

56:8-26 to 56:8-38

LEGISLATIVE HISTORY CHECKLIST

NJSA: 56:8-26 to 56:8-38

(Tickets - resale of admission - regulates)

LAWS OF: 1983

CHAPTER: 135

Bill No: A1466

Sponsor(s): D. Gallo and others

Date Introduced: May 20, 1982

Committee: Assembly: Commerce and Industry

Senate: Judiciary

Amended during passage: Yes

// Substituted for S1574 (not attached since identical to A1466)

Date of Passage:

Assembly: Dec. 20, 1982

Senate: Feb. 9, 1983

Date of Approval: April 13, 1983

Following statements are attached if available:

Sponsor statement: Yes //

Committee statement: Assembly /// No

Senate Yes //

Fiscal Note: /// No

Veto Message: YES ~~X~~

Message on Signing: /// No

Following were printed:

Reports: /// No

Hearings: /// No

See newspaper clipping (attached)

Chapter 135 Laws of 83  
Approved 4-13-83

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 1466

# STATE OF NEW JERSEY

INTRODUCED MAY 20, 1982

By Assemblymen D. GALLO, DOYLE, KOSCO, LESNIAK, ALBOHN, WEIDEL, GIRGENTI, FRANKS, KAVANAUGH, SMITH, CHARLES, JACKMAN, VILLANE, ADUBATO, Assemblywomen MUHLER, WRIGHT, Assemblyman GORMLEY, Assemblywoman BROWN, Assemblymen VAN WAGNER, JANISZEWSKI, SCHUBER, MARKERT, KERN, LACORTE, MILLER BENNETT, HAYTAIAN, HARDWICK and GILL

AN ACT concerning the resale of tickets of admission to places of entertainment supplementing P. L. 1960, c. 39 (C. 56:8-1 et seq.) and repealing P. L. 1947 c. 385 (C. 40:48-2.18 through 40:48-2.25).

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. As used in this act:

2 a. "Director" means the director of the Division of Consumer  
3 Affairs in the Department of Law and Public Safety.

4 b. "Division" means the Division of Consumer Affairs in the  
5 Department of Law and Public Safety.

6 c. "Person" means corporations, companies, associations,  
7 societies, firms, partnerships and joint stock companies as well as  
8 individuals.

9 d. "**Places**" *Place* of private entertainment" means any  
10 privately owned and operated entertainment **facilities** *facil-*  
11 *ity* within the State of New Jersey such as **theaters, stadiums,**  
12 **museums,** *a theater, stadium, museum, arena, racetrack,* or  
13 other **places** *place* where performances, concerts, exhibits,  
14 games or contests are held for which an entry fee is charged.

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

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

\*—Assembly committee amendments adopted November 15, 1982.

\*\*—Senate committee amendments adopted January 24, 1983.

15 e. “**[Places]**” *Place* of public entertainment” means **[any**  
 16 State owned and operated **[facilities]** *facility* within the State  
 17 of New Jersey such as **[theaters, stadiums, museums,]** *a theater,*  
 18 *stadium, museum, arena, racetrack,* or other **[places]** *place*  
 19 where performances, concerts, exhibits, games or contests are held  
 20 for which an entry fee is charged**]** *the Garden State Arts*  
 20A *Center, Rutgers University Athletic Center and any present or*  
 20B *future facility, owned, operated or funded by the New Jersey*  
 20C *Sports and Exposition Authority*.”

21 f. “Ticket” means any piece of paper **[or other evidence]**  
 22 which indicates that the bearer has paid for **[and has been granted**  
 23 the privilege of**]** entry *or other evidence which permits entry*  
 24 to a place of entertainment, public or private.

25 g. “Ticket agent” means any person who is involved in the  
 26 business of selling or reselling tickets of admission to places of  
 27 public entertainment who charges a premium in excess of the price,  
 28 plus taxes, printed on the tickets.

