

Sen. D'Allesandro, Dist 20
Sen. Chandley, Dist 11
April 3, 2024
2024-1423s
02/08

Floor Amendment to SB 328-FN

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 New Paragraph; Regulation of Business Practices for Consumer Protection; Acts Unlawful;
4 Unauthorized Resellers. Amend RSA 358-A:2 by inserting after paragraph XVIII the following new
5 paragraph:

6 XIX.(a) In this paragraph:

7 (1) "Clear and conspicuous" or "clearly and conspicuously" means that a required
8 disclosure is difficult to miss (i.e., easily noticeable) and easily understandable by ordinary
9 consumers.

10 (2) "Resale" means the second or subsequent sale of a ticket. "Resale" includes a sale
11 by any means, including in person, by telephone, by mail, by e-mail, by facsimile, or through a
12 website or other electronic means.

13 (3) "Reseller" means a person engaged in the resale of tickets.

14 (4) "Secondary ticket exchange" means an electronic marketplace that enables
15 consumers to sell, purchase, and resell tickets.

16 (5) "Speculative ticket" means a ticket that is not in the actual or constructive
17 possession of a reseller at the time of sale. "Speculative ticket" includes a ticket sold by a reseller
18 that, at the time of resale:

19 (A) Is not in the physical possession of the reseller;

20 (B) Is not owned by the reseller; or

21 (C) Is not under contract to be transferred to the reseller.

22 (6) "Ticket" means physical, electronic, or other evidence, that grants the possessor
23 of the evidence license to enter a place of entertainment for one or more events at a specified date
24 and time.

25 (7) "Ticket Issuer" means a person that, directly or indirectly, issues initial tickets
26 for an entertainment event. "Ticket issuer" includes a musician or musical group, an operator of a
27 venue, a sponsor or a promoter of an entertainment event, a sports team participating in an
28 entertainment event, a sports league whose teams are participating in an entertainment event, a
29 theater company, a marketplace or service operated for consumers to make an initial purchase of
30 tickets, or an agent of any of the persons listed in this subparagraph.

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1 (8) “URL” means the Uniform Resource Locator associated with an online website.

2 (b) This subparagraph applies only to secondary ticket exchanges, ticket issuers,
3 resellers, and any person selling or reselling a ticket. The listing for a ticket shall:

4 (1) Clearly and conspicuously disclose the total price of the ticket, including all fees,
5 surcharges, and taxes required to be paid in order to purchase the ticket, from the first time a price
6 is displayed and anytime thereafter;

7 (2) Not increase the total price of the ticket from the first time a price is displayed,
8 excluding the addition of reasonable postage or carrier charges incurred to ship non-electronic
9 tickets based on the location or delivery method selected by the purchaser, which shall be disclosed
10 and added to the total cost prior to purchase;

11 (3) Provide an itemized listing of all charges that comprise the total price of the
12 ticket, including all fees, surcharges, and taxes prior to purchase;

13 (4) Identify the row number and zone or section of the ticket, to the extent applicable
14 to the seat and venue; and

15 (5) Provide a clear and conspicuous statement, before a visitor purchases an event
16 ticket from the ticket issuer, reseller, or secondary ticket exchange that the issuer, reseller, or
17 exchange is engaged in the secondary sale of event tickets.

18 (c) A person shall not prohibit or restrict the transfer or resale of a ticket that was made
19 available to the general public for purchase.

20 (d) A reseller shall not sell or offer to sell speculative tickets. Nothing in this section
21 shall be construed to prohibit a reseller or a secondary ticket exchange from offering a service to a
22 consumer to obtain a ticket on behalf of the consumer if the reseller or secondary ticket exchange
23 complies with the following:

24 (1) Does not market or list the service as a ticket.

25 (2) Maintains a clear, distinct, and easily discernible separation between the service
26 and event tickets through unavoidable visual demarcation that persists throughout the entire
27 service selection and purchasing process.

28 (3) Clearly and conspicuously discloses before selection of the service that the service
29 is not a ticket and that the purchase of the service does not guarantee a ticket.

30 (4) In the event the service is unable to obtain the specified ticket purchased through
31 the service for the consumer, provides the consumer that purchased the service, within a reasonable
32 amount of time:

33 (A) A full refund for the total cost of the service to obtain a ticket on behalf of the
34 consumer; or

35 (B) Subject to availability, a replacement ticket in the same or a comparable
36 location with the approval of the consumer; and

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1 (5) Does not obtain more tickets in each transaction than the numerical
2 limitations for tickets set by the venue and artist for each respective event.

3 (e) This subparagraph shall not apply to a person who is acting on behalf of a ticket
4 issuer. A person who owns, operates, or controls a website to sell, resell, or facilitate the sale or
5 resale of a ticket may not use or display:

6 (1) Any trademarked or copyrighted URL, title, designation, image, mark, or any
7 other symbol of a ticket issuer; or

8 (2) Any combination of text, images, website, graphics, website display, or website
9 addresses that is substantially similar to the website of a ticket issuer in a manner that could
10 reasonably be expected to mislead a potential purchaser.

11 (3) This subparagraph does not prohibit a reseller or secondary ticketing exchange
12 from using text or images containing the name of a ticket issuer, a place of entertainment, or an
13 event in order to:

14 (A) Describe an event;

15 (B) Identify the location at which the event will occur; or

16 (C) Identify the space within the venue that the event ticket would or has
17 entitled the bearer to occupy for an entertainment event.

18 2 Effective Date. This act shall take effect January 1, 2025.

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AMENDED ANALYSIS

This bill regulates secondary ticket exchanges, ticket issuers, and resellers, and prohibits speculative ticket sales.