

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Ticket Sale and Resale Act is amended by  
5 changing Sections 1.5 and 2 as follows:

6 (815 ILCS 414/1.5) (was 720 ILCS 375/1.5)

7 Sec. 1.5. Sale of tickets at more than face value  
8 prohibited; exceptions.

9 (a) Except as otherwise provided in subsections (b), (c),  
10 (d), (e), and (f-5) of this Section and in Section 4, it is  
11 unlawful for any person, persons, firm or corporation to sell  
12 tickets for baseball games, football games, hockey games,  
13 theatre entertainments, or any other amusement for a price  
14 more than the price printed upon the face of said ticket, and  
15 the price of said ticket shall correspond with the same price  
16 shown at the box office or the office of original  
17 distribution.

18 (b) This Act does not apply to the resale of tickets of  
19 admission to a sporting event, theater, musical performance,  
20 or place of public entertainment or amusement of any kind for a  
21 price in excess of the printed box office ticket price by a  
22 ticket broker who meets all of the following requirements:

23 (1) The ticket broker is duly registered with the

1 Office of the Secretary of State on a registration form  
2 provided by that Office. The registration must contain a  
3 certification that the ticket broker:

4 (A) engages in the resale of tickets on a regular  
5 and ongoing basis from one or more permanent or fixed  
6 locations located within this State;

7 (B) maintains as the principal business activity  
8 at those locations the resale of tickets;

9 (C) displays at those locations the ticket  
10 broker's registration;

11 (D) maintains at those locations a listing of the  
12 names and addresses of all persons employed by the  
13 ticket broker;

14 (E) is in compliance with all applicable federal,  
15 State, and local laws relating to its ticket selling  
16 activities, and that neither the ticket broker nor any  
17 of its employees within the preceding 12 months have  
18 been convicted of a violation of this Act; and

19 (F) meets the following requirements:

20 (i) the ticket broker maintains a toll free  
21 number specifically dedicated for Illinois  
22 consumer complaints and inquiries concerning  
23 ticket sales;

24 (ii) the ticket broker has adopted a code that  
25 advocates consumer protection that includes, at a  
26 minimum:

- 1 (a-1) consumer protection guidelines;
- 2 (b-1) a standard refund policy. In the  
3 event a refund is due, the ticket broker shall  
4 provide that refund without charge other than  
5 for reasonable delivery fees for the return of  
6 the tickets; and
- 7 (c-1) standards of professional conduct;
- 8 (iii) the ticket broker has adopted a  
9 procedure for the binding resolution of consumer  
10 complaints by an independent, disinterested third  
11 party and thereby submits to the jurisdiction of  
12 the State of Illinois; and
- 13 (iv) the ticket broker has established and  
14 maintains a consumer protection rebate fund in  
15 Illinois in an amount in excess of \$100,000, which  
16 must be cash available for immediate disbursement  
17 for satisfaction of valid consumer complaints.

18 Alternatively, the ticket broker may fulfill the  
19 requirements of subparagraph (F) of this paragraph (1) if  
20 the ticket broker certifies that he or she belongs to a  
21 professional association organized under the laws of this  
22 State, or organized under the laws of any other state and  
23 authorized to conduct business in Illinois, that has been  
24 in existence for at least 3 years prior to the date of that  
25 broker's registration with the Office of the Secretary of  
26 State, and is specifically dedicated, for and on behalf of

1 its members, to provide and maintain the consumer  
2 protection requirements of subparagraph (F) of this  
3 paragraph (1) to maintain the integrity of the ticket  
4 brokerage industry.

5 (2) (Blank).

6 (3) The ticket broker and his employees must not  
7 engage in the practice of selling, or attempting to sell,  
8 tickets for any event while sitting or standing near the  
9 facility at which the event is to be held or is being held  
10 unless the ticket broker or his or her employees are on  
11 property they own, lease, or have permission to occupy.

