

AMENDED IN ASSEMBLY APRIL 18, 2013

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 329

Introduced by Assembly Member Pan
(Coauthors: Assembly Members Fong and Wieckowski)
(Coauthors: Senators Beall and Cannella)

February 13, 2013

An act to ~~repeal and add~~ *amend Sections 22501, 22502, 22502.1, 22502.2, 22502.3, and 22507 of, to amend the heading of Chapter 21 (commencing with Section 22500) of Division 8 of, to amend and renumber Section 22500 of, to add Section 22500 to, to repeal Sections 22503.5, 22503.6, and 22511 of, and to repeal and add Sections 22503, 22504, 22506, 22508, 22509, and 22510 of, the Business and Professions Code, relating to ticket issuers business.*

LEGISLATIVE COUNSEL'S DIGEST

AB 329, as amended, Pan. Ticket issuers and ~~resale ticket agents~~. *resellers.*

Existing law provides *for the* comprehensive regulation of ticket sellers, ~~including requiring and, among other things, requires~~ disclosure of specified information to consumers, ~~maintaining records, and the maintenance of records and maintaining~~ a permanent business address; ~~among other provisions.~~ Existing law provides that a violation of the laws regulating ticket sellers is a misdemeanor.

This bill would ~~repeal and~~ revise *and recast* these provisions to regulate ticket issuers and ~~resale ticket agents~~ *extend certain requirements to ticket resellers*, as defined, regarding, among other

things, restrictions placed on the resale of event tickets, *as defined*, consumer protection requirements, and the imposition of civil penalties ~~based on~~ *for a violation of these provisions specified requirements*. The bill would further provide that a person who intentionally uses software to circumvent a *security measure, access control system, or other control or measure* on a ticket issuer’s or ~~resale ticket agent’s website~~ *reseller’s Internet Web site* that is used to ensure an equitable ticket buying process is guilty of a misdemeanor. *The bill would authorize the Department of Consumer Affairs to issue regulations to implement these provisions, as specified.*

Because this bill would create a new crime *and expand the scope of an existing crime*, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. *The heading of Chapter 21 (commencing with*
2 *Section 22500) of Division 8 of the Business and Professions Code*
3 *is amended to read:*

4
5 CHAPTER 21. ~~TICKET SELLERS~~ *ISSUERS AND TICKET RESELLERS*

6
7 SEC. 2. *Section 22500 is added to the Business and Professions*
8 *Code, to read:*

9 22500. *For purposes of this chapter:*

10 (a) *“Event” means any concert, theatrical performance, sporting*
11 *event, exhibition, show, or similar scheduled activity taking place*
12 *in the state that is open to the general public, for which an*
13 *admission fee is charged, and that is held in a venue*
14 *accommodating more than 1,000 people, including, but not limited*
15 *to, venues for which public funding has been provided for the*
16 *construction, maintenance, or operation of the venue or any*
17 *infrastructure related thereto or that are located on property owned*
18 *by a municipality or other government entity.*

1 (b) “Event ticket” means any physical, electronic, or other form
2 of a certificate, document, voucher, token, or other evidence
3 indicating that the bearer, possessor, or person entitled to
4 possession through purchase or otherwise has either a revocable
5 or irrevocable right, privilege, or license to enter an event venue
6 or occupy a particular seat or area in a venue with respect to one
7 or more events or an entitlement to purchase that right, privilege,
8 or license with respect to one or more future events.

9 (c) “Online marketplace” means an Internet Web site that
10 provides a forum for the resale of event tickets. “Online
11 marketplace” does not include the Internet Web site of a reseller
12 or ticket issuer, unless that reseller or ticket issuer provides a
13 forum for the resale of event tickets on its Internet Web site.

14 (d) “Person” means any natural person, partnership,
15 corporation, association, or other legal entity.

16 (e) “Public funding” means the provision by the state, any
17 county, city and county, municipality, or other subdivision of the
18 state, or by any local development corporation or similar
19 instrumentality whose creation was authorized by the state or by
20 any county, city and county, municipality, or other subdivision of
21 the state, of funding, grants, payments, or financial support,
22 including the use of public funds through or from the use of the
23 issuance of tax-exempt bonds, payments in lieu of taxes, property
24 tax abatements, lotteries, sales taxes, or levies on parking, hotels,
25 alcohol, car rentals, cigarettes, or other goods or services.

