

House Bill 558

By: Representatives Powell of the 23<sup>rd</sup>, DeLoach of the 127<sup>th</sup>, Boggs of the 145<sup>th</sup> and Burkhalter of the 36<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 4B of Title 43 of the Official Code of Georgia Annotated, relating to the  
2 Georgia Athletic and Entertainment Commission, so as to provide definitions; to authorize  
3 the commission to collect and remit certain tax payments; to provide for qualifications for  
4 persons 50 years of age or older seeking a license as a professional boxer; to provide for the  
5 powers of the commission upon violation of laws and regulations relating to boxing; to  
6 provide for reports and tax payments by promoters; to provide that making a willfully false  
7 and fraudulent report is perjury; to provide a penalty for willful failure to make a report and  
8 pay taxes; to clarify a provision making it unlawful for persons other than ticket brokers to  
9 resell tickets or offer tickets for resale; to provide for exceptions; to revise provisions relating  
10 to maintaining an office; to change provisions relating to requirements for and conduct of  
11 ticket brokers; to authorize certain municipal corporations and counties to require permits for  
12 persons reselling tickets or offering tickets for resale in certain circumstances; to provide for  
13 related matters; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 style="text-align:center">**SECTION 1.**

16 Chapter 4B of Title 43 of the Official Code of Georgia Annotated, relating to the Georgia  
17 Athletic and Entertainment Commission, is amended in Code Section 43-4B-1, relating to  
18 definitions, by inserting new paragraphs to be designated paragraphs (11.1) and (11.2) to read  
19 as follows:

20 "(11.1) 'Original purchaser for personal use' means a person who buys one or more  
21 tickets with the intention of using the ticket or tickets solely for the use of the purchaser  
22 or the purchaser's invitees, employees, and agents. An original purchaser who resells  
23 more than six tickets to the same athletic contest or entertainment event and who resells  
24 tickets to an athletic contest or entertainment event for more than 105 percent of their  
25 face value shall be rebuttably presumed to be engaging in the business of a ticket broker  
26 in any criminal prosecution or civil action, order, or penalty by the commission.

1 (11.2) 'Pay per view' means a telecast for which a fee is required in addition to any other  
2 fee paid by the viewer for any other services of the telecaster."

### 3 SECTION 2.

4 Said chapter is further amended in Code Section 43-4B-4, relating to the authority of the  
5 commission relative to boxing, by inserting a new subsection to be designated subsection (l)  
6 to read as follows:

7 "(l) The commission is authorized to receive tax payments in accordance with Code  
8 Section 43-4B-20, and to remit such tax payments to the general treasury."

### 9 SECTION 3.

10 Said chapter is further amended by striking Code Section 43-4B-17, relating to age  
11 requirements for boxers, and inserting in lieu thereof the following:

12 "43-4B-17.

13 (a) No person under the age of 18 years shall participate as a contestant in any professional  
14 match, contest, or exhibition of boxing.

15 (b) A primary duty of the commission is ensuring that any person whose health does not  
16 permit safely engaging in boxing as a contestant is not licensed as a professional boxer.  
17 The General Assembly finds that adequate protection of the health of persons who are 50  
18 years of age or older requires additional precautions by the commission. A person who is  
19 50 years of age or older shall be licensed as a professional boxer and permitted to  
20 participate in a professional match, contest, or exhibition of boxing only if such person:

21 (1) Has participated as a contestant in at least ten professional matches or contests of  
22 boxing in the immediately preceding ten years, including at least four professional  
23 matches or contests of boxing in the immediately preceding four years; and

24 (2) Is declared medically and physically able to participate as a contestant in a  
25 professional match, contest, or exhibition of boxing by a physician who has conducted  
26 a more rigorous examination than examinations performed in accordance with this  
27 chapter for persons who are younger than 50 years of age.

28 (c) The commission shall promulgate and adopt rules and regulations for the more rigorous  
29 examination required by this Code section for persons who are 50 years of age or older."

### 30 SECTION 4.

31 Said chapter is further amended by inserting new Code sections to be designated Code  
32 Section 43-4B-19 and 43-4B-20 to read as follows:

1 "43-4B-19.

