

REPEALER et al.
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2018 **CHAPTER:** 117
NJSA: REPEALER et al. (Restructures tickets sales law.)
BILL NO: A4259 (Substituted for S2783)
SPONSOR(S) Pintor Marin and others

DATE INTRODUCED: 6/25/2018

COMMITTEE: **ASSEMBLY:**
SENATE:

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:**
SENATE:

DATE OF APPROVAL: 8/24/2018

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First Reprint enacted) Yes

A4259

SPONSOR'S STATEMENT: (Begins on page of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:**
SENATE:

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:

LEGISLATIVE FISCAL ESTIMATE:

S2783

SPONSOR'S STATEMENT: (Begins on page of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:**
SENATE:

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:

LEGISLATIVE FISCAL ESTIMATE:

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"New NJ law allows insiders to grab a larger share of concert, sports tickets," northjersey.com, August 24, 2018

"Murphy signs law opponents say is likely to boost ticket prices," The Star-Ledger, August 26, 2018

P.L. 2018, CHAPTER 117, *approved August 24, 2018*

Assembly, No. 4259 (*First Reprint*)

1 AN ACT concerning ticket sales, amending P.L.1983, c.135, and
2 repealing various ¹**【parts】** sections¹ of ¹**【the statutory law】**
3 P.L.2001, c.394¹.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. Section 1 of P.L.1983, c.135 (C.56:8-26) is amended to read
9 as follows:

10 1. As used in this act:

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

13 b. "Division" means the Division of Consumer Affairs in the
14 Department of Law and Public Safety.

15 c. "Person" means corporations, companies, associations,
16 societies, firms, partnerships and joint stock companies as well as
17 individuals.

18 d. "Place of entertainment" means any privately or publicly
19 owned and operated entertainment facility within this State, such as
20 a theater, stadium, museum, arena, racetrack or other place where
21 performances, concerts, exhibits, games or contests are held and for
22 which an entry fee is charged.

23 e. "Ticket" means any **【piece of paper which indicates that the**
24 **bearer has paid for entry】** physical, electronic, or other evidence
25 **【which permits entry to】** that the possessor of that evidence has a
26 license to enter a place of entertainment for one or more events at
27 the place of entertainment, at the date and time or dates and times
28 specified on the ticket, subject to the terms and conditions specified
29 by the ticket issuer.

30 f. "Ticket broker" means any person situated in and operating
31 in this State who is involved in the business of reselling tickets of
32 admission to places of entertainment and who charges a premium in
33 excess of the price, plus taxes, printed on the tickets. For the
34 purposes of **【this act】** P.L.1983, c.135 (C.56:8-26 et seq.), the term
35 "ticket broker" shall not include an individual not regularly engaged
36 in the business of reselling tickets, who resells less than 30 tickets
37 during any one-year period, and who obtained the tickets for his
38 own use, or the use of his family, friends, or acquaintances.

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 underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate floor amendments adopted June 30, 2018.

1 g. "Resale" means a sale by a person other than the owner or
2 operator of a place of entertainment or of the entertainment event or
3 an agent of any such person. Resale shall not include the first sale
4 or distribution of a ticket by a ticket issuer.

5 h. "Resell" means to offer for resale or to consummate a resale.

6 i. "Digger" means a person temporarily hired for the purpose
7 of securing tickets by intimidating a purchaser waiting in line to
8 procure event tickets.

9 j. "Reseller" means any person, other than a ticket issuer or
10 ticket resale website, who resells a ticket.

11 k. "Ticket issuer" means any person, other than a ticket resale
12 website or reseller, that makes tickets available, directly or
13 indirectly, to the general public, and may include, as applicable, the
14 owner or operator of a place of entertainment, the producer or
15 promoter of an event, a sports team or sports league of teams, a
16 theater company, musical group or similar participant in an event,
17 or an agent for any such person.

18 l. "Ticket resale website" means an online platform that
19 provides a forum for the buying and selling of tickets, but does not
20 include a ticket broker, ticket issuer, reseller, or place of
21 entertainment.

22 (cf: P.L.2008, c.55, s.1)

23

24 2. Section 8 of P.L.1983, c.135 (C.56:8-33) is amended to read
25 as follows:

26 8. a. **Each place of entertainment shall print on the face of**
27 **each ticket and include in any advertising for any event the price**
28 **charged therefor** The seller of a ticket shall notify a ticket
29 purchaser of the purchase price of a ticket prior to the purchase of
30 that ticket from that ticket seller by that purchaser.

31 b. No **person** reseller other than a registered ticket broker
32 shall resell or purchase with the intent to resell a ticket for
33 admission to a place of entertainment at a maximum premium in
34 excess of 20% of the ticket price or \$3.00, whichever is greater,
35 plus lawful taxes. No registered ticket broker shall resell or
36 purchase with the intent to resell a ticket for admission to a place of
37 entertainment at a premium in excess of 50% of the price paid to
38 acquire the ticket, plus lawful taxes.