26 (f) “Resale” includes any form of transfer or alienation, or
27 offering for transfer or alienation, of possession or entitlement to
28 possession of an event ticket from one person to another, with or
29 without consideration, whether in person or by means of telephone,
30 mail, delivery service, facsimile, Internet, email, or other electronic
31 means. “Resale” does not include the initial sale of an event ticket
32 by a ticket issuer.

33 (g) “Ticket issuer” means any person that makes event tickets
34 available, directly or indirectly for initial sale, to the general
35 public, and may include the operator of a venue, the sponsor or
36 promoter of an event, a sports team participating in an event or a
37 league whose teams are participating in an event, a theater
38 company, musical group, or similar participant in an event, or an
39 agent of any such person. “Ticket issuer” does not include a person
40 involved in, or facilitating, event ticket resale, an officially

1 *appointed agent of an air carrier, ocean carrier, or motor coach*
2 *carrier who purchases or sells event tickets in conjunction with a*
3 *tour package accomplished through a primary event promoter or*
4 *his or her agent by written agreement, or a nonprofit charitable*
5 *organization that is exempt from tax under Section 501(c)(3) of*
6 *the Internal Revenue Code.*

7 (h) “Ticket reseller” means any person engaging in the resale
8 of event tickets. “Ticket reseller” does not include a person who
9 resells no more than 80 event tickets in any 12-month period.

10 (i) “Venue” means the theater, stadium, field, hall, or other
11 facility where an event takes place.

12 SEC. 3. Section 22500 of the Business and Professions Code
13 is amended and renumbered to read:

14 ~~22500.~~

15 22500.5. (a) A ~~ticket seller~~ issuer or ticket reseller shall have
16 a permanent business address from which tickets may only be sold
17 and that address shall be included in any advertisement or
18 solicitation, ~~and~~. A ticket issuer or ticket reseller shall be duly
19 licensed as may be required by any local jurisdiction.

20 (b) A violation of this section shall constitute a misdemeanor
21 punishable by imprisonment in a county jail not exceeding six
22 months, or by fine not exceeding two thousand five hundred dollars
23 (\$2,500), or by both.

24 (c) Any person who engages, has engaged, or proposes to engage
25 in a violation of this section shall be liable for a civil penalty not
26 to exceed two thousand five hundred dollars (\$2,500) for each
27 violation, which may be assessed and recovered in a civil action
28 brought in the name of the people of the State of California by the
29 Attorney General, or a district attorney, or a city attorney of a city
30 having a population in excess of 750,000, and, with the consent
31 of the district attorney, by a city prosecutor in any city, county, or
32 city and county having a full-time prosecutor in any court of
33 competent jurisdiction. Payment of the civil penalty shall be made
34 pursuant to the provisions of subdivision (b) of Section 17206. For
35 the purposes of this section, each *event* ticket sold or offered for
36 sale in violation of this section shall constitute a separate violation.
37 The remedies provided by this section are cumulative to each other
38 and to the remedies or penalties available under all other laws of
39 this state.

1 *SEC. 4. Section 22501 of the Business and Professions Code*
2 *is amended to read:*

3 22501. A ticket-seller issuer or ticket reseller shall maintain
4 records of event ticket sales, deposits, and refunds.

5 *SEC. 5. Section 22502 of the Business and Professions Code*
6 *is amended to read:*

7 22502. (a) A ticket-seller issuer or ticket reseller shall, prior
8 to sale, disclose to the purchaser by means of description or a map
9 the location of the seat or seats represented by the event ticket or
10 tickets.

11 (b) A ticket issuer or ticket reseller shall disclose that a service
12 charge is imposed by the ticket issuer or ticket reseller and is added
13 to the actual event ticket price by the issuer or ticket reseller in
14 any advertisement or promotion for any event by the ticket issuer
15 or ticket reseller.

16 (c) A ticket issuer or ticket reseller who includes tickets to an
17 event in conjunction with the sale of a tour or event package,
18 including, among other things, transportation, meals, lodging, or
19 beverages, shall disclose in any advertisements or promotional
20 materials the price charged or allotted for the event tickets.