1 2. No person shall **[resell or]** engage in or continue in the busi-  
 2 ness of reselling tickets for admission to a place of *public or*  
 3 private entertainment without:

4 a. Owning, operating or maintaining an office, branch office,  
 5 bureau, agency, or other place of business \*, *not including a post*  
 6 *office box,* for the purpose of reselling tickets in this State; and

7 b. Obtaining a license to resell or engage in the business of  
 8 reselling tickets from the director.

1 **[3.** No person shall engage in or continue in the business of  
 2 reselling tickets for admission to a place of public entertainment  
 3 without:

4 a. Owning, operating or maintaining an office, branch office,  
 5 bureau, agency, or other place of business for the purpose of  
 6 reselling tickets in this State;

7 b. Obtaining a license to resell or engage in the business of  
 8 reselling tickets from the director; and

9 c. Posting the applicable bond required by section 6 of this act.**]**”

1 **[4.]** *3.* a. The division shall prepare and furnish to applicants  
 2 *for licenses* application forms and **[regulations]** *require-*  
 3 *ments* prescribed by the director pertaining to the applications for  
 3A and the issuances of licenses.

4 b. Every applicant for a license to engage in the business of  
 5 reselling tickets shall file his written application with the division  
 6 on the form furnished by, and consistent with, the regulations pre-  
 7 scribed by the director.

8 c. Each application shall be accompanied by a fee which shall

9 be determined by the director, **\*\*[a bond in the case of persons**  
 10 **reselling or engaging or continuing in the business of reselling**  
 11 **tickets for admission to places of public entertainment,]\*\*** and a  
 12 description of the location where the applicant proposes to conduct  
 13 his business.

1 **\*[5.]\* \*4.\*** a. Upon receipt of the completed application, fee and  
 2 bond, if any, and when the director is satisfied that the applicant has  
 3 complied with all of the requirements of this act, the director shall  
 4 grant and issue a license to the applicant.

5 b. The license granted **\*[shall]\* \*may\*** be renewed **\*[every]\***  
 6 **\*for a period of\*** two years upon the payment of a renewal fee  
 6A which shall be determined by the director.

7 c. No license shall be transferred or assigned. No change in the  
 8 location of the premises operated by the licensee shall be made  
 9 except by permission **\*[by]\* \*of\*** the director, and upon payment  
 10 of a fee established by the director. The license shall run to January  
 11 1 in the second year next ensuing the date thereof unless sooner  
 12 revoked by the director.

1 **\*[6.]\* \*5.\*** The director shall require the applicant for a license  
 2 to **\*[resell or engage in the business of reselling tickets to places**  
 3 **of public entertainment to]\*\*** file with the application a bond in the  
 4 amount of **\*[\$2,500.00]\* \*\$10,000.00\*** with two or more sufficient  
 5 sureties or an authorized surety company, which bond shall be  
 5A approved by the director.

6 Each bond shall be conditioned on the promise that the applicant,  
 7 his agents or employees will not be guilty of fraud or extortion,  
 8 will not violate any of the provisions of this act, will comply with  
 9 the rules and regulations promulgated by the director, and will  
 10 pay all damages occasioned to any person by reason of misstate-  
 11 ment, misrepresentation, fraud or deceit or any unlawful act or  
 12 omission in connection with the provisions of this act and the  
 13 business conducted under this act.

1 **\*[7.]\* \*6.\*** The director, after notice to the licensee and reason-  
 2 able opportunity for the licensee to be heard, may revoke his license  
 3 or may suspend his license for any period which the director deems  
 4 proper, upon satisfactory proof that the licensee has violated this  
 5 act, any condition of his license or any rule or regulation of the divi-  
 6 sion promulgated pursuant to this act.

1 **\*[8.]\* \*7.\*** Immediately upon the receipt of the license issued  
 2 pursuant to this act, the licensee shall display and maintain his  
 3 license in a conspicuous place in his principal office for reselling  
 4 tickets. He shall request copies of the license from the director for  
 5 the purpose of displaying a copy of the license in each branch office,

6 bureau or agency and the director may charge a fee for the copies.

