

FIRST REGULAR SESSION

HOUSE BILL NO. 587

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TILLEY.

Read 1st time January 24, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

0911L.03I

AN ACT

To repeal section 578.395, RSMo, and to enact in lieu thereof one new section relating to ticket resale, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 578.395, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 578.395, to read as follows:

578.395. 1. Any person, firm, or corporation who resells or offers to resell any ticket for admission, or any other evidence of the right of entry, to any public sporting event for a price in excess of the price printed on the ticket is guilty of the offense of ticket scalping. For purposes of this section, if a seller requires, as a precondition of the resale of a ticket, the purchase or rental of other goods or services at a price in excess of the fair market value of such goods or services, the excess amount shall be deemed to be part of the purchase price of the ticket.

2. **Any person, firm, or corporation who knowingly purchases from the original ticket seller a quantity of tickets to an event which exceeds the maximum ticket limit quantity posted by or on behalf of the original ticket seller at the point of original sale or printed on the tickets themselves and intends to resell such tickets is guilty of the offense of unauthorized ticket resale. A person, firm, or corporation is not liable under this subsection with respect to tickets for which such person, firm, or corporation is the original ticket seller. For purposes of this subsection, "original ticket seller" means the issuer of such ticket or a person, firm, or corporation who provides distribution services or ticket sales services under a contract with such issuer.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 **3.** Nothing in this section shall prohibit nor shall be deemed to prohibit a seller, with
17 consent of the sponsor of such sporting event, from collecting a reasonable service charge from
18 a ticket purchaser in return for services actually rendered.

19 [3.] **4.** Any person violating this section [upon conviction shall be] is guilty of a
20 misdemeanor and, except as provided in subsection [4] **5** of this section, shall be punished as
21 follows:

22 (1) For the first offense, by a fine of not less than fifty dollars nor more than three
23 hundred dollars or by imprisonment in the county jail for a term of not less than fifteen days;

24 (2) For the second offense, by a fine of not less than three hundred dollars nor more than
25 five hundred dollars or by imprisonment in the county jail for a term of not less than sixty days
26 nor more than six months;

27 (3) For the third and each subsequent offense, by a fine of not less than five hundred
28 dollars nor more than one thousand dollars or imprisonment in the county jail for a term of not
29 less than six months nor more than one year.

30 [4.] **5.** In lieu of any fine imposed under subsection [3] **4** of this section, the court may
31 invoke the provisions of subsection 2 of section 560.016, RSMo, against any person convicted
32 of a second or subsequent offense of this section.

33 **6. (1) Nothing in this section or in any law or ordinance of any city, county, or**
34 **other political subdivision shall prohibit or be deemed to prohibit a person, firm, or**
35 **corporation from reselling or offering to resell via the Internet an admission ticket, at any**
36 **price, or charging any fee in connection with the resale or offering of an admission ticket**
37 **to any athletic contest, dance, theater, concert, circus, or other amusement, regardless of**
38 **whether such person, firm, or corporation has a ticket resale license, if the organizer of the**
39 **event and the operator of the location where the event is occurring authorize admission**
40 **tickets to such event to be resold for more than the price printed on the face of the ticket.**
41 **If such resale is authorized, any admission ticket to the event may be resold or offered for**
42 **resale through any web site if such web site's operator guarantees a full refund of the**
43 **amount paid for the ticket under each of the following conditions:**

44 **(a) The ticketed event is cancelled;**

45 **(b) The purchaser is denied admission to the ticketed event, unless such denial is**
46 **due to the action or omission of the purchaser;**

47 **(c) The ticket is not delivered to the purchaser in the manner described on such**
48 **web site or under the delivery guarantee made by the reseller and such failure results in**
49 **the purchaser's inability to attend the ticketed event.**

50 (2) A web site operator's guarantee under this subsection shall be posted on the
51 operator's web site and a prospective purchaser shall be directed to such guaranty before
52 completion of the resale transaction.

53 (3) A refund issued by a web site operator under any of the conditions provided in
54 this subsection shall include any service, handling, or processing fees unless such fees are
55 declared nonrefundable under the terms of the guarantee.

56 (4) If authorization to resell an admission ticket for more than the price printed on
57 the face of the ticket is not granted by the organizer of the event and the operator of the
58 location of the event under this subsection, no person or entity shall resell an admission
59 ticket for more than the price printed on the face of the ticket.

60 (5) The provisions of this subsection shall not apply to student tickets issued by
61 Missouri universities for sporting events.

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