21 *SEC. 6. Section 22502.1 of the Business and Professions Code*
22 *is amended to read:*

23 22502.1. (a) It shall be unlawful for a ticket-seller issuer or
24 ticket reseller to contract for the sale of event tickets or accept
25 consideration for payment in full or for a deposit for the sale of
26 event tickets unless the ticket-seller issuer or ticket reseller meets
27 one or more of the following requirements:

28 (a)

29 (1) The ticket-seller issuer or ticket reseller has the event ticket
30 in his or her possession.

31 (b)

32 (2) The ticket-seller issuer or ticket reseller has a written
33 contract to obtain the offered event ticket at a certain price from a
34 person in possession of the event ticket or from a person who has
35 a contractual right to obtain the event ticket from the primary
36 contractor.

37 (c)

38 (3) The ticket-seller issuer or ticket reseller informs the
39 purchaser orally at the time of the contract or receipt of
40 consideration, whichever is earlier, and in writing within two

1 business days, that the seller does not have possession of the *event*
2 tickets, has no contract to obtain the offered *event* ticket at a certain
3 price from a person in possession of the *event* ticket or from a
4 person who has a contractual right to obtain the *event* ticket from
5 the primary contractor, and may not be able to supply the *event*
6 ticket at the contracted price or range of prices.

7 ~~Nothing~~

8 (b) ~~Nothing~~ in this section shall prohibit a ticket-seller issuer or
9 ticket reseller from accepting a deposit from a prospective
10 purchaser as part of an agreement that the ticket-seller issuer or
11 ticket reseller will make best efforts to obtain a *an event* ticket at
12 a specified price or price range and within a specified time,
13 provided that the ticket-seller issuer or ticket reseller informs the
14 purchaser orally at the time of the contract or receipt of
15 consideration, whichever is earlier, and in writing within two days,
16 of the terms of the deposit agreement, and includes in the oral and
17 written notice the disclosures otherwise required by this section.

18 *SEC. 7. Section 22502.2 of the Business and Professions Code*
19 *is amended to read:*

20 22502.2. It shall be unlawful for a ticket-seller issuer or ticket
21 reseller to represent that he or she can deliver or cause to be
22 delivered a *an event* ticket at a specific price or within a specific
23 price range and to fail to deliver within a reasonable time or by a
24 contracted time the *event* tickets at or below the price stated or
25 within the range of prices stated.

26 *SEC. 8. Section 22502.3 of the Business and Professions Code*
27 *is amended to read:*

28 22502.3. In addition to other remedies, a ticket-seller issuer or
29 ticket reseller who violates Section 22502.1 or 22502.2 and fails
30 to supply a *an event* ticket at or below a contracted price or within
31 a contracted price range shall be civilly liable to the *event* ticket
32 purchaser for two times the contracted price of the *event* ticket, in
33 addition to any sum expended by the purchaser in nonrefundable
34 expenses for attending or attempting to attend the event in good
35 faith reliance on seat or space availability, and reasonable
36 attorney's fees and court costs.

37 *SEC. 9. Section 22503 of the Business and Professions Code*
38 *is repealed.*

39 22503. ~~A ticket seller, as used in this chapter, means any person~~
40 ~~who for compensation, commission, or otherwise sells admission~~

1 ~~tickets to sporting, musical, theatre, or any other entertainment~~
2 ~~event.~~

3 *SEC. 10. Section 22503 is added to the Business and*
4 *Professions Code, to read:*

5 *22503. (a) Except as otherwise provided in this chapter, it*
6 *shall be unlawful for any ticket issuer or its authorized agent to*
7 *do any of the following:*

8 *(1) Impose any terms or conditions restricting the transferability*
9 *of an event ticket or otherwise prohibit a person from reselling*
10 *the event ticket on an online marketplace not owned or operated*
11 *by the ticket issuer or its authorized agent.*

12 *(2) Impose any terms or conditions restricting the printing or*
13 *forwarding of the event ticket, or impose any other pickup or*
14 *transfer restrictions, for the purpose or with the foreseeable effect*
15 *of prohibiting the resale or gratuitous transfer of an event ticket.*

