

No. 2007-32

AN ACT

SB 86

Amending the act of May 2, 1947 (P.L.143, No.62), entitled "An act regulating the sale and resale for profit and the carrying on of the business of selling or reselling tickets or other devices for admission to places of amusement; providing for the licensing of persons reselling such tickets for profit; providing for the suspension and revocation of such licenses; imposing duties on licensees and owners or operators of places of amusement; imposing powers and duties on the Department of Revenue, county treasurers, district attorneys, and the receiver of taxes, and city solicitors in cities of the first class; making disposition of moneys collected and providing penalties," further providing for reselling of tickets and for printing prices on tickets.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Sections 2 and 11 of the act of May 2, 1947 (P.L.143, No.62), entitled "An act regulating the sale and resale for profit and the carrying on of the business of selling or reselling tickets or other devices for admission to places of amusement; providing for the licensing of persons reselling such tickets for profit; providing for the suspension and revocation of such licenses; imposing duties on licensees and owners or operators of places of amusement; imposing powers and duties on the Department of Revenue, county treasurers, district attorneys, and the receiver of taxes, and city solicitors in cities of the first class; making disposition of moneys collected and providing penalties," amended June 29, 1990 (P.L.263, No.62), are amended to read:

Section 2. Reselling of Tickets; Licenses.—

(a) **[No] Subject to subsection (c), no** person shall purchase with intent to resell, resell or engage in or continue in the business of reselling any tickets of admission, or any other evidence of the right of entry to any place of amusement, at a price higher than the marked ticket price fixed by the owners of such place of amusement, without having first obtained a license to so resell or engage in such business from the licensor of the county or city in which such person intends to conduct such business as hereinafter provided, and no person shall so resell or conduct such a business during any period of suspension or revocation of his license.

(b) An owner may reserve the right to sell again a ticket in case of default in payment of the purchase money by the purchaser.

(c) The provisions of this act shall neither restrict nor otherwise apply to, nor make illegal,¹ the resale, offering at resale or purchase of a ticket to

¹"nor shall make illegal," in enrolled bill.

any amusement or place of amusement through an Internet website nor serve¹ as the means through which resales and purchases can be made. A reseller that uses the Internet website shall not be required to obtain a license to resell through the Internet website if the operator of the Internet website:

(1) Has a business presence and physical street address in this Commonwealth and clearly and conspicuously posts that address on the Internet website, or has a business presence in this Commonwealth and one of the following: a registered agent, a foreign business license or a certificate of authority issued by the Department of State.

(2) Guarantees to all purchasers that it will provide, and in fact provides, a full refund of the amount paid by the purchaser, including all fees, regardless of how characterized, if any of the following occur:

(i) The amusement is canceled. If the amusement is canceled, reasonable handling and delivery fees need not be refunded as long as the previously disclosed guarantee specifies that the fees will not be refunded.

(ii) The ticket received by the purchaser does not allow the purchaser to enter the amusement, for reasons including the fact that the ticket is counterfeit or has been canceled by the issuer due to nonpayment, unless the ticket is canceled due to an act or omission by the purchaser.

(iii) The ticket fails to conform to its description on the Internet website.

Section 11. Printing Prices on Tickets.—

The owner of every place of amusement shall, if a price be charged for admission thereto, cause to be plainly stamped or printed or written on the face of every ticket to be so used, the established price. Such owner shall likewise cause to be plainly stamped, printed or written on the face of each such ticket the maximum premium, which shall not exceed twenty-five percent (25%) of the price of the ticket or the sum of five dollars (\$5.00), whichever shall be more, plus lawful taxes, at which such ticket may be resold or offered for resale, *other than under section 2(c) or by ticket brokers duly licensed by a city of the first class as of June 1, 2007.*

Section 2. This act shall take effect immediately.

APPROVED—The 13th day of July, A.D. 2007.

EDWARD G. RENDELL

¹"Internet website, to serve" in enrolled bill.