

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 24-0536.02 Christopher McMichael x4775

HOUSE BILL 24-1378

HOUSE SPONSORSHIP

Lindstedt and Valdez, Amabile, Bacon, Bird, Boesenecker, Brown, Duran, Epps, Froelich, Hamrick, Jodeh, Lieder, Mabrey, Marshall, Mauro, McCluskie, McCormick, McLachlan, Ortiz, Parenti, Rutinel, Sirota, Snyder, Titone, Willford, Young

SENATE SPONSORSHIP

Sullivan and Gardner,

House Committees
Business Affairs & Labor

Senate Committees
Business, Labor, & Technology

A BILL FOR AN ACT

101 **CONCERNING CONSUMER PROTECTION IN EVENT TICKET SALES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill amends consumer protection laws regarding ticket sales and resales for events. The bill requires operators and resellers to guarantee refunds to purchasers of tickets under certain circumstances. The bill prohibits an operator from denying an individual access to an event because the individual's ticket was bought through a reseller.

The bill also expands the actions that constitute a deceptive trade practice during the sale or resale of tickets. A person engages in a deceptive trade practice when, in the course of the person's business,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

SENATE
Amended 2nd Reading
May 4, 2024

HOUSE
3rd Reading Unamended
April 14, 2024

HOUSE
Amended 2nd Reading
April 11, 2024

vocation, or occupation, the person:

- Displays trademarked, copyrighted, or substantially similar web designs, URLs, or other images and symbols with the intent to mislead a purchaser;
- Sells a ticket to an event without disclosing the total cost of the ticket, including the cost of any service charge or other fees that must be paid, or displays service charges and fees less prominently than the total price of the ticket; or
- Increases the price of a ticket once the ticket has been selected for purchase, with the exception of adding delivery fees.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 6-1-718, **amend** (1)
3 introductory portion, (1)(c), (2), (3)(b), (4), and (5) as follows:

4 **6-1-718. Ticket sales and resales - prohibitions - unlawful**
5 **conditions - definitions.** (1) As used in this section AND IN SECTION
6 6-1-720, unless the context otherwise requires:

7 (c) (I) "Place of entertainment" OR "VENUE" means a public or
8 private entertainment facility IN THIS STATE, such as a stadium, arena,
9 racetrack, museum, amusement park, or other place where performances,
10 concerts, exhibits, athletic games, or contests are held, for which an entry
11 fee is charged, to which the public is invited to observe, and for which
12 tickets are sold.

13 (II) "Place of entertainment" OR "VENUE" does not include a ski
14 area OR A MOVIE THEATER.

15 (2) ~~Resellers~~ AN OPERATOR OR A RESELLER FROM WHICH A
16 PURCHASER BOUGHT A TICKET, AS APPLICABLE, shall guarantee a full
17 refund OF THE TICKET PRICE to a THE purchaser if:

18 (a) The event ~~for which the ticket was resold~~ is canceled;

19 (b) The ticket does not or would not in fact grant the purchaser

1 admission to the event, ~~for which the ticket was resold~~ EXCEPT IF
2 NONADMISSION TO THE EVENT IS DUE TO AN ACT OR OMISSION BY THE
3 PURCHASER;

4 (c) The ticket PURCHASED FROM THE RESELLER OR OPERATOR, AS
5 APPLICABLE, is counterfeit; or

6 (d) The ticket PURCHASED FROM THE RESELLER OR OPERATOR, AS
7 APPLICABLE, fails to REASONABLY conform to its description as advertised
8 or as represented to the purchaser. ~~by the reseller.~~

9 [REDACTED]
10 (3) (b) Nothing in this section ~~shall be deemed to prohibit~~
11 PROHIBITS an operator from prohibiting the resale of:

12 (I) A contractual right in a season ticket package agreement that
13 gives the original purchaser a priority or other preference to enter into a
14 subsequent season ticket package agreement with the operator; OR

15 (II) A TICKET TO A PLACE OF ENTERTAINMENT IF THE TICKET WAS
16 INITIALLY OFFERED:

17 (A) AT NO CHARGE, AND ACCESS TO THE TICKET IS NOT
18 CONTINGENT UPON PROVIDING ANY FORM OF MONETARY CONSIDERATION;
19 OR

20 (B) BY OR ON BEHALF OF A CHARITABLE ORGANIZATION, AS
21 DEFINED IN SECTION 6-16-103 (1), FOR A CHARITABLE PURPOSE, AS
22 DEFINED IN SECTION 6-16-103 (2), WHERE ALL PROCEEDS FROM THE
23 TICKET SALE ARE PROVIDED TO THE CHARITABLE ORGANIZATION. ---

24 (4) A person, ~~or entity~~, including an operator, that regulates
25 admission to an event shall not deny access to the event to a person in
26 possession of a valid ticket to the event, OR REVOKE A VALID TICKET TO
27 THE EVENT, regardless of whether the ticket is subject to a subscription or

1 season ticket package agreement, based solely on the ground that ~~such~~
2 THE ticket was resold through a reseller that was not approved by the
3 operator.