16 *(3) Employ technological measures for the purpose or with the*
17 *foreseeable effect of prohibiting or restricting the resale or*
18 *gratuitous transfer of an event ticket, including, but not limited to,*
19 *issuing an event ticket in an electronic form that is not readily*
20 *transferrable to a subsequent purchaser or user, or conditioning*
21 *entry into the venue on presentation of a token, like the original*
22 *purchaser's credit card or state-issued identification card, that*
23 *cannot be readily transferred to a subsequent purchaser or user.*

24 *(4) Seek to limit or restrict the price, or to impose a minimum*
25 *or maximum price, at which an event ticket may be resold.*

26 *(b) Except as otherwise provided in this chapter, it shall be*
27 *unlawful for a ticket issuer or reseller to fail to meet the*
28 *requirements of Section 22504.*

29 *SEC. 11. Section 22503.5 of the Business and Professions Code*
30 *is repealed.*

31 ~~22503.5. This chapter does not apply to any primary contractor~~
32 ~~or seller of tickets for the primary contractor operating under a~~
33 ~~written contract with the primary contractor.~~

34 ~~“Primary contractor” means the person or organization who is~~
35 ~~responsible for the event for which tickets are being sold.~~

36 *SEC. 12. Section 22503.6 of the Business and Professions Code*
37 *is repealed.*

38 ~~22503.6. This chapter does not apply to an officially appointed~~
39 ~~agent of an air carrier, ocean carrier or motor coach carrier who~~
40 ~~purchases or sells tickets in conjunction with a tour package~~

1 accomplished through the primary event promoter or his or her
2 agent by written agreement.

3 *SEC. 13. Section 22504 of the Business and Professions Code*
4 *is repealed.*

5 ~~22504. This chapter does not apply to any person who sells six~~
6 ~~tickets or less to any one single event, provided the tickets are sold~~
7 ~~off the premises where the event is to take place, including, but~~
8 ~~not limited to, designated parking areas and points of entry to the~~
9 ~~event.~~

10 *SEC. 14. Section 22504 is added to the Business and*
11 *Professions Code, to read:*

12 *22504. (a) A ticket issuer or ticket reseller shall maintain a*
13 *toll-free telephone number for complaints and inquiries regarding*
14 *its activities in the sale or resale of event tickets.*

15 *(b) A ticket issuer or ticket reseller shall implement and*
16 *reasonably publicize a standard refund policy that meets, at the*
17 *minimum, the requirements of Section 22506. A standard refund*
18 *policy may condition entitlement to a refund upon timely return*
19 *of the event ticket purchased and may include reasonable*
20 *safeguards against abuse of the policy.*

21 *(c) Nothing in this section shall be construed to prohibit any*
22 *person subject to this section from implementing consumer*
23 *protection policies that exceed the minimum standards set forth*
24 *in this section and that are otherwise in compliance with this*
25 *chapter.*

26 *SEC. 15. Section 22506 of the Business and Professions Code*
27 *is repealed.*

28 ~~22506. Any partial or full deposit received by a ticket seller~~
29 ~~on a future event for which tickets are not available shall be~~
30 ~~refundable except for a service charge of not more than 10 percent~~
31 ~~until tickets for the event are actually available.~~

32 *SEC. 16. Section 22506 is added to the Business and*
33 *Professions Code, to read:*

34 *22506. A ticket issuer or ticket reseller shall do all of the*
35 *following:*

36 *(a) Provide a consumer who purchases an event ticket a full*
37 *refund if the event is canceled before the scheduled occurrence of*
38 *the event and is not rescheduled, the event ticket received by the*
39 *purchaser is counterfeited, the event ticket is canceled by the ticket*
40 *issuer for nonpayment by the original purchaser or for any reason*

1 *other than an act or omission of the consumer, the event ticket*
2 *materially, and to the detriment of the consumer, fails to conform*
3 *to the description provided by the seller or reseller, or the event*
4 *ticket was not delivered to the consumer prior to the occurrence*
5 *of the event, unless the failure of delivery was due to any act or*
6 *omission of the consumer.*

7 *(b) Include in the full refund required under subdivision (a) the*
8 *full price paid by the consumer for the event ticket, together with*
9 *any fees charged in connection with that purchase, including, but*
10 *not limited to, convenience fees, processing fees, at-home printing*
11 *charges, shipping and handling charges, and delivery fees.*

12 *SEC. 17. Section 22507 of the Business and Professions Code*
13 *is amended to read:*

