



Legislation Text

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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: Councilmember Stokes

A BILL ENTITLED

AN ORDINANCE concerning
Ticket Sales - Consumer Protections

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

BY repealing
Article 15 - Licensing and Regulation
Subtitle 21 - Ticket Agencies
Baltimore City Code
(Edition 2000)

BY repealing
Article 19 - Police Ordinances
Subtitle 55 - Ticket Sales
Baltimore City Code
(Edition 2000)

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

BY adding

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

BY repealing

Article 1 - Mayor, City Council, and Municipal Agencies
Section(s) 41-14(2)(§ 55-1 and § 55-2)
Baltimore City Code
(Edition 2000)

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 BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the following provisions of the City Code are repealed:

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

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

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

Baltimore City Code

Article 2. Consumer Protections

SUBTITLE 16. TICKET SALES

PART 1. DEFINITIONS; GENERAL PROVISIONS

§ 16-1. DEFINITIONS.

(A) IN GENERAL.

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

(B) “AUTHORIZED SALES AGENT”.

“AUTHORIZED SALES AGENT” MEANS A PERSON THAT:

- (1) IS ENGAGED IN THE BUSINESS OF SELLING TICKETS FOR OTHERS; AND
- (2) BY WRITTEN CONTRACT WITH AN OPERATOR, HAS BEEN AUTHORIZED TO SELL TICKETS FOR AND ON BEHALF OF THAT OPERATOR.

(C) “BOX OFFICE PRICE”.

(1) IN GENERAL.

“BOX OFFICE PRICE” MEANS THE PRICE THAT:

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

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

(2) INCLUSIONS.

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

(3) EXCLUSIONS.

“BOX OFFICE PRICE” DOES NOT INCLUDE:

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

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

(D) “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.

(E) “ENTERTAINMENT VENUE”.

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

(2) “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.

(F) “GROSS TICKET COST”.

“GROSS TICKET COST” MEANS THE SUM OF:

- (1) THE BOX OFFICE PRICE;
- (2) ALL STATE AND CITY TAXES COLLECTED BY THE OPERATOR OR THE OPERATOR’S AUTHORIZED SALES AGENT; AND
- (3) ALL SERVICE OR OTHER CHARGES OR FEES IMPOSED ON THE TICKET BY THE OPERATOR OR THE OPERATOR’S AUTHORIZED SALES AGENT.

(G) “INCLUDES”; “INCLUDING”.

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

(H) “MAY NOT”, ETC.

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

(I) “MUST; SHALL”.

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

(J) “OPERATOR”.

“OPERATOR” MEANS ANY PERSON WHO:

- (1) OWNS, OPERATES, OR CONTROLS AN ENTERTAINMENT VENUE IN BALTIMORE CITY; OR
- (2) PROMOTES OR PRODUCES AN ENTERTAINMENT IN BALTIMORE CITY.

(K) “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 § 16-17 {“ENFORCEMENT BY PREPAYABLE CITATION”} AND § 16-8 {“CRIMINAL PENALTIES”} OF THIS SUBTITLE, A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL ENTITY.

(L) “SELL”.

“SELL” MEANS TO SELL, RESELL, OR EXCHANGE OR OFFER TO SELL, RESELL, OR EXCHANGE A TICKET, WHETHER:

- (1) IN-PERSON;
- (2) BY MAIL OR DELIVERY SERVICE; OR
- (3) BY TELEPHONE, FACSIMILE, EMAIL, INTERNET WEBSITE, OR OTHER ELECTRONIC MEDIUM.

(M) “TICKET”.

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

§ 16-2. {RESERVED}

§ 16-3. APPLICABILITY OF OTHER LAWS.

(A) IN GENERAL.

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

(B) CONFLICTING PROVISIONS.

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

§ 16-4. RULES AND REGULATIONS.

(A) AUTHORIZATION.

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

- (1) DEFINE OR FURTHER DEFINE ANY TERMS USED IN THIS SUBTITLE; AND
- (2) OTHERWISE PROMOTE THE IMPLEMENTATION AND ENFORCEMENT OF THIS SUBTITLE.

(B) FILING.

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

§ 16-5. {RESERVED}

PART 2. CHARGES BY OPERATORS AND THEIR AGENTS

§ 16-6. IN GENERAL.

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

- (1) THE BOX OFFICE PRICE;
- (2) ANY SEPARATELY STATED ADMISSIONS AND AMUSEMENT TAX; AND
- (3) SUBJECT TO THE LIMITATIONS IMPOSED BY THIS SUBTITLE, ADDITIONAL SERVICE OR OTHER CHARGES OR FEES THAT HAVE BEEN IDENTIFIED AND DISCLOSED AS REQUIRED BY THIS SUBTITLE.

§ 16-7. LIMITATIONS.

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

- (1) 15% OF THE FIRST \$50 OF THE TICKET'S BOX OFFICE PRICE;
- (2) 10% OF THAT PART OF THE TICKET'S BOX OFFICE PRICE THAT IS \$50 OR MORE BUT LESS THAN \$150; AND
- (3) 5% OF THAT PART OF THE TICKET'S BOX OFFICE PRICE THAT IS \$150 OR MORE.

§ 16-8. REQUIRED DISCLOSURES.

(A) ON FACE OF TICKET.

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

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

(B) ADVERTISEMENTS AND LISTINGS.

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

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

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

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

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

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

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

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

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

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

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

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

§§ 16-9 AND 16-10. {RESERVED}

PART 3. PROHIBITED CONDUCT

§ 16-11. OPERATORS AND THEIR AGENTS.

(A) OPERATORS.

NO OPERATOR MAY:

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

(B) SALES AGENTS.

NO AUTHORIZED SALES AGENT MAY:

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

§ 16-12. TICKET "SCALPING".

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

§§ 16-13 AND 16-15. {RESERVED}

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

§ 40I4. Violations to which subtitle applies.

(e) Provisions and penalties enumerated.

(.5) ARTICLE 2. CONSUMER PROTECTIONS

SUBTITLE 6. TICKET SALES

\$750

Subtitle 41. Civil Citations

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

(.5) ARTICLE 2. CONSUMER PROTECTIONS

SUBTITLE 6. TICKET SALES

\$750

(2) Article 19. Police Ordinances

...
[§ 55-1. Ticket "scalping"

\$500

(and forfeiture of tickets)]

[§ 55-2. Street sales of theater or circus tickets

\$100

(and forfeiture of tickets)]

....

SECTION 3. 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 4. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

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