12 (4) The ticket broker must comply with all  
13 requirements of the Retailers' Occupation Tax Act and  
14 collect and remit all other applicable federal, State and  
15 local taxes in connection with the ticket broker's ticket  
16 selling activities.

17 (5) Beginning January 1, 1996, no ticket broker shall  
18 advertise for resale any tickets within this State unless  
19 the advertisement contains the name of the ticket broker  
20 and the Illinois registration number issued by the Office  
21 of the Secretary of State under this Section.

22 (6) Each ticket broker registered under this Act shall  
23 pay an annual registration fee of \$100.

24 (c) This Act does not apply to the sale of tickets of  
25 admission to a sporting event, theater, musical performance,  
26 or place of public entertainment or amusement of any kind for a

1 price in excess of the printed box office ticket price by a  
2 reseller engaged in interstate or intrastate commerce on an  
3 Internet auction listing service duly registered with the  
4 Office of the Secretary of State on a registration form  
5 provided by that Office. This subsection (c) applies to both  
6 sales through an online bid submission process and sales at a  
7 fixed price on the same website or interactive computer  
8 service as an Internet auction listing service.

9 This subsection (c) applies to resales described in this  
10 subsection only if the operator of the Internet auction  
11 listing service meets the following requirements:

12 (1) the operator maintains a listing of the names and  
13 addresses of its corporate officers;

14 (2) the operator is in compliance with all applicable  
15 federal, State, and local laws relating to ticket selling  
16 activities, and the operator's officers and directors have  
17 not been convicted of a violation of this Act within the  
18 preceding 12 months;

19 (3) the operator maintains, either itself or through  
20 an affiliate, a toll free number dedicated for consumer  
21 complaints;

22 (4) the operator provides consumer protections that  
23 include at a minimum:

24 (A) consumer protection guidelines;

25 (B) a standard refund policy that guarantees to  
26 all purchasers that it will provide and in fact

1 provides a full refund of the amount paid by the  
2 purchaser (including, but not limited to, all fees,  
3 regardless of how characterized) if the following  
4 occurs:

5 (i) the ticketed event is cancelled and the  
6 purchaser returns the tickets to the seller or  
7 Internet auction listing service; however,  
8 reasonable delivery fees need not be refunded if  
9 the previously disclosed guarantee specifies that  
10 the fees will not be refunded if the event is  
11 cancelled;

12 (ii) the ticket received by the purchaser does  
13 not allow the purchaser to enter the ticketed  
14 event for reasons that may include, without  
15 limitation, that the ticket is counterfeit or that  
16 the ticket has been cancelled by the issuer due to  
17 non-payment, unless the ticket is cancelled due to  
18 an act or omission by such purchaser;

19 (iii) the ticket fails to conform to its  
20 description on the Internet auction listing  
21 service; or

22 (iv) the ticket seller willfully fails to send  
23 the ticket or tickets to the purchaser, or the  
24 ticket seller attempted to deliver the ticket or  
25 tickets to the purchaser in the manner required by  
26 the Internet auction listing service and the

1 purchaser failed to receive the ticket or tickets;

2 and

3 (C) standards of professional conduct;

4 (5) the operator has adopted an independent and  
5 disinterested dispute resolution procedure that allows  
6 resellers or purchasers to file complaints against the  
7 other and have those complaints mediated or resolved by a  
8 third party, and requires the resellers or purchasers to  
9 submit to the jurisdiction of the State of Illinois for  
10 complaints involving a ticketed event held in Illinois;

11 (6) the operator either:

12 (A) complies with all applicable requirements of  
13 the Retailers' Occupation Tax Act and collects and  
14 remits all applicable federal, State, and local taxes;  
15 or