39 c. Notwithstanding the provisions of subsection a. or b. of this
40 section, nothing shall limit the price for the resale or purchase of a
41 ticket for admission to a place of entertainment sold by any
42 **person** reseller other than a registered ticket broker, provided
43 such resale or purchase is made through an Internet web site.

44 (cf: P.L.2008, c.55, s.2)

45

46 3. Section 9 of P.L.1983, c.135 (C.56:8-34) is amended to read
47 as follows:

1 9. a. No person shall resell or purchase with the intent to resell
2 any ticket, in or on any street, highway, driveway, sidewalk,
3 parking area, or common area owned by a place of entertainment in
4 this State, or any other area adjacent to or in the vicinity of any
5 place of entertainment in this State as determined by the director;
6 except that a person may resell, in an area which may be designated
7 by a place of entertainment in this State, any ticket or tickets
8 originally purchased for his own personal or family use at no
9 greater than the lawful price permitted under **[this act]** P.L.1983,
10 c.135 (C.56:8-26 et seq.).

11 b. Notwithstanding any other provision of law, any reseller or
12 ticket resale website shall guarantee to each purchaser of resold
13 tickets that the reseller or ticket resale website will provide a full
14 refund of the amount paid by the purchaser, including, but not
15 limited to, all fees, regardless of how characterized, if any of the
16 following occurs:

17 (1) the event for which that ticket has been resold is cancelled,
18 provided that if the event is cancelled, then actual handling and
19 delivery fees need not be refunded as long as that previously
20 disclosed guarantee specifies that those fees will not be refunded; or

21 (2) the ticket received by the purchaser does not grant the
22 purchaser admission to the event described on the ticket, for reasons
23 that may include, but are not limited to, that the ticket is counterfeit,
24 the ticket has been cancelled by the ticket issuer due to non-
25 payment, or the event described on the ticket was cancelled for any
26 reason prior to purchase of the resold ticket, unless the ticket is
27 cancelled due to an act or omission by that purchaser.

28 c. (1) No reseller shall employ a tentative ticket policy
29 whereby the reseller sells tickets that are not in the reseller's
30 possession at the time of sale, unless that policy is disclosed to a
31 ticket purchaser at the outset of the transaction. That disclosure
32 shall include an approximate delivery date and the number of
33 tickets that are guaranteed together, including the zone or section
34 number. If the reseller is unsuccessful in securing those tickets, the
35 reseller shall refund any deposit made by a purchaser of those
36 tickets within 10 days after the event.

37 (2) A reseller shall not sell a ticket for the same seat to more
38 than one person at the same time.

39 d. No person shall use or cause to be used any means, method
40 or technology that is designed, intended or functions to disguise the
41 identity of the purchaser with the purpose of purchasing or
42 attempting to purchase a quantity of tickets to a place of
43 entertainment in excess of authorized limits established by a ticket
44 issuer.

45 e. No person shall use or cause to be used software, or any
46 other technology or device, that is designed, intended or functions
47 to interfere with a computer, computer network, or computer
48 system, or any part thereof, for the purpose of purchasing or

1 attempting to purchase or obtain access to a quantity of tickets to a
2 place of entertainment in excess of authorized limits established by
3 a ticket issuer, or that is designed, intended or functions to
4 circumvent or disable any access control systems, electronic
5 queues, waiting periods or other sales volume limitation systems to
6 ensure the equitable distribution of tickets instituted on the website
7 of the ticket issuer.

8 (cf: P.L.2001, c.394, s.7)

9
10 4. Section 10 of P.L.1983, c.135 (C.56:8-35) is amended to
11 read as follows:

12 10. Any person who gives or offers anything of value to an
13 employee of a place of entertainment, in that employee's individual
14 capacity, and not in that employee's capacity as an employee, in
15 exchange for, or as an inducement to, special treatment by that
16 employee with respect to obtaining tickets, or any employee of a
17 place of entertainment who receives or solicits anything of value, in
18 that employee's individual capacity, and not in that employee's
19 capacity as an employee, in exchange for special treatment by that
20 employee with respect to issuing tickets, shall be in violation of
21 **【this act】** P.L.1983, c.135 (C.56:8-26 et seq.).

22 (cf: P.L.1983, c.220, s.5)

23
24 5. Section 12 of P.L.1983, c.135 (C.56:8-37) is amended to
25 read as follows:

26 12. **【Any】** a. Any person who violates P.L.1983, c.135 (C.56:8-
27 26 et seq.) shall be subject to all remedies and penalties available
28 pursuant to P.L.1960, c.39 (C.56:8-1 et seq.).

29 b. In addition to any other penalty provided by law, any person
30 who violates any provision of 【this act】 P.L.1983, c.135 (C.56:8-26
31 et seq.) shall be guilty of a crime of the fourth degree.

32 (cf: P.L.1983, c.135, s.12)

33
34 6. The following sections are repealed:
35 Section 8 of P.L.2001, c.394 (C.56:8-35.1);
36 Section 9 of P.L.2001, c.394 (C.56:8-35.2); ¹and¹
37 Section 11 of P.L.2001, c.394 (C.56:8-35.3)¹【; and
38 Section 13 of P.L.1983, c.135 (C.56:8-38)】¹.

