

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 385

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 465 (MCL 750.465).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 465. (1) The owner, lessee, operator, or manager of each  
2 theatre, circus, athletic grounds used for an athletic game, or  
3 place of public entertainment or amusement shall have printed on  
4 each ticket issued for admission to, or for a seat of, the theatre,  
5 circus, athletic grounds, or place of public entertainment or  
6 amusement, in conspicuous type, the price of the ticket, and the  
7 number on the seat ~~when each seat is~~ **if the seats are** numbered. The  
8 owner, lessee, operator, or manager also shall print or endorse on  
9 the ticket the charge in excess of the box office price at which



1 the ticket is sold if the ticket is purchased at a location other  
2 than the box office where the event occurs and the following  
3 statement: "This ticket may be purchased at the box office price  
4 without the surcharge by purchasing the ticket at the box office  
5 where the event is scheduled to occur."

6 ~~(2) A person owning, occupying, managing, or controlling a  
7 building, room, park or enclosure for the sale of tickets for a  
8 theatre, circus, athletic game, or place of public entertainment or  
9 amusement, who asks, demands, or receives from a person for the  
10 sale of the ticket to a theatre, circus, athletic grounds, or place  
11 of public entertainment or amusement, a price in excess of the  
12 general admission advertised or charged for the same privilege, or  
13 a person, who by himself or herself or his or her agent or  
14 employee, offers for sale upon a public place or thoroughfare, a  
15 ticket to a theatre, circus, athletic grounds, or place of public  
16 entertainment or amusement, for admission to, or for a seat or  
17 other privilege in a theatre, circus, athletic grounds, or place of  
18 public entertainment or amusement, at a price in excess of that  
19 demanded or received from the general public for the same  
20 privilege, or in excess of the advertised or printed rate, shall be  
21 punished as provided in subsection (6), except if the request,  
22 demand, or receipt is with the written permission of the owner,  
23 lessee, operator, or manager of the theatre, circus, athletic  
24 grounds, or place of public entertainment or amusement where the  
25 event occurs. If the owner, lessee, operator, or manager permits,  
26 in writing, a charge in excess of the box office price, the  
27 permission shall be limited to the sales of tickets at locations  
28 other than the box office where the event occurs.~~

29 ~~(3) Except as provided in subsections (1) and (2), a person~~



1 ~~shall not establish an agency or suboffice for the sale of a seat~~  
2 ~~ticket of admission to a theatre, circus, athletic grounds, or~~  
3 ~~place of public entertainment or amusement at a price greater than~~  
4 ~~the sale of a seat ticket at the box office of the theatre, circus,~~  
5 ~~athletic grounds, place of public entertainment or amusement, or in~~  
6 ~~excess of the advertised price of the seat ticket.~~

7 ~~(4) Except as provided in subsections (1) and (2), the owner,~~  
8 ~~lessee, operator, or occupant of a building, room, enclosure, or~~  
9 ~~other place open to the public, who permits a person to sell or~~  
10 ~~exhibit for sale in the building, room, enclosure, or other place~~  
11 ~~open to the public, 1 or more tickets for a theatre, circus,~~  
12 ~~athletic grounds, or place of public entertainment or amusement,~~  
13 ~~for more than the price printed on the ticket, shall be liable and~~  
14 ~~guilty equally as the person.~~

15 ~~(5) If the owner, lessee, operator, or manager of a circus,~~  
16 ~~theatre, athletic grounds, or place of public entertainment or~~  
17 ~~amusement has sold a ticket or admission to a person, under~~  
18 ~~restrictive conditions and at a less rate than the general~~  
19 ~~admission charged, and whose name appears on the face of the ticket~~  
20 ~~or is registered in the office of the owner, lessee, operator, or~~  
21 ~~managers as the holder of the ticket and if it is printed on the~~  
22 ~~face of the ticket that the ticket is nontransferable and sold only~~  
23 ~~to the person whose name appears on the face of the ticket or is~~  
24 ~~registered, the holder of the ticket shall not sell the ticket to~~  
25 ~~another person, and a person selling the ticket shall be punished~~  
26 ~~as provided in subsection (6).~~

27 ~~(6) A person who violates this section is guilty of a~~  
28 ~~misdemeanor.~~

29 **(2) A person shall not knowingly sell, give, transfer, use,**



1 distribute, or possess with the intent to distribute software that  
2 is primarily designed or produced for the purpose of interfering  
3 with the ticket sale operations of any owner, lessee, operator, or  
4 manager of a theatre, circus, athletic grounds, or place of public  
5 entertainment or amusement over the internet by circumventing any  
6 measures or controls on the seller's website that are instituted to  
7 enforce event ticket purchasing limits or to maintain the integrity  
8 of online purchasing order rules.

9 (3) Except as provided in subsection (4), a person owning,  
10 operating, or controlling a ticket website for an event scheduled  
11 at a venue in this state shall not use an internet domain name or  
12 subdomain thereof in the ticket website's URL that contains any of  
13 the following:

14 (a) The name of the venue.

15 (b) The name of the event, including the name of a person or  
16 entity scheduled to perform or appear at the event.

17 (c) A name substantially similar to those described in  
18 subdivision (a) or (b).

19 (4) Subsection (3) does not apply if the person owning,  
20 operating, or controlling a ticket website for an event scheduled  
21 in this state is acting on behalf of the venue, event, person, or  
22 entity scheduled to perform or appear at the event.

23 (5) A person shall not make available for sale a ticket that  
24 is not in his or her possession or control.

25 (6) This section does not alter or affect the remedies  
26 available for unfair, unconscionable, or deceptive methods, acts,  
27 or practices related to the sale of tickets under the Michigan  
28 consumer protection act, 1976 PA 331, MCL 445.901 to 445.922, or  
29 for untrue, deceptive, or misleading advertising of tickets under



1 the Michigan shopping reform and modernization act, 2011 PA 15, MCL  
2 445.311 to 445.324.

3 (7) If any provision of this act or its application to any  
4 person or circumstances is held invalid, the invalidity does not  
5 affect other provisions or applications of this act that can be  
6 given effect without the invalid provision or application, and, to  
7 this end, the provisions of this act are severable.

8 (8) A person that violates this section is guilty of a  
9 misdemeanor punishable by imprisonment for not more than 93 days or  
10 a fine of not more than \$1,000.00, or both.

11 Enacting section 1. This amendatory act takes effect 90 days  
12 after the date it is enacted into law.

13 Enacting section 2. This amendatory act does not take effect  
14 unless Senate Bill No. 384 of the 100th Legislature is enacted into  
15 law.

