

House Bill 398

By: Representatives Hilton of the 48th, McCollum of the 30th, Gullett of the 19th, Carpenter of the 4th, Momtahan of the 17th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 4B of Title 43 of the Official Code of Georgia Annotated,
2 relating to ticket brokers, so as to remove an exception permitting certain resale restrictions;
3 to provide that resale restrictions are void and against public policy; to provide for related
4 matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 3 of Chapter 4B of Title 43 of the Official Code of Georgia Annotated, relating to
8 ticket brokers, is amended by revising Code Section 43-4B-25, relating to authority to resell
9 tickets and service charges, as follows:

10 "43-4B-25.

11 (a) Except as otherwise provided in Code Section 43-4B-29, it shall be unlawful for any
12 person other than a ticket broker to resell or offer for resale any ticket of admission or other
13 evidence of the right of entry to any athletic contest, concert, theater performance,
14 amusement, exhibition, or other entertainment event to which the general public is admitted
15 for a price in excess of the face value of the ticket. Notwithstanding any other provision
16 of this article to the contrary, a service charge not to exceed \$3.00 may be charged when

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17 tickets or other evidences of the right of entry are sold by an authorized ticket agent
18 through places of established business licensed to do business by the municipality or
19 county, where applicable, in which such places of business are located. Notwithstanding
20 any other provision of this article to the contrary, the owner, operator, lessee, or tenant of
21 the property on which such athletic contest or entertainment event is to be held or is being
22 held or the sponsor of such contest or event may charge or may authorize, in writing, any
23 person to charge a service charge for the sale of such ticket, privilege, or license of
24 admission in addition to the face value of the ticket. Such writing granting authority to
25 another shall specify the amount of the service charge to be charged for the sale of each
26 ticket, privilege, or license of admission.

27 (b) Notwithstanding any other provision of this article to the contrary, in the case of any
28 athletic contest or entertainment event that is described in Code Section 43-4B-30, a
29 sponsor of such a contest or event may contractually restrict the resale of a ticket to such
30 contest or event by giving notice of such restriction on the back of the ticket.
31 ~~Notwithstanding any other provision of this article to the contrary, in the case of any~~
32 ~~athletic contest or entertainment event, an owner, operator, lessee, or tenant of the property~~
33 ~~on which such contest or event is to be held or is being held may contractually restrict the~~
34 ~~resale of the right of occupancy of any specific suite, seat, or seating area by giving notice~~
35 ~~in writing of such restriction.~~

36 (c)(1) Except as provided in subsection (b) of this Code section, it shall be null and void,
37 as against public policy, to prohibit or to limit the terms or conditions of the resale of a
38 ticket by applying a term or condition to the original sale of such ticket or through the use
39 of technology.

40 (2) The original ticket seller may not penalize, discriminate against, or deny access to an
41 event to a person who purchases or resells a ticket in a manner authorized in this Code
42 section.

43 (d)(1) Notwithstanding any other provision of this article to the contrary, the original
44 ticket seller may:

45 (A) Maintain and enforce policies with respect to conduct, behavior, or age at the
46 venue or entertainment event;

47 (B) Establish limits on the quantity of tickets that may be purchased; and

48 (C) Elect not to offer tickets in a transferable form if those tickets are sold or given to
49 an individual as part of a private event or a targeted promotion at a discounted price
50 offered due to an individual's or group's status or affiliation with religious or charitable
51 institutions, societies, civic leagues, or organizations not organized for profit but
52 operated exclusively for the promotion of social welfare; associations of veterans of any
53 wars of the United States; students; or groups or individuals characterized by a
54 disability or economic hardship.

55 (2) Tickets restricted in accordance with subparagraph (C) of paragraph (1) of this
56 subsection shall not be offered promotionally to the general public and must be clearly
57 marked as a ticket restricted to the specified individual or group."

58 **SECTION 2.**

59 All laws and parts of laws in conflict with this Act are repealed.