SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 376

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 6, 2021

The Senate Commerce Committee reports favorably and with committee amendments Senate Bill No. 376.

As amended, this bill, the "New Jersey Ticket Consumer Choice Act," guarantees the right of New Jersey ticket purchasers to opt-out of ticket restrictions that limit their ability to use, sell, or give away the tickets they have purchased.

Specifically, this bill allows ticket issuers to sell tickets through a ticketing system that restricts the rights of consumers to resell their tickets only if, at the time of the initial sale, the consumer is offered the option to purchase the same ticket in a form not subject to restrictions by the issuer. Issuers would be permitted, however, to sell or give away tickets in a non-transferable form in the context of targeted promotions or private events.

The bill prohibits any penalty or discrimination against a ticket holder solely because the ticket was resold or because of the specific ticket platform on which the ticket was resold. The bill provides for the recognition of the rights of issuers and venue owners and operators to institute policies governing overall operation of entertainment events and ticket sales.

The bill exempts from the provisions of the bill issuers of tickets for an entertainment event held in a venue owned or operated by an entity which is subject to a hotel and motel occupancy fee pursuant to section 1 of P.L.2003, c.114 (C.54:32D-1) and located in a city the governing body of which has levied a retail sales tax pursuant to the provisions of section 1 of P.L.1947, c.71 (C.40:48-8.15).

The consumer choice provisions of this bill protecting the right of ticket purchasers to resell their tickets have been in effect in New York State for six years.

This bill was pre-filed for introduction in the 2020-2021 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS

The committee amended the bill to:

(1) exempt from the provisions of the bill issuers of tickets for an entertainment event held in a venue owned or operated by an entity

which is subject to a hotel and motel occupancy fee pursuant to section 1 of P.L.2003, c.114 (C.54:32D-1) and located in a city the governing body of which has levied a retail sales tax pursuant to the provisions of section 1 of P.L.1947, c.71 (C.40:48-8.15);

(2) remove from the bill a section amending current law concerning resellers of tickets; and

(3) make a technical correction.