1 **\*[9.]\* \*8.\*** Each place of public entertainment shall print on the  
 2 face of each ticket *and include in any advertising for any event\**  
 3 the price charged therefor. **\*[Each]\*** *Except for tickets printed*  
 4 *prior to the enactment of this act, each\** ticket shall have endorsed  
 5 thereon the maximum premium not to exceed 20% of the ticket  
 6 price or \$3.00, whichever is greater, plus lawful taxes, at which the  
 7 ticket may be resold **\*[or offered for sale]\***. No person shall *re-*  
 8 *sell,\* offer to resell \*, or purchase with the intent to resell\** a ticket  
 9 at any premium in excess of the maximum premium *as set forth*  
 10 *in this act\*.*

1 **\*[10.]\* \*9.\*** No person shall sell, offer to sell, **\*[dispose of, or**  
 2 **possess with intent to sell or dispose of]\*** *resell, offer to resell or*  
 3 *purchase with the intent to resell\** any ticket, in or on any street,  
 4 *highway, driveway,\* sidewalk, parking area, \*or\* common area*  
 5 *owned by a place of public entertainment\*, or \*\*any\*\* other area*  
 6 adjacent to or in the vicinity of any place of public entertainment  
 7 *as determined by the director; except that a person may resell, in*  
 8 *an area which may be designated by the place of public entertain-*  
 9 *ment, any ticket or tickets originally purchased for his own per-*  
 10 *sonal or family use at no greater than the lawful price permitted*  
 10A *under this act\*.*

11 **\*[Violators of this provision, in addition to any penalties con-**  
 12 **tained in section 13 of this act, shall be guilty of a disorderly**  
 13 **persons offense.]\***

1 **\*[11.]\* \*10.\*** Any person who gives or offers anything of value to  
 2 an employee of a place of public entertainment in exchange for,  
 3 or as an inducement to, special treatment with respect to obtaining  
 4 tickets, or any employee of a place of public entertainment who  
 5 receives or solicits anything of value in exchange for special treat-  
 6 ment with respect to issuing tickets, shall be **\*[guilty, in addition to**  
 7 **any penalties applicable under section 13 of this act, of a dis-**  
 8 **orderly persons offense]\*** *in violation of this act\*.*

1 **\*[12.]\* \*11.\*** The director, pursuant to the provisions of the Ad-  
 2 ministrative Procedure Act, P. L. 1968, c. 410 (C. 52:14B-1 et seq.),  
 3 shall promulgate rules and regulations necessary to implement this  
 4 act.

1 **\*[13. It shall be an unlawful practice for any person to violate**  
 2 **any provisions of this act and that person shall be subject to the**  
 3 **sanctions contained in P. L. 1960, c. 39 (C. 56:8-1 et seq.).]\***

1 **\*12. Any person who violates any provision of this act shall be**  
 2 **guilty of a crime of the fourth degree.\***

1 **\*[14.]\* \*13.\*** The provisions of this act shall not apply to **\*[any**  
 2 **person selling, or offering to sell or possessing with intent to sell or**

3 dispose of, any tickets which were purchased for his own personal  
4 use, or for the use of his family, for the same price which he  
5 originally paid for the ticket, nor shall this act apply to]\* any  
6 person who sells, raffles or otherwise disposes of the ticket for a  
7 bona fide nonprofit or political organization when the premium  
8 proceeds are devoted to the lawful purposes of the organization.

1 \*~~15.~~\* ~~14.~~\* P. L. 1947, c. 385 (C. 40:48-2.18 through 40:48-2.25  
2 inclusive) is repealed.

1 \*~~16.~~\* ~~15.~~\* This act shall take effect on the one hundred  
2 twentieth day after enactment.