39
40 7. This act shall take effect on the first day of the sixth month
41 next following enactment.

42

43

44

45

46

Restructures ticket sales law.

ASSEMBLY, No. 4259

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JUNE 25, 2018

Sponsored by:

Assemblywoman ELIANA PINTOR MARIN

District 29 (Essex)

Assemblyman CLINTON CALABRESE

District 36 (Bergen and Passaic)

SYNOPSIS

Restructures ticket sales law.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning ticket sales, amending P.L.1983, c.135, and
2 repealing various parts of the statutory law.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 1 of P.L.1983, c.135 (C.56:8-26) is amended to read
8 as follows:

9 1. As used in this act:

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

12 b. "Division" means the Division of Consumer Affairs in the
13 Department of Law and Public Safety.

14 c. "Person" means corporations, companies, associations,
15 societies, firms, partnerships and joint stock companies as well as
16 individuals.

17 d. "Place of entertainment" means any privately or publicly
18 owned and operated entertainment facility within this State, such as
19 a theater, stadium, museum, arena, racetrack or other place where
20 performances, concerts, exhibits, games or contests are held and for
21 which an entry fee is charged.

22 e. "Ticket" means any **piece of paper which indicates that the**
23 **bearer has paid for entry** physical, electronic, or other evidence
24 which permits entry to that the possessor of that evidence has a
25 license to enter a place of entertainment for one or more events at
26 the place of entertainment, at the date and time or dates and times
27 specified on the ticket, subject to the terms and conditions specified
28 by the ticket issuer.

29 f. "Ticket broker" means any person situated in and operating
30 in this State who is involved in the business of reselling tickets of
31 admission to places of entertainment and who charges a premium in
32 excess of the price, plus taxes, printed on the tickets. For the
33 purposes of **this act** P.L.1983, c.135 (C.56:8-26 et seq.), the term
34 "ticket broker" shall not include an individual not regularly engaged
35 in the business of reselling tickets, who resells less than 30 tickets
36 during any one-year period, and who obtained the tickets for his
37 own use, or the use of his family, friends, or acquaintances.

38 g. "Resale" means a sale by a person other than the owner or
39 operator of a place of entertainment or of the entertainment event or
40 an agent of any such person. Resale shall not include the first sale
41 or distribution of a ticket by a ticket issuer.

42 h. "Resell" means to offer for resale or to consummate a resale.

43 i. "Digger" means a person temporarily hired for the purpose
44 of securing tickets by intimidating a purchaser waiting in line to
45 procure event tickets.

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 underlined thus is new matter.

1 j. “Reseller” means any person, other than a ticket issuer or
2 ticket resale website, who resells a ticket.

3 k. “Ticket issuer” means any person, other than a ticket resale
4 website or reseller, that makes tickets available, directly or
5 indirectly, to the general public, and may include, as applicable, the
6 owner or operator of a place of entertainment, the producer or
7 promoter of an event, a sports team or sports league of teams, a
8 theater company, musical group or similar participant in an event,
9 or an agent for any such person.

10 l. “Ticket resale website” means an online platform that
11 provides a forum for the buying and selling of tickets, but does not
12 include a ticket broker, ticket issuer, reseller, or place of
13 entertainment.

14 (cf: P.L.2008, c.55, s.1)

15

16 2. Section 8 of P.L.1983, c.135 (C.56:8-33) is amended to read
17 as follows:

18 8. a. **【Each place of entertainment shall print on the face of**
19 **each ticket and include in any advertising for any event the price**
20 **charged therefor】** The seller of a ticket shall notify a ticket
21 purchaser of the purchase price of a ticket prior to the purchase of
22 that ticket from that ticket seller by that purchaser.

23 b. No **【person】 reseller** other than a registered ticket broker
24 shall resell or purchase with the intent to resell a ticket for
25 admission to a place of entertainment at a maximum premium in
26 excess of 20% of the ticket price or \$3.00, whichever is greater,
27 plus lawful taxes. No registered ticket broker shall resell or
28 purchase with the intent to resell a ticket for admission to a place of
29 entertainment at a premium in excess of 50% of the price paid to
30 acquire the ticket, plus lawful taxes.

31 c. Notwithstanding the provisions of subsection a. or b. of this
32 section, nothing shall limit the price for the resale or purchase of a
33 ticket for admission to a place of entertainment sold by any
34 **【person】 reseller** other than a registered ticket broker, provided
35 such resale or purchase is made through an Internet web site.

36 (cf: P.L.2008, c.55, s.2)

37

38 3. Section 9 of P.L.1983, c.135 (C.56:8-34) is amended to read
39 as follows:

40 9. a. No person shall resell or purchase with the intent to resell
41 any ticket, in or on any street, highway, driveway, sidewalk,
42 parking area, or common area owned by a place of entertainment in
43 this State, or any other area adjacent to or in the vicinity of any
44 place of entertainment in this State as determined by the director;
45 except that a person may resell, in an area which may be designated
46 by a place of entertainment in this State, any ticket or tickets
47 originally purchased for his own personal or family use at no

1 greater than the lawful price permitted under **[this act]** P.L.1983,
2 c.135 (C.56:8-26 et seq.).

