



Rep. Angelo Saviano

Filed: 04/12/05

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LRB094 04214 RLC 44762 a

1 AMENDMENT TO HOUSE BILL 873

2 AMENDMENT NO. _____. Amend House Bill 873, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Ticket Scalping Act is amended by changing
6 Sections 0.01, 1, and 1.5 as follows:

7 (720 ILCS 375/0.01) (from Ch. 121 1/2, par. 157.30)

8 Sec. 0.01. Short title. This Act may be cited as the Ticket
9 Sale and Resale ~~Scalping~~ Act.

10 (Source: P.A. 86-1324.)

11 (720 ILCS 375/1) (from Ch. 121 1/2, par. 157.31)

12 Sec. 1. Sale of tickets other than at box office
13 prohibited; exceptions.

14 (a) It is unlawful for any person, firm or corporation,
15 owner, lessee, manager, trustee, or any of their employees or
16 agents, owning, conducting, managing or operating any theater,
17 circus, baseball park, place of public entertainment or
18 amusement where tickets of admission are sold for any such
19 places of amusement or public entertainment to sell or permit
20 the sale, barter or exchange of such admission tickets at any
21 other place than in the box office or on the premises of such
22 theater, circus, baseball park, place of public entertainment
23 or amusement, but nothing herein prevents such theater, circus,

1 baseball park, place of public entertainment or amusement from
2 placing any of its admission tickets for sale at any other
3 place at the same price such admission tickets are sold by such
4 theater, circus, baseball park or other place of public
5 entertainment or amusement at its box office or on the premises
6 of such places, at the same advertised price or printed rate
7 thereof.

8 (b) Any term or condition of the original sale of a ticket
9 to any theater, circus, baseball park, or place of public
10 entertainment or amusement where tickets of admission are sold
11 that purports to limit the terms or conditions of resale of the
12 ticket (including but not limited to the resale price of the
13 ticket) is unenforceable, null, and void if the resale
14 transaction is carried out by any of the means set forth in
15 subsections (b), (c), (d), and (e) of Section 1.5 of this Act.
16 This subsection shall not apply to a term or condition of the
17 original sale of a ticket to any theater, circus, baseball
18 park, or place of public entertainment or amusement where
19 tickets of admission are sold that purports to limit the terms
20 or conditions of resale of a ticket specifically designated as
21 seating in a special section for a person with a physical
22 disability.

23 (Source: Laws 1923, p. 322.)

24 (720 ILCS 375/1.5) (from Ch. 121 1/2, par. 157.32)

25 Sec. 1.5. Sale of tickets at more than face value
26 prohibited; exceptions.

27 (a) Except as otherwise provided in subsections (b), (c),
28 (d), and (e) ~~subsection (b)~~ of this Section and in Section 4,
29 it is unlawful for any person, persons, firm or corporation to
30 sell tickets for baseball games, football games, hockey games,
31 theatre entertainments, or any other amusement for a price more
32 than the price printed upon the face of said ticket, and the
33 price of said ticket shall correspond with the same price shown

1 at the box office or the office of original distribution.

2 (b) This Act does not apply to the resale ~~sale~~ of tickets
3 of admission to a sporting event, theater, musical performance,
4 or place of public entertainment or amusement of any kind for a
5 price in excess of the printed box office ticket price by a
6 ticket broker who meets all of the following requirements:

7 (1) The ticket broker is duly registered with the
8 Office of the Secretary of State on a registration form
9 provided by that Office. The registration must contain a
10 certification that the ticket broker:

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

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

16 (C) displays at those locations the ticket
17 broker's registration;

18 (D) maintains at those locations a listing of the
19 names and addresses of all persons employed by the
20 ticket broker;

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

26 (F) ~~that the ticket broker~~ meets the following
27 requirements:

28 (i) the ticket broker maintains a ~~statewide~~
29 toll free number specifically dedicated for
30 Illinois ~~for~~ consumer complaints and inquiries
31 concerning ticket sales;

32 (ii) the ticket broker has adopted a code that
33 advocates consumer protection that includes, at a
34 minimum:

1 (a-1) consumer protection guidelines;

2 (b-1) a standard refund policy. In the
3 event a refund is due, the ticket broker shall
4 provide that refund without charge other than
5 for reasonable delivery fees for the return of
6 the tickets; and

7 (c-1) standards of professional conduct;

8 (iii) the ticket broker has adopted a
9 procedure for the binding resolution of consumer
10 complaints by an independent, disinterested third
11 party and thereby submits to the jurisdiction of
12 the State of Illinois; and

13 (iv) the ticket broker has established and
14 maintains a consumer protection rebate fund in
15 Illinois in an amount in excess of \$100,000, ~~at~~
16 ~~least 50% of~~ which must be cash available for
17 immediate disbursement for satisfaction of valid
18 consumer complaints.

