

**CITY OF BALTIMORE
COUNCIL BILL 13-0239
(First Reader)**

Introduced by: Councilmember Stokes, Branch, Henry, President Young

Introduced and read first time: June 3, 2013

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Police Department, Environmental Control Board, Department of Finance

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Ticket Sales – Consumer Protections**

3 FOR the purpose of repealing certain provisions that require ticket sellers to be licensed;
4 authorizing operators of entertainment venues and their sales agents to impose charges or fees
5 in addition to the established box office price, subject to certain limitations and required
6 disclosures; modifying certain provisions that prohibit ticket “scalping”; repealing certain
7 obsolescent provisions prohibiting street sales of tickets for certain events; defining various
8 terms; imposing certain civil and criminal penalties; conforming, correcting, and clarifying
9 related provisions; repealing certain obsolete provisions; and generally relating to the sale and
10 resale of tickets for admission to entertainment venues in Baltimore City.

11 BY repealing

12 Article 15 - Licensing and Regulation
13 Subtitle 21 - Ticket Agencies
14 Baltimore City Code
15 (Edition 2000)

16
17 BY repealing

18 Article 19 - Police Ordinances
19 Subtitle 55 - Ticket Sales
20 Baltimore City Code
21 (Edition 2000)

22 BY adding

23 Article 2 - Consumer Protections
24 Sections 16-1 through 16-18, to be under the new subtitle designation.
25 “Subtitle 16. Ticket Sales”
26 Baltimore City Code
27 (Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 13-0239

1 BY adding
2 Article 1 - Mayor, City Council, and Municipal Agencies
3 Section(s) 40-14(e)(.5) and 41-14(.5)
4 Baltimore City Code
5 (Edition 2000)

6 BY repealing
7 Article 1 - Mayor, City Council, and Municipal Agencies
8 Section(s) 41-14(2)(§ 55-1 and § 55-2)
9 Baltimore City Code
10 (Edition 2000)

11 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
12 following provisions of the City Code are repealed:

13 Article 15 - Licensing and Regulation
14 Subtitle 21 - Ticket Agencies, in its entirety

15 Article 19 - Police Ordinances
16 Subtitle 55 - Ticket Sales, in its entirety

17 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Laws of Baltimore City read as
18 follows:

19 **Baltimore City Code**

20 **Article 2. Consumer Protections**

21 **SUBTITLE 16. TICKET SALES**

22 ***PART 1. DEFINITIONS; GENERAL PROVISIONS***

23 **§ 16-1. DEFINITIONS.**

24 (A) *IN GENERAL.*

25 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

26 (B) *“AUTHORIZED SALES AGENT”.*

27 *“AUTHORIZED SALES AGENT”* MEANS A PERSON THAT:

28 (1) IS ENGAGED IN THE BUSINESS OF SELLING TICKETS FOR OTHERS; AND

29 (2) BY WRITTEN CONTRACT WITH AN OPERATOR, HAS BEEN AUTHORIZED TO SELL
30 TICKETS FOR AND ON BEHALF OF THAT OPERATOR.

Council Bill 13-0239

1 (C) *“BOX OFFICE PRICE”*.

2 (1) *IN GENERAL*.

3 *“BOX OFFICE PRICE”* MEANS THE PRICE THAT:

4 (1) HAS BEEN ESTABLISHED BY THE OPERATOR OF AN ENTERTAINMENT VENUE FOR
5 ADMISSION TO THE VENUE OR TO A SPECIFIED SEAT OR AREA WITHIN THE
6 VENUE; AND

7 (2) IS SO IDENTIFIED ON THE FACE OF THE TICKET.

8 (2) *INCLUSIONS*.

9 *“BOX OFFICE PRICE”* INCLUDES THE APPLICABLE STATE OR CITY ADMISSIONS AND
10 AMUSEMENT TAX ONLY IF THE TAX IS DETERMINED BY THE OPERATOR ON A *“TAX-
11 INCLUDED BASIS”* AUTHORIZED BY THE STATE TAX-GENERAL ARTICLE, § 4-102(F).

12 (3) *EXCLUSIONS*.

