

SENATE NO. 222

AN ACT RELATIVE TO TICKET RESALE

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

1 SECTION 1. Section 185A of Chapter 140 of Title XX of part I of the Massachusetts General Laws,
2 as appearing in the 2004 Official Edition, is hereby amended by adding at the end thereof the
3 following new paragraphs:-

4 Nothing in this Title, nor in any city, county, or other local law, shall prohibit any person from
5 reselling, or engaging in the business of reselling, at any price, tickets of admission or other evidence
6 of right of entry to any theatrical exhibition, public show or public amusement or exhibition,
7 regardless of whether or not such person has a license, if such resale is made through an Internet web
8 site that is authorized for such purpose in writing by the owner or operator of, or the owner or operator
9 of the venue at which occurs, such theatrical exhibition, public show or public amusement or
10 exhibition, but only if the operator of such Internet web site:

- 11 (a) has the business presence and physical street address in the Commonwealth of
12 Massachusetts and clearly and conspicuously posts that address on such web site; and
- 13 (b) guarantees to all purchasers that it will provide and in fact provides a full refund of the
14 amount paid by the purchaser (including, but not limited to, all fees, regardless of how
15 characterized) if any of the following occurs:-
- 16 (i) the ticketed event is cancelled; provided, that if the event is cancelled then reasonable
17 handling and delivery fees need not be refunded as long as previously disclosed
18 guarantee specifies that such fees will not be refunded;
- 19 (ii) the ticket received by the purchaser does not allow the purchaser to enter the ticketed
20 even, for reasons that may include, without limitation, that the ticket is counterfeit or
21 that the ticket has been cancelled by the issuer due to non-payment, unless the ticket
22 is cancelled due to an act or omission by such purchaser, or
- 23 (iii) the ticket fails to conform to its description on the website.

24 Nothing in this Title, nor in any city, county or other local law, shall prohibit any such exhibition,
25 show, amusement, venue or web site operator from having any interest in such web site or receiving
26 any financial participation or benefit from such a resale.