

## CHAPTER 117

**AN ACT** concerning ticket sales, amending P.L.1983, c.135, and repealing various sections of P.L.2001, c.394.

**BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey:

1. Section 1 of P.L.1983, c.135 (C.56:8-26) is amended to read as follows:

C.56:8-26 Definitions.

1. As used in this act:

a. "Director" means the director of the Division of Consumer Affairs in the Department of Law and Public Safety.

b. "Division" means the Division of Consumer Affairs in the Department of Law and Public Safety.

c. "Person" means corporations, companies, associations, societies, firms, partnerships and joint stock companies as well as individuals.

d. "Place of entertainment" means any privately or publicly owned and operated entertainment facility within this State, such as a theater, stadium, museum, arena, racetrack or other place where performances, concerts, exhibits, games or contests are held and for which an entry fee is charged.

e. "Ticket" means any physical, electronic, or other evidence that the possessor of that evidence has a license to enter a place of entertainment for one or more events at the place of entertainment, at the date and time or dates and times specified on the ticket, subject to the terms and conditions specified by the ticket issuer.

f. "Ticket broker" means any person situated in and operating in this State who is involved in the business of reselling tickets of admission to places of entertainment and who charges a premium in excess of the price, plus taxes, printed on the tickets. For the purposes of P.L.1983, c.135 (C.56:8-26 et seq.), the term "ticket broker" shall not include an individual not regularly engaged in the business of reselling tickets, who resells less than 30 tickets during any one-year period, and who obtained the tickets for his own use, or the use of his family, friends, or acquaintances.

g. "Resale" means a sale by a person other than the owner or operator of a place of entertainment or of the entertainment event or an agent of any such person. Resale shall not include the first sale or distribution of a ticket by a ticket issuer.

h. "Resell" means to offer for resale or to consummate a resale.

i. "Digger" means a person temporarily hired for the purpose of securing tickets by intimidating a purchaser waiting in line to procure event tickets.

j. "Reseller" means any person, other than a ticket issuer or ticket resale website, who resells a ticket.

k. "Ticket issuer" means any person, other than a ticket resale website or reseller, that makes tickets available, directly or indirectly, to the general public, and may include, as applicable, the owner or operator of a place of entertainment, the producer or promoter of an event, a sports team or sports league of teams, a theater company, musical group or similar participant in an event, or an agent for any such person.

l. "Ticket resale website" means an online platform that provides a forum for the buying and selling of tickets, but does not include a ticket broker, ticket issuer, reseller, or place of entertainment.

2. Section 8 of P.L.1983, c.135 (C.56:8-33) is amended to read as follows:

C.56:8-33 Notification to purchases of price of ticket, reselling of tickets limited.

8. a. The seller of a ticket shall notify a ticket purchaser of the purchase price of a ticket prior to the purchase of that ticket from that ticket seller by that purchaser.

b. No reseller other than a registered ticket broker shall resell or purchase with the intent to resell a ticket for admission to a place of entertainment at a maximum premium in excess of 20% of the ticket price or \$3.00, whichever is greater, plus lawful taxes. No registered ticket broker shall resell or purchase with the intent to resell a ticket for admission to a place of entertainment at a premium in excess of 50% of the price paid to acquire the ticket, plus lawful taxes.

c. Notwithstanding the provisions of subsection a. or b. of this section, nothing shall limit the price for the resale or purchase of a ticket for admission to a place of entertainment sold by any reseller other than a registered ticket broker, provided such resale or purchase is made through an Internet web site.

3. Section 9 of P.L.1983, c.135 (C.56:8-34) is amended to read as follows:

C.56:8-34 Reselling of tickets prohibited in certain areas; reselling regulated.