13 *“BOX OFFICE PRICE”* DOES NOT INCLUDE:

14 (I) ANY ADDITIONAL SERVICE OR OTHER CHARGE OR FEE IMPOSED BY AN
15 OPERATOR, BY AN OPERATOR’S AUTHORIZED SALES AGENT, OR BY ANY OTHER
16 PERSON; OR

17 (II) EXCEPT AS SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION, ANY TAX TO BE
18 COLLECTED BY AN OPERATOR OR THE OPERATOR’S AUTHORIZED SALES AGENT.

19 (D) *“ENTERTAINMENT”*.

20 *“ENTERTAINMENT”* INCLUDES ANY OF THE FOLLOWING, WHETHER PRESENTED LIVE,
21 RECORDED, TELEVISED, OR OTHERWISE:

22 (1) ANY THEATRICAL, MUSICAL, SPORTS, DANCE, MOVIE, CULTURAL, OR EDUCATIONAL
23 EVENT, PERFORMANCE, COMPETITION, OR EXHIBITION; AND

24 (2) ANY OTHER FORM OF DIVERSION, RECREATION, OR SHOW.

25 (E) *“ENTERTAINMENT VENUE”*.

26 (1) *“ENTERTAINMENT VENUE”* MEANS ANY PLACE IN BALTIMORE CITY FOR WHICH A
27 CHARGE IS IMPOSED FOR ADMISSION TO ANY FORM OF ENTERTAINMENT.

28 (2) *“ENTERTAINMENT VENUE”* INCLUDES:

29 (I) ANY THEATER, HALL, STAGE, ARENA, STADIUM, FIELD, AMUSEMENT PARK,
30 CIRCUS, CARNIVAL, OR FAIRGROUNDS; OR

Council Bill 13-0239

1 (II) OR ANY OTHER PLACE, INCLUDING ANY AREA WITHIN A VENUE FOR WHICH A
2 SEPARATE CHARGE IS IMPOSED.

3 (F) *“GROSS TICKET COST”*.

4 *“GROSS TICKET COST”* MEANS THE SUM OF:

5 (1) THE BOX OFFICE PRICE;

6 (2) ALL STATE AND CITY TAXES COLLECTED BY THE OPERATOR OR THE OPERATOR’S
7 AUTHORIZED SALES AGENT; AND

8 (3) ALL SERVICE OR OTHER CHARGES OR FEES IMPOSED ON THE TICKET BY THE
9 OPERATOR OR THE OPERATOR’S AUTHORIZED SALES AGENT.

10 (G) *“INCLUDES”*; *“INCLUDING”*.

11 *“INCLUDES”* OR *“INCLUDING”* MEANS BY WAY OF ILLUSTRATION AND NOT BY WAY OF
12 LIMITATION.

13 (H) *“MAY NOT”*, *ETC.*

14 *“MAY NOT”*, *“MUST NOT”*, AND *“NO ... MAY”* ARE EACH MANDATORY NEGATIVE TERMS
15 USED TO ESTABLISH A PROHIBITION.

16 (I) *“MUST; SHALL”*.

17 *“MUST”* AND *“SHALL”* ARE EACH MANDATORY TERMS USED TO EXPRESS A REQUIREMENT
18 OR TO IMPOSE A DUTY.

19 (J) *“OPERATOR”*.

20 *“OPERATOR”* MEANS ANY PERSON WHO:

21 (1) OWNS, OPERATES, OR CONTROLS AN ENTERTAINMENT VENUE IN BALTIMORE CITY;
22 OR

23 (2) PROMOTES OR PRODUCES AN ENTERTAINMENT IN BALTIMORE CITY.

24 (K) *“PERSON”*.

25 *“PERSON”* MEANS:

26 (1) AN INDIVIDUAL;

27 (2) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY
28 KIND;

29 (3) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR
30 REPRESENTATIVE OF ANY KIND; AND

Council Bill 13-0239

1 (4) EXCEPT FOR THE APPLICATION OF § 16-17 {"ENFORCEMENT BY PREPAYABLE
2 CITATION"} AND § 16-8 {"CRIMINAL PENALTIES"} OF THIS SUBTITLE, A
3 GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL
4 ENTITY.

5 (L) "SELL".

