

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0536.02 Christopher McMichael x4775

HOUSE BILL 24-1378

HOUSE SPONSORSHIP

Lindstedt and Valdez,

SENATE SPONSORSHIP

Sullivan and Gardner,

House Committees
Business Affairs & Labor

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CONSUMER PROTECTION IN EVENT TICKET SALES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill amends consumer protection laws regarding ticket sales and resales for events. The bill requires operators and resellers to guarantee refunds to purchasers of tickets under certain circumstances. The bill prohibits an operator from denying an individual access to an event because the individual's ticket was bought through a reseller.

The bill also expands the actions that constitute a deceptive trade practice during the sale or resale of tickets. A person engages in a deceptive trade practice when, in the course of the person's business,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

vocation, or occupation, the person:

- Displays trademarked, copyrighted, or substantially similar web designs, URLs, or other images and symbols with the intent to mislead a purchaser;
- Sells a ticket to an event without disclosing the total cost of the ticket, including the cost of any service charge or other fees that must be paid, or displays service charges and fees less prominently than the total price of the ticket; or
- Increases the price of a ticket once the ticket has been selected for purchase, with the exception of adding delivery fees.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 6-1-718, **amend** (1)
3 introductory portion, (1)(c), (2), (3)(b), (4), and (5) as follows:

4 **6-1-718. Ticket sales and resales - prohibitions - unlawful**
5 **conditions - definitions.** (1) As used in this section AND IN SECTION
6 6-1-720, unless the context otherwise requires:

7 (c) (I) "Place of entertainment" OR "VENUE" means a public or
8 private entertainment facility IN THIS STATE, such as a stadium, arena,
9 racetrack, museum, amusement park, or other place where performances,
10 concerts, exhibits, athletic games, or contests are held, for which an entry
11 fee is charged, to which the public is invited to observe, and for which
12 tickets are sold.

13 (II) "Place of entertainment" OR "VENUE" does not include a ski
14 area OR A MOVIE THEATER.

15 (2) ~~Resellers~~ AN OPERATOR OR A RESELLER FROM WHICH A
16 PURCHASER BOUGHT A TICKET shall guarantee a full refund OF THE TICKET
17 PRICE to a THE purchaser if:

18 (a) The event ~~for which the ticket was resold~~ is canceled;

19 (b) The ticket does not or would not in fact grant the purchaser

1 admission to the event, ~~for which the ticket was resold~~ EXCEPT IF
2 NONADMISSION TO THE EVENT IS DUE TO AN ACT OR OMISSION BY THE
3 PURCHASER;

4 (c) The ticket PURCHASED FROM THE RESELLER OR OPERATOR is
5 counterfeit; or

6 (d) The ticket PURCHASED FROM THE RESELLER OR OPERATOR fails
7 to conform to its description as advertised or as represented to the
8 purchaser. ~~by the reseller.~~

9

10 (3) (b) Nothing in this section ~~shall be deemed to prohibit~~
11 PROHIBITS an operator from prohibiting the resale of:

12 (I) A contractual right in a season ticket package agreement that
13 gives the original purchaser a priority or other preference to enter into a
14 subsequent season ticket package agreement with the operator; OR

15 (II) A TICKET TO A PLACE OF ENTERTAINMENT IF THE TICKET WAS
16 INITIALLY OFFERED:

17 (A) AT NO CHARGE, AND ACCESS TO THE TICKET IS NOT
18 CONTINGENT UPON PROVIDING ANY FORM OF MONETARY CONSIDERATION;
19 OR

20 (B) BY OR ON BEHALF OF A CHARITABLE ORGANIZATION, AS
21 DEFINED IN SECTION 6-16-103 (1), WHERE ALL PROCEEDS FROM THE
22 TICKET SALE ARE PROVIDED TO THE CHARITABLE ORGANIZATION, AND FOR
23 A CHARITABLE EVENT FOR A BENEVOLENT, EDUCATIONAL,
24 PHILANTHROPIC, HUMANE, SCIENTIFIC, PATRIOTIC, SOCIAL WELFARE,
25 SOCIAL ADVOCACY, PUBLIC HEALTH, ENVIRONMENTAL, CIVIC, OR OTHER
26 ELEEMOSYNARY PURPOSE; FOR AN OBJECTIVE OF LAW ENFORCEMENT
27 OFFICERS, FIREFIGHTERS, OR OTHER INDIVIDUALS WHO PROTECT THE