16 (B) publishes a written notice on the website  
17 after the sale of one or more tickets that  
18 automatically informs the ticket reseller of the  
19 ticket reseller's potential legal obligation to pay  
20 any applicable local amusement tax in connection with  
21 the reseller's sale of tickets, and discloses to law  
22 enforcement or other government tax officials, without  
23 subpoena, the name, city, state, telephone number,  
24 e-mail address, user ID history, fraud complaints, and  
25 bidding and listing history of any specifically  
26 identified reseller or purchaser upon the receipt of a

1 verified request from law enforcement or other  
2 government tax officials relating to a criminal  
3 investigation or alleged illegal activity; and

4 (7) the operator either:

5 (A) has established and maintains a consumer  
6 protection rebate fund in Illinois in an amount in  
7 excess of \$100,000, which must be cash available for  
8 immediate disbursement for satisfaction of valid  
9 consumer complaints; or

10 (B) has obtained and maintains in force an errors  
11 and omissions insurance policy that provides at least  
12 \$100,000 in coverage.

13 (d) This Act does not apply to the resale of tickets of  
14 admission to a sporting event, theater, musical performance,  
15 or place of public entertainment or amusement of any kind for a  
16 price in excess of the printed box office ticket price  
17 conducted at an auction solely by or for a not-for-profit  
18 organization for charitable purposes under clause (a)(1) of  
19 Section 10-1 of the Auction License Act.

20 (e) This Act does not apply to the resale of a ticket for  
21 admission to a baseball game, football game, hockey game,  
22 theatre entertainment, or any other amusement for a price more  
23 than the price printed on the face of the ticket and for more  
24 than the price of the ticket at the box office if the resale is  
25 made through an Internet website whose operator meets the  
26 following requirements:



1           (1) the operator has a business presence and physical  
2 street address in the State of Illinois and clearly and  
3 conspicuously posts that address on the website;

4           (2) the operator maintains a listing of the names of  
5 the operator's directors and officers, and is duly  
6 registered with the Office of the Secretary of State on a  
7 registration form provided by that Office;

8           (3) the operator is in compliance with all applicable  
9 federal, State, and local laws relating to its ticket  
10 reselling activities regulated under this Act, and the  
11 operator's officers and directors have not been convicted  
12 of a violation of this Act within the preceding 12 months;

13           (4) the operator maintains a toll free number  
14 specifically dedicated for consumer complaints and  
15 inquiries regarding ticket resales made through the  
16 website;

17           (5) the operator either:

18               (A) has established and maintains a consumer  
19 protection rebate fund in Illinois in an amount in  
20 excess of \$100,000, which must be cash available for  
21 immediate disbursement for satisfaction of valid  
22 consumer complaints; or

23               (B) has obtained and maintains in force an errors  
24 and omissions policy of insurance in the minimum  
25 amount of \$100,000 for the satisfaction of valid  
26 consumer complaints;

1           (6) the operator has adopted an independent and  
2           disinterested dispute resolution procedure that allows  
3           resellers or purchasers to file complaints against the  
4           other and have those complaints mediated or resolved by a  
5           third party, and requires the resellers or purchasers to  
6           submit to the jurisdiction of the State of Illinois for  
7           complaints involving a ticketed event held in Illinois;

8           (7) the operator either:

9           (A) complies with all applicable requirements of  
10           the Retailers' Occupation Tax Act and collects and  
11           remits all applicable federal, State, and local taxes;  
12           or

13           (B) publishes a written notice on the website  
14           after the sale of one or more tickets that  
15           automatically informs the ticket reseller of the  
16           ticket reseller's potential legal obligation to pay  
17           any applicable local amusement tax in connection with  
18           the reseller's sale of tickets, and discloses to law  
19           enforcement or other government tax officials, without  
20           subpoena, the name, city, state, telephone number,  
21           e-mail address, user ID history, fraud complaints, and  
22           bidding and listing history of any specifically  
23           identified reseller or purchaser upon the receipt of a  
24           verified request from law enforcement or other  
25           government tax officials relating to a criminal  
26           investigation or alleged illegal activity; and