6 "SELL" MEANS TO SELL, RESELL, OR EXCHANGE OR OFFER TO SELL, RESELL, OR EXCHANGE
7 A TICKET, WHETHER:

8 (1) IN-PERSON;

9 (2) BY MAIL OR DELIVERY SERVICE; OR

10 (3) BY TELEPHONE, FACSIMILE, EMAIL, INTERNET WEBSITE, OR OTHER ELECTRONIC
11 MEDIUM.

12 (M) "TICKET".

13 "TICKET" MEANS ANY TICKET, CARD, TOKEN, RECEIPT, OR OTHER EVIDENCE OF THE RIGHT
14 OF ADMISSION TO ANY ENTERTAINMENT VENUE.

15 **§ 16-2. {RESERVED}**

16 **§ 16-3. APPLICABILITY OF OTHER LAWS.**

17 (A) *IN GENERAL.*

18 EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, NOTHING IN THIS SUBTITLE
19 AFFECTS THE APPLICABILITY AND ENFORCEABILITY OF ANY OTHER LAW, RULE, OR
20 REGULATION, INCLUDING THOSE CONCERNING CONSUMER PROTECTION, LICENSING AND
21 REGULATION, FRAUDULENT OR MISLEADING ADVERTISING, OR THEFT.

22 (B) *CONFLICTING PROVISIONS.*

23 IF ANY PROVISION OF THIS ARTICLE IS EITHER MORE OR LESS RESTRICTIVE THAN A
24 COMPARABLE CONDITION IMPOSED BY ANY OTHER LAW, RULE, OR REGULATION OF ANY
25 KIND, THE CONDITION THAT IS THE MORE RESTRICTIVE GOVERNS.

26 **§ 16-4. RULES AND REGULATIONS.**

27 (A) *AUTHORIZATION.*

28 THE DIRECTOR OF FINANCE MAY ADOPT RULES AND REGULATIONS AS NECESSARY OR
29 APPROPRIATE TO:

30 (1) DEFINE OR FURTHER DEFINE ANY TERMS USED IN THIS SUBTITLE; AND

31 (2) OTHERWISE PROMOTE THE IMPLEMENTATION AND ENFORCEMENT OF THIS
32 SUBTITLE.

Council Bill 13-0239

1 (B) *FILING.*

2 A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SECTION MUST BE FILED
3 WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

4 **§ 16-5. {RESERVED}**

5 ***PART 2. CHARGES BY OPERATORS AND THEIR AGENTS***

6 **§ 16-6. IN GENERAL.**

7 AN OPERATOR OR AN OPERATOR'S AUTHORIZED SALES AGENT MAY NOT IMPOSE, ACCEPT, OR
8 RECEIVE, DIRECTLY OR INDIRECTLY, FOR ANY TICKET MORE THAN THE FOLLOWING:

9 (1) THE BOX OFFICE PRICE;

10 (2) ANY SEPARATELY STATED ADMISSIONS AND AMUSEMENT TAX; AND

11 (3) SUBJECT TO THE LIMITATIONS IMPOSED BY THIS SUBTITLE, ADDITIONAL SERVICE OR
12 OTHER CHARGES OR FEES THAT HAVE BEEN IDENTIFIED AND DISCLOSED AS REQUIRED
13 BY THIS SUBTITLE.

14 **§ 16-7. LIMITATIONS.**

15 THE AGGREGATE OF ALL ADDITIONAL SERVICE OR OTHER CHARGES OR FEES IMPOSED FOR ANY
16 TICKET, WHETHER BY ONE OR, IN COMBINATION, BOTH THE OPERATOR AND THE OPERATOR'S
17 AUTHORIZED AGENT, MAY NOT EXCEED THE AGGREGATE OF THE FOLLOWING:

18 (1) 15% OF THE FIRST \$50 OF THE TICKET'S BOX OFFICE PRICE;

19 (2) 10% OF THAT PART OF THE TICKET'S BOX OFFICE PRICE THAT IS \$50 OR MORE BUT LESS
20 THAN \$150; AND

21 (3) 5% OF THAT PART OF THE TICKET'S BOX OFFICE PRICE THAT IS \$150 OR MORE.