14 ~~22507. The ticket price of any event which is canceled,~~
15 ~~postponed, or rescheduled shall be fully refunded to the purchaser~~
16 ~~by the ticket seller upon request.~~ *(a) Any local jurisdiction may*
17 *require a ticket seller issuer or ticket reseller to provide a bond of*
18 *not more than fifty thousand dollars (\$50,000) to provide for any*
19 *refunds that may be required by this section.*

20 *(b) Nothing in this chapter prohibits any local agency from*
21 *imposing any local fees or taxes.*

22 *SEC. 18. Section 22508 of the Business and Professions Code*
23 *is repealed.*

24 ~~22508. A ticket seller shall disclose that a service charge is~~
25 ~~imposed by the ticket seller and is added to the actual ticket price~~
26 ~~by the seller in any advertisement or promotion for any event by~~
27 ~~the ticket seller.~~

28 *SEC. 19. Section 22508 is added to the Business and*
29 *Professions Code, to read:*

30 *22508. A person who intentionally uses or sells software to*
31 *circumvent a security measure, access control system, or other*
32 *control or measure on a ticket issuer's or ticket reseller's Internet*
33 *Web site that is used to ensure an equitable ticket buying process*
34 *is guilty of a misdemeanor.*

35 *SEC. 20. Section 22509 of the Business and Professions Code*
36 *is repealed.*

37 ~~22509. Any ticket seller who includes tickets to an event in~~
38 ~~conjunction with the sale of a tour or event package, including,~~
39 ~~among other things, transportation, meals, lodging, or beverages,~~

1 shall disclose in any advertisements or promotional materials the
2 price charged or allotted for the tickets.

3 *SEC. 21. Section 22509 is added to the Business and*
4 *Professions Code, to read:*

5 *22509. Nothing in this chapter shall be construed to invalidate*
6 *restrictions on the resale of event tickets imposed by either of the*
7 *following:*

8 *(a) Sponsors or promoters of events intended solely to benefit*
9 *charitable endeavors for which all event tickets are distributed*
10 *free of charge.*

11 *(b) Nonprofit educational institutions with respect to athletic*
12 *events involving athletes or teams of those institutions, to the extent*
13 *the restrictions apply to event tickets initially distributed to*
14 *students, faculty, staff members, or alumni without charge or to*
15 *members of a bona fide booster organization consisting of those*
16 *making substantial financial contributions to the institution.*

17 *SEC. 22. Section 22510 of the Business and Professions Code*
18 *is repealed.*

19 ~~*22510. Nothing in this chapter prohibits any local agency from*~~
20 ~~*imposing any local fees or taxes.*~~

21 *SEC. 23. Section 22510 is added to the Business and*
22 *Professions Code, to read:*

23 *22510. The Department of Consumer Affairs may issue*
24 *regulations to implement the provisions of this chapter, including,*
25 *but not limited to, regulations that do both of the following:*

26 *(a) Prescribe allowable methods for marking of public sales*
27 *tickets, including, but not limited to, the marking of event tickets*
28 *that are not tangible.*

29 *(b) Define categories of persons otherwise subject to this chapter*
30 *who are temporarily or indefinitely excluded from the provisions*
31 *of this chapter, or against whom the Attorney General determines*
32 *to forbear the enforcement of this chapter in whole or in part, if*
33 *the Attorney General determines the activities of those persons*
34 *have a relatively insignificant impact on commerce in event tickets.*

35 *SEC. 24. Section 22511 of the Business and Professions Code*
36 *is repealed.*

37 ~~*22511. This chapter does not apply to any nonprofit charitable*~~
38 ~~*tax-exempt organization selling tickets to an event sponsored by*~~
39 ~~*the organization.*~~

1 *SEC. 25. No reimbursement is required by this act pursuant*
2 *to Section 6 of Article XIII B of the California Constitution because*
3 *the only costs that may be incurred by a local agency or school*
4 *district will be incurred because this act creates a new crime or*
5 *infraction, eliminates a crime or infraction, or changes the penalty*
6 *for a crime or infraction, within the meaning of Section 17556 of*
7 *the Government Code, or changes the definition of a crime within*
8 *the meaning of Section 6 of Article XIII B of the California*
9 *Constitution.*

10 ~~SECTION 1. Chapter 21 (commencing with Section 22500)~~
11 ~~of Division 8 of the Business and Professions Code is repealed.~~

