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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1989

02/20/2023 Authored by Moller, Stephenson, Greenman, Pérez-Vega, Kotyza-Witthuhn and others
The bill was read for the first time and referred to the Committee on Commerce Finance and Policy

1.1 A bill for an act
1.2 relating to consumer protection; requiring disclosures relating to ticket sales;
1.3 proposing coding for new law in Minnesota Statutes, chapter 325F.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. 325F.676 TICKET SALES.

1.6 Subdivision 1. Definitions. (a) For the purposes of this section the following terms have
1.7 the meanings given.

1.8 (b) "Entertainment" means all forms of entertainment, including but not limited to
1.9 theatrical or operatic performances; concerts; motion pictures; entertainment at fair grounds;
1.10 amusement parks; athletic competitions and other sports; and all other forms of diversion,
1.11 recreation, or show.

1.12 (c) "Online resale marketplace" means the operator of a website or other electronic
1.13 service that resells tickets or serves as a platform that facilitates the resale of tickets.

1.14 (d) "Operator" means a person who owns, operates, or controls a place of entertainment,
1.15 or who promotes or produces entertainment.

1.16 (e) "Place of entertainment" means any privately or publicly owned and operated
1.17 entertainment facility, including but not limited to a theater, stadium, arena, racetrack,
1.18 museum, amusement park, or other place where performances, concerts, exhibits, athletic
1.19 games, or contests are held for which an entry fee is charged.

1.20 (f) "Resale" means the sale of a ticket for entrance to a place of entertainment located
1.21 in Minnesota, other than a sale by the operator or the operator's agent who is expressly
1.22 authorized to make first sales of the tickets. Resale includes sales by any means, including

2.1 but not limited to in-person or by telephone, mail, delivery service, facsimile, Internet,
2.2 email, or other electronic means. Resale does not include sales to a person that purchases
2.3 a ticket (1) solely for the person's own use or the use of the person's invitees, employees,
2.4 and agents; or (2) on behalf of others and resells the ticket to invitees, employees, agents,
2.5 or others at or less than the established price.

2.6 Subd. 2. **Disclosure; notice.** (a) An operator or an operator's agent of a place of
2.7 entertainment, licensee, other ticket reseller, or online resale marketplace must disclose in
2.8 a clear and conspicuous manner (1) the total cost of the ticket, inclusive of all ancillary fees
2.9 that must be paid in order to purchase the ticket; and (2) the portion of the ticket price stated
2.10 in dollars that represents a service charge or any other fee or surcharge to the purchaser.
2.11 The disclosure containing the total cost and fees must be displayed in the ticket listing prior
2.12 to the ticket being selected for purchase. A disclosure indicating subtotals, fees, charges,
2.13 and any other component of the total price must not be false or misleading, and must not
2.14 be presented more prominently or in the same or larger size as the total price. The price of
2.15 the ticket must not increase during the purchase process, excluding reasonable fees to deliver
2.16 nonelectronic tickets based on the delivery method selected by the purchaser, provided the
2.17 delivery fee is disclosed prior to accepting payment.

2.18 (b) An online resale marketplace must post clearly and conspicuously on the website:

2.19 (1) a statement that the website provides secondary ticket sales and that the price of the
2.20 ticket offered for sale may exceed the established price; and

2.21 (2) the platform's refund policy with respect to events that are cancelled or postponed.

2.22 An online resale marketplace must require that the user confirm having read the notices
2.23 required under this paragraph before completing a transaction.

2.24 (c) An online resale marketplace must clearly and conspicuously disclose the established
2.25 price charged by the operator of a place of entertainment that is printed or endorsed on the
2.26 face of a ticket prior to the user completing a transaction.