

CHAPTER 400

CONSUMER AND COMMERCIAL TRANSACTIONS

HOUSE BILL 24-1378

BY REPRESENTATIVE(S) Lindstedt and Valdez, Amabile, Bacon, Bird, Boesenecker, Brown, Duran, Epps, Froelich, Hamrick, Jodeh, Lieder, Mabrey, Marshall, Mauro, McCormick, McLachlan, Ortiz, Parenti, Rutinel, Sirota, Snyder, Titone, Willford, Young, McCluskie, Daugherty, Hernandez, Ricks, Woodrow;
also SENATOR(S) Sullivan and Gardner, Buckner, Cutter, Exum, Hinrichsen, Liston, Michaelson Jenet, Priola.

AN ACT**CONCERNING CONSUMER PROTECTION IN EVENT TICKET SALES.**

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

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

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

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

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

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

- (a) The event ~~for which the ticket was resold~~ is canceled;
- (b) The ticket does not or would not in fact grant the purchaser admission to the

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

(c) The ticket PURCHASED FROM THE RESELLER OR OPERATOR, AS APPLICABLE, is counterfeit; or

(d) The ticket PURCHASED FROM THE RESELLER OR OPERATOR, AS APPLICABLE, fails to REASONABLY conform to its description as advertised or as represented to the purchaser. ~~by the reseller.~~

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

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

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

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

(B) BY OR ON BEHALF OF A CHARITABLE ORGANIZATION, AS DEFINED IN SECTION 6-16-103 (1), FOR A CHARITABLE PURPOSE, AS DEFINED IN SECTION 6-16-103 (2), WHERE ALL PROCEEDS FROM THE TICKET SALE ARE PROVIDED TO THE CHARITABLE ORGANIZATION.

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

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

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

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

(c) To address fraud or misconduct.

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

6-1-720. Ticket sales - deceptive trade practice - definitions. (1) A person engages in a deceptive trade practice when, in the course of the person's business, vocation, or occupation, ~~such~~ THE person:

(a) Uses or causes to be used a software application that runs automated tasks over the internet to access a computer, computer network, or computer system, or any part thereof, for the purpose of purchasing tickets in excess of authorized limits for an online event ticket sale with the intent to resell such tickets; ~~or~~

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

(I) THE NAME OF THE PLACE OF ENTERTAINMENT;

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

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

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

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

(II) A PERSON IS NOT REQUIRED TO INCLUDE THE AMOUNT OF ANY SALES TAX REQUIRED TO PURCHASE A TICKET WHEN DISCLOSING THE TOTAL COST OF A TICKET TO A PURCHASER IN ACCORDANCE WITH SUBSECTION (1)(e)(I) OF THIS SECTION IF THE PERSON DISCLOSES THE AMOUNT OF ANY SALES TAX TO THE PURCHASER PRIOR TO COMPLETION OF THE TRANSACTION.

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

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

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

(i) INCREASES THE TOTAL PRICE OF A TICKET AFTER THE FIRST TIME A PRICE IS DISPLAYED TO THE PURCHASER; EXCEPT THAT THE PERSON:

(I) SHALL ADD ANY APPLICABLE SALES TAX TO THE TOTAL PRICE OF A TICKET PRIOR TO THE COMPLETION OF THE TRANSACTION BY THE PURCHASER;

(II) MAY ADD FEES FOR THE DELIVERY OF NONELECTRONIC TICKETS BASED ON DELIVERY TO THE PURCHASER'S ADDRESS OR THE DELIVERY METHOD SELECTED BY THE PURCHASER IF THE PERSON DISCLOSES THE AMOUNT OF EACH DELIVERY FEE PRIOR TO ACCEPTING PAYMENT; AND

(III) MAY INCREASE THE TOTAL PRICE OF A TICKET IF THE PURCHASER'S TRANSACTION PERIOD HAS TIMED OUT AND THE PURCHASER HAS NOT YET PURCHASED THE TICKET.

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

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

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

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

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

~~(b)~~ (c) "Online event ticket sale" means ~~an electronic system~~ A PROCESS utilized by the ~~sponsor or promoter of a sporting or entertainment event~~ OPERATOR to ~~sell~~ MAKE AN ORIGINAL SALE OF tickets to ~~such~~ THE event to the public over the internet.

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

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

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

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

Approved: June 5, 2024