12 ~~SEC. 2. Chapter 21 (commencing with Section 22500) is added~~
13 ~~to Division 8 of the Business and Professions Code, to read:~~

14

15 ~~CHAPTER 21. TICKET ISSUERS AND RESALE TICKET AGENTS~~

16

17 ~~22500. For purposes of this chapter:~~

18 ~~(a) "Event" means any concert, theatrical performance, sporting~~
19 ~~event, exhibition, show, or similar scheduled activity taking place~~
20 ~~in the state that is open to the general public, for which an~~
21 ~~admission fee is charged, and that is held in a venue~~
22 ~~accommodating more than 1,000 people, including, but not limited~~
23 ~~to, venues for which public funding has been provided for the~~
24 ~~construction, maintenance, or operation of the venue or any~~
25 ~~infrastructure related thereto or that are located on property owned~~
26 ~~by a municipality or other government entity.~~

27 ~~(b) "Event ticket" means any physical, electronic, or other form~~
28 ~~of a certificate, document, voucher, token, or other evidence~~
29 ~~indicating that the bearer, possessor, or person entitled to~~
30 ~~possession through purchase or otherwise has either a revocable~~
31 ~~or irrevocable right, privilege, or license to enter an event venue~~
32 ~~or occupy a particular seat or area in a venue with respect to one~~
33 ~~or more events or an entitlement to purchase that right, privilege,~~
34 ~~or license with respect to one or more future events.~~

35 ~~(c)~~

36 ~~"Person" means any natural person, partnership, corporation,~~
37 ~~association, or other legal entity.~~

38 ~~(d)~~

39 ~~"Public funding" means the provision by the state, any county,~~
40 ~~city and county, municipality, or other subdivision of the state, or~~

1 by any local development corporation or similar instrumentality
2 whose creation was authorized by the state or by any county, city
3 and county, municipality, or other subdivision of the state, of
4 funding, grants, payments, or financial support, including the use
5 of public funds through or from the use of the issuance of
6 tax-exempt bonds, payments in lieu of taxes, property tax
7 abatements, lotteries, sales taxes, or levies on parking, hotels,
8 alcohol, car rentals, cigarettes, or other goods or services.

9 (e)

10 “Resale” includes any form of transfer or alienation, or offering
11 for transfer or alienation, of possession or entitlement to possession
12 of an event ticket from one person to another, with or without
13 consideration, whether in person or by means of telephone, mail,
14 delivery service, facsimile, internet, e-mail, or other electronic
15 means. “Resale” shall not include the initial sale of an event ticket
16 by a ticket issuer.

17 (f) “Resale ticket agent” means any person engaging in the
18 resale of tickets or any person providing a physical or electronic
19 marketplace for the sale or resale of event tickets by other persons.
20 A “resale ticket agent” shall not include a person who resells no
21 more than 80 event tickets in any 12-month period.

22 (g)

23 “Ticket issuer” means any person that makes event tickets
24 available, directly or indirectly for initial sale, to the general public,
25 and may include the operator of a venue, the sponsor or promoter
26 of an event, a sports team participating in an event or a league
27 whose teams are participating in an event, a theater company,
28 musical group, or similar participant in an event, or an agent of
29 any such person. “Ticket issuer” shall not include a person involved
30 in, or facilitating, event ticket resale, an officially appointed agent
31 of an air carrier, ocean carrier, or motor coach carrier who
32 purchases or sells tickets in conjunction with a tour package
33 accomplished through a primary event promoter or his or her agent
34 by written agreement, or a nonprofit charitable organization that
35 is exempt from tax under Section 501(c)(3) of the Internal Revenue
36 Code.

37 (h)

38 “Venue” means the theater, stadium, field, hall, or other facility
39 where an event takes place.

