

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
89th General Assembly  
Regular Session, 2013

# A Bill

SENATE BILL 930

By: Senator B. Pierce

## For An Act To Be Entitled

AN ACT TO ESTABLISH THE TICKET RESALE AND CONSUMER PROTECTION ACT; AND FOR OTHER PURPOSES.

## Subtitle

AN ACT TO ESTABLISH THE TICKET RESALE AND CONSUMER PROTECTION ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 4, Chapter 88, is amended to add an additional subchapter to read as follows:

Subchapter 9 - Ticket Resale and Consumer Protection Act

4-88-901. Title.

This subchapter shall be known and may be cited as the "Ticket Resale and Consumer Protection Act".

4-88-902. Definitions.

As used in this subchapter:

(1) "Event" means a concert, theatrical performance, sporting event, exhibition, show, or similar activity in this state that:

(A) Is open to the general public;

(B) Charges for admission; and

(C) Is held in a venue that:

(i) Accommodates one thousand (1,000) individuals or more;

(ii) Is a public work project; or

(iii) Is located on municipal or government



property;

(2)(A) "Event ticket" means a physical, electronic, or other form of a certificate, document, voucher, or token that indicates the bearer, possessor, or individual is entitled to:

(i) A revocable or irrevocable right, privilege, or license to enter a venue for an event or to occupy a particular seat or area in an event; or

(ii) Purchase the right, privilege, or license with respect to one (1) or more future events.

(B) "Event ticket" does not include an event ticket to a college athletic event;

(3) "Person" means a natural person, partnership, corporation, association, or other legal entity;

(4)(A) "Resale" includes any form of transfer or alienation, or an offer for transfer or alienation, of possession or entitlement to possession of an event ticket from one (1) person to another, with or without consideration, by means of an Internet website.

(B) "Resale" does not include the initial sale of an event ticket by the ticket issuer; and

(5) "Venue" means the theater, stadium, field, arena, hall, or other facility where an event takes place.

4-88-903. Internet sale of event tickets in excess of printed price.

(a)(1) A person may offer for resale an event ticket on the Internet at any price, including a price greater than the price on the face of the ticket.

(2) After receipt of payment, the event ticket may be delivered by mail, delivery service, or facsimile, email, Internet, or other electronic means.

(b) A person that offers an event ticket for resale shall:

(1) Maintain a toll-free telephone number for complaints and inquiries regarding the status of the event ticket; and

(2) Provide a full refund to a person that purchases an event ticket if:

(A) The event is canceled before the scheduled occurrence of the event and is not rescheduled;

(B) The event ticket is counterfeit;

(C) The event ticket is canceled by the ticket issuer for nonpayment by the original purchaser or for any reason other than an act or omission of the purchaser of the event ticket;

(D) The event ticket materially and to the detriment of the purchaser of the event ticket fails to conform to the description provided by the seller or reseller; or

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

(c)(1) The obligations of a person that offers an event ticket for resale under subdivision (b)(2) of this section shall be posted on the Internet website used to offer an event ticket for resale.

(2) A prospective resale purchaser shall be required to acknowledge the posting required by subdivision (c)(1) of this section before agreeing to a resale transaction.

(d) A refund issued under subdivision (b)(2) of this section shall include service fees, handling fees, and processing fees unless a service fee, handling fee, or processing fee is declared nonrefundable under the contract between the buyer and seller of an event ticket resale.

(e) A person and the website operator of a person that offers an event ticket for resale shall comply with § 4-70-103.

(f) Section 5-63-201 does not apply to the resale of an event ticket under this subchapter.

(g) This section does not prohibit a person from implementing consumer protection policies that supplement or enhance the requirements of this section.

4-88-904. Enforcement.

A violation of this subchapter is:

(1) A deceptive and unconscionable trade practice under § 4-88-101 et seq.; and

(2) Punishable and enforceable as provided by § 4-88-101 et seq.