



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 2/6/2004, by Don Harmon

SYNOPSIS AS INTRODUCED:

720 ILCS 375/1
720 ILCS 375/1.5

from Ch. 121 1/2, par. 157.31
from Ch. 121 1/2, par. 157.32

Amends the Ticket Scalping Act. Provides that any term or condition of the original sale of a ticket to any theater, circus, baseball park, or place of public entertainment or amusement where tickets of admission are sold that purports to limit the terms or conditions of resale of the ticket (including but not limited to the resale price of the ticket) shall be unenforceable, null, and void, if the resale transaction is carried out under certain specified conditions. Provides that the Act does not apply to the sale of tickets of admission to a sporting event, theater, musical performance, or place of public entertainment or amusement of any kind for a price in excess of the printed box office ticket price by a seller engaged in interstate or intrastate commerce on an Internet Auction Listing Service duly registered with the Illinois Office of Banks and Real Estate under the Auction License Act. Provides that the Act does not apply to the sale of tickets of admission to a sporting event, theater, musical performance, or place of public entertainment or amusement of any kind for a price in excess of the printed box office ticket price conducted at an auction solely by or for a not-for-profit organization for charitable purposes.

LRB093 21069 RLC 47100 b

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 1 and 1.5 as follows:

6 (720 ILCS 375/1) (from Ch. 121 1/2, par. 157.31)

7 Sec. 1. Sale of tickets other than at box office
8 prohibited; exceptions.

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

26 (b) Any term or condition of the original sale of a ticket
27 to any theater, circus, baseball park, or place of public
28 entertainment or amusement where tickets of admission are sold
29 that purports to limit the terms or conditions of resale of the
30 ticket (including but not limited to the resale price of the
31 ticket) shall be unenforceable, null, and void, if the resale
32 transaction is carried out by the means set forth in Section

1 1.5 of this Act.

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

3 (720 ILCS 375/1.5) (from Ch. 121 1/2, par. 157.32)

4 Sec. 1.5. Selling tickets for a price more than face value;
5 exceptions.

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

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

19 (1) The ticket broker is duly registered with the
20 Office of the Secretary of State on a registration form
21 provided by that Office. The registration must contain a
22 certification that the ticket broker:

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

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

28 (C) displays at those locations the ticket
29 broker's registration;

30 (D) maintains at those locations a listing of the
31 names and addresses of all persons employed by the
32 ticket broker;

33 (E) is in compliance with all applicable federal,
34 State, and local laws relating to its ticket selling
35 activities, and that neither the ticket broker nor any

1 of its employees within the preceding 12 months have
2 been convicted of a violation of this Act; and

3 (F) that the ticket broker meets the following
4 requirements:

5 (i) maintains a statewide toll free number for
6 consumer complaints and inquiries;

7 (ii) has adopted a code that advocates
8 consumer protection that includes, at a minimum:

9 (a-1) consumer protection guidelines;

10 (b-1) a standard refund policy; and

11 (c-1) standards of professional conduct;

12 (iii) has adopted a procedure for the binding
13 resolution of consumer complaints by an
14 independent, disinterested third party; and

15 (iv) has established and maintains a consumer
16 protection rebate fund in an amount in excess of
17 \$100,000, at least 50% of which must be cash
18 available for immediate disbursement for
19 satisfaction of valid consumer complaints.

20 Alternatively, the ticket broker may fulfill the
21 requirements of subparagraph (F) of this subsection
22 (b) if the ticket broker certifies that he or she
23 belongs to a professional association organized under
24 the laws of this State, or organized under the laws of
25 any other state and authorized to conduct business in
26 Illinois, that has been in existence for at least 3
27 years prior to the date of that broker's registration
28 with the Office of the Secretary of State, and is
29 specifically dedicated, for and on behalf of its
30 members, to provide and maintain the consumer
31 protection requirements of subparagraph (F) of
32 subsection (b) to maintain the integrity of the ticket
33 brokerage industry.

34 (2) (Blank).

35 (3) The ticket broker and his employees must not engage
36 in the practice of selling, or attempting to sell, tickets

1 for any event while sitting or standing near the facility
2 at which the event is to be held or is being held.

3 (4) The ticket broker must comply with all requirements
4 of the Retailers' Occupation Tax Act and all other
5 applicable federal, State and local laws in connection with
6 his ticket selling activities.

7 (5) Beginning January 1, 1996, no ticket broker shall
8 advertise for resale any tickets within this State unless
9 the advertisement contains the name of the ticket broker
10 and the Illinois registration number issued by the Office
11 of the Secretary of State under this Section.

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

14 The provisions of this amendatory Act of 1995 are severable
15 under Section 1.31 of the Statute on Statutes.

16 (c) This Act does not apply to the sale of tickets of
17 admission to a sporting event, theater, musical performance, or
18 place of public entertainment or amusement of any kind for a
19 price in excess of the printed box office ticket price by a
20 seller engaged in interstate or intrastate commerce on an
21 Internet Auction Listing Service duly registered with the
22 Illinois Office of Banks and Real Estate under the Auction
23 License Act. This subsection (c) shall apply to both sales
24 through an online bid submission process and to sales at a
25 fixed price on the same website or interactive computer service
26 as the Internet Auction Listing Service registered with the
27 Illinois Office of Banks and Real Estate.

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

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