1 ~~22501. (a) Except as otherwise provided in this chapter, it~~
2 ~~shall be unlawful for any ticket issuer to do any of the following:~~
3 ~~(1) Prohibit or restrict the resale or offering for resale of an~~
4 ~~event ticket by a lawful possessor thereof.~~
5 ~~(2) Purport to impose license or contractual terms on the initial~~
6 ~~sale of event tickets that prohibit resale of the event ticket,~~
7 ~~including, but not limited to, terms printed on the back of a physical~~
8 ~~event ticket, or that restrict the price or other terms and conditions~~
9 ~~under which an event ticket may be resold or transferred.~~
10 ~~(3) Require the purchaser of an event ticket, whether for a single~~
11 ~~event or for a series or season of events, to agree not to resell the~~
12 ~~event ticket, or to resell the event ticket only through a specific~~
13 ~~means approved by the ticket issuer.~~
14 ~~(4) Bring legal action based on an unlawful prohibition or~~
15 ~~restriction on the resale of an event ticket against any of the~~
16 ~~following:~~
17 ~~(A) A purchaser who resells or offers to resell an event ticket~~
18 ~~without permission of the ticket issuer or in violation of a~~
19 ~~restriction purportedly imposed by the ticket issuer.~~
20 ~~(B) A person or persons who facilitate or provide services for~~
21 ~~the resale of event tickets without the permission of the ticket~~
22 ~~issuer or in violation of a restriction purportedly imposed by the~~
23 ~~ticket issuer.~~
24 ~~(C) An operator of a physical or electronic marketplace in which~~
25 ~~an event ticket is offered for resale without the permission of the~~
26 ~~ticket issuer or in violation of a restriction purportedly imposed~~
27 ~~by the ticket issuer.~~
28 ~~(4) Impose a penalty on a ticket purchaser that resells or offers~~
29 ~~to resell an event ticket without permission of the ticket issuer or~~
30 ~~in violation of a restriction purportedly imposed by the ticket issuer~~
31 ~~or treat that ticket purchaser in any material way less favorably~~
32 ~~than a similarly situated ticket purchaser that does not resell or~~
33 ~~offer to resell an event ticket or that complies with any resale~~
34 ~~restrictions purportedly imposed by the ticket issuer.~~
35 ~~(5)~~
36 ~~Employ technological means for the purpose, or with the~~
37 ~~foreseeable effect of, prohibiting or restricting the resale of event~~
38 ~~tickets, including, but not limited to, issuing event tickets in an~~
39 ~~electronic form that is not readily transferrable to a subsequent~~
40 ~~purchaser or conditioning entry into the venue on presentation of~~

1 a token, like the original purchaser's credit card or state-issued
2 identification card, that cannot be readily transferred to a
3 subsequent purchaser.

4 (6)

5 - Seek to limit or restrict the price, or to impose a minimum or
6 maximum price, at which an event ticket may be resold.

7 (b) Except as otherwise provided in this chapter, it shall be
8 unlawful for a resale ticket agent or ticket issuer to fail to meet the
9 requirements of Section 22503.

10 22502. (a) A resale ticket agent or ticket issuer shall maintain
11 a toll-free telephone number for complaints and inquiries regarding
12 its activities in the sale or resale of event tickets.

13 (b) A resale ticket agent or ticket issuer shall implement and
14 reasonably publicize a standard refund policy that meets the
15 minimum standards stated in subdivision (c).

16 (c) A standard refund policy shall do the following:

17 (1) Provide a consumer who purchases an event ticket a full
18 refund if the event is canceled before the scheduled occurrence of
19 the event and is not rescheduled, the event ticket received by the
20 purchaser is counterfeited, the event ticket is canceled by the ticket
21 issuer for nonpayment by the original purchaser or for any reason
22 other than an act or omission of the consumer, the event ticket
23 materially, and to the detriment of the consumer, fails to conform
24 to the description provided by the seller or reseller, or the event
25 ticket was not delivered to the consumer prior to the occurrence
26 of the event, unless the failure of delivery was due to any act or
27 omission of the consumer.

28 (2) Include in a full refund the full price paid by the consumer
29 for the event ticket, together with any fees charged in connection
30 with that purchase, including, but not limited to, convenience fees,
31 processing fees, at-home printing charges, shipping and handling
32 charges, and delivery fees.

33 (d) A standard refund policy may condition entitlement to a
34 refund upon timely return of the event ticket purchased and may
35 include reasonable safeguards against abuse of the policy.

36 (e) Nothing in this section shall be construed to prohibit any
37 person subject to this section from implementing consumer
38 protection policies that exceed the minimum standards set forth
39 in this section and that are otherwise in compliance with this
40 chapter.

