



City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

Legislation Text

File #: 08-0228, **Version:** 0

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

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: The Council President
At the request of: The Administration

A BILL ENTITLED

AN ORDINANCE concerning
Ticket Sale Regulations - Exceptions

FOR the purpose of excepting certain Internet transaction, subject to certain conditions, from certain licensing and price-limitation requirements; and generally relating to ticket agencies and ticket sales.

BY repealing and reordaining, without amendments

Article 15 - Licensing and Regulation
Section(s) 21-1 through 21-5
Baltimore City Code
(Edition 2000)

BY adding

Article 15 - Licensing and Regulation
Section(s) 21-6
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 19 - Police Ordinances
Section(s) 55-1
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 15. Licensing and Regulation

Subtitle 21. Ticket Agencies

§ 2111. License required.

(a) In general.

No person shall engage in the business of selling the tickets, cards, or other tokens evidencing the right of admission to exhibitions, performances, games, or sports conducted by licensees under licenses issued by the State of Maryland or City of Baltimore, or shall open or conduct an office, agency, or other place by whatever name known at which such tickets are sold or offered for sale, unless a license shall have been issued to such persons by the Director of Finance upon the payment of the fee herein prescribed.

(b) Exception.

Provided, however, that no license shall be required of any agent duly authorized in writing by a licensed exhibitor to sell tickets for said licensee at the established price printed thereon.

(c) Scope; term; fee.

(1) Each such license shall be limited to a single location or place of business and shall expire on January 1 next ensuing the grant thereof.

(2) The fee for such a license shall be \$250 and the said license fee shall not be prorated.

§ 2112. Maximum service charge.

A licensee under this section, or any officer or employee thereof, shall not directly or indirectly exact, accept, or receive for any ticket or token of admission to an exhibition, performance, game, or sport conducted by a licensee under a license granted by the State of Maryland, or the City of Baltimore, any greater amount than 50¢ in excess of the sum of the regular or established price or charge therefor printed on the face of such ticket, plus the amount of any tax imposed by the Government of the United States or by the State of Maryland upon such ticket or the right of admission thereunder.

§ 2113. "Scalping" prohibited.

(a) Price to be on ticket.

Wherever the right of admission to any licensed exhibition or performance or to any game or sport where a charge is made is evidenced by a ticket, card, or other token, the regular or established price or charge therefor shall be conspicuously printed thereon.

(b) Sale for more prohibited; penalties.

(1) If such licensee, or any of his officers or employees, shall extract, accept, or receive, directly or indirectly, any greater amount than such regular or established price or charge, plus the amount of any tax imposed by the

Government of the United States or the State of Maryland:

- (i) the license of such licensee may be revoked and annulled; and
 - (ii) such licensee, officer, or employees shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than \$500 for each such violation.
- (2) The sale of each ticket in violation thereof shall constitute a separate offense.

§ 214. Revocation of licenses.

The license of any licensee under this subtitle may be revoked and annulled by the Director of Finance for any violation of this subtitle.

§ 215. Penalties for operating without license.

Any person who shall engage in any business or conduct an office, agency, or other place for which a license is required by this subtitle, without procuring such license, shall be guilty of a misdemeanor and, upon conviction thereof, be subject to a fine of not more than \$500 and to imprisonment for not more than 6 months, or both, in the discretion of the Court.

§ 21-6. EXCEPTION FOR INTERNET TRANSACTIONS.

(A) IN GENERAL.

SUBJECT TO SUBSECTION (B) OF THIS SECTION, THIS SUBTITLE DOES NOT RESTRICT, MAKE ILLEGAL, OR OTHERWISE APPLY TO THE RESALE OR PURCHASE, OR OFFER OF RESALE OR PURCHASE, OF A TICKET TO AN EXHIBITION, PERFORMANCE, GAME, OR SPORT THROUGH AN INTERNET WEBSITE.

(B) CONDITIONS.

