

The House Committee on Regulated Industries offers the following substitute to
HB 318:

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 and ticket brokers, so as to change the
3 definition of a ticket broker; to change the provisions relating to requirements for engaging
4 in the practice or business of a ticket broker; to change the provisions relating to ticket sales,
5 disclosure requirements, resale restrictions, and refunds; to provide that a ticket broker and
6 its employees, agents, and assigns are criminally prohibited from reselling or offering for
7 resale any ticket within a certain distance from the venue where an event or contest is to be
8 held or is being held; to change the provisions relating to resale of tickets by an original
9 purchaser for personal use; to provide for zones within which certain resales of tickets is
10 permissible; to change the provisions relating to advertising; to repeal certain provisions
11 relating to county and municipal ordinances; to repeal conflicting laws; and for other
12 purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

15 Chapter 4B of Title 43 of the Official Code of Georgia Annotated, relating to the Georgia
16 Athletic and Entertainment Commission and ticket brokers, is amended by striking paragraph
17 (19) of Code Section 43-4B-1, relating to definitions, and inserting in its place the following:

18 "(19) 'Ticket broker' means:

19 (A) ~~Any~~ any person who is involved in the business of reselling tickets of admission
20 to athletic contests, concerts, theater performances, amusements, exhibitions, or other
21 entertainment events ~~held in this state~~ to which the general public is admitted and who
22 charges a premium in excess of the price of the ticket; ~~or.~~

23 ~~(B) Any person who has a permanent office or place of business in this state who is~~
24 ~~involved in the business of reselling tickets of admission to athletic contests, concerts,~~
25 ~~theater performances, amusements, exhibitions, or other entertainment events held~~

1 ~~inside or outside this state to which the general public is admitted and who charges a~~
 2 ~~premium in excess of the price of the ticket.~~

3 The term ticket broker shall not include the owner, operator, lessee, or tenant of the
 4 property in which an athletic contest or entertainment event is being held or the sponsor
 5 of such a contest or event or the authorized ticket agent of such persons."

6 **SECTION 2.**

7 Said chapter is further amended by striking Code Section 43-4B-26, relating to requirements
 8 for ticket brokers, and inserting in its place the following:

9 "43-4B-26.

10 In order to engage in the practice or business of a ticket broker a person shall be required
 11 to:

12 (1) Maintain a permanent office or place of business in this state, excluding a post office
 13 box, for the purpose of engaging in the business of a ticket broker;

14 ~~(1)~~(2) Apply to the commission for a ticket broker's license on a form designated by the
 15 commission, pay an annual license fee of \$500.00, and renew the license annually;

16 ~~(2)~~(3) Pay any local tax required by a local government; and

17 ~~(3)~~(4) Register for sales and use tax purposes pursuant to Article 1 of Chapter 8 of
 18 Title 48."

19 **SECTION 3.**

20 Said chapter is further amended by striking Code Section 43-4B-28, relating to ticket sales,
 21 disclosure requirements, resale restrictions, and refunds, and inserting in its place the
 22 following:

23 "43-4B-28.

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

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

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

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

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

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

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

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

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

16 (5) If a ticket broker guarantees in writing delivery of a ticket or tickets to an athletic
 17 contest or entertainment event as provided under this article to a purchaser and fails to
 18 complete such delivery, the ticket broker shall be required to provide within 15 days a full
 19 refund of any amount paid by the purchaser and, in addition, shall pay the purchaser a
 20 refund fee of three times the amount paid by the purchaser for each such ticket.

21 (c)(1) For all venues which seat or admit less than 15,000 persons, a A ticket broker and
 22 its employees, agents, and assigns are criminally prohibited from reselling or offering for
 23 resale any ticket within 1,500 feet from the venue where an event or contest is to be held
 24 or is being held.

25 (2) For all venues which seat or admit 15,000 or more persons, a ticket broker and its
 26 employees, agents, and assigns are criminally prohibited from reselling or offering for
 27 resale any ticket within 2,700 feet from the venue where an event or contest is to be held
 28 or is being held.

29 (d) Any ticket broker offering to resell tickets to an athletic contest or entertainment event
 30 through any printed, broadcast, or Internet advertising shall include in such advertising the
 31 license number of such ticket broker offering such tickets for resale."