22 **§ 16-8. REQUIRED DISCLOSURES.**

23 (A) *ON FACE OF TICKET.*

24 EVERY TICKET PRINTED BY OR UNDER AUTHORITY OF AN OPERATOR OR AN OPERATOR'S
25 AUTHORIZED SALES AGENT MUST DISCLOSE PROMINENTLY ON ITS FACE BOTH:

26 (1) THE BOX OFFICE PRICE OF THE TICKET; AND

27 (2) IF THE GROSS TICKET COST EXCEEDS THE BOX OFFICE PRICE, THE AMOUNT OF THE
28 GROSS TICKET COST, TO BE DISCLOSED IN THE SAME OR LARGER FONT SIZE AS THAT
29 USED FOR THE BOX OFFICE PRICE.

Council Bill 13-0239

1 (B) *ADVERTISEMENTS AND LISTINGS.*

2 EVERY ADVERTISEMENT OR LISTING PREPARED BY OR FOR AN OPERATOR OR AN
3 OPERATOR'S AUTHORIZED SALES AGENT THAT STATES THE PRICE OF A TICKET (OR A PRICE
4 RANGE FOR TICKETS) MUST DISCLOSE BOTH:

5 (1) THE BOX OFFICE PRICE OF THE TICKET; AND

6 (2) IF THE GROSS TICKET COST FOR THE TICKET, AS SOLD BY EITHER THE OPERATOR OR
7 THE OPERATOR'S AUTHORIZED SALES AGENT, EXCEEDS THE BOX OFFICE PRICE, THE
8 AMOUNT OF THE GROSS TICKET COST FOR THAT TICKET AS SOLD BY THE
9 OPERATOR, AND, IF DIFFERENT, THE AMOUNT OF THE GROSS TICKET COST FOR
10 THAT TICKET AS SOLD BY THE OPERATOR'S AUTHORIZED SALES AGENT, EACH TO
11 BE DISCLOSED WITH THE SAME PROMINENCE AND, IF IN WRITTEN FORM, IN THE
12 SAME OR LARGER FONT SIZE AS THAT USED FOR THE BOX OFFICE PRICE

13 (C) *ITEMIZATION OF CHARGES AND FEES AT POINT OR TIME OF SALE.*

14 (1) EVERY OPERATOR AND ITS AUTHORIZED SALES AGENT MUST PROMINENTLY POST AT
15 ITS BOX OFFICE, SALES OUTLET, OR OTHER POINT OF SALE (INCLUDING A WEBSITE OR
16 OTHER ELECTRONIC MEDIUM), AN ITEMIZED LIST OF THE FOLLOWING, AS APPLICABLE
17 TO EACH ENTERTAINMENT VENUE AND EACH ENTERTAINMENT EVENT AT THAT VENUE
18 FOR WHICH TICKETS ARE BEING SOLD:

19 (I) THE BOX OFFICE PRICE OF THE TICKETS; AND

20 (II) IN THE SAME OR LARGER FONT SIZE AS THAT USED FOR THE BOX OFFICE PRICE:

21 (A) THE TYPE AND AMOUNT OF EACH STATE AND CITY TAX THAT IS
22 APPLICABLE TO THE TRANSACTION AND THAT HAS NOT BEEN
23 DETERMINED BY THE OPERATOR ON A "TAX-INCLUDED BASIS" AS
24 AUTHORIZED BY THE STATE TAX-GENERAL ARTICLE, § 4-102(F);

25 (B) THE TYPE AND AMOUNT OF EACH SERVICE OR OTHER CHARGE OR FEE
26 IMPOSED ON THE TICKET BY THE OPERATOR AND BY THE OPERATOR'S
27 AUTHORIZED SALES AGENT, RESPECTIVELY; AND

28 (C) THE GROSS TICKET COST OF THE TICKET, AS SOLD BY THE OPERATOR
29 AND AS SOLD BY THE OPERATOR'S SALE AGENT, RESPECTIVELY.

30 (2) IN ADDITION, IMMEDIATELY BEFORE FINALIZATION OF ANY SALE BY AN OPERATOR OR
31 ITS AUTHORIZED SALES AGENT:

32 (I) A COPY OF THIS ITEMIZED LIST MUST BE GIVEN TO EACH POTENTIAL
33 PURCHASER; OR

34 (II) IF THE PURCHASE IS BEING FINALIZED BY TELEPHONE, THE CONTENTS OF THIS
35 ITEMIZED LIST MUST BE READ TO THE PURCHASER IN A CLEAR AND DISTINCT
36 MANNER.