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ASSEMBLY, No. 1466

STATE OF NEW JERSEY

INTRODUCED MAY 20, 1982

By Assemblymen D. GALLO, DOYLE, KOSCO, LESNIAK, ALBOHN, WEIDEL, GIRGENTI, FRANKS, KAVANAUGH, SMITH, CHARLES, JACKMAN, VILLANE, ADUBATO, Assemblywomen MUHLER, WRIGHT, Assemblyman GORMLEY, Assemblywoman BROWN, Assemblymen VAN WAGNER, JANISZEWSKI, SCHUBER, MARKERT, KERN, LACORTE, MILLER BENNETT, HAYTAIAN, HARDWICK and GILL

AN ACT concerning the resale of tickets of admission to places of entertainment supplementing P. L. 1960, c. 39 (C. 56:8-1 et seq.) and repealing P. L. 1947 c. 385 (C. 40:48-2.18 through 40:48-2.25).

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. As used in this act:

2 a. "Director" means the director of the Division of Consumer  
3 Affairs in the Department of Law and Public Safety.

4 b. "Division" means the Division of Consumer Affairs in the  
5 Department of Law and Public Safety.

6 c. "Person" means corporations, companies, associations,  
7 societies, firms, partnerships and joint stock companies as well as  
8 individuals.

9 d. "Places of private entertainment" means any privately  
10 owned and operated entertainment facilities within the State of  
11 New Jersey such as theaters, stadiums, museums, or other places  
12 where performances, concerts, exhibits, games or contests are  
13 held for which an entry fee is charged.

14 e. "Places of public entertainment" means any State owned

15 and operated facilities within the State of New Jersey such as  
16 theaters, stadiums, museums, or other places where performances,  
17 concerts, exhibits, games or contests are held for which an entry  
18 fee is charged.

19 f. "Ticket" means any piece of paper or other evidence which  
20 indicates that the bearer has paid for and has been granted the  
21 privilege of entry to a place of entertainment, public or private.

22 g. "Ticket agent" means any person who is involved in the  
23 business of selling or reselling tickets of admission to places of  
24 public entertainment who charges a premium in excess of the price,  
25 plus taxes, printed on the tickets.

1 2. No person shall resell or engage in or continue in the business  
2 of reselling tickets for admission to a place of private entertain-  
3 ment without:

4 a. Owning, operating or maintaining an office, branch office,  
5 bureau, agency, or other place of business for the purpose of  
6 reselling tickets in this State; and

7 b. Obtaining a license to resell or engage in the business of  
8 reselling tickets from the director.

1 3. No person shall engage in or continue in the business of  
2 reselling tickets for admission to a place of public entertainment  
3 without:

4 a. Owning, operating or maintaining an office, branch office,  
5 bureau, agency, or other place of business for the purpose of  
6 reselling tickets in this State;

7 b. Obtaining a license to resell or engage in the business of  
8 reselling tickets from the director; and

9 c. Posting the applicable bond required by section 6 of this act.

1 4. a. The division shall prepare and furnish to applicants appli-  
2 cation forms and regulations prescribed by the director pertaining  
3 to the applications for and the issuance of licenses.

4 b. Every applicant for a license to engage in the business of  
5 reselling tickets shall file his written application with the division  
6 on the form furnished by, and consistent with, the regulations pre-  
7 scribed by the director.

8 c. Each application shall be accompanied by a fee which shall  
9 be determined by the director, a bond in the case of persons  
10 reselling or engaging or continuing in the business of reselling  
11 tickets for admission to places of public entertainment, and a  
12 description of the location where the applicant proposes to conduct  
13 his business.

1 5. a. Upon receipt of the completed application, fee and bond,  
2 if any, and when the director is satisfied that the applicant has



3 complied with all of the requirements of this act, the director shall  
4 grant and issue a license to the applicant.

5 b. The license granted shall be renewed every 2 years upon the  
6 payment of a renewal fee which shall be determined by the director.

7 c. No license shall be transferred or assigned. No change in the  
8 location of the premises operated by the licensee shall be made  
9 except by permission by the director, and upon payment of a fee  
10 established by the director. The license shall run to January 1 in  
11 the second year next ensuing the date thereof unless sooner  
12 revoked by the director.

1 6. The director shall require the applicant for a license to resell  
2 or engage in the business of reselling tickets to places of public  
3 entertainment to file with the application a bond in the amount of  
4 \$2,500.00 with two or more sufficient sureties or an authorized  
5 surety company, which bond shall be approved by the director.