1           (8) the operator guarantees to all purchasers that it  
2 will provide and in fact provides a full refund of the  
3 amount paid by the purchaser (including, but not limited  
4 to, all fees, regardless of how characterized) if any of  
5 the following occurs:

6           (A) the ticketed event is cancelled and the  
7 purchaser returns the tickets to the website operator;  
8 however, reasonable delivery fees need not be refunded  
9 if the previously disclosed guarantee specifies that  
10 the fees will not be refunded if the event is  
11 cancelled;

12           (B) the ticket received by the purchaser does not  
13 allow the purchaser to enter the ticketed event for  
14 reasons that may include, without limitation, that the  
15 ticket is counterfeit or that the ticket has been  
16 cancelled by the issuer due to non-payment, unless the  
17 ticket is cancelled due to an act or omission by the  
18 purchaser;

19           (C) the ticket fails to conform to its description  
20 on the website; or

21           (D) the ticket seller willfully fails to send the  
22 ticket or tickets to the purchaser, or the ticket  
23 seller attempted to deliver the ticket or tickets to  
24 the purchaser in the manner required by the website  
25 operator and the purchaser failed to receive the  
26 ticket or tickets.

1           Nothing in this subsection (e) shall be deemed to imply  
2 any limitation on ticket sales made in accordance with  
3 subsections (b), (c), and (d) of this Section or any  
4 limitation on sales made in accordance with Section 4.

5           (f) The provisions of subsections (b), (c), (d), and (e)  
6 of this Section apply only to the resale of a ticket after the  
7 initial sale of that ticket. No reseller of a ticket may refuse  
8 to sell tickets to another ticket reseller solely on the basis  
9 that the purchaser is a ticket reseller or ticket broker  
10 authorized to resell tickets pursuant to this Act.

11           (f-5) In addition to the requirements imposed under  
12 subsections (b), (c), (d), (e), and (f) of this Section,  
13 ticket brokers and resellers must comply with the requirements  
14 of this subsection. Before accepting any payment from a  
15 purchaser, a ticket broker or reseller must disclose to the  
16 purchaser in a clear, conspicuous, and readily noticeable  
17 manner the following information:

18                   (1) the registered name and city of the event venue;

19                   (2) that the ticket broker or reseller is not the  
20 event venue box office or its licensed ticket agent, but  
21 is, instead, a ticket broker or reseller and that lost or  
22 stolen tickets may be reissued only by ticket brokers or  
23 resellers;

24                   (3) whether it is registered under this Act; and

25                   (4) its refund policy, name, and contact information.

26           Before selling and accepting payment for a ticket, a

1 ticket broker or reseller must require the purchaser to  
2 acknowledge by an affirmative act the disclosures required  
3 under this subsection. The disclosures required by this  
4 subsection must be made in a clear and conspicuous manner,  
5 appear together, and be preceded by the heading "IMPORTANT  
6 NOTICE" which must be in bold face font that is larger than the  
7 font size of the required disclosures.

8 Ticket brokers and resellers must guarantee a full refund  
9 of the amount paid by the purchaser, including handling and  
10 delivery fees, if any of the following occurs:

11 (1) the ticket received by the purchaser does not  
12 grant the purchaser admission to the event described on  
13 the ticket, unless it is due to an act or omission by the  
14 purchaser;

15 (2) the ticket fails to conform substantially to its  
16 description as advertised; or

17 (3) the event for which the ticket has been resold is  
18 cancelled and not rescheduled.