4 (5) SUBJECT TO THE REQUIREMENTS OF SUBSECTION (4) OF THIS
5 SECTION, nothing in this section shall be construed to prohibit an operator
6 from maintaining and enforcing policies regarding conduct or behavior
7 at or in connection with the operator's ~~venue~~ PLACE OF ENTERTAINMENT.

8 An operator may revoke or restrict ~~season~~ tickets:

9 (a) For reasons relating to a violation of venue policies ~~and to the~~
10 ~~extent the operator may deem necessary for~~ THAT ARE AVAILABLE IN
11 WRITING;

12 (b) FOR the protection of the safety of patrons; or

13 (c) To address fraud or misconduct.

14 **SECTION 2.** In Colorado Revised Statutes, 6-1-720, **amend** (1)
15 introductory portion, (1)(a), and (2); and **add** (1)(c), (1)(d), (1)(e), (1)(f),
16 (1)(g), (1)(h), (1)(i), and (2.5) as follows:

17 **6-1-720. Ticket sales - deceptive trade practice - definitions.**

18 (1) A person engages in a deceptive trade practice when, in the course of
19 the person's business, vocation, or occupation, ~~such~~ THE person:

20 (a) Uses or causes to be used a software application that runs
21 automated tasks over the internet to access a computer, computer
22 network, or computer system, or any part thereof, for the purpose of
23 purchasing tickets in excess of authorized limits for an online event ticket
24 sale with the intent to resell such tickets; ~~or~~

25 (c) USES OR CAUSES TO BE USED AN INTERNET DOMAIN NAME OR
26 SUBDOMAIN NAME IN AN OPERATOR'S OR RESELLER'S URL IF THE
27 INTERNET DOMAIN NAME OR SUBDOMAIN NAME USED CONTAINS ANY OF

1 THE FOLLOWING WITHOUT PRIOR WRITTEN AUTHORIZATION:

2 (I) THE NAME OF THE PLACE OF ENTERTAINMENT;

3 (II) THE NAME OF THE EVENT, INCLUDING THE NAME OF THE
4 INDIVIDUAL OR ENTITY SCHEDULED TO PERFORM OR APPEAR AT THE
5 EVENT; OR

6 (III) A NAME SUBSTANTIALLY SIMILAR TO THOSE DESCRIBED IN
7 SUBSECTIONS (1)(c)(I) AND (1)(c)(II) OF THIS SECTION;

8 (d) USES OR CAUSES TO BE USED, WITHOUT PRIOR WRITTEN
9 AUTHORIZATION, AN INTERNET WEBSITE TO DISPLAY A TEXT, IMAGE,
10 WEBSITE GRAPHIC, WEBSITE DESIGN, OR INTERNET ADDRESS THAT
11 INDIVIDUALLY OR IN COMBINATION IS SUBSTANTIALLY SIMILAR TO AN
12 OPERATOR'S INTERNET WEBSITE IN A MANNER THAT COULD REASONABLY
13 BE EXPECTED TO MISLEAD A POTENTIAL PURCHASER;

14 (e) (I) SELLS A TICKET TO AN EVENT AT A PLACE OF
15 ENTERTAINMENT WITHOUT DISCLOSING THE TOTAL TICKET COST,
16 INCLUSIVE OF ALL ANCILLARY FEES THAT MUST BE PAID IN ORDER TO
17 PURCHASE THE TICKET, THE FIRST TIME A PRICE IS DISPLAYED TO THE
18 PURCHASER AND ANYTIME THE PRICE IS DISPLAYED THEREAFTER.

19 (II) A PERSON IS NOT REQUIRED TO INCLUDE THE AMOUNT OF ANY
20 SALES TAX REQUIRED TO PURCHASE A TICKET WHEN DISCLOSING THE
21 TOTAL COST OF A TICKET TO A PURCHASER IN ACCORDANCE WITH
22 SUBSECTION (1)(e)(I) OF THIS SECTION IF THE PERSON DISCLOSES THE
23 AMOUNT OF ANY SALES TAX TO THE PURCHASER PRIOR TO COMPLETION OF
24 THE TRANSACTION.