1 PUBLIC SAFETY; OR FOR VETERANS.

2 (4) A person, ~~or entity~~, including an operator, that regulates
3 admission to an event shall not deny access to the event to a person in
4 possession of a valid ticket to the event, ~~OR REVOKE A VALID TICKET TO~~
5 ~~THE EVENT~~, regardless of whether the ticket is subject to a subscription or
6 season ticket package agreement, based solely on the ground that ~~such~~
7 ~~THE~~ ticket was resold through a reseller that was not approved by the
8 operator.

9 (5) ~~SUBJECT TO THE REQUIREMENTS OF SUBSECTION (4) OF THIS~~
10 ~~SECTION~~, nothing in this section shall be construed to prohibit an operator
11 from maintaining and enforcing policies regarding conduct or behavior
12 at or in connection with the operator's ~~venue~~ PLACE OF ENTERTAINMENT.

13 An operator may revoke or restrict ~~season~~ tickets:

14 (a) For reasons relating to a violation of venue policies ~~and to the~~
15 ~~extent the operator may deem necessary for~~ THAT ARE AVAILABLE IN
16 WRITING;

17 (b) FOR the protection of the safety of patrons; or

18 (c) To address fraud or misconduct.

19 **SECTION 2.** In Colorado Revised Statutes, 6-1-720, **amend** (1)
20 introductory portion, (1)(a), and (2); and **add** (1)(c), (1)(d), (1)(e), (1)(f),
21 (1)(g), (1)(h), (1)(i), and (2.5) as follows:

22 **6-1-720. Ticket sales - deceptive trade practice - definitions.**

23 (1) A person engages in a deceptive trade practice when, in the course of
24 the person's business, vocation, or occupation, ~~such~~ THE person:

25 (a) Uses or causes to be used a software application that runs
26 automated tasks over the internet to access a computer, computer
27 network, or computer system, or any part thereof, for the purpose of

1 purchasing tickets in excess of authorized limits for an online event ticket
2 sale with the intent to resell such tickets; or

3 (c) USES OR CAUSES TO BE USED AN INTERNET DOMAIN NAME OR
4 SUBDOMAIN NAME IN AN OPERATOR'S OR RESELLER'S URL IF THE
5 INTERNET DOMAIN NAME OR SUBDOMAIN NAME USED CONTAINS ANY OF
6 THE FOLLOWING WITHOUT PRIOR WRITTEN AUTHORIZATION:

7 (I) THE NAME OF THE PLACE OF ENTERTAINMENT;

8 (II) THE NAME OF THE EVENT, INCLUDING THE NAME OF THE
9 INDIVIDUAL OR ENTITY SCHEDULED TO PERFORM OR APPEAR AT THE
10 EVENT; OR

11 (III) A NAME SUBSTANTIALLY SIMILAR TO THOSE DESCRIBED IN
12 SUBSECTIONS (1)(c)(I) AND (1)(c)(II) OF THIS SECTION;

13 (d) USES OR CAUSES TO BE USED, WITHOUT PRIOR WRITTEN
14 AUTHORIZATION, AN INTERNET WEBSITE TO DISPLAY A TEXT, IMAGE,
15 WEBSITE GRAPHIC, WEBSITE DESIGN, OR INTERNET ADDRESS THAT
16 INDIVIDUALLY OR IN COMBINATION IS SUBSTANTIALLY SIMILAR TO AN
17 OPERATOR'S INTERNET WEBSITE IN A MANNER THAT COULD REASONABLY
18 BE EXPECTED TO MISLEAD A POTENTIAL PURCHASER;

19 (e) SELLS A TICKET TO AN EVENT AT A PLACE OF ENTERTAINMENT
20 WITHOUT DISCLOSING THE TOTAL TICKET COST, INCLUSIVE OF ALL
21 ANCILLARY FEES THAT MUST BE PAID IN ORDER TO PURCHASE THE TICKET,
22 THE FIRST TIME A PRICE IS DISPLAYED TO THE PURCHASER AND ANYTIME
23 THE PRICE IS DISPLAYED THEREAFTER;