3 b. Notwithstanding any other provision of law, any reseller or
4 ticket resale website shall guarantee to each purchaser of resold
5 tickets that the reseller or ticket resale website will provide a full
6 refund of the amount paid by the purchaser, including, but not
7 limited to, all fees, regardless of how characterized, if any of the
8 following occurs:

9 (1) the event for which that ticket has been resold is cancelled,
10 provided that if the event is cancelled, then actual handling and
11 delivery fees need not be refunded as long as that previously
12 disclosed guarantee specifies that those fees will not be refunded; or

13 (2) the ticket received by the purchaser does not grant the
14 purchaser admission to the event described on the ticket, for reasons
15 that may include, but are not limited to, that the ticket is counterfeit,
16 the ticket has been cancelled by the ticket issuer due to non-
17 payment, or the event described on the ticket was cancelled for any
18 reason prior to purchase of the resold ticket, unless the ticket is
19 cancelled due to an act or omission by that purchaser.

20 c. (1) No reseller shall employ a tentative ticket policy
21 whereby the reseller sells tickets that are not in the reseller's
22 possession at the time of sale, unless that policy is disclosed to a
23 ticket purchaser at the outset of the transaction. That disclosure
24 shall include an approximate delivery date and the number of
25 tickets that are guaranteed together, including the zone or section
26 number. If the reseller is unsuccessful in securing those tickets, the
27 reseller shall refund any deposit made by a purchaser of those
28 tickets within 10 days after the event.

29 (2) A reseller shall not sell a ticket for the same seat to more
30 than one person at the same time.

31 d. No person shall use or cause to be used any means, method
32 or technology that is designed, intended or functions to disguise the
33 identity of the purchaser with the purpose of purchasing or
34 attempting to purchase a quantity of tickets to a place of
35 entertainment in excess of authorized limits established by a ticket
36 issuer.

37 e. No person shall use or cause to be used software, or any
38 other technology or device, that is designed, intended or functions
39 to interfere with a computer, computer network, or computer
40 system, or any part thereof, for the purpose of purchasing or
41 attempting to purchase or obtain access to a quantity of tickets to a
42 place of entertainment in excess of authorized limits established by
43 a ticket issuer, or that is designed, intended or functions to
44 circumvent or disable any access control systems, electronic
45 queues, waiting periods or other sales volume limitation systems to
46 ensure the equitable distribution of tickets instituted on the website
47 of the ticket issuer.

48 (cf: P.L.2001, c.394, s.7)

1 4. Section 10 of P.L.1983, c.135 (C.56:8-35) is amended to
2 read as follows:

3 10. Any person who gives or offers anything of value to an
4 employee of a place of entertainment, in that employee's individual
5 capacity, and not in that employee's capacity as an employee, in
6 exchange for, or as an inducement to, special treatment by that
7 employee with respect to obtaining tickets, or any employee of a
8 place of entertainment who receives or solicits anything of value, in
9 that employee's individual capacity, and not in that employee's
10 capacity as an employee, in exchange for special treatment by that
11 employee with respect to issuing tickets, shall be in violation of
12 **【this act】** P.L.1983, c.135 (C.56:8-26 et seq.).
13 (cf: P.L.1983, c.220, s.5)
14

15 5. Section 12 of P.L.1983, c.135 (C.56:8-37) is amended to
16 read as follows:

17 12. **【Any】** a. Any person who violates P.L.1983, c.135 (C.56:8-
18 26 et seq.) shall be subject to all remedies and penalties available
19 pursuant to P.L.1960, c.39 (C.56:8-1 et seq.).

20 b. In addition to any other penalty provided by law, any person
21 who violates any provision of 【this act】 P.L.1983, c.135 (C.56:8-26
22 et seq.) shall be guilty of a crime of the fourth degree.
23 (cf: P.L.1983, c.135, s.12)
24

25 6. The following sections are repealed:
26 Section 8 of P.L.2001, c.394 (C.56:8-35.1);
27 Section 9 of P.L.2001, c.394 (C.56:8-35.2);
28 Section 11 of P.L.2001, c.394 (C.56:8-35.3); and
29 Section 13 of P.L.1983, c.135 (C.56:8-38).
30

31 7. This act shall take effect on the first day of the sixth month
32 next following enactment.
33
34

35 STATEMENT

36
37 This bill restructures the law regarding ticket sales in New
38 Jersey.

39 The bill redefines "ticket" to mean any physical, electronic, or
40 other evidence that the possessor of that evidence has a license to
41 enter a place of entertainment for one or more events at the place of
42 entertainment, at the date and time or dates and times specified on
43 the ticket, subject to the terms and conditions specified by the ticket
44 issuer. The new definition of ticket also provides that tickets may
45 be electronic, and need not be paper, as provided in current law.

46 The bill removes a requirement in current law that requires a
47 place of entertainment to print on the face of each ticket and include
48 in any advertising for any event the price charged for the ticket.

1 Instead, the bill requires the seller of a ticket to notify a ticket
2 purchaser of the purchase price of a ticket prior to the purchase of
3 that ticket from that ticket seller by that purchaser.

