



March 22, 2019

ENGROSSED
SENATE BILL No. 554

DIGEST OF SB 554 (Updated March 20, 2019 11:46 am - DI 134)

Citations Affected: IC 5-28; IC 24-5; IC 36-7.

Synopsis: Economic development and ticket sales. Provides that the Indiana economic development corporation (IEDC) may renew an enterprise zone that is established in an inactive or closed military base (enterprise zone) for not more than 10 years subject to certain criteria. Provides that a reuse authority, following the expiration of an enterprise zone over which the reuse authority had jurisdiction, may, subject to the approval of the IEDC, certify a business that is located within the boundaries of the enterprise zone for a tax credit, deduction, or exemption that could have been available to the business had the enterprise zone not expired. Provides that a business that is certified by a reuse authority to receive a tax credit, deduction, or exemption must assist the reuse authority in an amount determined by the reuse authority. Provides that a zone business that received a tax credit, deduction, or exemption in an enterprise zone before the phase out of
(Continued next page)

Effective: July 1, 2019.

**Garten, Grooms, Boots, Merritt,
Head, Tallian, Houchin, Raatz**

(HOUSE SPONSOR — CLERE)

January 15, 2019, read first time and referred to Committee on Appropriations.

January 28, 2019, amended, reported favorably — Do Pass.

January 31, 2019, read second time, ordered engrossed. Engrossed.

February 4, 2019, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

March 5, 2019, read first time and referred to Committee on Commerce, Small Business and Economic Development.

March 21, 2019, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

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Digest Continued

the enterprise zone and claims the tax credit, deduction, or exemption after the phase out must pay to the reuse authority the same fee or amount that the zone business would have paid to the urban enterprise association before the expiration of the enterprise zone. Provides that the IEDC shall award a grant from the twenty-first century research and technology fund (fund) to a district board established in Lafayette or Fort Wayne by September 1 if a district board established in Lafayette or Fort Wayne applies for a grant. Requires the IEDC to allocate amounts within the fund for purposes of awarding a grant to a district board established in Lafayette and Fort Wayne. Provides that a person reselling tickets for an entertainment event or venue must provide a full refund in certain instances. Provides that a ticket issuer must provide the option of a transferable ticket if a nontransferable option will be available. Provides that a web site operator may not use an Internet domain name or any subdomain in a ticket web site's URL that contains certain names. Provides that using an Internet domain name or any subdomain that contains certain names is a deceptive act.

ES 554—LS 7310/DI 120



March 22, 2019

First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

ENGROSSED SENATE BILL No. 554

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-28-15-11, AS AMENDED BY P.L.146-2018,
2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 11. (a) Notwithstanding any other provision of this
4 chapter, one (1) or more units (as defined in IC 36-1-2-23) may declare
5 all or any part of a military base or another military installation that is
6 inactive, closed, or scheduled for closure as an enterprise zone. The
7 declaration shall be made by a resolution of the legislative body of the
8 unit that contains the geographic area being declared an enterprise
9 zone. The legislative body must include in the resolution that a U.E.A.
10 is created or designate another entity to function as the U.E.A. under
11 this chapter. The resolution must also be approved by the executive of
12 the unit.

13 (b) If the resolution is approved, the executive shall file the
14 resolution and the executive's approval with the corporation. If an
15 entity other than a U.E.A. is designated to function as a U.E.A., the
16 entity's acceptance must be filed with the corporation along with the
17 resolution. The enterprise zone designation is effective on the first day

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1 of the month following the day the resolution is filed with the
2 corporation.