19 Alternatively, the ticket broker may fulfill the
20 requirements of subparagraph (F) of this paragraph (1)
21 ~~subsection (b)~~ if the ticket broker certifies that he or
22 she belongs to a professional association organized under
23 the laws of this State, or organized under the laws of any
24 other state and authorized to conduct business in Illinois,
25 that has been in existence for at least 3 years prior to
26 the date of that broker's registration with the Office of
27 the Secretary of State, and is specifically dedicated, for
28 and on behalf of its members, to provide and maintain the
29 consumer protection requirements of subparagraph (F) of
30 this paragraph (1) ~~subsection (b)~~ to maintain the integrity
31 of the ticket brokerage industry.

32 (2) (Blank).

33 (3) The ticket broker and his employees must not engage
34 in the practice of selling, or attempting to sell, tickets

1 for any event while sitting or standing near the facility
2 at which the event is to be held or is being held unless
3 the ticket broker or his or her employees are on property
4 they own, lease, or have permission to occupy.

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

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

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

17 (c) This Act does not apply to the sale of tickets of
18 admission to a sporting event, theater, musical performance, or
19 place of public entertainment or amusement of any kind for a
20 price in excess of the printed box office ticket price by a
21 reseller engaged in interstate or intrastate commerce on an
22 Internet auction listing service duly registered with the
23 Department of Financial and Professional Regulation under the
24 Auction License Act and with the Office of the Secretary of
25 State on a registration form provided by that Office. This
26 subsection (c) applies to both sales through an online bid
27 submission process and sales at a fixed price on the same
28 website or interactive computer service as an Internet auction
29 listing service registered with the Department of Financial and
30 Professional Regulation.

31 This subsection (c) applies to resales described in this
32 subsection only if the operator of the Internet auction listing
33 service meets the following requirements:

34 (1) the operator maintains a listing of the names and

1 addresses of its corporate officers;

2 (2) the operator is in compliance with all applicable
3 federal, State, and local laws relating to ticket selling
4 activities, and the operator's officers and directors have
5 not been convicted of a violation of this Act within the
6 preceding 12 months;

7 (3) the operator maintains, either itself or through an
8 affiliate, a toll free number dedicated for consumer
9 complaints;

10 (4) the operator provides consumer protections that
11 include at a minimum:

12 (A) consumer protection guidelines;

13 (B) a standard refund policy that guarantees to all
14 purchasers that it will provide and in fact provides a
15 full refund of the amount paid by the purchaser
16 (including, but not limited to, all fees, regardless of
17 how characterized) if the following occurs:

18 (i) the ticketed event is cancelled and the
19 purchaser returns the tickets to the seller or
20 Internet auction listing service; however,
21 reasonable delivery fees need not be refunded if
22 the previously disclosed guarantee specifies that
23 the fees will not be refunded if the event is
24 cancelled;

25 (ii) the ticket received by the purchaser does
26 not allow the purchaser to enter the ticketed event
27 for reasons that may include, without limitation,
28 that the ticket is counterfeit or that the ticket
29 has been cancelled by the issuer due to
30 non-payment, unless the ticket is cancelled due to
31 an act or omission by such purchaser;

32 (iii) the ticket fails to conform to its
33 description on the Internet auction listing
34 service; or

1 (iv) the ticket seller willfully fails to send
2 the ticket or tickets to the purchaser, or the
3 ticket seller attempted to deliver the ticket or
4 tickets to the purchaser in the manner required by
5 the Internet auction listing service and the
6 purchaser failed to receive the ticket or tickets;
7 and

8 (C) standards of professional conduct;

9 (5) the operator has adopted an independent and
10 disinterested dispute resolution procedure that allows
11 resellers or purchasers to file complaints against the
12 other and have those complaints mediated or resolved by a
13 third party, and requires the resellers or purchasers to
14 submit to the jurisdiction of the State of Illinois for
15 complaints involving a ticketed event held in Illinois;

16 (6) the operator either:

17 (A) complies with all applicable requirements of
18 the Retailers' Occupation Tax Act and collects and
19 remits all applicable federal, State, and local taxes;
20 or

21 (B) publishes a written notice on the website after
22 the sale of one or more tickets that automatically
23 informs the ticket reseller of the ticket reseller's
24 potential legal obligation to pay any applicable local
25 amusement tax in connection with the reseller's sale of
26 tickets, and discloses to law enforcement or other
27 government tax officials, without subpoena, the name,
28 city, state, telephone number, e-mail address, user ID
29 history, fraud complaints, and bidding and listing
30 history of any specifically identified reseller or
31 purchaser upon the receipt of a verified request from
32 law enforcement or other government tax officials
33 relating to a criminal investigation or alleged
34 illegal activity; and

1 (7) the operator either:

2 (A) has established and maintains a consumer
3 protection rebate fund in Illinois in an amount in
4 excess of \$100,000, which must be cash available for
5 immediate disbursement for satisfaction of valid
6 consumer complaints; or

7 (B) has obtained and maintains in force an errors
8 and omissions insurance policy that provides at least
9 \$100,000 in coverage and proof that the policy has been
10 filed with the Department of Financial and
11 Professional Regulation.