4 The bill provides that any reseller or ticket resale website must
5 guarantee to each purchaser of resold tickets that the reseller or
6 ticket resale website will provide a full refund of the amount paid
7 by the purchaser, including, but not limited to, all fees, regardless of
8 how characterized, if the event for which that ticket has been resold
9 is cancelled or the ticket received by the purchaser does not grant
10 the purchaser admission to the event described on the ticket.

11 The bill prohibits resellers from employing a tentative ticket
12 policy whereby the reseller sells tickets that are not in the reseller's
13 possession at the time of sale, unless that policy is disclosed to a
14 ticket purchaser at the outset of the transaction. That disclosure
15 must include an approximate delivery date and the number of
16 tickets that are guaranteed together, including the zone or section
17 number. If the reseller is unsuccessful in securing those tickets, the
18 reseller must refund any deposit made by a purchaser of those
19 tickets within 10 days after the event.

20 The bill prohibits a reseller from selling a ticket for the same seat
21 to more than one person at the same time.

22 Under the bill, no person may use any means designed to
23 disguise the identity of the purchaser with the purpose of
24 purchasing a quantity of tickets to a place of entertainment in
25 excess of authorized limits established by a ticket issuer.

26 Under the bill, no person may use any technology or device that
27 functions to interfere with a computer, computer network, or
28 computer system, for the purpose of purchasing a quantity of tickets
29 to a place of entertainment in excess of authorized limits established
30 by a ticket issuer, or that functions to circumvent or disable any
31 sales volume limitation systems to ensure the equitable distribution
32 of tickets instituted on the website of the ticket issuer.

33 The bill provides that violations of the current law concerning
34 ticket sales, P.L.1983, c.135 (C.56:8-26 et seq.), are a violation of
35 the consumer fraud law, P.L.1960, c.39 (C.56:8-1 et seq.).

36 The bill removes a prohibition on persons, who have access to
37 tickets to an event prior to the tickets' release for sale to the general
38 public, from withholding those tickets from sale to the general
39 public in an amount exceeding 5% of all available seating for the
40 event. The bill removes current requirements for refunds on special
41 advance orders with ticket brokers and the creation of methods for
42 sellback of certain tickets.

43 The bill also removes an exemption from current law concerning
44 ticket sales for any person who sells, raffles or otherwise disposes
45 of the ticket for a bona fide nonprofit or political organization when
46 the premium proceeds are devoted to the lawful purposes of the
47 organization.

STATEMENT TO
ASSEMBLY, No. 4259

with Senate Floor Amendments
(Proposed by Senator SARLO)

ADOPTED: JUNE 30, 2018

This Senate amendment deletes from the bill the repeal of an exemption from the requirements of the ticket sales law for persons who sell, raffle, or otherwise dispose of tickets for a nonprofit or political organization and devote the proceeds to that organization. After the amendment, the exemption from the ticket sales law for devotions of ticket sale proceeds to nonprofits and political organizations will remain in effect.

SENATE, No. 2783

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED JUNE 21, 2018

Sponsored by:

Senator PAUL A. SARLO

District 36 (Bergen and Passaic)

Senator M. TERESA RUIZ

District 29 (Essex)

SYNOPSIS

Restructures ticket sales law.

CURRENT VERSION OF TEXT

As introduced.



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2 repealing various parts of the statutory law.

3

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12 b. "Division" means the Division of Consumer Affairs in the
13 Department of Law and Public Safety.

14 c. "Person" means corporations, companies, associations,
15 societies, firms, partnerships and joint stock companies as well as
16 individuals.

17 d. "Place of entertainment" means any privately or publicly
18 owned and operated entertainment facility within this State, such as
19 a theater, stadium, museum, arena, racetrack or other place where
20 performances, concerts, exhibits, games or contests are held and for
21 which an entry fee is charged.

22 e. "Ticket" means any **piece of paper which indicates that the**
23 **bearer has paid for entry** physical, electronic, or other evidence
24 which permits entry to that the possessor of that evidence has a
25 license to enter a place of entertainment for one or more events at
26 the place of entertainment, at the date and time or dates and times
27 specified on the ticket, subject to the terms and conditions specified
28 by the ticket issuer.

29 f. "Ticket broker" means any person situated in and operating
30 in this State who is involved in the business of reselling tickets of
31 admission to places of entertainment and who charges a premium in
32 excess of the price, plus taxes, printed on the tickets. For the
33 purposes of **this act** P.L.1983, c.135 (C.56:8-26 et seq.), the term
34 "ticket broker" shall not include an individual not regularly engaged
35 in the business of reselling tickets, who resells less than 30 tickets
36 during any one-year period, and who obtained the tickets for his
37 own use, or the use of his family, friends, or acquaintances.

38 g. "Resale" means a sale by a person other than the owner or
39 operator of a place of entertainment or of the entertainment event or
40 an agent of any such person. Resale shall not include the first sale
41 or distribution of a ticket by a ticket issuer.

42 h. "Resell" means to offer for resale or to consummate a resale.

