

**HB0873**



**94TH GENERAL ASSEMBLY**

**State of Illinois**

**2005 and 2006**

**HB0873**

Introduced 02/02/05, by Rep. Angelo Saviano

**SYNOPSIS AS INTRODUCED:**

720 ILCS 375/1.5

from Ch. 121 1/2, par. 157.32

Amends the Ticket Scalping Act. Provides that the Act does not prohibit a ticket holder from selling a ticket for admission to a baseball game, football game, hockey game, theatre entertainment, or any other amusement for a price more than the price printed on the face of the ticket and for more than the price of the ticket at the box office if the sale is made through an Internet website and certain specified conditions are met. Effective immediately.

LRB094 04214 RLC 36256 b

**A BILL FOR**

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Ticket Scalping Act is amended by changing  
5 Section 1.5 as follows:

6 (720 ILCS 375/1.5) (from Ch. 121 1/2, par. 157.32)

7 Sec. 1.5. (a) Except as otherwise provided in subsections  
8 ~~subsection~~ (b) and (c) of this Section and in Section 4, it is  
9 unlawful for any person, persons, firm or corporation to sell  
10 tickets for baseball games, football games, hockey games,  
11 theatre entertainments, or any other amusement for a price more  
12 than the price printed upon the face of said ticket, and the  
13 price of said ticket shall correspond with the same price shown  
14 at the box office or the office of original distribution.

15 (b) This Act does not apply to the sale of tickets of  
16 admission to a sporting event, theater, musical performance, or  
17 place of public entertainment or amusement of any kind for a  
18 price in excess of the printed box office ticket price by a  
19 ticket broker who meets all of the following requirements:

20 (1) The ticket broker is duly registered with the  
21 Office of the Secretary of State on a registration form  
22 provided by that Office. The registration must contain a  
23 certification that the ticket broker:

24 (A) engages in the resale of tickets on a regular  
25 and ongoing basis from one or more permanent or fixed  
26 locations located within this State;

27 (B) maintains as the principal business activity  
28 at those locations the resale of tickets;

29 (C) displays at those locations the ticket  
30 broker's registration;

31 (D) maintains at those locations a listing of the  
32 names and addresses of all persons employed by the

1 ticket broker;

2 (E) is in compliance with all applicable federal,  
3 State, and local laws relating to its ticket selling  
4 activities, and that neither the ticket broker nor any  
5 of its employees within the preceding 12 months have  
6 been convicted of a violation of this Act; and

7 (F) that the ticket broker meets the following  
8 requirements:

9 (i) maintains a statewide toll free number for  
10 consumer complaints and inquiries;

11 (ii) has adopted a code that advocates  
12 consumer protection that includes, at a minimum:

13 (a-1) consumer protection guidelines;

14 (b-1) a standard refund policy; and

15 (c-1) standards of professional conduct;

16 (iii) has adopted a procedure for the binding  
17 resolution of consumer complaints by an  
18 independent, disinterested third party; and

19 (iv) has established and maintains a consumer  
20 protection rebate fund in an amount in excess of  
21 \$100,000, at least 50% of which must be cash  
22 available for immediate disbursement for  
23 satisfaction of valid consumer complaints.

24 Alternatively, the ticket broker may fulfill the  
25 requirements of subparagraph (F) of this subsection  
26 (b) if the ticket broker certifies that he or she  
27 belongs to a professional association organized under  
28 the laws of this State, or organized under the laws of  
29 any other state and authorized to conduct business in  
30 Illinois, that has been in existence for at least 3  
31 years prior to the date of that broker's registration  
32 with the Office of the Secretary of State, and is  
33 specifically dedicated, for and on behalf of its  
34 members, to provide and maintain the consumer  
35 protection requirements of subparagraph (F) of  
36 subsection (b) to maintain the integrity of the ticket

1           brokerage industry.

2           (2) (Blank).

3           (3) The ticket broker and his employees must not engage  
4           in the practice of selling, or attempting to sell, tickets  
5           for any event while sitting or standing near the facility  
6           at which the event is to be held or is being held.

7           (4) The ticket broker must comply with all requirements  
8           of the Retailers' Occupation Tax Act and all other  
9           applicable federal, State and local laws in connection with  
10          his ticket selling activities.

11          (5) Beginning January 1, 1996, no ticket broker shall  
12          advertise for resale any tickets within this State unless  
13          the advertisement contains the name of the ticket broker  
14          and the Illinois registration number issued by the Office  
15          of the Secretary of State under this Section.

16          (6) Each ticket broker registered under this Act shall  
17          pay an annual registration fee of \$100.

18          (c) This Act does not prohibit a ticket holder from selling  
19          a ticket for admission to a baseball game, football game,  
20          hockey game, theatre entertainment, or any other amusement for  
21          a price more than the price printed on the face of the ticket  
22          and for more than the price of the ticket at the box office if  
23          the sale is made through an Internet website:

24                 (1) whose operator has received from the sponsor of  
25                 that baseball game, football game, hockey game, theatre  
26                 entertainment, or other amusement written permission to  
27                 allow that sale via the website;

28                 (2) whose operations are consistent with all pricing  
29                 and other ticket resale restrictions the sponsor imposes,  
30                 if any, in the written permission;

31                 (3) whose pages where the sale is conducted have  
32                 prominently posted on them a message that indicates that  
33                 the website has been authorized by the event sponsor;

34                 (4) whose operator has a business presence and physical  
35                 street address in the State of Illinois and clearly and  
36                 conspicuously posts that address on the website; and

1           (5) whose operator guarantees to all purchasers that it  
2           will provide and in fact provides a full refund of the  
3           amount paid by the purchaser (including, but not limited  
4           to, all fees, regardless of how characterized) if any of  
5           the following occurs:

6                   (A) the ticketed event is cancelled; provided,  
7                   that if the event is cancelled then reasonable handling  
8                   and delivery fees need not be refunded as long as such  
9                   previously disclosed guarantee specifies that such  
10                   fees will not be refunded;

11                   (B) the ticket received by the purchaser does not  
12                   allow the purchaser to enter the ticketed event for  
13                   reasons that may include, without limitation, that the  
14                   ticket is counterfeit or that the ticket has been  
15                   cancelled by the issuer due to non-payment, unless the  
16                   ticket is cancelled due to an act or omission by such  
17                   purchaser; or

18                   (C) the ticket fails to conform to its description  
19                   on the website.

20           The website operator may not charge the purchaser any fees  
21           for refund processing.

22           Nothing in this subsection (c) shall be deemed to imply any  
23           limitation on ticket brokers' abilities to make sales in  
24           accordance with subsection (b) or any limitation on sales made  
25           in accordance with Section 4.

26           The provisions of Public Act 89-406 ~~this amendatory Act of~~  
27           ~~1995~~ are severable under Section 1.31 of the Statute on  
28           Statutes.

29           (Source: P.A. 89-406, eff. 11-15-95.)

30           Section 99. Effective date. This Act takes effect upon  
31           becoming law.