2 (a) Whenever it may appear to the commission that any person is violating or has violated  
3 any provision of this article or Article 1 of this chapter and that proceedings would be in  
4 the public interest:

5 (1) Subject to notice and opportunity for hearing in accordance with Chapter 13 of Title  
6 50, the 'Georgia Administrative Procedure Act,' unless the right to notice is waived by the  
7 person against whom the sanction is imposed, the commission may:

8 (A) Issue a cease and desist order prohibiting any violation of this article or Article 1  
9 of this chapter;

10 (B) Issue an order against a person who violates this article or Article 1 of this chapter,  
11 imposing a civil penalty up to a maximum of \$1,000.00 per violation; or

12 (C) Issue an order suspending or revoking the license of the person violating this article  
13 or Article 1 of this chapter; or

14 (2) Upon a showing by the commission in any superior court of competent jurisdiction  
15 that a person has violated or is about to violate this article or Article 1 of this chapter, a  
16 rule promulgated under this article or Article 1 of this chapter, or an order of the  
17 commission, the court may enter or grant any or all of the following relief:

18 (A) A temporary restraining order or a temporary or permanent injunction;

19 (B) A civil penalty up to a maximum of \$2,000.00 per violation of this article or  
20 Article 1 of this chapter;

21 (C) A declaratory judgment;

22 (D) Restitution to any person or persons adversely affected by a defendant's action in  
23 violation of this article or Article 1 of this chapter; or

24 (E) Other relief as the court deems just or reasonable.

25 (b) Unless the commission determines that a person subject to this article intends to depart  
26 quickly from this state or to remove his or her property from this state or to conceal his or  
27 her person or property in this state or that there is immediate danger of harm to citizens of  
28 this state or another state, the commission shall give notice in writing that such proceedings  
29 are contemplated and allow such person a reasonable opportunity to appear before the  
30 commission and execute an assurance of voluntary compliance. The determination of the  
31 commission under this subsection shall be final and not subject to review.

32 (c) Procedures relating to hearings, notice, counsel, subpoenas, records, enforcement  
33 powers, intervention, rules of evidence, decisions, exceptions, review of initial decisions,  
34 final decisions, and judicial review of decisions shall be governed by Chapter 13 of Title  
35 50, the 'Georgia Administrative Procedure Act,' unless the provisions of such chapter are  
36 contrary to the express provisions of this article or Article 1 of this chapter.

1 43-4B-20.

2 (a) A promoter holding a match shall, within 72 hours after the match, file with the  
3 commission a written report which includes the number of tickets sold, the amount of gross  
4 receipts, and any other facts the commission may require. For the purposes of this chapter,  
5 total gross receipts include:

6 (1) The gross price charged for the sale or lease of pay per view telecasting and motion  
7 picture rights without any deductions for commissions, brokerage fees, distribution fees,  
8 advertising, or other expenses or charges;

9 (2) The face value of all tickets sold and complimentary tickets issued, provided, or  
10 given; and

11 (3) The face value of any seat or seating issued, provided, or given in exchange for  
12 advertising, sponsorships, or anything of value to the promotion of an event.

13 (b) Where the rights to telecast by pay per view a match or matches held in this state under  
14 the supervision of the commission are in whole owned by, sold to, acquired by, or held by  
15 any person who intends to or subsequently sells or, in some other manner, extends such  
16 rights in part to another, such person is deemed to be a promoter and must be licensed as  
17 such in this state. Such person shall, within 72 hours after the sale, transfer, or extension  
18 of such rights in whole or in part, file with the commission a written report that includes  
19 the gross price charged for the rights to telecast by pay per view, the number of tickets sold,  
20 the amount of gross receipts, and any other facts the commission may require.

21 (c) Any written report required to be filed with the commission under this Code section  
22 shall be postmarked within 72 hours after the conclusion of the match, and an additional  
23 five days shall be allowed for mailing.

24 (d) The written report shall be accompanied by a tax payment in the amount of 5 percent  
25 of the total gross receipts exclusive of any federal taxes, except that the tax payment  
26 derived from the gross price charged for the sale or lease of pay per view telecasting and  
27 motion picture rights shall not exceed \$40,000.00 for any single event.

28 (e)(1) Any promoter who willfully makes a false and fraudulent report under this Code  
29 section is guilty of perjury and, upon conviction, is subject to punishment as provided by  
30 law. Such penalty shall be in addition to any other penalties imposed by this chapter.

