

SENATE BILL No. 762

January 23, 2018, Introduced by Senators PROOS, BRANDENBURG, CASPERSON,
COLBECK, KOWALL, EMMONS, KNOLLENBERG, JONES and NOFS and referred
to the Committee on Commerce.

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
10 the ticket is sold if the ticket is purchased at a location other

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

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

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

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

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

1 (2) A PERSON SHALL NOT KNOWINGLY SELL, GIVE, TRANSFER, USE,
2 DISTRIBUTE, OR POSSESS WITH THE INTENT TO DISTRIBUTE SOFTWARE THAT
3 IS PRIMARILY DESIGNED OR PRODUCED FOR THE PURPOSE OF INTERFERING
4 WITH THE TICKET SALE OPERATIONS OF ANY OWNER, LESSEE, OPERATOR, OR
5 MANAGER OF A CIRCUS, THEATER, ATHLETIC GROUNDS, OR PLACE OF PUBLIC
6 ENTERTAINMENT OR AMUSEMENT OVER THE INTERNET BY CIRCUMVENTING ANY
7 MEASURES OR CONTROLS ON THE SELLER'S WEBSITE THAT ARE INSTITUTED TO
8 ENSURE AN EQUITABLE SALE PROCESS.

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 A SUBDOMAIN OR DOMAIN NAME
12 IN THE TICKET WEBSITE'S URL THAT CONTAINS ANY OF THE FOLLOWING:

13 (A) ALL OR PART OF THE NAME OF THE VENUE.

14 (B) ALL OR PART OF THE NAME OF THE EVENT, INCLUDING THE NAME
15 OF A PERSON OR ENTITY SCHEDULED TO PERFORM OR APPEAR AT THE EVENT.

16 (C) A NAME SUBSTANTIALLY SIMILAR TO THOSE DESCRIBED IN
17 SUBDIVISION (A) OR (B).

18 (4) SUBSECTION (3) DOES NOT APPLY IF THE PERSON OWNING,
19 OPERATING, OR CONTROLLING A TICKET WEBSITE FOR AN EVENT SCHEDULED
20 IN THIS STATE IS ACTING ON BEHALF OF THE VENUE.

21 (5) ~~(6)~~—A person ~~who~~ THAT violates this section is guilty of a
22 misdemeanor PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR
23 A FINE OF NOT MORE THAN \$500.00, OR BOTH.

24 (6) AS USED IN THIS SECTION:

25 (A) "TICKET WEBSITE" MEANS A WEBSITE ADVERTISING THE SALE OF
26 TICKETS, OFFERING THE SALE OF TICKETS, OR FACILITATING A SECONDARY
27 TICKET EXCHANGE.

1 (B) "URL" MEANS THE UNIFORM RESOURCE LOCATOR FOR A WEBSITE ON
2 THE INTERNET.

3 (C) "VENUE" INCLUDES A SPORTS VENUE, CONCERT VENUE, THEATRICAL
4 VENUE, CLUB, CONVENTION CENTER, FAIRGROUNDS, PUBLIC ASSEMBLY
5 FACILITY, OR MASS GATHERING LOCATION.

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