

**CITY OF BALTIMORE
COUNCIL BILL 16-0718
(First Reader)**

Introduced by: Councilmembers Kraft, Costello, Scott, President Young, Councilmembers
Middleton, Holton, Clarke, Spector, Stokes

Introduced and read first time: July 18, 2016

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Baltimore Development Corporation,
Environmental Control Board, Police Department

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Ticket Sales – Ticket Purchasing Software**

3 FOR the purpose of prohibiting the use of ticket purchasing software to bypass controls or
4 measures that limit the number of tickets that can be purchased for admission to an
5 entertainment venue; prohibiting the resale of tickets obtained by using ticket purchasing
6 software; prohibiting certain interests in or control of ticket purchasing software; defining
7 various terms; imposing certain civil and criminal penalties; and generally relating to the use
8 of ticket purchasing software for certain purposes.

9 BY renaming

10 Article 2 - Consumer Protections

11 Subtitle 16. Ticket Sales

12 to be

13 Subtitle 16. Ticket Sales - Charges by Operators and Agents

14 Baltimore City Code

15 (Edition 2000)

16 BY adding

17 Article 2 - Consumer Protections

18 Sections 17-1 through 17- 12, to be under the new subtitle designation,

19 “Subtitle 17. Ticket Sales - Ticket Purchasing Software”

20 Baltimore City Code

21 (Edition 2000)

22 BY repealing and reordaining, with amendments

23 Article 1 - Mayor, City Council, and Municipal Agencies

24 Sections 40-14(e)(.5) and 41-14(.5)

25 Baltimore City Code

26 (Edition 2000)

27 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
28 Laws of Baltimore City read as follows:

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

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Baltimore City Code

Article 2. Consumer Protections

Subtitle 16. Ticket Sales – CHARGES BY OPERATORS AND AGENTS

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SUBTITLE 17. TICKET SALES – TICKET PURCHASING SOFTWARE

PART 1. DEFINITIONS; GENERAL PROVISIONS

§ 17-1. DEFINITIONS.

(A) *IN GENERAL.*

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

(B) *ENTERTAINMENT.*

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

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

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

(C) *ENTERTAINMENT VENUE.*

(1) *IN GENERAL.*

“ENTERTAINMENT VENUE” MEANS ANY PLACE IN BALTIMORE CITY FOR WHICH A CHARGE IS IMPOSED FOR ADMISSION TO ANY FORM OF ENTERTAINMENT.

(2) *INCLUSIONS.*

“ENTERTAINMENT VENUE” INCLUDES:

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

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

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1 (D) *INCLUDES; INCLUDING.*

2 “INCLUDES” OR “INCLUDING” MEANS BY WAY OF ILLUSTRATION AND NOT BY WAY OF
3 LIMITATION.

4 (E) *OPERATOR.*

5 “OPERATOR” MEANS ANY PERSON WHO:

6 (1) OWNS, OPERATES, OR CONTROLS AN ENTERTAINMENT VENUE IN BALTIMORE CITY;
7 OR

8 (2) PROMOTES OR PRODUCES ENTERTAINMENT IN BALTIMORE CITY.

9 (F) *PERSON.*

10 “PERSON” MEANS:

11 (1) AN INDIVIDUAL;

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

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

16 (4) EXCEPT FOR THE APPLICATION OF § 17-11 {“ENFORCEMENT BY PREPAYABLE
17 CITATION”} AND § 17-12 {“CRIMINAL PENALTIES”} OF THIS SUBTITLE, A
18 GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL
19 ENTITY.

20 (G) *RETAIL TICKET PURCHASING PLATFORM.*

21 “RETAIL TICKET PURCHASING PLATFORM” MEANS A RETAIL TICKET PURCHASING WEBSITE,
22 APPLICATION, PHONE SYSTEM, OR OTHER TECHNOLOGY PLATFORM USED TO SELL TICKETS.

23 (H) *TICKET.*

24 “TICKET” MEANS ANY TICKET, CARD, TOKEN, RECEIPT, OR OTHER EVIDENCE OF THE
25 PRIVILEGE OF ADMISSION TO ANY ENTERTAINMENT VENUE.