19 This subsection (f-5) does not apply to an Internet  
20 auction listing service.

21 (f-10) A person or entity that does not have actual or  
22 constructive possession of an event ticket shall not sell,  
23 offer for sale, or advertise for sale the event ticket.  
24 Nothing in this subsection shall prohibit any person or entity  
25 from offering a service to a consumer to obtain an event ticket  
26 on behalf of the consumer, if the person or entity complies

1 with the following:

2 (1) does not market or list the service as an event  
3 ticket;

4 (2) displays the total price for the service at the  
5 time the service is first listed for sale, which includes  
6 all applicable required fees (excluding taxes or any fees  
7 assessed for the physical delivery of tickets), in any  
8 advertisement, marketing, price list, social media  
9 promotion, or other interface where a price is displayed  
10 for the service, including at the time it is first  
11 displayed to the individual and anytime throughout the  
12 purchasing process;

13 (3) clearly and conspicuously discloses, prior to  
14 selection of the service, that the service is not an event  
15 ticket and that the purchase of the service does not  
16 guarantee a ticket to the event; and

17 (4) does not obtain more tickets in each transaction  
18 than the numerical limitations for tickets set by the  
19 venue and artist for each respective event.

20 If the person or entity is unable to obtain the specified  
21 event ticket for the consumer, the person or entity shall  
22 provide the consumer, within a reasonable amount of time, with  
23 a full refund for the total cost of the service to obtain the  
24 ticket, including any fees or taxes, or, subject to  
25 availability, a replacement event ticket in the same or a  
26 comparable location with the approval of the consumer.

1       (f-15) A ticket issuer, ticket broker, or ticket resale  
2 marketplace shall not offer for sale an event ticket unless  
3 the ticket issuer, ticket broker, or ticket resale  
4 marketplace:

5           (1) clearly and conspicuously:

6               (A) displays the total event ticket price at the  
7 time the ticket is first listed for sale in any  
8 advertisement, marketing, price list, social media  
9 promotion, or other interface where a price is  
10 displayed for the event ticket; and

11               (B) discloses to a consumer who seeks to purchase  
12 an event ticket:

13                   (i) the total event ticket price at the time  
14 the ticket is first displayed to the individual  
15 and anytime throughout the ticket purchasing  
16 process, and, prior to checkout, shall include an  
17 itemized breakdown of the base event ticket price  
18 of the event ticket and all applicable event  
19 ticket fees and taxes;

20                   (ii) the space within the venue that the event  
21 ticket entitles the bearer to occupy for the  
22 event, whether that is general admission or a  
23 specific row or section;

24                   (iii) the refund policies and how to obtain a  
25 refund, including under what circumstances a full  
26 refund will be issued and how to obtain a full

1           refund of the total event ticket price and taxes;  
2                   (iv) the estimated date and means of delivery  
3           for the event ticket; and  
4                   (v) a link to the full terms and conditions  
5           applied by the ticket issuer, ticket broker, or  
6           ticket resale marketplace of the event ticket to  
7           any individual who seeks to purchase an event  
8           ticket prior to purchase.

9           If the event ticket is an electronic ticket, the ticket  
10          issuer, ticket broker, or ticket resale marketplace shall  
11          deliver written proof of purchase to the purchaser as soon as  
12          is practicable, and no later than 24 hours, after the purchase  
13          of the event ticket. The written proof of purchase shall  
14          include the disclosures required under subparagraph (B).

15          (f-20) As used in this Section:

16          "Base event ticket price" means the price for the sale of  
17          the event ticket, exclusive of any taxes or event ticket fees.

18          "Event ticket" means any physical, electronic, or other  
19          form of a certificate, document, voucher, token, or other  
20          evidence indicating that a person has the right to be admitted  
21          to an event.

22          "Event ticket fee" means a charge that must be paid in  
23          addition to the base event ticket price in order to obtain an  
24          event ticket from a ticket issuer, secondary market ticket  
25          issuer, or secondary market ticket exchange, seller, or  
26          reseller, including any service fee, charge and order



1 processing fee, facility charge fee, and any other charge.  
2 "Event ticket fee" does not include any charge or fee for an  
3 optional product or service associated with the event that may  
4 be selected by a purchaser of an event ticket or fees to send  
5 physical tickets to a consumer through the mail, including  
6 private mail services.

