

House Business Affairs & Labor

03/23/2023 01:30 PM

SB23-060 Consumer Protection In Event Ticketing Sales

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Daryl James For themselves	<p>This is written to support the passage of SB23-060. I am a member and chair of the University of Colorado Artist Series Advisory Board, as well as a purchaser of tickets to various performing events in Colorado. I have personally been affected by the shady operations of some entities seeking to profit from online ticket sales who have somehow procured tickets to events and then sought to sell them at wildly inflated prices. Such practices are harmful to performance venues as well as concert-goers.</p> <p>Please enact the bill.</p>
Maryan Jaross For themselves	<p>I'm a member of the CU Artist Series Advisory Board and am also a frequent buyer of tickets online. The up-charges, nonsense and thievery of these organizations needs to be stopped and regulated. As an example, when we tried to get tickets for Trevor Noah in Denver, every time we selected seats and went to pay for them, they were gone until the event was sold out. We bought tickets and plane tickets to see him in Nashville. That should not have happened.</p>

Hi Representatives,

My name is Arthur Lewis.

I'm against this bill because ticketmaster is for it.

When I found out about ticketmaster's and its lobbyist's campaign donations to Senator Rodriguez I'm really against this bill because he is selling fans out to a big monopoly.

I can't see how you can go to your constituents and say your voting in support of ticketmaster.

I was born and currently live in Denver. I testified before Senator Rodriguez committee in 2021 when the same Livenation/ Ticketmaster lobbyists were trying to weaken Colorado's strong pro-consumer ticket law with SB21-186. I write as someone with Broncos season tickets. Broncos season ticket bills are due to ticketmaster tomorrow March 24th! A season ticket buyer pays thousands or tens of thousands of dollars for games that don't even have announced dates when you are buying them and now because of ticketmaster with no paper tickets the tickets are electronically held in ticketmaster's system. Colorado already has a pro-consumer ticketing law that says a buyer can transfer tickets- so its important transferability be maintained. With 10 Broncos NFL games, 41 NBA games, 41 NHL games and 81 MLB Baseball games it's very easy for plans to change. If you buy a concert ticket six months in advance, plans can change. The reason ticketmaster doesn't want to issue paper tickets is because they want a sell button on the digital ticket in the app to make an insane 25% fee if you have to sell a ticket. Physical ticket stubs are some of my most cherished memories. I was at Taylor Swift's concert in Denver in 2013 when she was assaulted backstage before her show and I was also at Taylor Swift's trial in Denver which had just 32 seats. Very troubled by the language in this bill that in order to sell

needs a rights holder's permission or you will be fined? If you were really working on Pro-Artist or Pro-Consumer legislation, Live nation/Ticketmaster would be opposed, not in support.

In Denver- Ticketmaster/Live Nation controls all the tickets for the major sport teams:

Broncos NFL Stadium- Empower Field 76,000 seats x 10 Broncos games + concerts over 1,000,000+ tickets a year

Nuggets/Avalanche/Mammoth NBA/NHL/lacrosse stadium- Ball Arena 18,000 seats x 41 NBA games + 41 Hockey games + concerts over 1,476,000+ tickets

Rockies Baseball stadium- Coors Field 50,144 x 81 + other events over 4,061,664+ tickets

MLS soccer stadium- Dicks Field 18,000 to 27,000 capacity

Levitt Pavilion 15,000 capacity

Fillmore Denver 3,900 capacity

Paramount theatre 1870 capacity

Summit Denver 1,100 capacity

Marquis 450 capacity

They have a very dominant position. All of those tickets can be resold through their platform making them the biggest ticket broker/ scalper in Denver. Between just three buildings they have control over 6,000,000+ tickets. Red Rocks for comparison holds about 10,000 x 100+ shows, so over 1,000,000+ a year.

The Taylor Swift debacle showed what a monopoly Livenation maintains. If you're trying to make concerts more pro-artist and pro-consumer, you should be doing something that Live Nation doesn't want.

Live Nation is about a \$20 billion publicly traded company. Live Nation's CEO Michael Rapino, who news reports estimate his annual pay at \$30,000,000 a year, posted on his instagram that he

was at Bruce Springsteen's Denver concert on March 2, 2023. Even though I have met Bruce Springsteen in Denver at the Tattered Cover I was not at the concert because of the dynamic ticket pricing livenation employed on that show. On the night of March 2nd I was with Senator Rodriguez and my state representative Steven Woodrow at a town hall meeting discussing these issues. Live Nation's CEO traveled to the Denver show on Live Nation's corporate jet which is the biggest and most expensive business jet a \$75,000,000+ Global 7500. It has 15 windows on both sides of the plane and can travel from California to Australia. Mr. Rapino didn't even stay in Denver overnight instead traveling on to Los Angeles and then on to Jackson Hole, Wyoming to ski. This is all public information that is easily verifiable. It's also worth mentioning that the owner of Denver's arena Mr. Kroenke also has a Global 7500 that he keeps at Centennial airport. I share this with you to highlight how I don't think people who fly around in \$75,000,000+ jets are before you to protect consumers; they are here to protect themselves.

