

1 AN ACT concerning criminal law.

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

4 Section 5. The Ticket Scalping Act is amended by changing
5 Sections 0.01, 1, and 1.5 as follows:

6 (720 ILCS 375/0.01) (from Ch. 121 1/2, par. 157.30)

7 Sec. 0.01. Short title. This Act may be cited as the Ticket
8 Sale and Resale ~~Scalping~~ Act.

9 (Source: P.A. 86-1324.)

10 (720 ILCS 375/1) (from Ch. 121 1/2, par. 157.31)

11 Sec. 1. Sale of tickets other than at box office
12 prohibited; exceptions.

13 (a) It is unlawful for any person, firm or corporation,
14 owner, lessee, manager, trustee, or any of their employees or
15 agents, owning, conducting, managing or operating any theater,
16 circus, baseball park, place of public entertainment or
17 amusement where tickets of admission are sold for any such
18 places of amusement or public entertainment to sell or permit
19 the sale, barter or exchange of such admission tickets at any
20 other place than in the box office or on the premises of such
21 theater, circus, baseball park, place of public entertainment
22 or amusement, but nothing herein prevents such theater, circus,
23 baseball park, place of public entertainment or amusement from
24 placing any of its admission tickets for sale at any other
25 place at the same price such admission tickets are sold by such
26 theater, circus, baseball park or other place of public
27 entertainment or amusement at its box office or on the premises
28 of such places, at the same advertised price or printed rate
29 thereof.

30 (b) Any term or condition of the original sale of a ticket
31 to any theater, circus, baseball park, or place of public

1 entertainment or amusement where tickets of admission are sold
2 that purports to limit the terms or conditions of resale of the
3 ticket (including but not limited to the resale price of the
4 ticket) is unenforceable, null, and void if the resale
5 transaction is carried out by any of the means set forth in
6 subsections (b), (c), (d), and (e) of Section 1.5 of this Act.
7 This subsection shall not apply to a term or condition of the
8 original sale of a ticket to any theater, circus, baseball
9 park, or place of public entertainment or amusement where
10 tickets of admission are sold that purports to limit the terms
11 or conditions of resale of a ticket specifically designated as
12 seating in a special section for a person with a physical
13 disability.

14 (Source: Laws 1923, p. 322.)

15 (720 ILCS 375/1.5) (from Ch. 121 1/2, par. 157.32)

16 Sec. 1.5. Sale of tickets at more than face value
17 prohibited; exceptions.

18 (a) Except as otherwise provided in subsections (b), (c),
19 (d), and (e) ~~subsection (b)~~ of this Section and in Section 4,
20 it is unlawful for any person, persons, firm or corporation to
21 sell tickets for baseball games, football games, hockey games,
22 theatre entertainments, or any other amusement for a price more
23 than the price printed upon the face of said ticket, and the
24 price of said ticket shall correspond with the same price shown
25 at the box office or the office of original distribution.

26 (b) This Act does not apply to the resale ~~sale~~ of tickets
27 of admission to a sporting event, theater, musical performance,
28 or place of public entertainment or amusement of any kind for a
29 price in excess of the printed box office ticket price by a
30 ticket broker who meets all of the following requirements:

31 (1) The ticket broker is duly registered with the
32 Office of the Secretary of State on a registration form
33 provided by that Office. The registration must contain a
34 certification that the ticket broker:

35 (A) engages in the resale of tickets on a regular

1 and ongoing basis from one or more permanent or fixed
2 locations located within this State;

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

5 (C) displays at those locations the ticket
6 broker's registration;

7 (D) maintains at those locations a listing of the
8 names and addresses of all persons employed by the
9 ticket broker;

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

15 (F) ~~that the ticket broker~~ meets the following
16 requirements:

17 (i) the ticket broker maintains a ~~statewide~~
18 toll free number specifically dedicated for
19 Illinois ~~for~~ consumer complaints and inquiries
20 concerning ticket sales;

21 (ii) the ticket broker has adopted a code that
22 advocates consumer protection that includes, at a
23 minimum:

24 (a-1) consumer protection guidelines;

25 (b-1) a standard refund policy. In the
26 event a refund is due, the ticket broker shall
27 provide that refund without charge other than
28 for reasonable delivery fees for the return of
29 the tickets; and

30 (c-1) standards of professional conduct;

31 (iii) the ticket broker has adopted a
32 procedure for the binding resolution of consumer
33 complaints by an independent, disinterested third
34 party and thereby submits to the jurisdiction of
35 the State of Illinois; and

36 (iv) the ticket broker has established and

1 maintains a consumer protection rebate fund in
2 Illinois in an amount in excess of \$100,000, ~~at~~
3 ~~least 50% of~~ which must be cash available for
4 immediate disbursement for satisfaction of valid
5 consumer complaints.