7 "Optional product or service" means a product or service  
8 that an individual does not need to purchase to use or take  
9 possession of an event ticket.

10 "Ticket broker" means any person, including a ticket  
11 issuer, that resells or makes a secondary sale of an event  
12 ticket to the general public in the regular course of the trade  
13 or business of the person.

14 "Ticket issuer" means any person who makes event tickets  
15 available, directly or indirectly, to the general public, and  
16 may include:

17 (1) the operator of the venue;

18 (2) the sponsor or promoter of an event;

19 (3) a sports team participating in an event or a  
20 league whose teams are participating in an event;

21 (4) a theater company, musical group, or similar  
22 participant in an event; and

23 (5) an agent for any such person.

24 "Ticket resale marketplace" means a person that operates a  
25 platform or exchange for the resale of tickets between third  
26 parties or between the ticket resale marketplace and a third

1 party. "Ticket resale marketplace" includes a ticket issuer  
2 only to the extent the ticket issuer is acting to facilitate  
3 the resale of tickets between third parties or between the  
4 ticket issuer, acting as a ticket resale marketplace, and a  
5 third party.

6 "Total event ticket price" means the total cost of the  
7 event ticket, including the base event ticket price and any  
8 event ticket fees but excluding taxes.

9 (g) The provisions of Public Act 89-406 are severable  
10 under Section 1.31 of the Statute on Statutes.

11 (h) The provisions of this amendatory Act of the 94th  
12 General Assembly are severable under Section 1.31 of the  
13 Statute on Statutes.

14 (Source: P.A. 99-431, eff. 1-1-16; 100-534, eff. 9-22-17.)

15 (815 ILCS 414/2) (was 720 ILCS 375/2)

16 Sec. 2. (a) ~~Whoever violates any of the provisions of~~  
17 ~~Section 1.5 of this Act, except for subsections (f-10),~~  
18 ~~(f-15), and (f-20) of Section 1.5, shall be guilty of a Class A~~  
19 ~~misdemeanor and may be fined up to \$5,000 ~~\$5,000.00~~ for each~~  
20 ~~offense, whoever violates subsections (f-10), (f-15), and~~  
21 ~~(f-20) of Section 1.5 may be fined up to \$5,000 for each~~  
22 ~~offense,~~ and whoever violates any other provision of this Act  
23 may be enjoined and be required to make restitution to all  
24 injured consumers upon application for injunctive relief by  
25 the State's Attorney or Attorney General and shall also be

1 guilty of a Class A misdemeanor, and any owner, lessee,  
2 manager or trustee convicted under this Act shall, in addition  
3 to the penalty herein provided, forfeit the license of such  
4 theatre, circus, baseball park, or place of public  
5 entertainment or amusement so granted and the same shall be  
6 revoked by the authorities granting the same.

7 (b) Tickets sold or offered for sale by a person, firm or  
8 corporation in violation of Section 1.5 of this Act may be  
9 confiscated by a court on motion of the Attorney General, a  
10 State's Attorney, the sponsor of the event for which the  
11 tickets are being sold, or the owner or operator of the  
12 facility at which the event is to be held, and may be donated  
13 by order of the court to an appropriate organization as  
14 defined under Section 2 of the Charitable Games Act.

15 (c) The Attorney General, a State's Attorney, the sponsor  
16 of an event for which tickets are being sold, or the owner or  
17 operator of the facility at which an event is to be held may  
18 seek an injunction restraining any person, firm or corporation  
19 from selling or offering for sale tickets in violation of the  
20 provisions of this Act. In addition, on motion of the Attorney  
21 General, a State's Attorney, the sponsor of an event for which  
22 tickets are being sold, or the owner or operator of the  
23 facility at which an event is to be held, a court may  
24 permanently enjoin a person, firm or corporation found guilty  
25 of violating Section 1.5 of this Act from engaging in the offer  
26 or sale of tickets.

1 (Source: P.A. 99-78, eff. 7-20-15.)