32 SECTION 4.

33 Said chapter is further amended by striking subsection (a) of Code Section 43-4B-29, relating
 34 to resale of tickets by an original purchaser for personal use, and inserting in lieu thereof the
 35 following:

1 "(a) No provision of this article or any other provision of law shall criminally prohibit any
 2 person who is the original purchaser for personal use of one or more tickets to an athletic
 3 contest or entertainment event covered under this article from reselling or offering for
 4 resale any of such tickets for any price, provided that such person does not sell or offer to
 5 sell such tickets within 1,500 feet of a ticket office for such a contest or event or a public
 6 entrance to such a contest or event. ~~No provision of this article or any other provision of
 7 law shall criminally prohibit the purchaser for personal use of one or more tickets to an
 8 athletic contest or entertainment event from reselling or offering for resale any of such
 9 tickets in any zone or zones within the restricted areas, as provided in this subsection or
 10 subsection (b) of Code Section 43-4B-30, where such activity is authorized by the sponsor
 11 of the contest or event and the owner or operator of the venue where such contest or event
 12 is being held or to be held."~~

13

SECTION 5.

14 Said chapter is further amended by inserting a new Code section to be designated Code
 15 Section 43-4B-29.1 to read as follows:

16 "43-4B.29.1.

17 (a) Notwithstanding subsection (c) of Code Section 43-4B-28, and subsection (b) of Code
 18 Section 43-4B-30, no provision of this article or any other provision of law shall provide
 19 a criminal penalty for or prohibit the resale or offering for resale of a ticket or tickets to an
 20 athletic contest or entertainment event covered under this article by a ticket broker or a
 21 ticket broker's employees, agents, and assigns in a zone or zones within the area where
 22 such resale or offering for resale is prohibited by such subsections, if such activity is
 23 authorized by the promoter of the contest or event and the owner or operator of the venue
 24 where such contest or event is being held or to be held.

25 (b) Notwithstanding subsection (a) of Code Section 43-4B-29 and subsection (b) of Code
 26 Section 43-4B-30, no provision of this article or any other provision of law shall provide
 27 a criminal penalty for or prohibit the resale or offering for resale of a ticket or tickets
 28 purchased by any person who is the original purchaser for personal use of such ticket or
 29 tickets to an athletic contest or entertainment event covered under this article in a zone or
 30 zones within the area where such resale or offering for resale is prohibited by such
 31 subsections, if such activity is authorized by the promoter of the contest or event and the
 32 owner or operator of the venue where such contest or event is being held or to be held."

33

SECTION 6.

34 Said chapter is further amended by striking Code Section 43-4B-30, relating to county and
 35 municipal ordinances, and inserting in its place the following:

1 "43-4B-30.

2 (a) With regard to any single athletic contest or entertainment event which occurs no more
3 often than once annually and with regard to any series of athletic contests which occur no
4 more often than once annually and which occur within a time period not exceeding ten
5 days, the municipal corporation in which such contest, event, or series of contests is to be
6 held, or if the contest, event, or series of contests is to be held in an unincorporated area,
7 the county of such unincorporated area, is authorized to enact by ordinance regulations
8 governing ticket brokers for such contest, event, or series of contests which are more
9 restrictive than the provisions of this article.

10 (b) The municipal corporation in which an athletic contest or entertainment event is to be
11 held, or if the contest or entertainment event is to be held in an unincorporated area, the
12 county of such unincorporated area, is authorized to enact an ordinance prohibiting the
13 resale or offering for resale of one or more tickets by a ticket broker or by a person who is
14 the original purchaser for personal use of one or more tickets within 2,700 feet of a venue
15 which seats or admits 15,000 or more persons.

16 ~~(c)(1) Municipal corporations and counties in this state are authorized to enact an~~
17 ~~ordinance requiring an individual reselling tickets or offering tickets for resale in such~~
18 ~~municipal corporations or in the unincorporated area of such counties to obtain a permit~~
19 ~~from the municipal corporation or county for such activity if the individual:~~

20 ~~(A) Engages in reselling tickets or offering tickets for resale in or on the streets,~~
21 ~~sidewalks, or other places owned or operated by such municipal corporation or county~~
22 ~~and open to the public regardless of whether such individual maintains a permanent~~
23 ~~office or place of business for reselling tickets or offering tickets for resale in this state;~~
24 ~~or~~

25 ~~(B) Does not maintain a permanent office or place of business in this state.~~

26 ~~(2) A municipality or county may charge a fee for such permit not to exceed \$150.00.~~

27 ~~(3) In order to obtain a permit, individuals first must provide proof of licensing under~~
28 ~~Code Section 43-4B-26 to the municipality or county issuing such permits.~~

29 ~~(4) The provisions of this Code section shall not apply to an original purchaser for~~
30 ~~personal use.~~

31 ~~(5) The provisions of this Code section shall not apply to the delivery of one or more~~
32 ~~tickets after a sales transaction is completed at a ticket broker's permanent office or place~~
33 ~~of business in this state."~~

34 SECTION 7.

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