6 Alternatively, the ticket broker may fulfill the
7 requirements of subparagraph (F) of this paragraph (1)
8 ~~subsection (b)~~ if the ticket broker certifies that he or
9 she belongs to a professional association organized under
10 the laws of this State, or organized under the laws of any
11 other state and authorized to conduct business in Illinois,
12 that has been in existence for at least 3 years prior to
13 the date of that broker's registration with the Office of
14 the Secretary of State, and is specifically dedicated, for
15 and on behalf of its members, to provide and maintain the
16 consumer protection requirements of subparagraph (F) of
17 this paragraph (1) ~~subsection (b)~~ to maintain the integrity
18 of the ticket brokerage industry.

19 (2) (Blank).

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

26 (4) The ticket broker must comply with all requirements
27 of the Retailers' Occupation Tax Act and collect and remit
28 all other applicable federal, State and local taxes ~~laws~~ in
29 connection with the ticket broker's ~~his~~ ticket selling
30 activities.

31 (5) Beginning January 1, 1996, no ticket broker shall
32 advertise for resale any tickets within this State unless
33 the advertisement contains the name of the ticket broker
34 and the Illinois registration number issued by the Office
35 of the Secretary of State under this Section.

36 (6) Each ticket broker registered under this Act shall

1 pay an annual registration fee of \$100.

2 (c) This Act does not apply to the sale of tickets of
3 admission to a sporting event, theater, musical performance, or
4 place of public entertainment or amusement of any kind for a
5 price in excess of the printed box office ticket price by a
6 reseller engaged in interstate or intrastate commerce on an
7 Internet auction listing service duly registered with the
8 Department of Financial and Professional Regulation under the
9 Auction License Act and with the Office of the Secretary of
10 State on a registration form provided by that Office. This
11 subsection (c) applies to both sales through an online bid
12 submission process and sales at a fixed price on the same
13 website or interactive computer service as an Internet auction
14 listing service registered with the Department of Financial and
15 Professional Regulation.

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

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

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

26 (3) the operator maintains, either itself or through an
27 affiliate, a toll free number dedicated for consumer
28 complaints;

29 (4) the operator provides consumer protections that
30 include at a minimum:

31 (A) consumer protection guidelines;

32 (B) a standard refund policy that guarantees to all
33 purchasers that it will provide and in fact provides a
34 full refund of the amount paid by the purchaser
35 (including, but not limited to, all fees, regardless of
36 how characterized) if the following occurs:

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

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

15 (iii) the ticket fails to conform to its
16 description on the Internet auction listing
17 service; or

18 (iv) the ticket seller willfully fails to send
19 the ticket or tickets to the purchaser, or the
20 ticket seller attempted to deliver the ticket or
21 tickets to the purchaser in the manner required by
22 the Internet auction listing service and the
23 purchaser failed to receive the ticket or tickets;
24 and

25 (C) standards of professional conduct;

26 (5) the operator has adopted an independent and
27 disinterested dispute resolution procedure that allows
28 resellers or purchasers to file complaints against the
29 other and have those complaints mediated or resolved by a
30 third party, and requires the resellers or purchasers to
31 submit to the jurisdiction of the State of Illinois for
32 complaints involving a ticketed event held in Illinois;

33 (6) the operator either:

34 (A) complies with all applicable requirements of
35 the Retailers' Occupation Tax Act and collects and
36 remits all applicable federal, State, and local taxes;

1 or

2 (B) publishes a written notice on the website after
3 the sale of one or more tickets that automatically
4 informs the ticket reseller of the ticket reseller's
5 potential legal obligation to pay any applicable local
6 amusement tax in connection with the reseller's sale of
7 tickets, and discloses to law enforcement or other
8 government tax officials, without subpoena, the name,
9 city, state, telephone number, e-mail address, user ID
10 history, fraud complaints, and bidding and listing
11 history of any specifically identified reseller or
12 purchaser upon the receipt of a verified request from
13 law enforcement or other government tax officials
14 relating to a criminal investigation or alleged
15 illegal activity; and

16 (7) the operator either:

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

22 (B) has obtained and maintains in force an errors
23 and omissions insurance policy that provides at least
24 \$100,000 in coverage and proof that the policy has been
25 filed with the Department of Financial and
26 Professional Regulation.

