

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 587
94TH GENERAL ASSEMBLY

Reported from the Special Committee on Urban Issues April 5, 2007 with recommendation that House Committee Substitute for House Bill No. 587 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

0911L.10C

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Section A. Section 578.395, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 578.395, to read as follows: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, **limited liability company**, 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. Nothing in this section shall prohibit nor shall be deemed to prohibit a seller[, with consent of the sponsor of such sporting event,] from collecting a reasonable service charge from a ticket purchaser in return for services actually rendered.

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

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.

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

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

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

22 4. In lieu of any fine imposed under subsection 3 of this section, the court may invoke
23 the provisions of subsection 2 of section 560.016, RSMo, against any person convicted of a
24 second or subsequent offense of this section.

25 **5. (1) Nothing in this section or in any law or ordinance of any city, county, or**
26 **other political subdivision shall prohibit or be deemed to prohibit a person, firm, limited**
27 **liability company, or corporation from reselling or offering to resell via the Internet an**
28 **admission ticket, at any price, or charging any fee in connection with the resale or offering**
29 **of an admission ticket to any athletic contest, dance, theater, concert, circus, or other**
30 **amusement, if such Internet web site's operator guarantees a full refund or future credit**
31 **of the amount paid for the ticket under each of the following conditions:**

32 (a) The ticketed event is cancelled;

33 (b) The purchaser is denied admission to the ticketed event, using the purchased
34 ticket, unless such denial is due to the action or omission of the purchaser.

35 (2) The Internet web site's guarantee under this subsection shall be clearly posted
36 and all prospective purchasers shall be directed to such guaranty before completion of the
37 resale transaction.

38 (3) A refund issued under any of the conditions provided in this subsection shall
39 include any service, handling, or processing fees unless such fees are declared
40 nonrefundable under the terms of the guarantee.

41 (4) The provisions of this subsection do not apply to student or other discounted
42 tickets issued by institutions of higher education or any other state or federal not-for-profit
43 institutions.

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