further finds, that these practices result in understaffed venues
18 exhausting valuable employee hours chasing box office issues, comforting and compensating upset
19 patrons, filing paperwork against credit card back charges, and generally doing whatever they can to
20 salvage their goodwill with the patron who often blames the venue for their situation.

21 V. In conclusion, the general court finds that to address these problems and mitigate the
22 affects of deceptive practices, the following change to law is necessary.

23 2 New Paragraphs; Regulation of Business Practices for Consumer Protection; Definitions.
24 Amend RSA 358-A:1 by inserting after paragraph V the following new paragraph:

25 VI. "Venue" shall mean any motion picture house, theater, concert hall, sports arena,
26 stadium or other place of exhibition or entertainment at which tickets are sold.

27 3 New Paragraph; Regulation of Business Practices for Consumer Protection; Acts Unlawful;
28 Unauthorized Resellers. Amend RSA 358-A:2 by inserting after paragraph XVIII the following new
29 paragraph:

1 XIX. Reselling tickets to an event or performance unless the seller accomplishes the
2 following:

3 (a) Prominently displays on the sale listing and again during purchase, in bold, 14 point
4 font or greater, a disclosure indicating that the tickets are being sold pursuant to one of the following
5 conditions:

6 (1) The seller does not actually own the ticket;
7 (2) The seller is a different entity than the venue where the event or performance is
8 to be held; or

9 (3) The ticket being resold is in a block, zone, or other specific grouping of tickets;
10 and

11 (b) Acquires the purchaser's acknowledgment of such condition through an affirmative
12 act of clicking on a radio button, checkbox, or other similar indication of acknowledgment.

13 4 Effective Date. This act shall take effect 60 days after its passage.