

As Introduced

136th General Assembly

Regular Session

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H. B. No. 563

Representative Hiner

Cosponsors: Representatives Johnson, Fischer

To enact sections 1345.53 and 1345.54 of the
Revised Code to regulate ticket sales.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 1345.53 and 1345.54 of the
Revised Code be enacted to read as follows:

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Sec. 1345.53. (A) As used in this section and section
1345.54 of the Revised Code:

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(1) "Entertainment" means all forms of entertainment,
including theatrical or operatic performances, dance, ballet,
concerts, motion pictures, entertainment at fairgrounds,
amusement parks, athletic competitions and other sports, and all
other forms of diversion, recreation, or show.

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(2) "Internet domain name" means a globally unique,
hierarchical reference to an internet host or service, which is
assigned through a centralized internet naming authority and
which is composed of a series of character strings separated by
periods with the rightmost string specifying the top of the
hierarchy.

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(3) "Online ticket marketplace" means the administrator of
a web site or other electronic service, including an agent,

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employee, or assignee of the administrator, that sells tickets 20
or maintains a platform to facilitate the sale of tickets. 21

(4) "Operator" means a person, including an agent, 22
employee, or assignee of the person who does one or more of the 23
following: 24

(a) Owns, operates, or controls a place of entertainment; 25

(b) Produces entertainment; 26

(c) Sells a ticket to a place of entertainment for 27
original sale. 28

(5) "Operator's base ticket price" means the price per 29
ticket established by the operator. 30

(6) "Place of entertainment" means an entertainment 31
facility, including an amphitheater, theater, stadium, arena, 32
racetrack, museum, amusement park, venue, club, or other place 33
where performances, concerts, exhibits, athletic games, 34
contests, or other forms of entertainment are held. 35

(7) "Season ticket" means a ticket or group of tickets 36
that allows the holder to attend a series of events or 37
performances within a specific time period, whether they include 38
a portion of that series, such as a flex pass or a mini- 39
subscription, or the whole series, and are offered for original 40
sale by an operator. 41

(8) "Ticket-buying session" means an online interaction 42
between a purchaser and an online ticket marketplace, operator, 43
or ticket reseller measured as from the time a purchaser selects 44
a specific ticket and either completes the purchase or the 45
session times out. 46

(9) (a) "Ticket reseller" means a person that offers or 47

sells tickets for resale after the original sale to an 48
entertainment event located in this state and includes an 49
operator to the extent that the operator offers or sells tickets 50
for resale. Sales by a ticket reseller include sales by any 51
means, including in person or by telephone, mail, delivery 52
service, facsimile, internet, email, or other electronic means. 53

(b) "Ticket reseller" does not include a person that 54
purchases a ticket solely for the person's own use or the use of 55
the person's invitees, employees, or agents. 56

(10) "URL" means a uniform resource locator for a web site 57
on the internet. 58

(B) An operator shall, at all times during the ticket 59
listing and purchasing process, disclose in an easily readable 60
and conspicuous manner the total cost of the ticket, including 61
all fees and surcharges that must be paid in order to purchase 62
the ticket. 63

(C) A ticket reseller or online ticket marketplace shall, 64
at all times during the ticket listing and purchasing process, 65
disclose in an easily readable and conspicuous manner the total 66
cost in dollars of the ticket, including all fees, all 67
surcharges, and the amount above the operator's base ticket 68
price. 69

(D) (1) An operator, ticket reseller, or online ticket 70
marketplace shall disclose subtotals, fees, charges, or other 71
components of the total cost of a ticket in a way that is not 72
false or misleading, and such that the information is not 73
presented more prominently than, or in the same or larger font 74
as, the total cost of the ticket. 75

(2) An operator, ticket reseller, or online ticket 76

marketplace may disclose subtotals, fees, charges, and other 77
components of the total cost of the ticket in a manner that 78
allows the purchaser to hide or minimize the itemized list. 79

(3) An operator, ticket reseller, or online ticket 80
marketplace shall not increase the price of a ticket with 81
respect to a particular person after the ticket is first 82
displayed to that person. This division does not prohibit an 83
operator, ticket reseller, or online ticket marketplace from 84
doing any of the following: 85

(a) Charging a reasonable fee for the delivery of tickets 86
in a nonelectronic form, upon election of that delivery method 87
by the purchaser; 88

(b) Adding to the total cost additional purchases made by 89
the purchaser, so long as the cost of those additional purchases 90
are disclosed to the purchaser prior to the operator, ticket 91
reseller, or online ticket marketplace accepting payment; 92

(c) Increasing the ticket price based upon supply and 93
demand, provided the price is not changed in the same ticket- 94
buying session with a particular person after the price is first 95
displayed; 96

(d) Not disclosing the components or fees included in a 97
season ticket which combined make up the operator's base ticket 98
price. 99

