

House Bill 1238 (COMMITTEE SUBSTITUTE)

By: Representatives Ralston of the 7th, Bearden of the 68th, and Levitas of the 82nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 4B of Title 43 of the Official Code of Georgia Annotated,
2 relating to ticket brokers, so as to change certain provisions relating to the authority to resell
3 tickets and service charges; to provide for certain Internet resale of tickets; to provide for a
4 penalty; to provide for other related matters; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 3 of Chapter 4B of Title 43 of the Official Code of Georgia Annotated, relating to
9 ticket brokers, is amended by revising Code Section 43-4B-25, relating to the authority to
10 resell tickets and service charges, as follows:

11 "43-4B-25.

12 (a) Except as otherwise provided in Code ~~Section~~ Sections 43-4B-29 and 43-4B-29.2, it
13 shall be unlawful for any person other than a ticket broker to resell or offer for resale any
14 ticket of admission or other evidence of the right of entry to any athletic contest, concert,
15 theater performance, amusement, exhibition, or other entertainment event to which the
16 general public is admitted for a price in excess of the face value of the ticket.
17 Notwithstanding any other provision of this article to the contrary, a service charge not to
18 exceed \$3.00 may be charged when tickets or other evidences of the right of entry are sold
19 by an authorized ticket agent through places of established business licensed to do business
20 by the municipality or county, where applicable, in which such places of business are
21 located. Notwithstanding any other provision of this article to the contrary, the owner,
22 operator, lessee, or tenant of the property on which such athletic contest or entertainment
23 event is to be held or is being held or the sponsor of such contest or event may charge or
24 may authorize, in writing, any person to charge a service charge for the sale of such ticket,
25 privilege, or license of admission in addition to the face value of the ticket. Such writing

1 granting authority to another shall specify the amount of the service charge to be charged
2 for the sale of each ticket, privilege, or license of admission.

3 (b) Except as provided in Code Section 43-4B-29.2 and notwithstanding ~~Notwithstanding~~
4 any other provision of this article to the contrary, in the case of any athletic contest or
5 entertainment event that is described in Code Section 43-4B-30, a sponsor of such a contest
6 or event may contractually restrict the resale of a ticket to such contest or event by giving
7 notice of such restriction on the back of the ticket. Notwithstanding any other provision
8 of this article to the contrary, in the case of any athletic contest or entertainment event, an
9 owner, operator, lessee, or tenant of the property on which such contest or event is to be
10 held or is being held may contractually restrict the resale of the right of occupancy of any
11 specific suite, seat, or seating area by giving notice in writing of such restriction, except
12 when such resale is made pursuant to the provisions of Code Section 43-4B-29.2."

13 SECTION 2.

14 Said article is further amended by adding a new Code section to read as follows:

15 "43-4B-29.2.

16 (a) An Internet website may resell or offer for resale in the secondary market, at any price,
17 one or more tickets to an athletic contest or entertainment event if such ticket is resold or
18 offered for resale through an Internet website whose operator guarantees a full refund of
19 the amount paid for the ticket if:

20 (1) The ticketed athletic contest or entertainment event is canceled;

21 (2) The purchaser is denied admission to the ticketed athletic contest or entertainment
22 event, unless the denied admission is due to the action or omission of the purchaser; or

23 (3) The ticket is not delivered to the purchaser in the manner described on the website
24 or pursuant to the delivery agreement made by the reseller, and such failed delivery
25 results in the purchaser's inability to attend the ticketed event.

26 (b) If an athletic contest or entertainment event is canceled, the Internet website shall not
27 be liable for refunding reasonable handling fees and delivery charges, provided that the
28 Internet website's refund guarantee discloses that such fees and charges are nonrefundable."

29 SECTION 3.

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