



Rep. Angelo Saviano

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LRB094 15162 RLC 56817 a

1 AMENDMENT TO HOUSE BILL 5459

2 AMENDMENT NO. _____. Amend House Bill 5459 by replacing
3 everything after the enacting clause with the following:

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

6 (720 ILCS 375/1.5) (from Ch. 121 1/2, par. 157.32)

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

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

22 (1) The ticket broker is duly registered with the
23 Office of the Secretary of State on a registration form
24 provided by that Office. The registration must contain a

1 certification that the ticket broker:

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

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

7 (C) displays at those locations the ticket
8 broker's registration;

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

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

17 (F) meets the following requirements:

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

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

25 (a-1) consumer protection guidelines;

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

31 (c-1) standards of professional conduct;

32 (iii) the ticket broker has adopted a
33 procedure for the binding resolution of consumer
34 complaints by an independent, disinterested third

1 party and thereby submits to the jurisdiction of
2 the State of Illinois; and

3 (iv) the ticket broker has established and
4 maintains a consumer protection rebate fund in
5 Illinois in an amount in excess of \$100,000, which
6 must be cash available for immediate disbursement
7 for satisfaction of valid consumer complaints.

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

21 (2) (Blank).

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

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

33 (5) Beginning January 1, 1996, no ticket broker shall
34 advertise for resale any tickets within this State unless

1 the advertisement contains the name of the ticket broker
2 and the Illinois registration number issued by the Office
3 of the Secretary of State under this Section.

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

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

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

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

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

30 (3) the operator maintains, either itself or through an
31 affiliate, a toll free number dedicated for consumer
32 complaints;

33 (4) the operator provides consumer protections that
34 include at a minimum:

1 (A) consumer protection guidelines;

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

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

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

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

24 (iv) the ticket seller willfully fails to send
25 the ticket or tickets to the purchaser, or the
26 ticket seller attempted to deliver the ticket or
27 tickets to the purchaser in the manner required by
28 the Internet auction listing service and the
29 purchaser failed to receive the ticket or tickets;
30 and

31 (C) standards of professional conduct;

32 (5) the operator has adopted an independent and
33 disinterested dispute resolution procedure that allows
34 resellers or purchasers to file complaints against the

1 other and have those complaints mediated or resolved by a
2 third party, and requires the resellers or purchasers to
3 submit to the jurisdiction of the State of Illinois for
4 complaints involving a ticketed event held in Illinois;

5 (6) the operator ~~either:~~

6 ~~(A) complies with all applicable requirements of~~
7 ~~the Retailers' Occupation Tax Act and collects and~~
8 ~~remits all applicable federal, State, and local taxes;~~
9 ~~or~~

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

24 (7) the operator either:

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

30 (B) has obtained and maintains in force an errors
31 and omissions insurance policy that provides at least
32 \$100,000 in coverage and proof that the policy has been
33 filed with the Department of Financial and
34 Professional Regulation.

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

8 (e) This Act does not apply to the resale of a ticket for
9 admission to a baseball game, football game, hockey game,
10 theatre entertainment, or any other amusement for a price more
11 than the price printed on the face of the ticket and for more
12 than the price of the ticket at the box office if the resale is
13 made through an Internet website whose operator meets the
14 following requirements:

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

18 (2) the operator maintains a listing of the names of
19 the operator's directors and officers, and is duly
20 registered with the Office of the Secretary of State on a
21 registration form provided by that Office;

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

27 (4) the operator maintains a toll free number
28 specifically dedicated for consumer complaints and
29 inquiries regarding ticket resales made through the
30 website;

31 (5) the operator either:

32 (A) has established and maintains a consumer
33 protection rebate fund in Illinois in an amount in
34 excess of \$100,000, which must be cash available for

1 immediate disbursement for satisfaction of valid
2 consumer complaints; or

3 (B) has obtained and maintains in force an errors
4 and omissions policy of insurance in the minimum amount
5 of \$100,000 for the satisfaction of valid consumer
6 complaints;

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

14 (7) the operator ~~either:~~

15 ~~(A) complies with all applicable requirements of~~
16 ~~the Retailers' Occupation Tax Act and collects and~~
17 ~~remits all applicable federal, State, and local taxes;~~
18 ~~or~~

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

33 (8) the operator guarantees to all purchasers that it
34 will provide and in fact provides a full refund of the

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

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

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

17 (C) the ticket fails to conform to its description
18 on the website; or

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

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

29 (f) The provisions of subsections (b), (c), (d), and (e) of
30 this Section apply only to the resale of a ticket after the
31 initial sale of that ticket. No reseller of a ticket may refuse
32 to sell tickets to another ticket reseller solely on the basis
33 that the purchaser is a ticket reseller or ticket broker
34 authorized to resell tickets pursuant to this Act.

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

3 (h) The provisions of this amendatory Act of the 94th
4 General Assembly are severable under Section 1.31 of the
5 Statute on Statutes.

6 (Source: P.A. 94-20, eff. 6-14-05.)".

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.".