(E) (1) A ticket reseller or online ticket marketplace 100
shall disclose in an easily readable and conspicuous manner on 101
the ticket reseller's or online ticket marketplace's web site or 102
electronic service all of the following: 103

(a) That the web site or electronic service is owned or 104
operated by a ticket reseller or online ticket marketplace and 105

that the price of a resale ticket may be higher or lower than 106
the original purchase price; 107

(b) That the purchaser is responsible for checking with 108
the place of entertainment for information on changes to the 109
event or cancellations prior to the event's start time; 110

(c) The refund policy of the ticket reseller or online 111
ticket marketplace. 112

(2) A ticket reseller or online ticket marketplace shall 113
require a purchaser to confirm having read the disclosures 114
required by division (E) (1) of this section before completing a 115
transaction. 116

(F) Within twenty-four hours after selling a resale 117
ticket, a ticket reseller or online ticket marketplace shall 118
provide proof of purchase to the purchaser, which shall include 119
all of the following: 120

(1) All event and ticket information; 121

(2) That the purchaser is responsible for checking with 122
the place of entertainment for information on changes to the 123
event or cancellations prior to the event's start time; 124

(3) The refund policy of the ticket reseller or online 125
ticket marketplace. 126

(G) An online ticket marketplace or ticket reseller shall 127
not use any words, image, trademark, copyright, web design, or 128
internet address that is identical or substantially similar to 129
words, images, trademark, copyright, web designs, or internet 130
addresses associated with a place of entertainment without the 131
written permission of the place of entertainment duly authorized 132
to provide the permission. This division does not prohibit an 133

online ticket marketplace from doing either or both of the 134
following: 135

(1) Using words containing the name of a place of 136
entertainment or of an event in order to describe the location 137
of the event or the event itself; 138

(2) Providing information or images identifying the 139
specific seat or area the purchaser will occupy in the place of 140
entertainment. 141

(H) This section does not apply to persons engaged in 142
annual aggregate transactions of less than five thousand 143
dollars. 144

Sec. 1345.54. (A) No person shall do any of the following: 145

(1) Sell or offer to sell more than one copy of the same 146
ticket to a place of entertainment; 147

(2) Directly or indirectly employ or compensate another 148
person to purchase tickets for the purpose of reselling the 149
tickets if the practice is prohibited by law or if the place of 150
entertainment posts a policy prohibiting the practice; 151

(3) Sell or offer to sell a ticket without first informing 152
the person of the location of the place of entertainment and the 153
ticket's assigned seat, including the seat number, row, and 154
section number of the seat; 155

(4) Sell or offer to sell a ticket for which there is no 156
assigned seat without first informing the person of the general 157
admission area to which the ticket corresponds; 158

(5) Advertise, offer for sale, or contract for the sale of 159
a ticket before the ticket has been made available to the 160
public, including via presale, without first obtaining 161

permission from the place of entertainment and having actual or 162
constructive possession of the ticket, unless the ticket 163
reseller owns the ticket pursuant to a season ticket package 164
purchased by the ticket reseller. 165

(B) No operator, ticket reseller, or online ticket 166
marketplace shall use or caused to be used for reselling tickets 167
an internet domain name or subdomain with a web site URL that 168
contains the name of a place of entertainment, the name of an 169
event, the name of a person scheduled to perform or appear at an 170
event, or a name substantially similar to any of the foregoing, 171
unless the operator, ticket reseller, or online ticket 172
marketplace is acting on behalf of the place, event, or person. 173

(C) No person shall knowingly do any of the following: 174

(1) Circumvent any portion of the process for purchasing a 175
ticket on the internet or for admission to a place of 176
entertainment, including security or identity validation 177
measures or an access control system; 178

(2) Disguise the identity of a purchaser for the purpose 179
of purchasing a number of tickets for admission to a place of 180
entertainment that exceeds the maximum number of tickets allowed 181
for purchase by a person; 182

(3) Sell a ticket acquired in violation of division (C) (1) 183
or (2) of this section regardless of whether the person 184
participated in or had the ability to control the prohibited 185
conduct. 186

(D) An operator, online ticket marketplace, or ticket 187
reseller shall not sell a ticket unless one or both of the 188
following apply: 189

(1) The ticket is in the possession or constructive 190

possession of the operator, online ticket marketplace, or ticket 191
reseller; 192

(2) The operator, online ticket marketplace, or ticket 193
reseller has a written contract with the place of entertainment 194
to obtain the ticket. 195

(E) A violation of this section or section 1345.53 of the 196
Revised Code is an unfair or deceptive act or practice in 197
violation of section 1345.02 of the Revised Code. All powers and 198
remedies available to the attorney general to enforce sections 199
1345.01 to 1345.13 of the Revised Code are available to the 200
attorney general to enforce this section and section 1345.53 of 201
the Revised Code. 202