3 **(c) An enterprise zone that is established under this section is**
4 **not subject to the expiration and renewal provisions under section**
5 **10 of this chapter. Instead, the corporation may review the success**
6 **of an enterprise zone established under this section based on the**
7 **following criteria and may renew the enterprise zone, including all**
8 **provisions of this chapter, for not more than ten (10) years:**

9 **(1) Increases in capital investment in the zone.**

10 **(2) Retention of jobs and creation of jobs in the zone.**

11 SECTION 2. IC 5-28-15.5-5, AS ADDED BY P.L.238-2017,
12 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2019]: Sec. 5. (a) **For each state fiscal year beginning after**
14 **June 30, 2019, until a district expires under section 3 of this**
15 **chapter, if a district board applies for a grant under section 8(a)(3)**
16 **of this chapter, the corporation may shall, before September 1, make**
17 **a determination on** grants from the Indiana twenty-first century
18 research and technology fund established under IC 5-28-16-2 to a
19 district board established in:

20 (1) the city of Lafayette; and

21 (2) the city of Fort Wayne.

22 (b) The total amount of grant money that a district board established
23 in the city of Lafayette may receive during a state fiscal year may not
24 exceed one million dollars (\$1,000,000).

25 (c) The total amount of grant money that a district board established
26 in the city of Fort Wayne may receive during a state fiscal year may not
27 exceed one million dollars (\$1,000,000).

28 (d) **Except as provided in subsection (e),** one hundred percent
29 (100%) of grant money awarded to a district board under this section
30 must be used by the district board for programs **or projects** that
31 support entrepreneurship, small business development, technology
32 development, and innovation.

33 **(e) A district board may use grant money awarded under this**
34 **section to reimburse itself for costs incurred before the grant**
35 **money was awarded if the costs are attributable to the purposes**
36 **described in subsection (d).**

37 ~~(e)~~ **(f)** The corporation may develop guidelines, without complying
38 with IC 4-22-2, for awarding grants under this section.

39 SECTION 3. IC 5-28-16-2, AS AMENDED BY P.L.86-2018,
40 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2019]: Sec. 2. (a) The Indiana twenty-first century research
42 and technology fund is established within the state treasury to provide



1 grants or loans to support proposals for economic development in one
2 (1) or more of the following areas:

3 (1) To increase the capacity of Indiana postsecondary educational
4 institutions, Indiana businesses, and Indiana nonprofit
5 corporations and organizations to compete successfully for federal
6 or private research and development funding.

7 (2) To stimulate the transfer of research and technology into
8 marketable products.

9 (3) To assist with diversifying Indiana's economy by focusing
10 investment in biomedical research and biotechnology, information
11 technology, development of alternative fuel technologies,
12 development and production of fuel efficient vehicles, and other
13 high technology industry clusters requiring high skill, high wage
14 employees.

15 (4) To encourage an environment of innovation and cooperation
16 among universities and businesses to promote research activity.

17 (5) To provide grants to district boards that are established in the
18 city of Lafayette and the city of Fort Wayne under the
19 entrepreneur and enterprise district pilot program established
20 under IC 5-28-15.5 and as set forth in IC 5-28-15.5-5.

21 (b) The fund consists of:

22 (1) appropriations from the general assembly; and

23 (2) loan repayments.

24 (c) The corporation shall administer the fund. The following may be
25 paid from money in the fund:

26 (1) Expenses of administering the fund.

27 (2) Nonrecurring administrative expenses incurred to carry out the
28 purposes of this chapter.

29 (d) Earnings from loans made under this chapter shall be deposited
30 in the fund.

31 (e) The budget committee shall review programs and initiatives and
32 corresponding investment policies established by the board. The budget
33 agency shall review each recommendation to verify and approve
34 available funding and compliance with the established investment
35 policy. Money in the fund may not be used to provide a recurring
36 source of revenue for the normal operating expenditures of any project.

37 (f) The treasurer of state shall invest the money in the fund not
38 currently needed to meet the obligations of the fund in the same
39 manner as other public funds may be invested. Interest that accrues
40 from these investments shall be deposited in the state general fund.

41 (g) The money in the fund at the end of a state fiscal year does not
42 revert to the state general fund but remains in the fund.



