



Legislation Details (With Text)

File #: 16-0718 **Version:** 0 **Name:** Ticket Sales - Ticket Purchasing Software
Type: Ordinance **Status:** Enacted
File created: 7/18/2016 **In control:** City Council
On agenda: **Final action:** 11/1/2016
Enactment date: **Enactment #:** 16-545

Title: Ticket Sales - Ticket Purchasing Software
 For the purpose of prohibiting the use of ticket purchasing software to bypass controls or measures that limit the number of tickets that can be purchased for admission to an entertainment venue; prohibiting the resale of tickets obtained by using ticket purchasing software; prohibiting certain interests in or control of ticket purchasing software; defining various terms; imposing certain civil and criminal penalties; and generally relating to the use of ticket purchasing software for certain purposes.

Sponsors: James B. Kraft, Eric T. Costello, Brandon M. Scott, President Young, Sharon Green Middleton, Carl Stokes, Helen L. Holton, Mary Pat Clarke, Rochelle Spector

Indexes: Purchasing, Software, Ticket Sale

Code sections:

Attachments: 1. 16-0718~1st Reader, 2. BDC 16-0718, 3. Environmental Control Board 16-0718, 4. City Solicitor 16-0718, 5. Police 16-0718, 6. 2nd Reader Amendments 16-0718, 7. 16-0718~3rd Reader

Date	Ver.	Action By	Action	Result
11/14/2016	0	Mayor	Signed by Mayor	
10/24/2016	0	City Council	Approved and Sent to the Mayor	
10/20/2016	0	City Council	3rd Reader, for final passage	
10/20/2016	0	Judiciary and Legislative Investigations	Recommended Favorably with Amendment	
9/27/2016	0	Judiciary and Legislative Investigations	Recommended Favorably with Amendment	Pass
9/12/2016	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	
7/21/2016	0	The City Council	Refer to Police Department	
7/21/2016	0	The City Council	Refer to City Solicitor	
7/21/2016	0	The City Council	Refer to Baltimore Development Corporation	
7/21/2016	0	The City Council	Refer to Environmental Control Board	
7/18/2016	0	City Council	Assigned	
7/18/2016	0	City Council	Introduced	

Introduced by: Councilmember Kraft

A Bill Entitled

An Ordinance concerning
Ticket Sales - Ticket Purchasing Software

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

By renaming

Article 2 - Consumer Protections

Subtitle 16. Ticket Sales

to be

Subtitle 16. Ticket Sales - Charges by Operators and Agents

Baltimore City Code

(Edition 2000)

By adding

Article 2 - Consumer Protections

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

“Subtitle 17. Ticket Sales - Ticket Purchasing Software”

Baltimore City Code

(Edition 2000)

By repealing and reordaining, with amendments

Article 1 - Mayor, City Council, and Municipal Agencies

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

Baltimore City Code

(Edition 2000)

Section 1. Be it ordained by the Mayor and City Council of Baltimore, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 2. Consumer Protections

Subtitle 16. Ticket Sales - Charges by Operators and Agents

....

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.

(d) *Includes; including.*

“Includes” or “including” means by way of illustration and not by way of limitation.

(e) *Operator.*

“Operator” means any person who:

- (1) owns, operates, or controls an entertainment venue in Baltimore City; or
- (2) promotes or produces entertainment in Baltimore City.

(f) *Person.*

“Person” means:

- (1) an individual;
- (2) a partnership, firm, association, corporation, or other entity of any kind;
- (3) a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind; and
- (4) except for the application of § 17-11 {“Enforcement by prepayable citation”} and § 17-12 {“Criminal penalties”} of this subtitle, a governmental entity or an instrumentality or unit of a governmental entity.

(g) *Retail ticket purchasing platform.*

“Retail ticket purchasing platform” means a retail ticket purchasing website, application, phone system, or other technology platform used to sell tickets.

(h) *Ticket.*

“Ticket” means any ticket, card, token, receipt, or other evidence of the privilege of admission to any entertainment venue.

(i) *Ticket purchasing software.*

“Ticket purchasing software” means any machine, device, computer program, or computer software that, on its own or with human assistance, bypasses security measures or access control systems on a retail ticket purchasing platform, or other controls or measures on a retail ticket purchasing platform that assist in implementing a limit on the number of tickets that can be purchased.

§§ 17-2 to 17-5. *{Reserved}*

Part 2. Prohibited Conduct

§ 17-6. Using ticket purchasing software.

No person may use ticket purchasing software to purchase tickets.

§ 17-7. Resale of tickets obtained by using ticket purchasing software.

No person may resell or offer to resell a ticket that the person knows was obtained by using ticket purchasing software.

§ 17-8. Maintaining interest in or control of ticket purchasing software.

No person may intentionally maintain any interest in or control of ticket purchasing software.

§§ 17-9 to 17-10. *{Reserved}*

Part 3. Enforcement

§ 17-11. 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.

§ 17-12. Criminal penalties.

(a) *In general.*

Any person who violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is

subject to:

- (1) a fine of not more than \$500 or imprisonment for not more than 90 days or both fine and imprisonment for each offense;
- (2) forfeiture of all profits from the sale of tickets obtained in violation of this subtitle; and
- (3) forfeiture of any equipment used to purchase tickets in violation of this subtitle.

(b) *Each ticket a separate offense.*

Each ticket purchased, resold, or offered for resale 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.*

(.5) Article 2. Consumer Protections

Subtitle 16. Ticket Sales - Charges by Operators and Agents \$750

Subtitle 17. Ticket Sales - Ticket Purchasing Software \$750

Subtitle 41. Civil Citations

§ 41-14. Offenses to which subtitle applies - Listing.

(.5) *Article 2. Consumer Protections*

Subtitle 16. Ticket Sales - Charges by Operators and Agents \$750

Subtitle 17. Ticket Sales - Ticket Purchasing Software \$750

Section 2. And be it further ordained, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

Section 3. And be it further ordained, That this Ordinance takes effect on the 30th day after the date it is enacted.