26 (I) *TICKET PURCHASING SOFTWARE.*

27 “TICKET PURCHASING SOFTWARE” MEANS ANY MACHINE, DEVICE, COMPUTER PROGRAM,
28 OR COMPUTER SOFTWARE THAT, ON ITS OWN OR WITH HUMAN ASSISTANCE, BYPASSES
29 SECURITY MEASURES OR ACCESS CONTROL SYSTEMS ON A RETAIL TICKET PURCHASING
30 PLATFORM, OR OTHER CONTROLS OR MEASURES ON A RETAIL TICKET PURCHASING
31 PLATFORM THAT ASSIST IN IMPLEMENTING A LIMIT ON THE NUMBER OF TICKETS THAT CAN
32 BE PURCHASED.

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1 **§§ 17-2 TO 17-5. {RESERVED}**

2 ***PART 2. PROHIBITED CONDUCT***

3 **§ 17-6. USING TICKET PURCHASING SOFTWARE.**

4 NO PERSON MAY USE TICKET PURCHASING SOFTWARE TO PURCHASE TICKETS.

5 **§ 17-7. RESALE OF TICKETS OBTAINED BY USING TICKET PURCHASING SOFTWARE.**

6 NO PERSON MAY RESELL OR OFFER TO RESELL A TICKET THAT THE PERSON KNOWS WAS
7 OBTAINED BY USING TICKET PURCHASING SOFTWARE.

8 **§ 17-8. MAINTAINING INTEREST IN OR CONTROL OF TICKET PURCHASING SOFTWARE.**

9 NO PERSON MAY INTENTIONALLY MAINTAIN ANY INTEREST IN OR CONTROL OF TICKET
10 PURCHASING SOFTWARE.

11 **§§ 17-9 TO 17-10. {RESERVED}**

12 ***PART 3. ENFORCEMENT***

13 **§ 17-11. PREPAYABLE CITATION.**

14 (A) *IN GENERAL.*

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

17 (1) AN ENVIRONMENTAL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 40
18 {"ENVIRONMENTAL CONTROL BOARD"}; OR

19 (2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL
20 CITATIONS"}.

21 (B) *PROCESS NOT EXCLUSIVE.*

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

24 **§ 17-12. CRIMINAL PENALTIES.**

25 (A) *IN GENERAL.*

26 ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A
27 MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO:

28 (1) A FINE OF NOT MORE THAN \$500 OR IMPRISONMENT FOR NOT MORE THAN 90 DAYS
29 OR BOTH FINE AND IMPRISONMENT FOR EACH OFFENSE;

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1 (2) FORFEITURE OF ALL PROFITS FROM THE SALE OF TICKETS OBTAINED IN VIOLATION
2 OF THIS SUBTITLE; AND

3 (3) FORFEITURE OF ANY EQUIPMENT USED TO PURCHASE TICKETS IN VIOLATION OF
4 THIS SUBTITLE.

5 (B) *EACH TICKET A SEPARATE OFFENSE.*

6 EACH TICKET PURCHASED, RESOLD, OR OFFERED FOR RESALE IN VIOLATION OF THIS
7 SUBTITLE IS A SEPARATE OFFENSE.

8 **Article 1. Mayor, City Council, and Municipal Agencies**

9 **Subtitle 40. Environmental Control Board**

10 **§ 40-14. Violations to which subtitle applies.**

11 (e) *Provisions and penalties enumerated.*

12 (.5) *Article 2. Consumer Protections*

13 Subtitle 16. Ticket Sales - CHARGES BY OPERATORS AND AGENTS \$750

14 SUBTITLE 17. TICKET SALES – TICKET PURCHASING SOFTWARE \$750

15 **Subtitle 41. Civil Citations**

16 **§ 41-14. Offenses to which subtitle applies – Listing.**

17 (.5) *Article 2. Consumer Protections*

18 Subtitle 16. Ticket Sales - CHARGES BY OPERATORS AND AGENTS \$750

19 SUBTITLE 17. TICKET SALES – TICKET PURCHASING SOFTWARE \$750

20 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
21 are not law and may not be considered to have been enacted as a part of this or any prior
22 Ordinance.

23 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
24 after the date it is enacted.