1 (h) For each state fiscal year beginning after June 30, 2017, and
 2 ending before July 1, ~~2022~~, **2023**, the corporation ~~may~~ **shall** allocate
 3 **not more than** two million dollars (\$2,000,000) of the total amount
 4 held within the fund in that state fiscal year for the purposes of making
 5 grants from the fund under subsection (a)(5) to district boards
 6 established in the city of Lafayette and the city of Fort Wayne as set
 7 forth in IC 5-28-15.5-5. **If a district board established in the city of**
 8 **Lafayette and the city of Fort Wayne does not apply for a grant**
 9 **from the fund under IC 5-28-15.5-8(a)(3) during a particular state**
 10 **fiscal year, the allocated amount may be used for another purpose**
 11 **described in subsection (a)(1) through (a)(4) for that state fiscal**
 12 **year.** This subsection expires December 31, ~~2022~~, **2023**.

13 SECTION 4. IC 24-5-27 IS ADDED TO THE INDIANA CODE AS
 14 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 15 1, 2019]:

16 **Chapter 27. Ticket Sales**

17 **Sec. 1. This chapter does not apply to tickets of admission to any**
 18 **boxing, sparring, or unarmed combat match or exhibition under**
 19 **IC 4-33-22.**

20 **Sec. 2. As used in this chapter, "Internet domain name" means**
 21 **a globally unique, hierarchical reference to an Internet host or**
 22 **service, which is assigned through centralized Internet naming**
 23 **authorities and which is comprised of a series of character strings**
 24 **separated by periods, with the right most string specifying the top**
 25 **of the hierarchy.**

26 **Sec. 3. As used in this chapter, "nontransferable ticketing**
 27 **system" means any program, platform, process, or act that**
 28 **restricts, through contractual or technological means, a ticket**
 29 **purchaser's ability to:**

- 30 (1) freely use;
- 31 (2) give away;
- 32 (3) assign; or
- 33 (4) resell;

34 **a ticket purchased by the ticket purchaser.**

35 **Sec. 4. As used in this chapter, "person" means an individual, a**
 36 **corporation, a business trust, an estate, a trust, a partnership, an**
 37 **association, a nonprofit corporation or organization, a cooperative,**
 38 **or any other legal entity.**

39 **Sec. 5. As used in this chapter, "resale of tickets" means the act**
 40 **of selling a valid and previously purchased ticket to a person who**
 41 **is not:**

- 42 (1) the original purchaser of the ticket; or



- 1 (2) the ticket issuer.
- 2 **Sec. 6. As used in this chapter, "ticket issuer" means any person**
 3 **that makes tickets available, directly or indirectly, for an**
 4 **entertainment event. The term includes the following:**
- 5 (1) The operator of a venue.
- 6 (2) The sponsor or promoter of an entertainment event.
- 7 (3) A sports team participating in an entertainment event or
 8 a league whose teams are participating in an entertainment
 9 event.
- 10 (4) A theater company, musical group, or similar participant
 11 in an entertainment event.
- 12 (5) An agent of any person or entity described in subdivisions
 13 (1) through (4).
- 14 **Sec. 7. As used in this chapter, "ticket platform" means a**
 15 **marketplace that enables consumers to purchase and sell tickets.**
- 16 **Sec. 8. As used in this chapter, "ticket web site" means an**
 17 **Internet web site:**
- 18 (1) advertising the sale of tickets;
 19 (2) offering the sale of tickets; or
 20 (3) offering tickets for resale;
 21 to an event in this state.
- 22 **Sec. 9. As used in this chapter, "URL" means an Internet web**
 23 **site's uniform resource locator.**
- 24 **Sec. 10. As used in this chapter, "venue" means an arena,**
 25 **stadium, theater, concert hall, or other place of exhibition or**
 26 **performance in this state.**
- 27 **Sec. 11. As used in this chapter, "web site operator" means a**
 28 **person:**
- 29 (1) owning;
 30 (2) operating; or
 31 (3) controlling;
 32 a ticket web site for an event scheduled at a venue.
- 33 **Sec. 12. Subject to section 13 of this chapter, a person may,**
 34 **through the use of an Internet web site:**
- 35 (1) resell;
 36 (2) offer to resell; or
 37 (3) attempt to resell;
 38 any ticket, privilege, or license of admission to an entertainment
 39 event, place of public amusement, arena, stadium, theater,
 40 performance, sport, exhibition, or athletic contest in this state
 41 without restriction or monetary limitation.
- 42 **Sec. 13. A person who resells, offers to resell, or attempts to**