12 (d) This Act does not apply to the resale of tickets of
13 admission to a sporting event, theater, musical performance, or
14 place of public entertainment or amusement of any kind for a
15 price in excess of the printed box office ticket price
16 conducted at an auction solely by or for a not-for-profit
17 organization for charitable purposes under clause (a)(1) of
18 Section 10-1 of the Auction License Act.

19 (e) This Act does not apply to the resale of a ticket for
20 admission to a baseball game, football game, hockey game,
21 theatre entertainment, or any other amusement for a price more
22 than the price printed on the face of the ticket and for more
23 than the price of the ticket at the box office if the resale is
24 made through an Internet website whose operator meets the
25 following requirements:

26 (1) the operator has a business presence and physical
27 street address in the State of Illinois and clearly and
28 conspicuously posts that address on the website;

29 (2) the operator maintains a listing of the names of
30 the operator's directors and officers, and is duly
31 registered with the Office of the Secretary of State on a
32 registration form provided by that Office;

33 (3) the operator is in compliance with all applicable
34 federal, State, and local laws relating to its ticket

1 reselling activities regulated under this Act, and the
2 operator's officers and directors have not been convicted
3 of a violation of this Act within the preceding 12 months;

4 (4) the operator maintains a toll free number
5 specifically dedicated for consumer complaints and
6 inquiries regarding ticket resales made through the
7 website;

8 (5) the operator either:

9 (A) has established and maintains a consumer
10 protection rebate fund in Illinois in an amount in
11 excess of \$100,000, which must be cash available for
12 immediate disbursement for satisfaction of valid
13 consumer complaints; or

14 (B) has obtained and maintains in force an errors
15 and omissions policy of insurance in the minimum amount
16 of \$100,000 for the satisfaction of valid consumer
17 complaints;

18 (6) the operator has adopted an independent and
19 disinterested dispute resolution procedure that allows
20 resellers or purchasers to file complaints against the
21 other and have those complaints mediated or resolved by a
22 third party, and requires the resellers or purchasers to
23 submit to the jurisdiction of the State of Illinois for
24 complaints involving a ticketed event held in Illinois;

25 (7) the operator either:

26 (A) complies with all applicable requirements of
27 the Retailers' Occupation Tax Act and collects and
28 remits all applicable federal, State, and local taxes;
29 or

30 (B) publishes a written notice on the website after
31 the sale of one or more tickets that automatically
32 informs the ticket reseller of the ticket reseller's
33 potential legal obligation to pay any applicable local
34 amusement tax in connection with the reseller's sale of

1 tickets, and discloses to law enforcement or other
2 government tax officials, without subpoena, the name,
3 city, state, telephone number, e-mail address, user ID
4 history, fraud complaints, and bidding and listing
5 history of any specifically identified reseller or
6 purchaser upon the receipt of a verified request from
7 law enforcement or other government tax officials
8 relating to a criminal investigation or alleged
9 illegal activity; and

10 (8) the operator guarantees to all purchasers that it
11 will provide and in fact provides a full refund of the
12 amount paid by the purchaser (including, but not limited
13 to, all fees, regardless of how characterized) if any of
14 the following occurs:

15 (A) the ticketed event is cancelled and the
16 purchaser returns the tickets to the website operator;
17 however, reasonable delivery fees need not be refunded
18 if the previously disclosed guarantee specifies that
19 the fees will not be refunded if the event is
20 cancelled;

21 (B) the ticket received by the purchaser does not
22 allow the purchaser to enter the ticketed event for
23 reasons that may include, without limitation, that the
24 ticket is counterfeit or that the ticket has been
25 cancelled by the issuer due to non-payment, unless the
26 ticket is cancelled due to an act or omission by the
27 purchaser;

28 (C) the ticket fails to conform to its description
29 on the website; or

30 (D) the ticket seller willfully fails to send the
31 ticket or tickets to the purchaser, or the ticket
32 seller attempted to deliver the ticket or tickets to
33 the purchaser in the manner required by the website
34 operator and the purchaser failed to receive the ticket

1 or tickets.

2 Nothing in this subsection (e) shall be deemed to imply any
3 limitation on ticket sales made in accordance with subsections
4 (b), (c), and (d) of this Section or any limitation on sales
5 made in accordance with Section 4.

6 (f) The provisions of subsections (b), (c), (d), and (e) of
7 this Section apply only to the resale of a ticket after the
8 initial sale of that ticket. No reseller of a ticket may refuse
9 to sell tickets to another ticket reseller solely on the basis
10 that the purchaser is a ticket reseller or ticket broker
11 authorized to resell tickets pursuant to this Act.

12 (g) The provisions of Public Act 89-406 ~~this amendatory Act~~
13 ~~of 1995~~ are severable under Section 1.31 of the Statute on
14 Statutes.

15 (h) The provisions of this amendatory Act of the 94th
16 General Assembly are severable under Section 1.31 of the
17 Statute on Statutes.

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

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.".