

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 86**Session of
2007INTRODUCED BY TOMLINSON, BOSCOLA, ERICKSON, RHOADES, GORDNER AND
STACK, FEBRUARY 13, 2007

AS AMENDED ON SECOND CONSIDERATION, MARCH 26, 2007

AN ACT

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

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

16 Section 1. Sections 2 and 11 of the act of May 2, 1947
17 (P.L.143, No.62), entitled "An act regulating the sale and
18 resale for profit and the carrying on of the business of selling
19 or reselling tickets or other devices for admission to places of
20 amusement; providing for the licensing of persons reselling such
21 tickets for profit; providing for the suspension and revocation
22 of such licenses; imposing duties on licensees and owners or
23 operators of places of amusement; imposing powers and duties on

1 the Department of Revenue, county treasurers, district
2 attorneys, and the receiver of taxes, and city solicitors in
3 cities of the first class; making disposition of moneys
4 collected and providing penalties," amended June 29, 1990
5 (P.L.263, No.62), are amended to read:

6 Section 2. Reselling of Tickets; Licenses.--

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

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

21 (c) The provisions of this act shall neither restrict nor
22 otherwise apply to, nor shall make illegal, the resale, offering
23 at resale or purchase of a ticket to any amusement or place of
24 amusement through an Internet website, to serve as the means
25 through which resales and purchases can be made. A reseller that
26 uses the Internet website shall not be required to obtain a
27 license to resell through the Internet website if the operator
28 of the Internet website:

29 (1) Has a business presence and physical street address in
30 this Commonwealth and clearly and conspicuously posts that

1 address on the Internet website, OR HAS A BUSINESS PRESENCE IN
2 THIS COMMONWEALTH AND ONE OF THE FOLLOWING: A REGISTERED AGENT,
3 A FOREIGN BUSINESS LICENSE OR A CERTIFICATE OF AUTHORITY ISSUED
4 BY THE DEPARTMENT OF STATE.

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

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

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

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

20 Section 11. Printing Prices on Tickets.--

21 The owner of every place of amusement shall, if a price be
22 charged for admission thereto, cause to be plainly stamped or
23 printed or written on the face of every ticket to be so used,
24 the established price. Such owner shall likewise cause to be
25 plainly stamped, printed or written on the face of each such
26 ticket the maximum premium, which shall not exceed twenty-five
27 percent (25%) of the price of the ticket or the sum of five
28 dollars (\$5.00), whichever shall be more, plus lawful taxes, at
29 which such ticket may be resold or offered for resale, other
30 than under section 2(c).

1 Section 2. This act shall take effect in 60 days.