

CHAPTER 45

CONSUMER AND COMMERCIAL TRANSACTIONS

SENATE BILL 08-024

BY SENATOR(S) Tochtrop, Groff, Kester, Mitchell S., Penry, Shaffer, and Ward;
also REPRESENTATIVE(S) Soper, Benefield, Casso, Curry, Kerr A., Labuda, Looper, Massey, McKinley, McNulty, Rose,
Sonnenberg, Stafford, Summers, Ferrandino, Fischer, Green, Kerr J., Lundberg, Mitchell V., and Todd.

AN ACT**CONCERNING INCREASED CONSUMER PROTECTION RELATING TO THE RESALE OF TICKETS.**

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

SECTION 1. Part 7 of article 1 of title 6, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

6-1-718. Ticket sales and resales - prohibitions - unlawful conditions - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "OPERATOR" MEANS A PERSON OR ENTITY WHO OWNS, OPERATES, OR CONTROLS A PLACE OF ENTERTAINMENT OR WHO PROMOTES OR PRODUCES ENTERTAINMENT AND THAT SELLS A TICKET TO AN EVENT FOR ORIGINAL SALE, INCLUDING AN EMPLOYEE OF SUCH PERSON OR ENTITY.

(b) "ORIGINAL SALE" MEANS THE FIRST SALE OF A TICKET BY AN OPERATOR.

(c) "PLACE OF ENTERTAINMENT" MEANS A PUBLIC OR PRIVATE ENTERTAINMENT FACILITY, 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. "PLACE OF ENTERTAINMENT" DOES NOT INCLUDE A SKI AREA.

(d) "PURCHASER" MEANS A PERSON OR ENTITY WHO PURCHASES A TICKET TO A PLACE OF ENTERTAINMENT.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(e) "RESALE" OR "RESOLD" MEANS A SALE OTHER THAN THE ORIGINAL SALE OF A TICKET BY A PERSON OR ENTITY.

(f) "RESELLER" MEANS A PERSON OR ENTITY THAT OFFERS OR SELLS TICKETS FOR RESALE AFTER THE ORIGINAL SALE BY THE OPERATOR INCLUDING AN ENTITY THAT OPERATES A PLATFORM OR EXCHANGE FOR THE PURCHASE AND SALE OF TICKETS TO EVENTS THAT ALSO ENGAGES IN THE PURCHASE AND RESALE OF THE TICKET EITHER ON BEHALF OF THE OPERATOR OR ON ITS OWN BEHALF IF A RESELLER.

(g) "TICKET" MEANS A LICENSE ISSUED BY THE OPERATOR OF A PLACE OF ENTERTAINMENT FOR ADMISSION TO AN EVENT AT THE DATE AND TIME SPECIFIED ON THE TICKET, SUBJECT TO THE TERMS AND CONDITIONS AS SPECIFIED BY THE OPERATOR.

(2) RESELLERS SHALL GUARANTEE A FULL REFUND TO A PURCHASER IF:

(a) THE EVENT FOR WHICH THE TICKET WAS RESOLD IS CANCELLED;

(b) THE TICKET DOES NOT OR WOULD NOT IN FACT GRANT THE PURCHASER ADMISSION TO THE EVENT FOR WHICH THE TICKET WAS RESOLD;

(c) THE TICKET IS COUNTERFEIT; OR

(d) THE TICKET FAILS TO CONFORM TO ITS DESCRIPTION AS ADVERTISED OR AS REPRESENTED TO THE PURCHASER BY THE RESELLER.

(3) (a) IT IS VOID AS AGAINST PUBLIC POLICY TO APPLY A TERM OR CONDITION TO THE ORIGINAL SALE TO THE PURCHASER TO LIMIT THE TERMS OR CONDITIONS OF RESALE, INCLUDING, BUT NOT LIMITED TO, A TERM OR CONDITION:

(I) THAT RESTRICTS RESALE IN A SUBSCRIPTION OR SEASON TICKET PACKAGE AGREEMENT AS A CONDITION OF PURCHASE;

(II) THAT A PURCHASER MUST COMPLY WITH TO RETAIN A TICKET FOR THE DURATION OF A SUBSCRIPTION OR SEASON TICKET PACKAGE AGREEMENT THAT LIMITS THE RIGHTS OF THE PURCHASER TO RESELL THE TICKET;

(III) THAT A PURCHASER MUST COMPLY WITH TO RETAIN ANY CONTRACTUALLY AGREED-UPON RIGHTS TO PURCHASE FUTURE SUBSCRIPTIONS OR SEASON TICKET PACKAGE AGREEMENTS; OR

(IV) THAT IMPOSES A SANCTION ON THE PURCHASER IF THE SALE OF THE TICKET IS NOT THROUGH A RESELLER APPROVED BY THE OPERATOR.

(b) NOTHING IN THIS SECTION SHALL BE DEEMED TO PROHIBIT AN OPERATOR FROM PROHIBITING THE RESALE OF 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.

(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, REGARDLESS OF WHETHER THE TICKET IS SUBJECT TO A SUBSCRIPTION OR SEASON TICKET PACKAGE AGREEMENT, BASED SOLELY ON THE GROUND THAT SUCH TICKET WAS RESOLD THROUGH A RESELLER THAT WAS NOT APPROVED BY THE OPERATOR.

(5) 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. AN OPERATOR MAY REVOKE OR RESTRICT SEASON TICKETS FOR REASONS RELATING TO A VIOLATION OF VENUE POLICIES AND TO THE EXTENT THE OPERATOR MAY DEEM NECESSARY FOR THE PROTECTION OF THE SAFETY OF PATRONS OR TO ADDRESS FRAUD OR MISCONDUCT.

SECTION 2. Applicability. This act shall apply to acts occurring on or after the effective date of this act.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 19, 2008