

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

S

3

SENATE BILL 543*
Judiciary II (Criminal) Committee Substitute Adopted 4/10/07
House Committee Substitute Favorable 7/28/07

Short Title: Resale Tickets via Internet.

(Public)

Sponsors:

Referred to:

March 7, 2007

A BILL TO BE ENTITLED

AN ACT TO PROTECT CONSUMERS FROM UNLAWFUL SALE OF ADMISSION TICKETS IN EXCESS OF THE PRINTED PRICE AND TO PROHIBIT THE ACQUISITION OF MORE THAN THE ALLOWABLE MAXIMUM NUMBER OF TICKETS FOR RESALE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 44 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-344.1. Internet sale of admission tickets in excess of printed price.

(a) Notwithstanding G.S. 14-344, nothing shall prohibit the resale or offering for resale via the Internet of an admission ticket, at any price, to an athletic contest, dance, theater, concert, circus, or other amusement. Any admission ticket to the event may be resold or offered for resale through any Web site if the Web site's operator guarantees a full refund of the amount paid for the ticket under each of the following conditions:

(1) The ticketed event is cancelled.

(2) The purchaser is denied admission to the ticketed event, unless the denial is due to the action or omission of the purchaser.

(3) The ticket is not delivered to the purchaser in the manner described on the Web site or pursuant to the delivery guarantee made by the reseller, and the failure results in the purchaser's inability to attend the ticketed event.

(b) A Web site operator's guarantee pursuant to this section shall be posted on the operator's Web site, and a prospective purchaser shall be directed to such guaranty before completion of the resale transaction.

(c) A refund issued by a Web site operator pursuant to any of the conditions provided for in this section shall include any service, handling, or processing fees unless the fees are declared nonrefundable under the terms of the guarantee.

1 (d) The provisions of this section shall not apply to student tickets issued by
2 institutions of higher education in North Carolina for sporting events."

3 **SECTION 2.** Article 44 of Chapter 14 of the General Statutes is amended by
4 adding a new section to read:

5 **"§ 14-344.2. Bar on purchasing tickets in excess of maximum ticket limit.**

6 (a) For purposes of this section, the term "original ticket seller" means the issuer
7 of a ticket or a person or firm who provides distribution services or ticket sales services
8 under a contract with the issuer.

9 (b) Whoever knowingly acquires from the original ticket seller a quantity of
10 tickets to an event that exceeds 20 tickets and intends to resell such tickets shall be in
11 violation of G.S. 75-1.1, unless pursuant to an agreement with the original ticket seller.

12 (c) A person or firm is not liable under this section with respect to tickets for
13 which that person or firm is the original ticket seller.

14 (d) The provisions of this section shall not apply to tickets issued by institutions
15 of higher education in North Carolina which are issued to entities affiliated with that
16 institution of higher education."

17 **SECTION 3.** This act is effective when it becomes law.