1 resell a ticket, as described under section 12 of this chapter, must
 2 provide the ticket purchaser with a full refund or comparable
 3 replacement ticket, as applicable, if any of the following occur:

- 4 (1) The event is canceled and not rescheduled.
 5 (2) The ticket received by the purchaser is counterfeit.
 6 (3) The ticket fails to conform to the description provided by
 7 the seller or reseller.
 8 (4) The ticket was not delivered to the purchaser prior to the
 9 occurrence of the event, unless such failure of delivery was
 10 due to an act or omission of the purchaser.
 11 (5) The ticket does not provide the consumer with admission
 12 to the event for which it was purchased unless such failure to
 13 be admitted is due to actions caused by the purchaser or
 14 venue.

15 **Sec. 14. A refund under section 13 of this chapter must include**
 16 **the following:**

- 17 (1) Reimbursement for the full price paid by the consumer for
 18 the ticket.
 19 (2) Reimbursement for any fee related to the purchase,
 20 download, delivery, or shipping of the ticket, as applicable.

21 **Sec. 15. A person who engages in the resale of event tickets may**
 22 **comply with the requirements of this chapter by using a ticket**
 23 **platform that fully complies with this chapter.**

24 **Sec. 16. A ticket issuer may employ a nontransferable ticketing**
 25 **system if the following conditions are met:**

- 26 (1) The ticket purchaser is offered, at the time of sale, the
 27 opportunity to purchase a transferable:
 28 (A) physical; or
 29 (B) electronic ticket portable document format file;
 30 version of the same ticket.
 31 (2) The ticket described in subdivision (1) may be given away
 32 or resold:
 33 (A) independently of the ticket issuer's preferred ticket
 34 platform; and
 35 (B) without penalty or discrimination.

36 **Sec. 17. A ticket purchaser or seller shall not be penalized,**
 37 **discriminated against, or denied access to an event:**

- 38 (1) because the ticket or tickets were resold; or
 39 (2) because of the purchaser's or seller's choice of ticket
 40 platform.

41 **Sec. 18. Nothing in this chapter shall prevent a ticket issuer or**
 42 **venue operator from doing the following:**



- 1 **(1) Maintaining and enforcing policies with respect to**
 2 **conduct, behavior, or age at the venue or event.**
 3 **(2) Prohibiting the possession or use of illicit narcotics at the**
 4 **venue or event.**
 5 **(3) Prohibiting or regulating the possession, display, or use of**
 6 **firearms at the venue or event.**
 7 **(4) Establishing and enforcing limits on the quantity of tickets**
 8 **that may be purchased.**
 9 **(5) Establishing and enforcing occupancy limits for the venue**
 10 **or event, as applicable.**
 11 **(6) Canceling tickets that were procured in violation of**
 12 **IC 35-43-2-3 or 15 U.S.C. 45(c).**
 13 **(7) Employing a nontransferable ticketing system for one (1)**
 14 **of the following purposes:**
 15 **(A) The issuance of a ticket that:**
 16 **(i) is not promotionally offered to the general public; and**
 17 **(ii) is made available to an individual or group as part of**
 18 **a targeted promotion, discounted price, or for a private**
 19 **event due to the individual's or group's student status,**
 20 **economic hardship status, disability status, group**
 21 **affiliation, or membership in a religious or civic**
 22 **organization.**
 23 **(B) The issuance of a ticket for a NCAA Division I**
 24 **postseason collegiate basketball or hockey tournament.**
 25 **Sec. 19. (a) This section does not apply to a web site operator**
 26 **that is authorized by the venue to be acting upon the venue's**
 27 **behalf.**
 28 **(b) A web site operator may not intentionally use an Internet**
 29 **domain name or any subdomain in a ticket web site's URL that**
 30 **contains any of the following:**
 31 **(1) The name of the venue.**
 32 **(2) The name of the exhibition or performance.**
 33 **(3) The name of the person or entity scheduled to perform or**
 34 **appear at the venue.**
 35 **(4) Any name substantially similar to the name of the venue,**
 36 **exhibition, or performance.**
 37 **(c) A person who violates this section commits a deceptive act**
 38 **that is actionable by the attorney general and is subject to the**
 39 **remedies and penalties under IC 24-5-0.5.**
 40 **SECTION 5. IC 36-7-30-25.1 IS ADDED TO THE INDIANA**
 41 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
 42 **[EFFECTIVE JULY 1, 2019]: Sec. 25.1. (a) This section applies only**