31 (2) Any promoter who willfully fails, neglects, or refuses to make a report or to pay the  
32 taxes as prescribed or who refuses to allow the commission to examine the books, papers,  
33 and records of any promotion is guilty of a misdemeanor.

34 (f) The commission shall remit all tax payments to the general treasury of the state."



1 ~~business in this state and conditioned to pay damages not to exceed the amount of such~~  
 2 ~~bond to any person aggrieved by any act of the principal named in such bond, which act~~  
 3 ~~is in violation of this Code section."~~

#### 4 SECTION 7.

5 Said chapter is further amended by striking Code Section 43-4B-28, relating to ticket sales,  
 6 disclosure requirements, restrictions, and refunds, and inserting in lieu thereof the following:

7 "43-4B-28.

8 (a) The ticket broker shall be required to:

9 (1) ~~Post at its established place of business~~ Disclose the terms of the purchaser's right  
 10 to cancel the purchase of a ticket from a ticket broker;

11 (2) Disclose to the purchaser the refund policy of the ticket broker should an athletic  
 12 contest or entertainment event be canceled; and

13 (3) Disclose to the purchaser in writing the difference between the face value of the  
 14 ticket and the amount which the ticket broker is charging for such ticket; ~~and~~

15 ~~(4) Sell tickets only at its permanent office or place of business; provided, however, that~~  
 16 ~~delivery of one or more tickets after the transaction is completed to a place other than the~~  
 17 ~~ticket broker's office or place of business shall not violate this paragraph.~~

18 (b)(1) A ticket broker shall be prohibited from employing any agent or employee for the  
 19 purpose of making future purchases of tickets from the owner, operator, lessee, or tenant  
 20 of the property on which an athletic contest or entertainment event is to be held.

21 (2) Each ticket broker, including any affiliated group of ticket brokers, shall be  
 22 prohibited from acquiring and reselling in excess of 1 percent of the total tickets allocated  
 23 for any contest or event.

24 (3) Unless otherwise provided in a written agreement between a ticket broker and the  
 25 purchaser, a ticket broker shall be required to refund any payment received for the  
 26 purchase of a ticket under this article if the purchaser returns the ticket and requests a  
 27 cancellation of the sale thereof within 36 hours from the time of purchase of the ticket  
 28 and if such return is made more than 72 hours preceding the athletic contest or  
 29 entertainment event.

30 (4) A ticket broker shall be required to refund any payment received for the purchase of  
 31 a ticket under this article if the athletic contest or entertainment event is canceled and not  
 32 rescheduled.

33 (5) If a ticket broker guarantees in writing delivery of a ticket or tickets to an athletic  
 34 contest or entertainment event as provided under this article to a purchaser and fails to  
 35 complete such delivery, the ticket broker shall be required to provide within 15 days a full

1 refund of any amount paid by the purchaser and, in addition, shall pay the purchaser a  
 2 refund fee of three times the amount paid by the purchaser for each such ticket.

3 (c) A ticket broker and its employees, agents, and assigns are criminally prohibited from  
 4 reselling or offering for resale any ticket within 1,500 feet from the venue where an event  
 5 or contest is to be held or is being held.

6 (d) Any printed, broadcast, or Internet advertising offering to resell tickets to an athletic  
 7 contest or entertainment event shall include the license number of the ticket broker offering  
 8 such tickets for resale, unless the offer for resale is made by an original purchaser for  
 9 personal use."

#### 10 **SECTION 8.**

11 Said chapter is further amended in Code Section 43-4B-30, relating to county and municipal  
 12 ordinances, by inserting a new subsection to be designated subsection (c) to read as follows:

13 "(c) The municipal corporation in which an athletic contest or entertainment event is to be  
 14 held, or if the athletic contest or entertainment event is to be held in an unincorporated area,  
 15 the county of such unincorporated area, is authorized to enact an ordinance requiring an  
 16 individual reselling tickets or offering tickets for resale in such municipal corporation or  
 17 in the unincorporated area of such county to obtain a permit from the local government for  
 18 such activity if the individual:

19 (1) Engages in reselling tickets or offering tickets for resale in or on the streets,  
 20 sidewalks, or other places owned or operated by such municipal corporation or county  
 21 and open to the public; or

22 (2) Does not maintain a permanent office or place of business in this state."

#### 23 **SECTION 9.**

24 All laws and parts of laws in conflict with this Act are repealed.