43 i. "Digger" means a person temporarily hired for the purpose
44 of securing tickets by intimidating a purchaser waiting in line to
45 procure event tickets.

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 underlined thus is new matter.

1 j. “Reseller” means any person, other than a ticket issuer or
2 ticket resale website, who resells a ticket.

3 k. “Ticket issuer” means any person, other than a ticket resale
4 website or reseller, that makes tickets available, directly or
5 indirectly, to the general public, and may include, as applicable, the
6 owner or operator of a place of entertainment, the producer or
7 promoter of an event, a sports team or sports league of teams, a
8 theater company, musical group or similar participant in an event,
9 or an agent for any such person.

10 l. “Ticket resale website” means an online platform that
11 provides a forum for the buying and selling of tickets, but does not
12 include a ticket broker, ticket issuer, reseller, or place of
13 entertainment.

14 (cf: P.L.2008, c.55, s.1)

15

16 2. Section 8 of P.L.1983, c.135 (C.56:8-33) is amended to read
17 as follows:

18 8. a. **【Each place of entertainment shall print on the face of**
19 **each ticket and include in any advertising for any event the price**
20 **charged therefor】** The seller of a ticket shall notify a ticket
21 purchaser of the purchase price of a ticket prior to the purchase of
22 that ticket from that ticket seller by that purchaser.

23 b. No **【person】 reseller** other than a registered ticket broker
24 shall resell or purchase with the intent to resell a ticket for
25 admission to a place of entertainment at a maximum premium in
26 excess of 20% of the ticket price or \$3.00, whichever is greater,
27 plus lawful taxes. No registered ticket broker shall resell or
28 purchase with the intent to resell a ticket for admission to a place of
29 entertainment at a premium in excess of 50% of the price paid to
30 acquire the ticket, plus lawful taxes.

31 c. Notwithstanding the provisions of subsection a. or b. of this
32 section, nothing shall limit the price for the resale or purchase of a
33 ticket for admission to a place of entertainment sold by any
34 **【person】 reseller** other than a registered ticket broker, provided
35 such resale or purchase is made through an Internet web site.

36 (cf: P.L.2008, c.55, s.2)

37

38 3. Section 9 of P.L.1983, c.135 (C.56:8-34) is amended to read
39 as follows:

40 9. a. No person shall resell or purchase with the intent to resell
41 any ticket, in or on any street, highway, driveway, sidewalk,
42 parking area, or common area owned by a place of entertainment in
43 this State, or any other area adjacent to or in the vicinity of any
44 place of entertainment in this State as determined by the director;
45 except that a person may resell, in an area which may be designated
46 by a place of entertainment in this State, any ticket or tickets
47 originally purchased for his own personal or family use at no

1 greater than the lawful price permitted under **[this act]** P.L.1983,
2 c.135 (C.56:8-26 et seq.).

3 b. Notwithstanding any other provision of law, any reseller or
4 ticket resale website shall guarantee to each purchaser of resold
5 tickets that the reseller or ticket resale website will provide a full
6 refund of the amount paid by the purchaser, including, but not
7 limited to, all fees, regardless of how characterized, if any of the
8 following occurs:

9 (1) the event for which that ticket has been resold is cancelled,
10 provided that if the event is cancelled, then actual handling and
11 delivery fees need not be refunded as long as that previously
12 disclosed guarantee specifies that those fees will not be refunded; or

13 (2) the ticket received by the purchaser does not grant the
14 purchaser admission to the event described on the ticket, for reasons
15 that may include, but are not limited to, that the ticket is counterfeit,
16 the ticket has been cancelled by the ticket issuer due to non-
17 payment, or the event described on the ticket was cancelled for any
18 reason prior to purchase of the resold ticket, unless the ticket is
19 cancelled due to an act or omission by that purchaser.

20 c. (1) No reseller shall employ a tentative ticket policy
21 whereby the reseller sells tickets that are not in the reseller's
22 possession at the time of sale, unless that policy is disclosed to a
23 ticket purchaser at the outset of the transaction. That disclosure
24 shall include an approximate delivery date and the number of
25 tickets that are guaranteed together, including the zone or section
26 number. If the reseller is unsuccessful in securing those tickets, the
27 reseller shall refund any deposit made by a purchaser of those
28 tickets within 10 days after the event.

29 (2) A reseller shall not sell a ticket for the same seat to more
30 than one person at the same time.

31 d. No person shall use or cause to be used any means, method
32 or technology that is designed, intended or functions to disguise the
33 identity of the purchaser with the purpose of purchasing or
34 attempting to purchase a quantity of tickets to a place of
35 entertainment in excess of authorized limits established by a ticket
36 issuer.

37 e. No person shall use or cause to be used software, or any
38 other technology or device, that is designed, intended or functions
39 to interfere with a computer, computer network, or computer
40 system, or any part thereof, for the purpose of purchasing or
41 attempting to purchase or obtain access to a quantity of tickets to a
42 place of entertainment in excess of authorized limits established by
43 a ticket issuer, or that is designed, intended or functions to
44 circumvent or disable any access control systems, electronic
45 queues, waiting periods or other sales volume limitation systems to
46 ensure the equitable distribution of tickets instituted on the website
47 of the ticket issuer.