1 ~~22503. (a) (1) A resale agent or ticket issuer that violates this~~
2 ~~chapter shall be subject to a civil action brought in the name of~~
3 ~~the people of the State of California by the Attorney General. The~~
4 ~~civil action may either enjoin further violation of this chapter by~~
5 ~~the defendant or impose a civil penalty, not to exceed one hundred~~
6 ~~thousand dollars (\$100,000), in an amount equal to the greater of~~
7 ~~the actual monetary loss suffered by those residents of the state or~~
8 ~~an amount determined under paragraph (2). Payment of the civil~~
9 ~~penalty shall be made pursuant to the provisions of subdivision~~
10 ~~(e) of Section 17206.~~

11 ~~(2) The amount of damages determined under this paragraph~~
12 ~~shall be calculated by multiplying the number of violations of this~~
13 ~~chapter by an amount not greater than one hundred dollars (\$100).~~
14 ~~For the purposes this section, each ticket sold or offered for sale~~
15 ~~in violation of this chapter shall constitute a separate violation.~~

16 ~~(3) Notwithstanding the civil penalty limitation in paragraph~~
17 ~~(1), a court may increase a civil penalty to an amount equal to not~~
18 ~~more than three times the amount otherwise available under this~~
19 ~~subdivision if the defendant was previously found to have violated~~
20 ~~this chapter in a civil action.~~

21 ~~(b) In the case of a successful action under subdivision (a), a~~
22 ~~court, in its discretion, may award the costs of the action and~~
23 ~~reasonable attorney's fees.~~

24 ~~(e) Any claim made under this section shall be filed with a court~~
25 ~~of competent jurisdiction within two calendar years after the~~
26 ~~violation.~~

27 ~~22504. A person who intentionally uses or sells software to~~
28 ~~circumvent a security measure, an access control system, or other~~
29 ~~control or measure on a ticket issuer's or resale ticket agent's~~
30 ~~Internet Web site that is used to ensure an equitable ticket buying~~
31 ~~process, is guilty of a misdemeanor.~~

32 ~~22505. Nothing in this chapter shall be interpreted to invalidate~~
33 ~~restrictions on the resale of event tickets imposed by either:~~

34 ~~(a) Sponsors or promoters of events intended solely to benefit~~
35 ~~charitable endeavors for which all event tickets are distributed free~~
36 ~~of charge.~~

37 ~~(b) Nonprofit education institutions with respect to athletic~~
38 ~~events involving athletes or teams of those institutions, to the extent~~
39 ~~the restrictions apply to event tickets initially distributed to~~
40 ~~students, faculty, staff members, or alumni without charge or to~~

1 members of a bona fide booster organization consisting of those
 2 making substantial financial contributions to the institution.
 3 ~~22506. The Department of Consumer Affairs may issue~~
 4 ~~regulations to implement the provisions of this chapter, including,~~
 5 ~~but not limited to, regulations that do both the following:~~
 6 ~~(a) Prescribe allowable methods for marking of public sales~~
 7 ~~tickets, including, but not limited to, the marking of event tickets~~
 8 ~~that are not tangible.~~
 9 ~~(b) Define categories of persons otherwise subject to this section~~
 10 ~~who are temporarily or indefinitely excluded from the provisions~~
 11 ~~of this chapter, or against whom the Attorney General determines~~
 12 ~~to forebear from enforcement of the chapter in whole or in part, if~~
 13 ~~the Attorney General determines the activities of those persons~~
 14 ~~have a relatively insignificant impact on commerce in event tickets.~~
 15 ~~22507. A ticket seller shall maintain records of ticket sales,~~
 16 ~~deposits, and refunds.~~
 17 ~~22508. Nothing in this chapter prohibits any local agency from~~
 18 ~~imposing any local fees or taxes.~~
 19 ~~SEC. 3. No reimbursement is required by this act pursuant to~~
 20 ~~Section 6 of Article XIII B of the California Constitution because~~
 21 ~~the only costs that may be incurred by a local agency or school~~
 22 ~~district will be incurred because this act creates a new crime or~~
 23 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
 24 ~~for a crime or infraction, within the meaning of Section 17556 of~~
 25 ~~the Government Code, or changes the definition of a crime within~~
 26 ~~the meaning of Section 6 of Article XIII B of the California~~
 27 ~~Constitution.~~