1 to a reuse authority that had jurisdiction over an enterprise zone
2 established under IC 5-28-15-11 that is expired under IC 5-28-15.

3 (b) As used in this section, "incentive" means a tax credit,
4 deduction, or exemption available under:

5 (1) IC 6-1.1-45;

6 (2) IC 6-3-3-10;

7 (3) IC 6-3.1-7 (before its expiration); and

8 (4) IC 6-3.1-10 (before its expiration).

9 (c) Subject to the approval of the Indiana economic development
10 corporation, a reuse authority may certify a business that is located
11 within the boundaries of an enterprise zone (before its expiration)
12 for one (1) or more incentives described in subsection (b)(1)
13 through (b)(4).

14 (d) A business wishing to receive a certification for an incentive
15 must apply to the reuse authority in the form and in the manner
16 prescribed by the reuse authority.

17 (e) If a reuse authority issues a certification for one (1) or more
18 incentives to a business under this section, the reuse authority shall
19 provide a copy of the certification to:

20 (1) the business;

21 (2) the department of local government finance; and

22 (3) the department of state revenue.

23 (f) A business that claims any of the incentives available to
24 businesses shall, before June 1 of each year:

25 (1) submit to the reuse authority, on a form prescribed by the
26 reuse authority, a verified summary concerning the amount
27 of tax credits and exemptions claimed by the business in the
28 preceding year; and

29 (2) pay the amount specified in subsection (h) to the reuse
30 authority.

31 (g) A reuse authority may adopt guidelines for the revocation of
32 a business's certification for one (1) or more incentives under this
33 section, if the business does not do one (1) of the following:

34 (1) Use all its incentives for its property or employees in the
35 boundaries of the enterprise zone (before its expiration).

36 (2) Remain open and operating as a business for twelve (12)
37 months of the year for which the incentive is claimed.

38 (h) Each business that is certified by a reuse authority to receive
39 an incentive under this section shall assist the reuse authority in an
40 amount determined by the reuse authority. If a business does not
41 assist the reuse authority as required under this subsection, the
42 reuse authority may pass a resolution disqualifying the business



1 from eligibility for all incentives available to the business. If all of
2 a business's incentives exceed one thousand dollars (\$1,000) in a
3 year, the reuse authority may impose an additional fee on a
4 business to be paid to the reuse authority in an amount equal to one
5 percent (1%) of all its incentives to be used exclusively for the
6 reuse authority's administrative expenses.

7 (i) If a reuse authority disqualifies a business under subsection
8 (h), the reuse authority shall notify the department of local
9 government finance and the department of state revenue in writing
10 not more than thirty (30) days after the passage of the resolution
11 disqualifying the business. Disqualification of a business under this
12 section is effective beginning with the taxable year in which the
13 resolution disqualifying the business is adopted.