I was troubled by some of Sen. Rogriguez comments during the 2023 Senate hearing so I looked at the Colorado Secretary of State's website to check campaign finance and lobbyist disclosures. In politics you have heard, "Follow the Money." Look what I found- Live Nation employees and their lobbyists made contributions just before Senator Rodriguez was reelected for his final term. I was wondering why he switched his position from 2021 on a very similar bill SB21-186 look at what it cost. He sold his constituents and millions of Colorado fans out. You will see this money came in before the Taylor Swift debacle in November.

On October 24, 2022 RODRIGUEZ FOR COLORADO received \$150 Kurt Schwartzkopf

On October 25, 2022 RODRIGUEZ FOR COLORADO received \$200 Jia Meeks

On October 26, 2022 RODRIGUEZ FOR COLORADO received \$150 Jas Sajjan and \$200

Kachina Weaver

On October 26, 2022 the RODRIGUEZ LEADERSHIP FUND received

Doug Friednash \$625

Melissa Kuipers \$625

Sarah Mercer \$625

two other Brownstein Lobbyist

Elizabeth Paulsen \$100

Joshua Weiss \$250

From Public filings

<https://tracer.sos.colorado.gov/PublicSite/homepage.aspx>

https://www.sos.state.co.us/pubs/lobby/lobby_home.html

Kurt and Sarah testified in 2021

<https://leg.colorado.gov/content/c5cd5659235ae223872586ae006b47fe-hearing-summary>

Jas testified in 2023

<https://leg.colorado.gov/content/14ad94c678ea48bd8725895f005e3716-hearing-summary>

With the importance and hundreds of millions of dollars we have invested in the stadium we shouldn't have one company who controls all the tickets. For example- A person can buy a flight ticket from Denver to Las Vegas on Frontier, Southwest, Spirit or United airlines. They all have their own ticketing but all tickets scan at TSA at Denver airport- so venue's should not have just one exclusive ticketing company. Artist's should be able to sell tickets themselves.

To stop Bot computer programs. There is already a federal anti-bot law and it came out at the Taylor Swift Senate hearing that ticketmaster has never worked with the FTC to identify bots. You could go back to the old days of having tickets go on sale at a physical location. Now tickets are for sale online days before a physical location and Ball Arena has gone so far to remove their box office. I can't find a phone number on ticketmaster's website so you can no longer buy over the phone. For example I attended Governor Polis ball at Mission Ballroom. I looked at the upcoming concerts at Mission Ballroom before I left and saw a show that was on sale online so I went to the box office and said I would like to buy a ticket without the service fee and was told I would need to come back in two days. By having tickets on sale at a physical location at the same time as online you would have real people show up. The online selling is what has enabled Ticketmaster to create dynamic pricing and platinum ticketing- Bruce Springsteen tickets were thousands of dollars. In the past you knew before tickets went on sale how much they were going to cost.

Fees If you want to resell a Broncos/Nuggets/Avalanche/Rockies ticket thru ticketmaster they take about a 25% service fee because they are the monopoly. If you want to buy/sell \$1,000,000+ worth of stock there is basically no commission fee.

Also wanted to let you know that President Biden just announced a federal bill the Junk Fee Protection Act to fix ticketing problems-

<https://www.whitehouse.gov/briefing-room/statements-releases/2023/02/01/fact-sheet-president-biden-highlights-new-progress-on-his-competition-agenda/>

<https://news.pollstar.com/2023/02/01/biden-calls-for-bill-cutting-ticket-fees-requiring-holdback-disclosure>.

Main point Ticketmaster/Live nation is a monopoly and they are the problem. If this Bill was pro-artist and pro-consumer Livenation/Ticketmaster would be against not supporting it. Join me and support the fans along with bipartisan Senate opposition including Senator Tom Sullivan. Sen. Sullivan could see this bill's real agenda. I ask for a no vote because bots are illegal either way.

Thank You

Arthur Lewis

Denver, Colorado

Trending: Mountain lion claws man hot-tubbing in high country Two teens on spring break die while sledding at ski resort

OPINION COLUMNS

Opinion: I bought these Broncos tickets. Hands off. They're mine.

I should be able to do whatever I like with them, which is why the “Ticketmaster bill” must be fixed



Arthur Lewis

1:30 AM MDT on Mar 21, 2023

I was born and raised in Denver and I am a lifelong Broncos fan, attending games for 30 years and was lucky enough to attend all three of the team’s Super Bowl wins. Live sports and having tickets to these games is a big deal for me.

Any fan appreciates the flexibility of being able to sell their tickets if they cannot use them. In fact, this ability is a legally protected consumer right in Colorado, but it is at risk today, and through an ongoing effort to enact new legislation in the state, live-event operators may be handed new powers to cancel tickets we consumers purchase if we decide to resell them without their permission.