6 Each bond shall be conditioned on the promise that the applicant,  
7 his agents or employees will not be guilty of fraud or extortion,  
8 will not violate any of the provisions of this act, will comply with  
9 the rules and regulations promulgated by the director, and will  
10 pay all damages occasioned to any person by reason of misstate-  
11 ment, misrepresentation, fraud or deceit or any unlawful act or  
12 omission in connection with the provisions of this act and the  
13 business conducted under this act.

1 7. The director, after notice to the licensee and reasonable oppor-  
2 tunity for the licensee to be heard, may revoke his license or may  
3 suspend his license for any period which the director deems proper,  
4 upon satisfactory proof that the licensee has violated this act, any  
5 condition of his license or any rule or regulation of the division  
6 promulgated pursuant to this act.

1 8. Immediately upon the receipt of the license issued pursuant  
2 to this act, the licensee shall display and maintain his license in a  
3 conspicuous place in his principal office for reselling tickets. He  
4 shall request copies of the license from the director for the purpose  
5 of displaying a copy of the license in each branch office, bureau or  
6 agency and the director may charge a fee for the copies.

1 9. Each place of public entertainment shall print on the face of  
2 each ticket the price charged therefor. Each ticket shall have en-  
3 dorsed thereon the maximum premium not to exceed 20% of the  
4 ticket price or \$3.00, whichever is greater, plus lawful taxes, at  
5 which the ticket may be resold or offered for sale. No person shall  
6 offer to resell a ticket at any premium in excess of the maximum  
7 premium.

1 10. No person shall sell, offer to sell, dispose of, or possess with

2 intent to sell or dispose of any ticket, in or on any street, sidewalk,  
3 parking area, common area, or other area adjacent to or in the  
4 vicinity of any place of public entertainment.

5 Violators of this provision, in addition to any penalties con-  
6 tained in section 13 of this act, shall be guilty of a disorderly  
7 persons offense.

1 11. Any person who gives or offers anything of value to an  
2 employee of a place of public entertainment in exchange for,  
3 or as an inducement to, special treatment with respect to obtaining  
4 tickets, or any employee of a place of public entertainment who  
5 receives or solicits anything of value in exchange for special treat-  
6 ment with respect to issuing tickets, shall be guilty, in addition to  
7 any penalties applicable under section 13 of this act, of a dis-  
8 orderly persons offense.

1 12. The director, pursuant to the provisions of the Administra-  
2 tive Procedure Act, P. L. 1968, c. 410 (C. 52:14B-1 et seq.), shall  
3 promulgate rules and regulations necessary to implement this act.

1 13. It shall be an unlawful practice for any person to violate any  
2 provisions of this act and that person shall be subject to the  
3 sanctions contained in P. L. 1960, c. 39 (C. 56:8-1 et seq.).

1 14. The provisions of this act shall not apply to any person  
2 selling, or offering to sell or possessing with intent to sell or  
3 dispose of, any tickets which were purchased for his own personal  
4 use, or for the use of his family, for the same price which he  
5 originally paid for the ticket, nor shall this act apply to any person  
6 who sells, raffles or otherwise disposes of the ticket for a bona fide  
7 nonprofit or political organization when the premium proceeds are  
8 devoted to the lawful purposes of the organization.

1 15. P. L. 1947, c. 385 (C. 40:48-2.18 through 40:48-2.25 inclusive)  
2 is repealed.

1 16. This act shall take effect on the one hundred twentieth day  
2 after enactment.

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#### STATEMENT

This bill regulates the resale of tickets for entertainment events in the State of New Jersey. It requires all persons involved in reselling entertainment tickets at a price in excess of their face value to obtain a license from the Division of Consumer Affairs in the Department of Law and Public Safety.

Any person involved in reselling tickets of admission to any State operated facility would be prohibited from charging in excess

51466 (1982)

of 20% or \$3.00 above the face value of any ticket. Ticket agents reselling tickets to events at State operated facilities are required to post a bond in the amount of \$2,500.00.

