

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

CHAPTER LXVIII
PUBLIC EXHIBITIONS AND ENTERTAINMENT

750.463 Unpublished and undedicated plays and compositions; consent of owner.

Sec. 463. Public presentation for profit of unpublished or undedicated plays and compositions without consent of owner—No unpublished, uncopyrighted or undedicated dramatic play and no unpublished or undedicated musical composition shall be publicly performed or represented for profit, without consent of the owner or proprietor thereof.

Any person who shall cause to be publicly performed or represented for profit any unpublished, uncopyrighted or undedicated dramatic composition, or unpublished or undedicated musical composition, without the consent of the owner or proprietor or who, knowing that such dramatic or musical composition is unpublished or undedicated, and, without the consent of its owner or proprietor, permits, aids or takes part in such a performance or representation, shall be guilty of a misdemeanor.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.463.

Former law: See sections 1 and 2 of Act 268 of 1905, being CL 1915, §§ 3476 and 3477; and CL 1929, §§ 17022 and 17023.

750.464 Sale of seats in places of public entertainment.

Sec. 464. Sale of seats in places of public entertainment—It shall not be lawful for the proprietor, lessee or manager of any theatre, concert or lecture hall, or other place of public entertainment, to mark, or cause to be marked, any seat or seats in any theatre, concert or lecture hall, or other place of public entertainment, as sold, reserved or taken, unless the seat or seats so marked or designated shall have been actually sold or reserved, at least 1 hour prior to the time of beginning each performance, or entertainment in said theatre, concert or lecture hall, or place of public entertainment, and the purchase of reserved seats for the purpose of selling them is hereby prohibited. Any proprietor, lessee or manager, or other person who shall violate the provisions of this section, shall on conviction thereof, be fined not less than 1 dollar, and not more than 5 dollars, for every seat so marked, designated or purchased.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.464.

Former law: See sections 1 and 2 of Act 12 of 1877, being How., §§ 2089 and 2090; CL 1897, §§ 5466 and 5467; CL 1915, §§ 7150 and 7151; and CL 1929, §§ 8892 and 8893.

750.464a Consuming intoxicating liquor in unlicensed places; liability.

Sec. 464a. It shall be unlawful for any person to consume, or any person, persons, co-partnership or corporation engaged in the business of operating any public dance hall to knowingly allow, permit or suffer to be consumed any intoxicating liquor, wine, or beer, in any public dance hall, in any toilet, cloak room or appendage to any such dance hall, or in any other room directly connected therewith unless said premises are duly licensed by the Michigan liquor control commission.

Any person engaged in the business of operating any public dance hall whether as owner, proprietor, manager, or employee, shall be held liable for knowingly permitting the violation of the provisions of this section, and any such owner or proprietor shall be held criminally liable for knowingly permitting the acts of his manager, servant, agent or employee in violation of the provisions of this section. The violation of any of the provisions of this section is hereby declared to be a misdemeanor.

History: Add. 1945, Act 292, Eff. Sept. 6, 1945;—CL 1948, 750.464a.

750.464b Definitions for MCL 750.465.

Sec. 464b. As used in section 465:

(a) "Internet domain name" means a globally unique, hierarchical reference to an internet host or server, 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.

(b) "Ticket website" means a website advertising the sale of tickets, offering the sale of tickets, or facilitating a secondary ticket exchange.

(c) "URL" means the uniform resource locator for a website on the internet.

(d) "Venue" includes a sports venue, concert venue, theatrical venue, club, convention center, fairgrounds, public assembly facility, or mass gathering location.

History: Add. 2020, Act 175, Eff. Dec. 30, 2020.

750.465 Sale of tickets for theatre, circus, athletic game, or place of public entertainment or

amusement; requirements; prohibitions; penalty.

Sec. 465. (1) The owner, lessee, operator, or manager of each theatre, circus, athletic grounds used for an athletic game, or place of public entertainment or amusement shall have printed on each ticket issued for admission to, or for a seat of, the theatre, circus, athletic grounds, or place of public entertainment or amusement, in conspicuous type, the price of the ticket, and the number on the seat if the seats are numbered. The owner, lessee, operator, or manager also shall print or endorse on the ticket the charge in excess of the box office price at which the ticket is sold if the ticket is purchased at a location other than the box office where the event occurs and the following statement: "This ticket may be purchased at the box office price without the surcharge by purchasing the ticket at the box office where the event is scheduled to occur."

(2) A person shall not knowingly sell, give, transfer, use, distribute, or possess with the intent to distribute software that is primarily designed or produced for the purpose of interfering with the ticket sale operations of any owner, lessee, operator, or manager of a theatre, circus, athletic grounds, or place of public entertainment or amusement over the internet by circumventing any measures or controls on the seller's website that are instituted to enforce event ticket purchasing limits or to maintain the integrity of online purchasing order rules.

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

(a) The name of the venue.

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

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

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

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

(6) This section does not alter or affect the remedies available for unfair, unconscionable, or deceptive methods, acts, or practices related to the sale of tickets under the Michigan consumer protection act, 1976 PA 331, MCL 445.901 to 445.922, or for untrue, deceptive, or misleading advertising of tickets under the Michigan shopping reform and modernization act, 2011 PA 15, MCL 445.311 to 445.324.

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

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

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.465;—Am. 1979, Act 33, Imd. Eff. June 19, 1979;—Am. 2020, Act 176, Eff. Dec. 30, 2020.

Former law: See sections 1 to 6 of Act 138 of 1907, being CL 1915, §§ 7152 to 7157; CL 1929, §§ 8894 to 8899.

750.465a Operation of audiovisual device in theatrical facility; prohibited conduct; violation; exception; definitions.

Sec. 465a. (1) A person who knowingly operates an audiovisual recording function of a device in a theatrical facility where a motion picture is being exhibited without the consent of the owner or lessee of that theatrical facility and of the licensor of the motion picture being exhibited is guilty of a crime as follows:

(a) Except as provided in subdivisions (b) and (c), the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$10,000.00, or both.

(b) If the person has 1 prior conviction for violating this subsection, the person is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$20,000.00, or both.

(c) If the person has 2 or more prior convictions for violating this subsection, the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$40,000.00, or both.

(2) This section does not prevent any lawfully authorized investigative, law enforcement, protective, or intelligence-gathering employee or agent, of this state or the United States, from operating the audiovisual recording function of a device in a theatrical facility where a motion picture is being exhibited as part of an investigative, protective, law enforcement, or intelligence-gathering activity.

(3) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law that proscribes conduct described in this section and that provides a greater penalty.

(4) As used in this section:

(a) "Audiovisual recording function" means the capability of a device to record or transmit a motion

picture or any part of a motion picture by technological means.

(b) "Theatrical facility" means a facility being used to exhibit a motion picture to the public, but does not include an individual's residence or a retail establishment.

History: Add. 2004, Act 423, Eff. Mar. 15, 2005.