

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 3463

(SENATE AUTHORS: CARLSON)

DATE	D-PG	OFFICIAL STATUS
04/06/2016	5704	Introduction and first reading Referred to Commerce

1.1 A bill for an act
 1.2 relating to commerce; regulating the transferability and format of event tickets;
 1.3 proposing coding for new law in Minnesota Statutes, chapter 325E.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. [325E.67] EVENT TICKETS.

1.6 Subdivision 1. **Definitions.** (a) For the purposes of this section, the terms in this
 1.7 subdivision have the meanings given them.

1.8 (b) "Event" means a concert, theatrical performance, sporting event, exhibition,
 1.9 show, or similar scheduled activity occurring in this state that:

1.10 (1) is open to the public;

1.11 (2) is a for-profit event;

1.12 (3) charges an admission fee;

1.13 (4) is held in a venue accommodating 12,000 or more persons; and

1.14 (5) is held in a venue that has received public funding for its construction,
 1.15 maintenance, or operation.

1.16 (c) "Ticket" means evidence, in whatever form that the possessor, or person entitled
 1.17 to possession, has of:

1.18 (1) a revocable or irrevocable right, privilege, or license to (i) enter an event or (ii)
 1.19 occupy a particular seat or area at an event; or

1.20 (2) an entitlement to purchase a right, privilege, or license to (i) enter an event or (ii)
 1.21 occupy a particular seat or area at an event.

1.22 (d) "Ticket issuer" means a person that makes tickets available, directly or indirectly,
 1.23 for initial sale to the public. Ticket issuer may include the operator of a venue, the sponsor
 1.24 or promoter of an event, a sports team participating in an event or in a league whose teams

2.1 are participating in an event, a theater company, a musical group, or a similar participant
2.2 in an event, or their agent.

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

2.5 Subd. 2. **Ticket issuer restrictions.** (a) A ticket issuer cannot charge, request,
2.6 or receive any amount in excess of the established price plus lawful taxes for a ticket.
2.7 However, a ticket issuer may charge a reasonable service charge for special services,
2.8 including delivery, nonticket office sales, and auctions.

2.9 (b) A ticket issuer shall not use a paperless ticketing system unless the purchaser is
2.10 given an option to purchase printed paper tickets that can be transferred at any price and
2.11 at any time, independent of the ticket issuer, and without additional fees. The ability for
2.12 a ticket to be transferred independent of the ticket issuer and offering tickets in printed
2.13 paper form are not special services for the purposes of imposing a service charge under
2.14 paragraph (a). A ticket issuer must offer printed paper tickets to purchasers:

2.15 (1) in person at a ticket office; and

2.16 (2) through first class United States mail.

2.17 (c) A ticket issuer must make all printed paper tickets, including subscription or
2.18 season ticket packages, available to the purchaser at least 15 days prior to the first event,
2.19 or as soon as is reasonable if the purchase occurs within 14 days of the first event.

2.20 (d) A ticket issuer shall not restrict in any way the resale of any tickets included in a
2.21 subscription or season ticket package as a condition of purchase.

2.22 (e) A ticket issuer shall not deny access to a person who possesses a resold
2.23 subscription or season ticket to a performance on the grounds that the ticket was resold.

2.24 (f) A ticket issuer cannot sell or transfer tickets to a ticket reseller that is owned
2.25 or controlled by the ticket issuer.

2.26 (g) A ticket issuer shall determine whether a seat has an obstructed view, and shall
2.27 disclose the obstruction to purchasers. If the ticket issuer discloses that a seat has an
2.28 obstructed view, it is the responsibility of any ticket reseller to disclose the obstruction
2.29 upon the resale of the ticket. Obstruction does not mean an obstruction caused by a person,
2.30 or an obstruction of view that is de minimus or transitory in nature.

2.31 Subd. 3. **Enforcement by attorney general; injunction and civil penalty.** (a) If the
2.32 attorney general believes that a person has violated or is violating this section, the attorney
2.33 general may bring an action on behalf of the state to enjoin the person from violating this
2.34 section. In addition to seeking an injunction, the attorney general may request:

2.35 (1) the imposition of a civil penalty in an amount not to exceed \$500 for each
2.36 violation of this section;

3.1 (2) an order requiring reimbursement to this state for the reasonable value of
3.2 investigating and prosecuting a violation of this section; and

3.3 (3) an order requiring restitution to an injured party for legal and professional
3.4 expenses related to the violation.

3.5 (b) The remedies provided in this subdivision are cumulative and do not restrict any
3.6 other right or remedy otherwise available to the injured party.