

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 ticket seller shall not contract for the sale of tickets
24 or accept consideration for payment in full or for a deposit for
25 the sale of tickets unless the ticket seller meets 1 or more of the
26 following requirements:

27 (a) The ticket seller has the ticket in his or her possession.

28 (b) The ticket seller has a written contract to obtain the
29 offered ticket at a certain price from a person in possession of

1 the ticket or from a person who has a contractual right to obtain
2 the ticket from the primary contractor.

3 (c) The ticket seller clearly and in a conspicuous manner
4 informs the purchaser at the time of the contract or receipt of
5 consideration, whichever is earlier, and again in writing within 2
6 business days, that the seller does not have possession of the
7 tickets, has no contract to obtain the offered ticket at a certain
8 price from a person in possession of the ticket or from a person
9 who has a contractual right to obtain the ticket from the primary
10 contractor, and may not be able to supply the ticket at the
11 contracted price or range of prices. The ticket seller must also
12 clearly and in a conspicuous manner inform the purchaser of the
13 date on which the tickets will be delivered to the purchaser.

14 (6) Subsection (5) does not prohibit a ticket seller from
15 accepting a deposit from a prospective purchaser as part of an
16 agreement that the ticket seller will make best efforts to obtain a
17 ticket at a specified price or price range and within a specified
18 time, provided that the ticket seller informs the purchaser at the
19 time of the contract or receipt of consideration, whichever is
20 earlier, and again in writing within 2 business days, of the terms
21 of the deposit agreement, and includes in the oral and written
22 notice the disclosures otherwise required by subsection (5).

23 (7) A ticket seller that engages in a sale under subsection
24 (5) (c) must inform the purchaser if the ticket seller does not have
25 possession of the purchased ticket not less than 48 hours before
26 the event for which the ticket was purchased is scheduled to occur,
27 unless waived by the purchaser prior to 48 hours before the event.

28 (8) A ticket seller shall refund to a purchaser any
29 consideration or deposit paid for tickets under subsection (5) (c)

1 or (6) if the ticket seller fails to obtain the tickets by the
2 stated delivery date or specified time.

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

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

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