

SENATE BILL No. 505

By Committee on Federal and State Affairs

2-11

1 AN ACT concerning consumer protection; relating to entertainment ticket
2 sales; prohibiting certain conduct in connection with the sale or resale
3 of tickets; providing that violation of such requirements is a deceptive
4 act or practice subject to penalties pursuant to the Kansas consumer
5 protection act.
6

7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. (a) A person shall not sell or offer for sale a ticket of
9 admission to an entertainment event that was purchased for the purpose of
10 resale for a price in excess of the price printed on the face of the ticket or
11 otherwise reflected as the face value of the ticket, plus lawful taxes, fees
12 and other charges that are required to be paid in order to purchase the
13 ticket from the original issuer, unless authorized by an operator.

14 (b) A ticket reseller or online ticket marketplace shall not advertise,
15 offer for sale or contract for the sale of a ticket before the ticket has been
16 made available to the public, including through presale, without first
17 obtaining permission from the place of entertainment and having actual or
18 constructive possession of the ticket, unless the ticket reseller owns the
19 ticket pursuant to a season ticket package purchased by the ticket reseller.

20 (c) A person shall not use or cause to be used an internet domain
21 name or subdomain thereof in an operator, ticket reseller or online ticket
22 marketplace website's URL that contains any of the following, unless
23 acting on behalf of the place of entertainment, event or person scheduled
24 to perform or appear at the event:

- 25 (1) The name of a place of entertainment;
26 (2) the name of an event, including the name of a person scheduled to
27 perform or appear at the event; or
28 (3) a name substantially similar to any name described in paragraph
29 (1) or (2).

30 (d) A person shall not:

31 (1) Circumvent any portion of the process for purchasing a ticket on
32 the internet or for admission to a place of entertainment, including, but not
33 limited to, security or identity validation measures or an access control
34 system; or

35 (2) disguise the identity of a purchaser for the purpose of purchasing
36 a number of tickets for admission to a place of entertainment that exceeds

1 the maximum number of tickets allowed for purchase by each person.

2 (e) A violation of this section constitutes a deceptive act or practice as
3 provided in K.S.A. 50-626, and amendments thereto. For the purposes of
4 remedies and penalties provided by the Kansas consumer protection act,
5 the person committing the conduct prohibited by this section shall be
6 deemed a supplier and the person who is the victim of such conduct shall
7 be deemed a consumer. Proof of a consumer transaction shall not be
8 required.

9 (f) For the purposes of this section:

10 (1) "Entertainment" means all forms of entertainment, including, but
11 not limited to, theatrical or operatic performances, concerts, motion
12 pictures, entertainment at fairgrounds, amusement parks, athletic
13 competitions and other sports and all other forms of diversion, recreation
14 or show.

15 (2) "Internet domain name" refers to a globally unique, hierarchical
16 reference to an internet host or service, assigned through centralized
17 internet naming authorities, comprised of a series of character strings
18 separated by periods with the right-most string specifying the top of the
19 hierarchy.

20 (3) "Online ticket marketplace" means the administrator of a website
21 or other electronic service, including an agent, employee or assignee of the
22 administrator, that sells tickets or maintains a platform to facilitate the sale
23 of tickets.

24 (4) "Operator" means a person, including an agent, employee or
25 assignee of the person, who:

26 (A) Owns, operates or controls a place of entertainment; or

27 (B) produces entertainment.

28 (5) "Person" means an individual, partnership, corporation, limited
29 liability company, estate, trust, firm, association, organization or other
30 entity.

31 (6) "Place of entertainment" means an entertainment facility,
32 including, but not limited to, an amphitheater, theater, stadium, arena,
33 racetrack, museum, amusement park, venue, club or any other place where
34 performances, concerts, exhibits, athletic games, contests or other forms of
35 entertainment are held. "Place of entertainment" does not include movie
36 theaters.

37 (7) "Ticket reseller" means a person that offers or sells tickets for
38 resale after the original sale to an entertainment event located in this state
39 and includes an operator to the extent that the operator offers or sells
40 tickets for resale. Sales by a ticket reseller include sales by any means,
41 including, but not limited to, in person or by telephone, mail, delivery
42 service, facsimile, internet, email or other electronic means. A ticket
43 reseller does not include a person that purchases a ticket solely for the

1 person's own use or the use of the person's invitees, employees or agents.

2 (8) "URL" means a uniform resource locator for a website on the
3 internet.

4 (g) This section shall be a part of and supplemental to the Kansas
5 consumer protection act.

6 Sec. 2. This act shall take effect and be in force from and after its
7 publication in the statute book.