SUBSECTION (A) OF THIS SECTION APPLIES ONLY IF THE RESALE OR PURCHASE TAKES PLACE THROUGH AN INTERNET WEBSITE THAT 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 OCCURS:

- (1) THE EXHIBITION, PERFORMANCE, GAME, OR SPORT IS CANCELED AND NOT RESCHEDULED, IN WHICH CASE REASONABLE HANDLING AND DELIVERY FEES NEED NOT BE REFUNDED AS LONG AS THE PREVIOUSLY DISCLOSED GUARANTEE SPECIFIES THAT THOSE FEES WILL NOT BE REFUNDED; OR
- (2) THE TICKET RECEIVED BY THE PURCHASER DOES NOT ALLOW THE PURCHASER TO ENTER THE EXHIBITION, PERFORMANCE, GAME, OR SPORT BECAUSE THE TICKET IS COUNTERFEIT, HAS BEEN CANCELED BY THE ISSUER FOR NONPAYMENT, OR FOR SIMILAR REASONS OTHER THAN A CANCELLATION BECAUSE OF AN ACT OR OMISSION BY THE PURCHASER.

Subtitle 55. Ticket Sales

§ 551. Ticket scalping.

(a) Prohibited conduct.

It shall be unlawful for any person, firm, association, or corporation to sell or exchange, or offer to sell or exchange, for more than the price stated thereon or for remuneration in any form greater than such price, any ticket or tickets for admission to a public amusement, athletic, educational, or other event in the City of Baltimore.

(b) [Exception] EXCEPTIONS.

(1) LICENSED AGENCY CHARGES.

Nothing in this section shall be construed to make illegal or invalidate the excess sum which is permitted to be charged for certain tickets by a person engaged in the business of selling tickets under the provisions of Article 15, Subtitle 21 {"Ticket Agencies"} of the City Code.

(2) INTERNET TRANSACTIONS.

(I) IN GENERAL.

SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THIS SECTION DOES NOT RESTRICT, MAKE ILLEGAL, OR OTHERWISE APPLY TO THE RESALE OR PURCHASE, OR OFFER OF RESALE OR PURCHASE, OF A TICKET TO A PUBLIC AMUSEMENT, ATHLETIC, EDUCATIONAL, OR OTHER EVENT THROUGH AN INTERNET WEBSITE.

(2) CONDITIONS.

PARAGRAPH (1) OF THIS SUBSECTION APPLIES ONLY IF THE RESALE OR PURCHASE TAKES PLACE THROUGH AN INTERNET WEBSITE THAT 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 OCCURS:

(1) THE PUBLIC AMUSEMENT, ATHLETIC, EDUCATIONAL, OR OTHER EVENT IS CANCELED AND NOT RESCHEDULED, IN WHICH CASE REASONABLE HANDLING AND DELIVERY FEES NEED NOT BE REFUNDED AS LONG AS THE PREVIOUSLY DISCLOSED GUARANTEE SPECIFIES THAT THOSE FEES WILL NOT BE REFUNDED; OR

(2) THE TICKET RECEIVED BY THE PURCHASER DOES NOT ALLOW THE PURCHASER TO ENTER THE PUBLIC AMUSEMENT, ATHLETIC, EDUCATIONAL, OR OTHER EVENT BECAUSE THE TICKET IS COUNTERFEIT, HAS BEEN CANCELED BY THE ISSUER FOR NONPAYMENT, OR FOR SIMILAR REASONS OTHER THAN A CANCELLATION BECAUSE OF AN ACT OR OMISSION BY THE PURCHASER.

(b-1) Enforcement by citation.

(1) In addition to any other civil or criminal remedy or enforcement procedure, this section may be enforced by issuance of a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}.

(2) The issuance of a civil citation to enforce this section does not preclude pursuing any other civil or criminal remedy or enforcement action authorized by law.

(c) Penalties.

(1) A violation of the provisions of this section shall be deemed to be a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than \$1,000.

(2) The sale or exchange of, or offer to sell or exchange, each ticket in violation of the provisions of this section shall be treated as a separate offense.

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.

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