

HOUSE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

March 23, 2023  
Date

Committee on Business Affairs & Labor.

After consideration on the merits, the Committee recommends the following:

SB23-060 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, page 3, strike lines 12 through 19 and substitute:

2           "(f) "Reseller" means a person ~~or entity~~ that offers or sells RESALE  
3 tickets. ~~for resale after the original sale by the operator including an entity~~  
4 ~~that operates a platform or exchange for the purchase and sale of tickets~~  
5 ~~to events that also engages in the purchase and resale of the ticket either~~  
6 ~~on behalf of the operator or on its own behalf if a reseller."~~

7 Page 4, after line 2 insert:

8           "(i) (I) "TICKET RESALE MARKETPLACE" MEANS A PERSON THAT  
9 OPERATES A PLATFORM OR EXCHANGE FOR THE PURCHASE AND RESALE OF  
10 TICKETS BETWEEN THIRD PARTIES OR BETWEEN THE TICKET RESALE  
11 MARKETPLACE AND A THIRD PARTY.

12           (II) "TICKET RESALE MARKETPLACE" INCLUDES A PRIMARY TICKET  
13 SELLER TO THE EXTENT THAT THE PRIMARY TICKET SELLER ALSO  
14 FACILITATES THE PURCHASE AND RESALE OF TICKETS BETWEEN THIRD  
15 PARTIES."

16 Page 4, strike lines 3 and 4 and substitute:

17           "~~(2) Resellers~~ THE OPERATOR, PRIMARY TICKET SELLER, RESELLER,  
18 OR TICKET RESALE MARKETPLACE FROM WHICH A PURCHASER BOUGHT A  
19 TICKET shall guarantee a full refund OF THE TICKET to ~~a~~ THE purchaser  
20 if:"

21 Page 4, strike like 10 and substitute "~~as represented~~ to the purchaser. ~~by~~  
22 ~~the reseller~~:"

1 Page 4, strike lines 22 and 23 and insert:

2 "(B) AS PART OF A CHARITABLE EVENT FOR ANY BENEVOLENT,  
3 EDUCATIONAL, PHILANTHROPIC, HUMANE, SCIENTIFIC, PATRIOTIC, SOCIAL  
4 WELFARE OR ADVOCACY, PUBLIC HEALTH, ENVIRONMENTAL, CIVIC, OR  
5 OTHER ELEEMOSYNARY PURPOSE, OR FOR ANY OBJECTIVE OF LAW  
6 ENFORCEMENT OFFICERS, FIREFIGHTERS, OTHER PERSONS WHO PROTECT  
7 THE PUBLIC SAFETY, OR VETERANS, OR FOR ANY OBJECTIVE OF  
8 SPONSORING THE FREE ATTENDANCE OF PERSONS TO ANY EVENT; OR".

9 Page 5, strike line 4 and substitute:

10 "(4) A person, ~~or entity~~, including an operator, ~~that regulates~~".

11 Page 5, line 9, after "reseller" insert "OR TICKET RESALE MARKETPLACE".

12 Page 5, line 22, after "RESELLER," insert "A TICKET RESALE  
13 MARKETPLACE,".

14 Page 6, after line 15 insert:

15 "(d) IS AWARE OF THE USE OF SOFTWARE APPLICATIONS FOR EVENT  
16 TICKET SALES AS DESCRIBED IN SUBSECTIONS (1)(a), (1)(b), AND (1)(c) OF  
17 THIS SECTION AND FAILS TO NOTIFY THE ATTORNEY GENERAL OF THE USE  
18 OF THOSE SOFTWARE APPLICATIONS;".

19 Reletter succeeding paragraphs accordingly.

20 Page 7, line 18, strike "OR".

21 Page 8, strike line 7 and substitute "TICKET; OR

22 (1) FAILS TO CLEARLY AND CONSPICUOUSLY DISCLOSE ON A  
23 WEBSITE BEING UTILIZED FOR THE ORIGINAL SALE OF TICKETS TO AN  
24 EVENT:

25 (I) THE TOTAL NUMBER OF TICKETS THAT WILL BE OFFERED FOR  
26 SALE TO THE EVENT NOT LESS THAN ONE DAY BEFORE THE DATE ON WHICH  
27 THE TICKETS ARE MADE AVAILABLE FOR SALE;

28 (II) WHETHER ADDITIONAL TICKETS WILL BE MADE AVAILABLE FOR  
29 SALE AT A LATER DATE;

30 (III) AN HOURLY UPDATE REGARDING THE NUMBER OF TICKETS  
31 STILL AVAILABLE TO THE PUBLIC FOR PURCHASE;

32 (IV) FOR TICKETS DISCLOSED PURSUANT TO SUBSECTION (1)(I)(I)  
33 OF THIS SECTION, THE PRICE OF THOSE TICKETS, INCLUDING THE NUMBER

1 AND TOTAL COST OF TICKETS OFFERED AT A SET PRICE; AND  
2 (V) THE NUMBER OF TICKETS WITH PRICES THAT WILL FLUCTUATE  
3 TO REFLECT MARKET DEMAND."

4 Page 9, after line 2 insert:

5 "(i) "TICKET RESALE MARKETPLACE" HAS THE SAME MEANING AS  
6 SET FORTH IN SECTION 6-1-718 (1)(i)."

7 Reletter succeeding paragraph accordingly.

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