9. a. No person shall resell or purchase with the intent to resell any ticket, in or on any street, highway, driveway, sidewalk, parking area, or common area owned by a place of entertainment in this State, or any other area adjacent to or in the vicinity of any place of entertainment in this State as determined by the director; except that a person may resell, in an area which may be designated by a place of entertainment in this State, any ticket or tickets originally purchased for his own personal or family use at no greater than the lawful price permitted under P.L.1983, c.135 (C.56:8-26 et seq.).

b. Notwithstanding any other provision of law, any reseller or ticket resale website shall guarantee to each purchaser of resold tickets that the reseller or ticket resale website will provide a full refund of the amount paid by the purchaser, including, but not limited to, all fees, regardless of how characterized, if any of the following occurs:

(1) the event for which that ticket has been resold is cancelled, provided that if the event is cancelled, then actual handling and delivery fees need not be refunded as long as that previously disclosed guarantee specifies that those fees will not be refunded; or

(2) the ticket received by the purchaser does not grant the purchaser admission to the event described on the ticket, for reasons that may include, but are not limited to, that the ticket is counterfeit, the ticket has been cancelled by the ticket issuer due to non-payment, or the event described on the ticket was cancelled for any reason prior to purchase of the resold ticket, unless the ticket is cancelled due to an act or omission by that purchaser.

c. (1) No reseller shall employ a tentative ticket policy whereby the reseller sells tickets that are not in the reseller's possession at the time of sale, unless that policy is disclosed to a ticket purchaser at the outset of the transaction. That disclosure shall include an approximate delivery date and the number of tickets that are guaranteed together, including the zone or section number. If the reseller is unsuccessful in securing those tickets, the reseller shall refund any deposit made by a purchaser of those tickets within 10 days after the event.

(2) A reseller shall not sell a ticket for the same seat to more than one person at the same time.

d. No person shall use or cause to be used any means, method or technology that is designed, intended or functions to disguise the identity of the purchaser with the purpose of purchasing or attempting to purchase a quantity of tickets to a place of entertainment in excess of authorized limits established by a ticket issuer.

e. No person shall use or cause to be used software, or any other technology or device, that is designed, intended or functions to interfere with a computer, computer network, or computer system, or any part thereof, for the purpose of purchasing or attempting to purchase or obtain access to a quantity of tickets to a place of entertainment in excess of authorized limits established by a ticket issuer, or that is designed, intended or functions to circumvent or disable any access control systems, electronic queues, waiting periods or other sales volume limitation systems to ensure the equitable distribution of tickets instituted on the website of the ticket issuer.

4. Section 10 of P.L.1983, c.135 (C.56:8-35) is amended to read as follows:

C.56:8-35 Special treatment prohibited.

10. Any person who gives or offers anything of value to an employee of a place of entertainment, in that employee's individual capacity, and not in that employee's capacity as an employee, in exchange for, or as an inducement to, special treatment by that employee with respect to obtaining tickets, or any employee of a place of entertainment who receives or solicits anything of value, in that employee's individual capacity, and not in that employee's capacity as an employee, in exchange for special treatment by that employee with respect to issuing tickets, shall be in violation of P.L.1983, c.135 (C.56:8-26 et seq.).

5. Section 12 of P.L.1983, c.135 (C.56:8-37) is amended to read as follows:

C.56:8-37 Violations; penalties.

12. a. Any person who violates P.L.1983, c.135 (C.56:8-26 et seq.) shall be subject to all remedies and penalties available pursuant to P.L.1960, c.39 (C.56:8-1 et seq.).

b. In addition to any other penalty provided by law, any person who violates any provision of P.L.1983, c.135 (C.56:8-26 et seq.) shall be guilty of a crime of the fourth degree.

Repealer.

6. The following sections are repealed:

Section 8 of P.L.2001, c.394 (C.56:8-35.1);

Section 9 of P.L.2001, c.394 (C.56:8-35.2); and

Section 11 of P.L.2001, c.394 (C.56:8-35.3).

7. This act shall take effect on the first day of the sixth month next following enactment.

Approved August 24, 2018.