This is why I testified in February at a Senate hearing against **the so-called Ticketmaster bill**, which has cruised through the state Senate and is on its way to the House of Representatives. While the legislation has improved since its start thanks to a nonstop effort to prevent a stripping away of our consumer rights, it still isn’t fully fixed and unnecessarily over-complicates the system. This is because of the powerful pen of the **world’s largest event monopoly** – Live Nation/Ticketmaster – which prefers a law that leans in its favor. Unless this legislation is fixed, every fan should oppose it, and so should every lawmaker.

Colorado has some of the strongest pro-consumer laws on ticketing in the country for good reason. In 2017, some longtime fans **saw their Broncos season tickets canceled by the team** because the team didn't think they attended enough games. In one high profile example, a wife was in her early stages of pregnancy for the 2016 season and the couple wasn't able to attend all the games.

Life happens. That's why ticket freedom is so important.

Meanwhile, the **construction of Empower Field at Mile High was 70% publicly financed**, meaning the very taxpayers that helped to pay for the stadium and are paying for tickets to games are being abused by the tenants (the team and its ticket seller) in the building. The Colorado General Assembly, after hearing these accounts stories, **passed a law** preventing big businesses from telling fans what they can do with their purchased tickets. That move signified major progress, but could be undone.



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To be clear, the new legislation includes some terrific consumer protections. It would crack down on ticket-buying bots, ban deceptive websites which are made to look like the venues' own websites, and require ticketers to disclose the full price of a ticket up front. These are great ideas and would protect fans. These are core principles in the **Ticket Buyer's Bill of Rights**, which consumer advocates at the recent senate hearing I testified at presented to lawmakers.

Meanwhile the protections of Colorado's current law could come at the cost of flexibility for consumers and taking away our legal right to be able to freely resell our purchased tickets.

That's the critical fact that lawmakers are missing: The event tickets they are debating so heatedly are tickets that have already been purchased. The controversy around this legislation isn't over the tickets a team or music

venue is offering for sale; rather, it's about the tickets they already sold for which they received payment.

They whine about how the tickets were theirs and they don't like seeing what we might do with them. But that's the critical point: The tickets are no longer theirs after we buy and pay for them. The custody of the ticket transfers to me once I pay for them, just like a car from the dealership or a home once it is purchased from its prior owner.

While the legislation last month included some overt language that would inappropriately enable event organizers to cancel someone's tickets after they are sold, it still contains less obvious language that would permit an event operator to accomplish the same goal.

Consider this loophole currently in the text of the bill: If you buy a ticket at a discount, the event organizer could prevent you from reselling it. How much of a discount? The bill doesn't say. And that's the loophole: If the organizer charges you \$99 for a \$100 ticket — a 1% discount — it could forbid you to resell your ticket.

Really, this is all about wanting to control and profit for a second time on the same tickets, but they won't make this admission since it would appear greedy. So, their talking points blame bots, counterfeit tickets that are virtually non-existent, and scalpers. These are reliable scapegoats, but they are not the true motive. This is why not one single consumer advocacy organization favors the legislation.

I learned while at the capitol that Live Nation/Ticketmaster was the sole original supporter of this legislation, until others more recently registered in support of the bill. The draft legislation was wrapped in consumer protections that senators find appealing, but tucked deep within was a provision that overreaches by miles. And though amended, the bill remains problematic. Live Nation owns

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1:30 AM MDT on Mar 22, 2023

three venues in the state and its Ticketmaster division sells virtually every sporting ticket in Colorado. While a few small venues were featured at the February 23rd Senate committee hearing, make no mistake, this new law is the Ticketmaster bill. The current law protecting our rights as fans exists for good reason, and it should not change.

Zornio: Welcome to hell, Colorado Rep. Elisabeth Epps. Now how will you lead us out?

3:03 AM MDT on Mar 20, 2023

When committee members approved this bill, paving the way for it to advance for a vote of the full Senate, it initially struck me that these senators are turning their backs on us – the people who voted them in – and toward the corporate lobbyists for the world's largest event ticketer.

I prefer to hope that these senators are merely getting duped. But whether the company is Live Nation/Ticketmaster or a small music venue, the bottom line is the same: they already sold the ticket and got paid their asking price. We also paid their outrageous fees. So therefore no, they cannot and should not be able to revoke my purchased tickets. Stay out of my wallet and get your hands off my tickets.

Elected lawmakers, please do the right thing with this legislation. As written, the bill empowers Ticketmaster at fans' expense and should be rejected. If passing a new law remains the Assembly's goal, turn to the Ticket Buyer's Bill of Rights instead.

Arthur Lewis lives in Denver.



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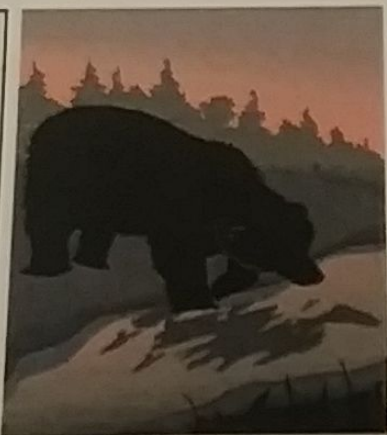
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