48 (cf: P.L.2001, c.394, s.7)

1 4. Section 10 of P.L.1983, c.135 (C.56:8-35) is amended to
2 read as follows:

3 10. Any person who gives or offers anything of value to an
4 employee of a place of entertainment, in that employee's individual
5 capacity, and not in that employee's capacity as an employee, in
6 exchange for, or as an inducement to, special treatment by that
7 employee with respect to obtaining tickets, or any employee of a
8 place of entertainment who receives or solicits anything of value, in
9 that employee's individual capacity, and not in that employee's
10 capacity as an employee, in exchange for special treatment by that
11 employee with respect to issuing tickets, shall be in violation of
12 **【this act】** P.L.1983, c.135 (C.56:8-26 et seq.).
13 (cf: P.L.1983, c.220, s.5)

14

15 5. Section 12 of P.L.1983, c.135 (C.56:8-37) is amended to
16 read as follows:

17 12. **【Any】** a. Any person who violates P.L.1983, c.135 (C.56:8-
18 26 et seq.) shall be subject to all remedies and penalties available
19 pursuant to P.L.1960, c.39 (C.56:8-1 et seq.).

20 b. In addition to any other penalty provided by law, any person
21 who violates any provision of 【this act】 P.L.1983, c.135 (C.56:8-26
22 et seq.) shall be guilty of a crime of the fourth degree.
23 (cf: P.L.1983, c.135, s.12)

24

25 6. The following sections are repealed:
26 Section 8 of P.L.2001, c.394 (C.56:8-35.1);
27 Section 9 of P.L.2001, c.394 (C.56:8-35.2);
28 Section 11 of P.L.2001, c.394 (C.56:8-35.3); and
29 Section 13 of P.L.1983, c.135 (C.56:8-38).

30

31 7. This act shall take effect on the first day of the sixth month
32 next following enactment.

33

34

35

STATEMENT

36

37 This bill restructures the law regarding ticket sales in New
38 Jersey.

39 The bill redefines "ticket" to mean any physical, electronic, or
40 other evidence that the possessor of that evidence has a license to
41 enter a place of entertainment for one or more events at the place of
42 entertainment, at the date and time or dates and times specified on
43 the ticket, subject to the terms and conditions specified by the ticket
44 issuer. The new definition of ticket also provides that tickets may
45 be electronic, and need not be paper, as provided in current law.

46 The bill removes a requirement in current law that requires a
47 place of entertainment to print on the face of each ticket and include
48 in any advertising for any event the price charged for the ticket.

1 Instead, the bill requires the seller of a ticket to notify a ticket
2 purchaser of the purchase price of a ticket prior to the purchase of
3 that ticket from that ticket seller by that purchaser.

4 The bill provides that any reseller or ticket resale website must
5 guarantee to each purchaser of resold tickets that the reseller or
6 ticket resale website will provide a full refund of the amount paid
7 by the purchaser, including, but not limited to, all fees, regardless of
8 how characterized, if the event for which that ticket has been resold
9 is cancelled or the ticket received by the purchaser does not grant
10 the purchaser admission to the event described on the ticket.

11 The bill prohibits resellers from employing a tentative ticket
12 policy whereby the reseller sells tickets that are not in the reseller's
13 possession at the time of sale, unless that policy is disclosed to a
14 ticket purchaser at the outset of the transaction. That disclosure
15 must include an approximate delivery date and the number of
16 tickets that are guaranteed together, including the zone or section
17 number. If the reseller is unsuccessful in securing those tickets, the
18 reseller must refund any deposit made by a purchaser of those
19 tickets within 10 days after the event.

20 The bill prohibits a reseller from selling a ticket for the same seat
21 to more than one person at the same time.

22 Under the bill, no person may use any means designed to
23 disguise the identity of the purchaser with the purpose of
24 purchasing a quantity of tickets to a place of entertainment in
25 excess of authorized limits established by a ticket issuer.

26 Under the bill, no person may use any technology or device that
27 functions to interfere with a computer, computer network, or
28 computer system, for the purpose of purchasing a quantity of tickets
29 to a place of entertainment in excess of authorized limits established
30 by a ticket issuer, or that functions to circumvent or disable any
31 sales volume limitation systems to ensure the equitable distribution
32 of tickets instituted on the website of the ticket issuer.

33 The bill provides that violations of the current law concerning
34 ticket sales, P.L.1983, c.135 (C.56:8-26 et seq.), are a violation of
35 the consumer fraud law, P.L.1960, c.39 (C.56:8-1 et seq.).

36 The bill removes a prohibition on persons, who have access to
37 tickets to an event prior to the tickets' release for sale to the general
38 public, from withholding those tickets from sale to the general
39 public in an amount exceeding 5% of all available seating for the
40 event. The bill removes current requirements for refunds on special
41 advance orders with ticket brokers and the creation of methods for
42 sellback of certain tickets.