Council Bill 13-0239

1 §§ 16-9 AND 16-10. {RESERVED}

2 PART 3. PROHIBITED CONDUCT

3 § 16-11. OPERATORS AND THEIR AGENTS.

4 (A) OPERATORS.

5 NO OPERATOR MAY:

- 6 (1) IMPOSE ON OR ACCEPT OR RECEIVE FROM ANY PERSON, DIRECTLY OR INDIRECTLY,
7 ANY ADDITIONAL CHARGE OR FEE IN EXCESS OF THAT EXPRESSLY AUTHORIZED BY
8 THIS SUBTITLE;
- 9 (2) IMPOSE ON OR ACCEPT OR RECEIVE FROM THE OPERATOR’S AUTHORIZED SALES
10 AGENT, DIRECTLY OR INDIRECTLY, ANY PART OF THE ADDITIONAL CHARGES OR
11 FEES IMPOSED BY THAT AUTHORIZED SALES AGENT; OR
- 12 (3) FAIL TO COMPLY WITH THE APPLICABLE DISCLOSURE REQUIREMENTS OF THIS
13 SUBTITLE.

14 (B) SALES AGENTS.

15 NO AUTHORIZED SALES AGENT MAY:

- 16 (1) IMPOSE ON OR ACCEPT OR RECEIVE FROM ANY PERSON, DIRECTLY OR INDIRECTLY,
17 ANY ADDITIONAL CHARGE OR FEE IN EXCESS OF THAT EXPRESSLY AUTHORIZED BY
18 THIS SUBTITLE; OR
- 19 (2) PAY OR OFFER TO PAY AN OPERATOR ANY PART OF THE ADDITIONAL CHARGES OR
20 FEES IMPOSED BY THAT AUTHORIZED SALES AGENT; OR
- 21 (3) FAIL TO COMPLY WITH THE APPLICABLE DISCLOSURE REQUIREMENTS OF THIS
22 SUBTITLE.

23 § 16-12. TICKET “SCALPING”.

24 NO OPERATOR, AUTHORIZED SALES AGENT, OR ANY OTHER PERSON MAY SELL, RESELL, OR
25 EXCHANGE OR OFFER TO SELL, RESELL, OR EXCHANGE ANY TICKET,, DIRECTLY OR INDIRECTLY,
26 FOR A CHARGE, FEE, OR OTHER REMUNERATION THAT EXCEEDS THE GROSS TICKET COST
27 PRINTED ON A TICKET.

28 §§ 16-13 AND 16-15. {RESERVED}

Council Bill 13-0239

PART 4. ENFORCEMENT

§ 16-16. PRIVATE CAUSE OF ACTION.

ANY PERSON DAMAGED BY THE FAILURE OF AN OPERATOR OR AN OPERATOR’S AUTHORIZED SALES AGENT TO MAKE THE DISCLOSURES REQUIRED BY THIS SUBTITLE MAY BRING A PRIVATE CAUSE OF ACTION AGAINST THE OPERATOR OR AGENT TO RECOVER ACTUAL DAMAGES.

§ 16-17. ENFORCEMENT BY PREPAYABLE CITATION.

(A) IN GENERAL.

IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE, THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF:

- (1) AN ENVIRONMENTAL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 40 {“ENVIRONMENTAL CONTROL BOARD”}; OR
- (2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {“CIVIL CITATIONS”}.

(B) PROCESS NOT EXCLUSIVE.

THE ISSUANCE OF A CITATION TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

§ 16-18. CRIMINAL PENALTIES.

(A) IN GENERAL.

ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE OR OF A RULE OR REGULATION ADOPTED UNDER THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR IMPRISONMENT FOR NOT MORE THAN 12 MONTHS OR BOTH FINE AND IMPRISONMENT FOR EACH OFFENSE.

(B) EACH TICKET A SEPARATE OFFENSE.

EACH TICKET SOLD, RESOLD, OR EXCHANGED OR OFFERED FOR SALE, RESALE, OR EXCHANGE IN VIOLATION OF THIS SUBTITLE IS A SEPARATE OFFENSE.

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

§ 40-14. Violations to which subtitle applies.

(e) Provisions and penalties enumerated.

