

ASSEMBLY, No. 1511

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman KEVIN J. ROONEY

District 40 (Bergen, Essex, Morris and Passaic)

SYNOPSIS

Limits use of paperless ticketing systems.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning ticket sales, and amending and supplementing
2 P.L.1983, c.135.

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 or other evidence which permits entry to a
24 place of entertainment.

25 f. "Ticket broker" means any person situated in and operating
26 in this State who is involved in the business of reselling tickets of
27 admission to places of entertainment and who charges a premium in
28 excess of the price, plus taxes, printed on the tickets. For the
29 purposes of this act, the term "ticket broker" shall not include an
30 individual not regularly engaged in the business of reselling tickets,
31 who resells less than 30 tickets during any one-year period, and
32 who obtained the tickets for his own use, or the use of his family,
33 friends, or acquaintances.

34 g. "Resale" means a sale by a person other than the owner or
35 operator of a place of entertainment or of the entertainment event or
36 an agent of any such person.

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

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

41 j. "Paperless ticketing system" means a ticketing system in
42 which the payment card an individual uses to purchase tickets for
43 admission to a place of entertainment is required to be present at the
44 time of admission for all tickets purchased in order to gain entry
45 into the place of entertainment.

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.

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

b. Notwithstanding the provisions of subsection a. of this section, a ticket issuer may employ a paperless ticketing system that does not allow for independent transferability of the paperless ticket only if the ticket purchaser is offered at the time of initial sale the option to purchase the same ticket or tickets in some other form that is transferable, at any time, independent of the ticket issuer, including, but not limited to, paper tickets or paperless tickets. The established price for any ticket shall be the same regardless of the form or transferability of the ticket. The ability of a ticket to be transferred independently of the ticket issuer shall not constitute a special service for the purpose of imposing a service charge.

c. A ticket issuer shall not offer as the only option available to a ticket purchaser pursuant to this section the requirement to pick up a ticket at the will-call window or the box office of an entertainment facility in advance of the entertainment event for which the ticket is issued. Nothing in this subsection shall prohibit a ticket issuer from requiring pick up at a will-call window as the only delivery method for tickets purchased within four days of the entertainment event for which the ticket is purchased, provided that the initial sale or pre-sale of the ticket occurred more than four days prior to the entertainment event.

3. This act shall take effect immediately.

This bill amends and supplements P.L.1983, c.135 and limits the use of paperless ticketing systems, which, as defined by the bill, mean ticketing systems in which the payment card an individual uses to purchase tickets for admission to a place of entertainment is required to be present at the time of admission for all tickets purchased in order to gain entry into the place of entertainment.

1 Specifically, the bill prohibits ticket issuers from employing a
2 paperless ticketing system unless the ticket purchaser is given the
3 option to purchase paperless tickets that the ticket purchaser can
4 transfer, at any price and at any time, without additional fees and
5 independently of the ticket issuer. Ticket issuers may employ a
6 paperless ticketing system that does not allow for independent
7 transferability of the paperless ticket only if the ticket purchaser is
8 offered, at the time of initial sale, the option to purchase the same
9 ticket or tickets in some other form that is transferable, at any time,
10 independently of the ticket issuer, including, but not limited to,
11 paper tickets of paperless tickets.

12 To meet these requirements, the bill prohibits ticket issuers from
13 offering as the only option available to a ticket purchaser to pick up
14 a ticket at the will-call window or the box office of an entertainment
15 facility, except when the ticket is purchased within four days of the
16 entertainment event.

17 Under current law, any person who violates provisions of
18 P.L.1983, c.135 (C.56:8-26 et seq.) is guilty of a crime of a fourth
19 degree. A crime of the fourth degree is ordinarily punishable by a
20 term of imprisonment of up to 18 months or a fine of up to \$10,000,
21 or both. Under the bill, these existing penalties will apply to
22 violations of the bill's provisions.