25 (f) SELLS A TICKET TO AN EVENT AT A PLACE OF ENTERTAINMENT
26 WITHOUT DISCLOSING IN A CLEAR AND CONSPICUOUS MANNER THE
27 PORTION OF THE TICKET COST THAT REPRESENTS A SERVICE CHARGE FOR

1 THE PURCHASE OR OTHER FEE OR SURCHARGE FOR THE PURCHASE;

2 (g) MAKES A FALSE OR MISLEADING DISCLOSURE TO A PURCHASER
3 OF SUBTOTALS, FEES, CHARGES, OR ANY OTHER COMPONENT OF THE TOTAL
4 PRICE OF A TICKET;

5 (h) PRESENTS SUBTOTALS, FEES, CHARGES, OR ANY OTHER
6 COMPONENT OF THE TOTAL PRICE OF THE TICKET MORE PROMINENTLY OR
7 IN A FONT SIZE THAT IS LARGER THAN THE FONT SIZE USED TO PRESENT THE
8 TOTAL PRICE OF THE TICKET; OR

9 (i) INCREASES THE TOTAL PRICE OF A TICKET AFTER THE FIRST TIME
10 A PRICE IS DISPLAYED TO THE PURCHASER; EXCEPT THAT THE PERSON:

11 (I) SHALL ADD ANY APPLICABLE SALES TAX TO THE TOTAL PRICE
12 OF A TICKET PRIOR TO THE COMPLETION OF THE TRANSACTION BY THE
13 PURCHASER;

14 (II) MAY ADD FEES FOR THE DELIVERY OF NONELECTRONIC
15 TICKETS BASED ON DELIVERY TO THE PURCHASER'S ADDRESS OR THE
16 DELIVERY METHOD SELECTED BY THE PURCHASER IF THE PERSON
17 DISCLOSES THE AMOUNT OF EACH DELIVERY FEE PRIOR TO ACCEPTING
18 PAYMENT; AND

19 (III) MAY INCREASE THE TOTAL PRICE OF A TICKET IF THE
20 PURCHASER'S TRANSACTION PERIOD HAS TIMED OUT AND THE PURCHASER
21 HAS NOT YET PURCHASED THE TICKET.

22 (2) As used in this section, unless the context otherwise requires:

23 (a) "In excess of authorized limits" ~~with regard to an online~~
24 ~~purchase of tickets~~, means exceeding a restriction on the number of
25 individual tickets that can be purchased by ~~any~~ A single person or
26 circumventing any other terms and conditions of access to an online event
27 ticket sale established by the ~~event sponsor or promoter~~ OPERATOR.

1 (b) "INTERNET DOMAIN NAME" MEANS A GLOBALLY UNIQUE,
2 HIERARCHICAL REFERENCE TO AN INTERNET HOST OR SERVICE THAT IS:

3 (I) ASSIGNED THROUGH A CENTRALIZED INTERNET NAMING
4 AUTHORITY; AND

5 (II) COMPOSED OF A SERIES OF CHARACTER STRINGS SEPARATED
6 BY PERIODS WITH THE RIGHTMOST STRING SPECIFYING THE TOP OF THE
7 HIERARCHY.

8 ~~(b)~~ (c) "Online event ticket sale" means ~~an electronic system~~ A
9 PROCESS utilized by the ~~sponsor or promoter of a sporting or~~
10 ~~entertainment event~~ OPERATOR to ~~sell~~ MAKE AN ORIGINAL SALE OF tickets
11 to ~~such~~ THE event to the public over the internet.

12 (d) "URL" MEANS A UNIFORM RESOURCE LOCATOR FOR A WEBSITE
13 ON THE INTERNET.

14 (2.5) DEFINITIONS IN SECTION 6-1-718 (1) APPLY TO TERMS AS
15 THEY ARE USED IN THIS SECTION.

16 **SECTION 3. Act subject to petition - effective date -**
17 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
18 the expiration of the ninety-day period after final adjournment of the
19 general assembly; except that, if a referendum petition is filed pursuant
20 to section 1 (3) of article V of the state constitution against this act or an
21 item, section, or part of this act within such period, then the act, item,
22 section, or part will not take effect unless approved by the people at the
23 general election to be held in November 2024 and, in such case, will take
24 effect on the date of the official declaration of the vote thereon by the
25 governor.

26 (2) This act applies to conduct occurring on or after the effective
27 date of this act.