

FIRST REGULAR SESSION

HOUSE BILL NO. 939

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCCREERY.

1725H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 407, RSMo, by adding thereto one new section relating to resale of tickets for entertainment events.

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

Section A. Chapter 407, RSMo, is amended by adding thereto one new section, to be known as section 407.1800, to read as follows:

407.1800. 1. Notwithstanding any other provision of law to the contrary, no individual, corporation, business, or company shall:

(1) Restrict, by any means, the resale of any ticket or season ticket package as a condition of purchase or transfer, to retain such ticket or ticket package for the duration of the subscription or season ticket package agreement, or to retain any contractually agreed upon rights to purchase or transfer future ticket subscriptions or season ticket packages that are otherwise conferred in the subscription or season ticket agreement;

(2) Deny access to a ticket holder who possesses a resold ticket or season ticket to a performance based solely on the grounds that the ticket has been resold; or

(3) Employ a paperless ticketing system as further provided in subsection 2 of this section, unless the consumer is given an option to purchase paperless tickets that the consumer can transfer at any price and at any time without additional fees independent of the operator or operator's agent;

to any athletic contest, concert, theater performance, amusement park, exhibition, or other entertainment event to which the general public is admitted.

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.

17 **2. This section does not preclude an operator or operator’s agency from employing**
18 **a paperless ticketing system that does not allow for independent transferability of paperless**
19 **tickets only if the consumer is offered an option at the time of initial sale to purchase the**
20 **same tickets in some other form that is transferable independent of the operator or**
21 **operator’s agent including, but not limited to, paper tickets or e-tickets. The established**
22 **price for any given ticket shall be the same regardless of the form or transferability of such**
23 **ticket. The ability for a ticket to be transferred independent of the operator or operator’s**
24 **agent shall not constitute a special service for the purpose of charging a service charge.**

25 **3. Nothing in this section shall be construed to prohibit an operator of a place of**
26 **entertainment or such operator’s agent from:**

27 **(1) Maintaining and enforcing any policies regarding conduct or behavior at or in**
28 **connection with his or her venue; or**

29 **(2) Restricting the resale of tickets that are offered as part of a targeted promotion**
30 **at a discounted price or for free to specific individuals or groups of individuals because of**
31 **their status as or membership in a specific community or group including, but not limited**
32 **to, persons with disabilities, students, religious or civic organizations, or persons**
33 **demonstrating economic hardship; provided, that tickets offered promotionally to the**
34 **general public shall not be considered as tickets offered to specific individuals or groups**
35 **of individuals. Any promotional, discounted, or free tickets for which the operator or**
36 **operator’s agent restricts resale shall be clearly marked as such.**

37 **4. An operator shall be permitted to revoke or restrict season tickets for reasons**
38 **relating to violations of venue policies including, but not limited to, attempts by two or**
39 **more persons to gain admission to a single event with both the cancelled tickets originally**
40 **issued to a season ticket holder and those tickets re-issued as part of a resale transaction**
41 **and to the extent the operator may deem necessary for the protection of the safety of**
42 **patrons or to address fraud or misconduct.**

43 **5. For the purposes of this section, the following terms shall mean:**

44 **(1) “Paperless ticket”, a ticket created on a purchasers credit card or other**
45 **electronic medium. A paperless ticket shall be transferable;**

46 **(2) “Paperless ticketing system”, any system employed that may be virtually**
47 **validated and is not a paper ticket;**

48 **(3) “Ticket”, any physical, electronic, or other form of a certificate, document,**
49 **voucher, token, or other evidence indicating that the bearer, possessor, or person entitled**
50 **to possession through purchase or otherwise has either a revocable or irrevocable right,**
51 **privilege, or license to enter an event venue or occupy a particular seat or area in a venue**

52 **with respect to one or more events or an entitlement to purchase that right, privilege, or**
53 **license with respect to one or more future events.**

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