43 The bill also removes an exemption from current law concerning
44 ticket sales for any person who sells, raffles or otherwise disposes
45 of the ticket for a bona fide nonprofit or political organization when
46 the premium proceeds are devoted to the lawful purposes of the
47 organization.

**GOVERNOR'S STATEMENT UPON SIGNING
ASSEMBLY BILL NO. 4259
(First Reprint)**

Today, I am signing Assembly Bill No. 4259 (First Reprint) into law, restructuring various aspects of our regulatory scheme surrounding ticket sales. Many parts of this scheme were enacted decades ago and have become increasingly outdated as the ticket marketplace has transformed over the years, particularly with the rise of online ticket-resale platforms and online ticket brokers. I am pleased that this bill responds to these changes by adding a number of consumer protections, including a requirement that ticket resellers refund purchasers if the ticketed event is cancelled or if the ticket is insufficient to gain admission to the event. Furthermore, the bill prohibits resellers from selling a ticket for the same seat to more than one person at a time, and amends state law to prohibit the use of BOTs to buy up large quantities of tickets.

Regarding other aspects of the bill, I understand the concerns that have been raised by some with respect to the repeal of the holdback provision, which nominally caps the number of tickets withheld from sale to the general public at 5 percent of the total number. However, I am worried that this holdback provision puts us at a competitive disadvantage with our neighboring states of New York and Pennsylvania when it comes to attracting top-flight entertainment talent, as neither of those states have any cap. Entertainers have an interest in rewarding their most loyal fans with access to live performances, and the 5 percent cap can act as a hindrance to this objective in certain circumstances. Moreover, the difficulty in identifying tickets that have been held back and tickets that are available to the general public has led to substantial confusion and ongoing litigation, particularly when entertainers reserve tickets for groups that can encompass a wide subset of the population.

Instead of having a patchwork of laws that give some states a leg up over others in attracting entertainment, I believe there should be a comprehensive federal approach that will promote competition and protect consumers. For instance, Representative Bill Pascrell has introduced the Better Oversight of Secondary Sales and Accountability in Concert Ticketing, which will require greater transparency of what tickets are available and authorize the Federal Trade Commission to prescribe further rules to protect the general public's access to tickets. I am convinced that legislation along these lines would both create a level playing field for every state and ensure that consumers have a fair shot at getting tickets to their favorite events.

I urge Congress to find a nationwide solution, and in the meantime, my administration remains committed to aggressive enforcement of New Jersey's strict consumer fraud laws to protect the rights of ticket customers.

Date: August 24, 2018

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

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Newark, N.J.

Governor Murphy Takes Action on Legislation

08/24/2018

TRENTON - Today, Governor Phil Murphy signed the following bills into law:

A542 (Mazzeo, Lagana, Andrzejczak, Zwicker, Land, Benson, Downey/Ruiz, Bateman) - Requires certain schools to maintain supply of opioid antidotes and permits emergency administration of opioid antidote by school nurse or trained employee.

A1675 (Dancer, Conaway, Caride, Space/Beach, Smith) - Authorizes prescribed burning in certain circumstances.

A2035 (McKeon, Schaer/Pou, Cruz-Perez) - Revises "New Jersey Residential Mortgage Lending Act."

A2401 (Wimberly, Mukherji, Reynolds-Jackson/Cunningham, Gill, Turner) - Authorizes issuance of Delta Sigma Theta license plates.

A3463 (Murphy, Downey, Houghtaling/Gopal, Cruz-Perez) - Requires district boards of election to report every two hours number of voters who have voted at each precinct; authorizes challengers to request reported count.

A3628 (Greenwald, Moriarty, Murphy/Weinberg, Diegnan) - Establishes New Jersey Civic Information Consortium.

[Copy of Statement on A3628](#)

A3871 (Chiaravalloti, Egan/Diegnan, Cruz-Perez) - Concerns disqualification from unemployment benefits for misconduct.

A3904 (McKeon, Jasey, Schepisi/Cardinale, Stack) - "Tommy's Law"; requires NJT to take certain action and adopt policies concerning person injured or killed in incidents involving NJT motorbuses and rail or light rail vehicles.

A4120 (Pintor Marin, Tucker, DeAngelo/Rice, Ruiz) - Authorizes special assessments and bond issuance to replace lead-contaminated water service lines.

A4208 (Jasey, Lopez, Sumter/Rice) - Establishes "New Jersey Complete Count Commission."

A4249 (Wimberly, Pintor Marin/Ruiz, Vitale) - Expands per adjusted admission charge on hospitals to create supplemental funding pool for State's graduate medical education subsidy; appropriates \$24,285,714.

A4259 (Pintor Marin, Calabrese/Sarlo, Ruiz) - Restructures tickets sales law.

[Copy of Statement on A4259](#)

AJR137 (Pinkin/Greenstein) - Designates month of July of each year as "Smart Irrigation Month."

S2145 (Scutari, Sweeney/DeAngelo, Downey, Mukherji) - Concerns attorney fees for workers' compensation

awards.

SJR14 (Pou, Ruiz/Chaparro, Lopez, Jimenez) - Designates September 20th of each year as Hispanic Journalist Pride Day.

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