

March 22, 2007

S 1407. RESALE OF TICKETS VIA INTERNET. Filed 3/21/07. *TO PROTECT CONSUMERS FROM UNLAWFUL SALE OF ADMISSION TICKETS IN EXCESS OF THE PRINTED PRICE.*

Enacts GS 14-344.1 allowing internet sales of admission tickets in excess of the printed price, when authorized by the organizer of the event or the operator of the location. Authorized sales through the Web must carry a guarantee of full refund, in specified circumstances. Student tickets issued by institutions of higher education in North Carolina for sporting events are excluded. Enacts GS 14-344.1 providing that purchasing from the original ticket seller, with intent to resell, a quantity of tickets to an event that exceeds the maximum ticket limit violates GS 75-1.1 (unfair and deceptive trade practices). Effective December 1, 2007.

Intro. by Hartsell.

GS 14

May 17, 2007

S 1407. RESALE OF TICKETS VIA INTERNET. Filed 3/21/07. Senate committee substitute makes the following changes to 1st edition. Corrects the statute numbers. Modifies proposed GS 14-344.2 (b) to make it a violation to knowingly acquire (was, purchase) tickets from the original seller in excess of the maximum ticket limit for resale purposes. Changes the effective date from December 1, 2007 to August 1, 2007. Amends the title to include the prohibition on acquiring more than the allowable maximum number of tickets for resale.

July 2, 2008

S 1407. RESALE OF TICKETS VIA INTERNET. Filed 3/21/07. Senate committee substitute makes the following changes to 2nd edition. Reorganizes proposed new GS 14-344.1 and allows a person to resell an admission ticket on the internet at a price greater than face value *unless the event venue prohibits internet ticket resale* (was, prohibits resale of tickets at a greater price unless the event organizer *authorized* that type of resale). Provides that a person reselling a ticket under this statute acknowledges tax liability. Requires that a venue prohibiting such resale of tickets post a notice conspicuously on its website and provides that the prohibition does not become valid until after 30 days of posting the notice. Sets forth that the prohibition will expire December 31 of each year unless renewed. Adds that if a seller must refund the ticket price if an event is cancelled, then reasonable handling and delivery fees may be withheld from the refund if the ticket guarantee specifically informed the purchaser of this policy.

Modifies proposed new GS 14-344.2 by changing the caption and removing the provision concerning buying more than the original ticket-seller's posted maximum ticket limit for resale. Instead, makes it an unfair trade practice for a person to knowingly sell, give, transfer, use, distribute, or possess ticket purchasing software that circumvents security measures, access control systems, or any controls or measures on a ticket seller's website that ensure an equitable ticket buying process for purchasers. Establishes that the ticket seller and host venue have standing to bring a private action under GS 75-1.1. Makes technical changes.

Amends GS 14-344 to make violation of GS 14-344.1 a Class 2 misdemeanor.

Amends GS 105-37.1 to impose a 3% privilege tax on gross receipts from reselling or offering to resell admission tickets on the internet under GS 14-344.1. Excludes the printed price on the face of the ticket from the gross receipts.

Changes the effective date from August 1, 2007, to August 1, 2008, and specifies that the provision regarding unfair ticket purchasing software applies to offenses committed on or after that date.

Changes the title to *AN ACT TO PROTECT CUSTOMERS WHEN PURCHASING TICKETS VIA THE INTERNET, TO PROHIBIT THE USE OF SOFTWARE TO UNFAIRLY PURCHASE TICKETS OVER THE INTERNET, AND TO IMPOSE A PRIVILEGE TAX ON THE INTERNET SALES IN EXCESS OF THE PRINTED PRICE.*

July 7, 2008

S 1407. RESALE OF TICKETS VIA INTERNET. Filed 3/21/07. Senate amendment makes the following changes to 3rd edition. Amends proposed new GS 14-344.2 (prohibition on ticket

purchasing software) to provide that the ticket seller and venue hosting the ticketing have standing to bring a private right of action under GS 75-1.1 for violations of GS 14-344.2.

July 10, 2008

S 1407. RESALE OF TICKETS VIA INTERNET. Filed 3/21/07. House committee substitute makes the following changes to 4th edition. Amends the effective date to provide that Section 3 (amendment to GS 14-344, sale of admission tickets in excess of printed price) of the act applies to offenses committed on or after August 1, 2008. Previous edition provided that Section 2, new GS 14-344.2, prohibition on ticket purchasing software, applied to offenses committed on or after August 1, 2008.

July 15, 2008

S 1407. RESALE OF TICKETS VIA INTERNET. Filed 3/21/07. House committee substitute makes the following changes to 5th edition. Deletes the amendment to GS 105-37.1 which imposed a privilege tax on receipts from reselling or offering to resell admission tickets on the internet. Make a conforming deletion in proposed new GS 14-344.1. Amends proposed GS 14-344.1 as follows. Requires the venue to file a notice of prohibition of the resale of admission tickets for a specified event with the Secretary of State. Provides that to renew a prohibition, a venue must (1) renew its notice of prohibition filed with the Secretary of State and (2) post the notice on its website. Requires a venue that files a notice of prohibition to pay a fee in the amount set for filing articles of incorporation under GS 55-1-22 and requires a venue that renews a notice to pay a fee in the amount for filing a paper annual report under GS 55-1-22. Makes a conforming change to the title.

July 18, 2008

S 1407. RESALE OF TICKETS VIA INTERNET. Filed 3/21/07. Conference report recommends the following changes to 6th edition to reconcile matters in controversy. Amends proposed GS 14-344.1 to require a person who resells or offers to resell admission tickets under the statute to report to the Department of Revenue monthly with the report due on the 10th day after the end of each month. Requires the report to include: (1) total amount of gross receipts derived from reselling an admission ticket on the internet to an event or venue in the state, (2) event for which admission tickets are sold and the venue where the event will occur, (3) person or venue from whom the reseller purchased admission tickets, (4) acquisition price of the admission tickets, (5) price received by the reseller for the admission tickets, (6) name and address of the person to whom the admission ticket is resold if the purchaser is a reseller, and (7) any other information required by the Secretary of Revenue. Makes a conforming change to provide that a person who resells an admission ticket under the statute acknowledges liability for the information reported under (e).

Sets the act to expire June 30, 2009, and provides that the expiration of the act does not relieve a person's liability to file the report required under GS 14-344.1(e) for gross receipts received in June 2009. Provides that liability for acts or omissions before the expiration of the act are not abated or affected by the expiration.

August 8, 2008

SL 2008-158 (S 1407). RESALE OF TICKETS VIA INTERNET. AN ACT TO PROTECT CUSTOMERS WHEN PURCHASING TICKETS VIA THE INTERNET AND TO PROHIBIT THE USE OF SOFTWARE TO UNFAIRLY PURCHASE TICKETS OVER THE INTERNET.

Summarized in *Daily Bulletin* 3/22/07, 5/17/07, 7/2/08, 7/7/08, 7/10/08, 7/15/08, and 7/18/08. Enacted August 3, 2008. Effective August 1, 2008.