

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 255

99TH GENERAL ASSEMBLY

0770H.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 316, RSMo, by adding thereto one new section relating to ticket selling practices, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 316, RSMo, is amended by adding thereto one new section, to be
2 known as section 316.120, to read as follows:

316.120. 1. For the purpose of this section, the following terms mean:

2 **(1) "Automated ticket purchasing software", any machine, device, computer**
3 **program, or computer software that navigates or runs automated tasks on retail ticket**
4 **purchasing websites;**

5 **(2) "Non-transferable ticketing system", a system or procedures that restrict,**
6 **through contractual or technological means, a ticket purchaser's ability to freely use, give**
7 **away, or resell purchased tickets;**

8 **(3) "Ticket issuer", any person or entity that makes tickets available, directly or**
9 **indirectly, to an entertainment event including, but not limited to:**

10 **(a) The operator of a venue;**

11 **(b) The sponsor or promoter of an entertainment event;**

12 **(c) A sports team participating in an entertainment event or a league whose teams**
13 **are participating in an entertainment event;**

14 **(d) A theater company, musical group, or similar participant in an entertainment**
15 **event; or**

16 **(e) An agent of any such person or entity listed under paragraphs (a) through (d)**
17 **of this subdivision;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 (4) "Ticket platform", a marketplace that enables consumers to purchase and sell
19 tickets.

20 2. Notwithstanding any contrary terms or conditions:

21 (1) No ticket issuer shall employ a non-transferable ticketing system unless ticket
22 purchasers are offered an option at the time of initial sale to purchase the tickets in a
23 transferable form that allows the tickets to be transferred or resold independent of the
24 ticket issuer's preferred ticket platform without penalty or discrimination;

25 (2) No ticket buyer or seller who is not the ticket issuer shall be penalized,
26 discriminated against, or denied access to an event solely because such buyer's or seller's
27 ticket or tickets were transferred or resold or because of the ticket platform used to
28 transfer or resell such tickets;

29 (3) No person shall knowingly use or sell automated ticket purchasing software to
30 circumvent a security measure or access a control system or other control or measure used
31 by a primary or secondary ticket platform to enforce event ticket purchasing limits or to
32 maintain the integrity of online ticket purchasing order rules. Any person violating this
33 subdivision shall be subject to a civil penalty not to exceed one thousand dollars but no less
34 than five hundred dollars for each violation, and all profits made from any such unlawfully
35 obtained tickets shall be subject to civil forfeiture under chapter 513;

36 (4) No person shall intentionally maintain any interest in or control over the
37 operation of automated ticket purchasing software to circumvent a security measure or
38 access a control system or other control or measure used by a primary or secondary ticket
39 platform to enforce event ticket purchasing limits or to maintain the integrity of online
40 ticket purchasing order rules. Any person violating this subdivision shall be subject to a
41 civil penalty not to exceed one thousand five hundred dollars but no less than seven
42 hundred fifty dollars for each violation, and all profits made from the interest in or control
43 over such software shall be subject to civil forfeiture under chapter 513; and

44 (5) Any person that is subject to a civil penalty for violating subdivision (3) or (4)
45 of this subsection and has been previously assessed a penalty under this section within the
46 previous five years shall be guilty of a misdemeanor and shall be subject to a fine not to
47 exceed five thousand dollars but no less than one thousand dollars for each civil penalty,
48 and all profits made from such civil penalties shall be subject to civil forfeiture under
49 chapter 513.

50 3. Notwithstanding any other provision of this section, a ticket issuer or venue
51 operator may:

52 (1) Maintain and enforce policies with respect to conduct, behavior, or age at the
53 venue or entertainment event;

- 54 **(2) Establish limits on the quantity of tickets that may be purchased;**
55 **(3) Revoke or restrict season tickets for reasons related to violations of venue policy**
56 **including, but not limited to:**
- 57 **(a) An attempt by two or more individuals to gain admission to the same event**
58 **using a ticket or tickets purchased in a resale transaction, with such individuals presenting**
59 **duplicate copies of a ticket or tickets;**
- 60 **(b) Concerns regarding the protection or safety of individuals; or**
61 **(c) Concerns regarding possible fraud or misconduct; and**
- 62 **(4) Elect not to offer tickets in a transferable form if those tickets are sold or given**
63 **to individuals or groups as part of a targeted promotion, discounted price, or private event**
64 **offered because of the individuals' or groups' status or affiliation including, but not limited**
65 **to, groups or individuals characterized by a disability, membership in a religious or civic**
66 **organization, or economic hardship. Tickets issued under this subdivision shall not be**
67 **offered promotionally to the general public and shall be clearly marked as a ticket**
68 **restricted to the specified individual or group.**
- 69 **4. The attorney general shall enforce the provisions of this section.**
- 70 **5. Notwithstanding any other provision of this section, any person injured as a**
71 **result of a violation of this section may bring a cause of action in a court of competent**
72 **jurisdiction and recover all actual damages. Any court of competent jurisdiction may**
73 **award reasonable attorney's fees and costs, punitive damages not to exceed three times the**
74 **actual damages, and injunctive or other equitable relief.**

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