27 (d) This Act does not apply to the resale of tickets of
28 admission to a sporting event, theater, musical performance, or
29 place of public entertainment or amusement of any kind for a
30 price in excess of the printed box office ticket price
31 conducted at an auction solely by or for a not-for-profit
32 organization for charitable purposes under clause (a)(1) of
33 Section 10-1 of the Auction License Act.

34 (e) This Act does not apply to the resale of a ticket for
35 admission to a baseball game, football game, hockey game,
36 theatre entertainment, or any other amusement for a price more

1 than the price printed on the face of the ticket and for more
2 than the price of the ticket at the box office if the resale is
3 made through an Internet website whose operator meets the
4 following requirements:

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

8 (2) the operator maintains a listing of the names of
9 the operator's directors and officers, and is duly
10 registered with the Office of the Secretary of State on a
11 registration form provided by that Office;

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

17 (4) the operator maintains a toll free number
18 specifically dedicated for consumer complaints and
19 inquiries regarding ticket resales made through the
20 website;

21 (5) the operator either:

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

27 (B) has obtained and maintains in force an errors
28 and omissions policy of insurance in the minimum amount
29 of \$100,000 for the satisfaction of valid consumer
30 complaints;

31 (6) the operator has adopted an independent and
32 disinterested dispute resolution procedure that allows
33 resellers or purchasers to file complaints against the
34 other and have those complaints mediated or resolved by a
35 third party, and requires the resellers or purchasers to
36 submit to the jurisdiction of the State of Illinois for

1 complaints involving a ticketed event held in Illinois;

2 (7) the operator either:

3 (A) complies with all applicable requirements of
4 the Retailers' Occupation Tax Act and collects and
5 remits all applicable federal, State, and local taxes;
6 or

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

21 (8) the operator guarantees to all purchasers that it
22 will provide and in fact provides a full refund of the
23 amount paid by the purchaser (including, but not limited
24 to, all fees, regardless of how characterized) if any of
25 the following occurs:

26 (A) the ticketed event is cancelled and the
27 purchaser returns the tickets to the website operator;
28 however, reasonable delivery fees need not be refunded
29 if the previously disclosed guarantee specifies that
30 the fees will not be refunded if the event is
31 cancelled;

32 (B) the ticket received by the purchaser does not
33 allow the purchaser to enter the ticketed event for
34 reasons that may include, without limitation, that the
35 ticket is counterfeit or that the ticket has been
36 cancelled by the issuer due to non-payment, unless the

1 ticket is cancelled due to an act or omission by the
2 purchaser;

3 (C) the ticket fails to conform to its description
4 on the website; or

5 (D) the ticket seller willfully fails to send the
6 ticket or tickets to the purchaser, or the ticket
7 seller attempted to deliver the ticket or tickets to
8 the purchaser in the manner required by the website
9 operator and the purchaser failed to receive the ticket
10 or tickets.

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

15 (f) The provisions of subsections (b), (c), (d), and (e) of
16 this Section apply only to the resale of a ticket after the
17 initial sale of that ticket. No reseller of a ticket may refuse
18 to sell tickets to another ticket reseller solely on the basis
19 that the purchaser is a ticket reseller or ticket broker
20 authorized to resell tickets pursuant to this Act.

21 (g) The provisions of Public Act 89-406 ~~this amendatory Act~~
22 ~~of 1995~~ are severable under Section 1.31 of the Statute on
23 Statutes.

24 (h) The provisions of this amendatory Act of the 94th
25 General Assembly are severable under Section 1.31 of the
26 Statute on Statutes.

27 (Source: P.A. 89-406, eff. 11-15-95.)

28 Section 99. Effective date. This Act takes effect upon
29 becoming law.