To combat against the sale of tickets in the immediate area of a State operated entertainment facility, this bill strictly prohibits anyone from reselling tickets in the area of the facility. Persons found guilty of reselling tickets in the immediate area would be subject to a fine of up to \$1,000.00 and up to 6 months in jail.

This bill does not apply to persons reselling their own tickets, which were purchased for use by themselves or by their family, at a price not to exceed the face value of the ticket.

The provisions of this bill do not apply to nonprofit or political organizations that resell tickets for fundraising purposes.

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SENATE JUDICIARY COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1466**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: JANUARY 24, 1983

This bill is aimed at regulating the resale of tickets for entertainment events. It requires all persons involved in reselling entertainment tickets whether for public or private entertainment facilities to obtain a license from the Division of Consumer Protection. Licenses issued to ticket agents under this bill are valid for two years and the Director of Consumer Affairs may set an application fee.

Additionally, the bill provides that if a person licensed to resell tickets would be required to post a bond in the amount of \$10,000.00. Any person reselling tickets for an event at a public entertainment facility would also be prohibited from charging in excess of 20% or \$3.00, whichever is greater, above the face value of any ticket. Places of public entertainment would be required to include ticket prices in any advertising used to promote any event.

The bill would also prohibit the selling of tickets in the immediate area of a public entertainment facility. The bill contains an exception to this prohibition which would permit a person to resell, in an area to be designated by the place of entertainment any ticket or tickets originally purchased for personal or family use at no greater than the ticket's lawful price, plus the premium.

The bill also prohibits the giving or receiving of anything of value in exchange for special treatment with respect to the issuing of tickets for events at public entertainment facilities.

Any violation of the bill's provisions would be punishable as a crime of the fourth degree. Crimes of the fourth degree are punishable by up to 18 months imprisonment and/or a fine of up to \$7,500.00.

This bill repeals an existing statute which would allow municipalities to regulate ticket scalping by ordinance.

The committee adopted amendments defining the term "place of public entertainment" to mean the Garden State Arts Center, Rutgers University Athletic Center and any present or future facility owned or operated by the Sports and Exposition Authority. The committee

amendments also clarified that both those who resell tickets for events at places of private entertainment and those who resell tickets for events at places of public entertainment must be bonded.

Assembly Bill No. 1466 with the adopted amendments is identical to Senate Bill No. 1574 which was previously released by the committee.

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATE

CONTACT: PAUL WOLCOTT

WEDNESDAY, APRIL 13, 1983

Governor Thomas H. Kean has signed the following bills:

A-1466, sponsored by Assembly Minority Leader Dean A. Gallo, R-Morris, which regulates the resale of tickets for entertainment events at public facilities in the state. The bill requires that ticket brokers be licensed, post a bond and maintain an office in the state. It limits the resale value of tickets to \$3 or 20 percent over face value, whichever is greater.

The provisions of the bill apply to tickets for events at publicly owned venues: the Meadowlands Sports Complex, Rutgers University Athletic Center and the Garden State Arts Center. The bill makes violation of the law a crime of the fourth degree, carrying maximum penalties of 18 months in jail and a \$7,500 fine.

A-1709/S-2068, sponsored by Assemblyman Dennis L. Riley, D-Camden and State Senator John F. Russo, D-Ocean, which establishes the age at which a person is able to legally purchase and consume alcoholic beverages as the minimum age for attendance and participation in casino gambling.

-more-

A-884, sponsored by Assemblyman John O. Bennet, R-Monmouth, which requires that any action concerning wetlands development be subject to the same notification procedures contained in the Municipal Land Use Law. Thus, all owners of property within 200 feet of the property to be altered would be required to have at least 10 days notice of the public hearing on the intended development.

S-1374, sponsored by state Senate President Carmen A. Orechio, D-Essex, which permits retired members of the New Jersey National Guard to obtain special motor vehicle license plates, provided they were honorably discharged.

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