24 (f) SELLS A TICKET TO AN EVENT AT A PLACE OF ENTERTAINMENT
25 WITHOUT DISCLOSING IN A CLEAR AND CONSPICUOUS MANNER THE
26 PORTION OF THE TICKET COST THAT REPRESENTS A SERVICE CHARGE FOR
27 THE PURCHASE OR OTHER FEE OR SURCHARGE FOR THE PURCHASE;

1 (g) MAKES A FALSE OR MISLEADING DISCLOSURE TO A PURCHASER
2 OF SUBTOTALS, FEES, CHARGES, OR ANY OTHER COMPONENT OF THE TOTAL
3 PRICE OF A TICKET;

4 (h) PRESENTS SUBTOTALS, FEES, CHARGES, OR ANY OTHER
5 COMPONENT OF THE TOTAL PRICE OF THE TICKET MORE PROMINENTLY OR
6 IN A FONT SIZE THAT IS LARGER THAN THE FONT SIZE USED TO PRESENT THE
7 TOTAL PRICE OF THE TICKET; OR

8 (i) INCREASES THE TOTAL PRICE OF A TICKET AFTER THE FIRST TIME
9 A PRICE IS DISPLAYED TO THE PURCHASER; EXCEPT THAT THE PERSON MAY
10 ADD FEES FOR THE DELIVERY OF NONELECTRONIC TICKETS BASED ON
11 DELIVERY TO THE PURCHASER'S ADDRESS OR THE DELIVERY METHOD
12 SELECTED BY THE PURCHASER IF THE PERSON DISCLOSES THE AMOUNT OF
13 EACH DELIVERY FEE PRIOR TO ACCEPTING PAYMENT.

14 (2) As used in this section, unless the context otherwise requires:

15 (a) "In excess of authorized limits" ~~with regard to an online~~
16 ~~purchase of tickets~~, means exceeding a restriction on the number of
17 individual tickets that can be purchased by ~~any~~ A single person or
18 circumventing any other terms and conditions of access to an online event
19 ticket sale established by the ~~event sponsor or promoter~~ OPERATOR.

20 (b) "INTERNET DOMAIN NAME" MEANS A GLOBALLY UNIQUE,
21 HIERARCHICAL REFERENCE TO AN INTERNET HOST OR SERVICE THAT IS:

22 (I) ASSIGNED THROUGH A CENTRALIZED INTERNET NAMING
23 AUTHORITY; AND

24 (II) COMPOSED OF A SERIES OF CHARACTER STRINGS SEPARATED
25 BY PERIODS WITH THE RIGHTMOST STRING SPECIFYING THE TOP OF THE
26 HIERARCHY.

27 ~~(b)~~ (c) "Online event ticket sale" means ~~an electronic system~~ A

1 PROCESS utilized by the ~~sponsor or promoter of a sporting or~~
2 ~~entertainment event~~ OPERATOR to ~~sell~~ MAKE AN ORIGINAL SALE OF tickets
3 to ~~such~~ THE event to the public over the internet.

4 (d) "URL" MEANS A UNIFORM RESOURCE LOCATOR FOR A WEBSITE
5 ON THE INTERNET.

6 (2.5) DEFINITIONS IN SECTION 6-1-718 (1) APPLY TO TERMS AS
7 THEY ARE USED IN THIS SECTION.

8 **SECTION 3. Act subject to petition - effective date -**
9 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
10 the expiration of the ninety-day period after final adjournment of the
11 general assembly; except that, if a referendum petition is filed pursuant
12 to section 1 (3) of article V of the state constitution against this act or an
13 item, section, or part of this act within such period, then the act, item,
14 section, or part will not take effect unless approved by the people at the
15 general election to be held in November 2024 and, in such case, will take
16 effect on the date of the official declaration of the vote thereon by the
17 governor.

18 (2) This act applies to conduct occurring on or after the effective
19 date of this act.