

Amendment to SB 328-FN

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 New Paragraph; Regulation of Business Practices for Consumer Protection; Acts Unlawful;
4 Unauthorized Resellers. Amend RSA 358-A:2 by inserting after paragraph XVIII the following new
5 paragraph:

6 XIX.(a) In this paragraph:

7 (1) "Resale" means the second or subsequent sale of a ticket. "Resale" includes a sale
8 by any means, including in person, by telephone, by mail, by e-mail, by facsimile, or through a
9 website or other electronic means.

10 (2) "Reseller" means a person engaged in the resale of tickets.

11 (3) "Secondary ticket exchange" means an electronic marketplace that enables
12 consumers to sell, purchase, and resell tickets.

13 (4) "Speculative ticket" means a ticket that is not in the actual or constructive
14 possession of a reseller at the time of sale. "Speculative ticket" includes a ticket sold by a reseller
15 that, at the time of resale:

16 (A) Is not in the physical possession of the reseller;

17 (B) Is not owned by the reseller; or

18 (C) Is not under contract to be transferred to the reseller.

19 (5) "Ticket" means physical, electronic, or other evidence, that grants the possessor
20 of the evidence license to enter a place of entertainment for one or more events at a specified date
21 and time.

22 (6) "Ticket Issuer" means a person that, directly or indirectly, issues initial tickets
23 for an entertainment event. "Ticket issuer" includes a musician or musical group, an operator of a
24 venue, a sponsor or a promoter of an entertainment event, a sports team participating in an
25 entertainment event, a sports league whose teams are participating in an entertainment event, a
26 theater company, a marketplace operated for consumers to make an initial purchase of tickets, or an
27 agent of any of the persons listed in this subparagraph.

28 (b) This paragraph applies only to secondary ticket exchanges, ticket issuers, and
29 resellers. The listing for a ticket and each step of a transaction to purchase a ticket shall:

30 (1) Clearly and conspicuously disclose the total price of the ticket, including all fees
31 and taxes;

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1 (2) Provide an itemized listing of all charges that comprise the total price of the
2 ticket, including all fees and taxes; and

3 (3) Identify the seat number and zone or section of the ticket, to the extent
4 applicable to the seat and venue.

5 (c) A reseller shall provide the ticket issuer with the contact information of the resale
6 ticket purchaser to enable the ticket issuer to notify the resale ticket purchaser of any change in the
7 event circumstances, such as an event cancellation or rescheduling.

8 (d) This paragraph shall not apply to a fee that a secondary ticket exchange may charge
9 for the service of providing a marketplace for the resale of a ticket. Except as provided in this
10 paragraph, the total price at which a reseller may sell or offer to sell a ticket shall not exceed the
11 total price of the initial ticket, including all fees and taxes in connection with the initial ticket. If
12 initial tickets were purchased for a series of events, such as season tickets for a sports team, the
13 total resale price of a ticket for a single event shall not exceed the total price of a comparable ticket,
14 including all fees and taxes. The fee that a secondary ticket exchange may charge for the service of
15 providing a marketplace for the resale of a ticket shall not exceed 10 percent of the total price of the
16 initial ticket. Subject to reasonable restrictions imposed by a ticket issuer, a person shall not
17 prohibit or restrict the transfer or resale of a ticket that was made available to the general public for
18 purchase.

19 (e) A reseller shall not sell or offer to sell speculative tickets

20 (f) A secondary ticket exchange shall not provide a marketplace for the resale of a ticket
21 that violates this section.

22 2 Effective Date. This act shall take effect January 1, 2025.

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2024-0792s

AMENDED ANALYSIS

This bill regulates secondary ticket exchanges, ticket issuers, and resellers and prohibits speculative ticket sales.