14 (j) This subsection applies to a zone business (as defined in
15 IC 5-28-15-3) that received incentives in an enterprise zone
16 described in subsection (a) that are claimed by the zone business
17 after the phase out of the enterprise zone. Notwithstanding the
18 expiration of the enterprise zone, the termination of the U.E.A., or
19 any other provision in IC 5-28-15, the zone business shall pay to the
20 reuse authority the same fee or amount determined under
21 IC 5-28-15-5.7(b) for the zone business on the day immediately
22 preceding the day on which the enterprise zone expired and for the
23 same period as if the enterprise zone was not expired.



COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 554, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 8, delete "twenty (20)" and insert "**ten (10)**".

and when so amended that said bill do pass.

(Reference is to SB 554 as introduced.)

MISHLER, Chairperson

Committee Vote: Yeas 11, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Small Business and Economic Development, to which was referred Senate Bill 554, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 2. IC 5-28-15.5-5, AS ADDED BY P.L.238-2017, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) **For each state fiscal year beginning after June 30, 2019, until a district expires under section 3 of this chapter, if a district board applies for a grant under section 8(a)(3) of this chapter, the corporation may shall, before September 1, make a determination on** grants from the Indiana twenty-first century research and technology fund established under IC 5-28-16-2 to a district board established in:

- (1) the city of Lafayette; and
- (2) the city of Fort Wayne.

(b) The total amount of grant money that a district board established in the city of Lafayette may receive during a state fiscal year may not exceed one million dollars (\$1,000,000).

(c) The total amount of grant money that a district board established in the city of Fort Wayne may receive during a state fiscal year may not exceed one million dollars (\$1,000,000).

(d) **Except as provided in subsection (e),** one hundred percent

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(100%) of grant money awarded to a district board under this section must be used by the district board for programs **or projects** that support entrepreneurship, small business development, technology development, and innovation.

(e) A district board may use grant money awarded under this section to reimburse itself for costs incurred before the grant money was awarded if the costs are attributable to the purposes described in subsection (d).

~~(e)~~ **(f)** The corporation may develop guidelines, without complying with IC 4-22-2, for awarding grants under this section.

SECTION 3. IC 5-28-16-2, AS AMENDED BY P.L.86-2018, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) The Indiana twenty-first century research and technology fund is established within the state treasury to provide grants or loans to support proposals for economic development in one (1) or more of the following areas:

(1) To increase the capacity of Indiana postsecondary educational institutions, Indiana businesses, and Indiana nonprofit corporations and organizations to compete successfully for federal or private research and development funding.

(2) To stimulate the transfer of research and technology into marketable products.

(3) To assist with diversifying Indiana's economy by focusing investment in biomedical research and biotechnology, information technology, development of alternative fuel technologies, development and production of fuel efficient vehicles, and other high technology industry clusters requiring high skill, high wage employees.

(4) To encourage an environment of innovation and cooperation among universities and businesses to promote research activity.

(5) To provide grants to district boards that are established in the city of Lafayette and the city of Fort Wayne under the entrepreneur and enterprise district pilot program established under IC 5-28-15.5 and as set forth in IC 5-28-15.5-5.

(b) The fund consists of:

(1) appropriations from the general assembly; and

(2) loan repayments.

(c) The corporation shall administer the fund. The following may be paid from money in the fund:

(1) Expenses of administering the fund.

(2) Nonrecurring administrative expenses incurred to carry out the purposes of this chapter.



(d) Earnings from loans made under this chapter shall be deposited in the fund.

(e) The budget committee shall review programs and initiatives and corresponding investment policies established by the board. The budget agency shall review each recommendation to verify and approve available funding and compliance with the established investment policy. Money in the fund may not be used to provide a recurring source of revenue for the normal operating expenditures of any project.

(f) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the state general fund.

(g) The money in the fund at the end of a state fiscal year does not revert to the state general fund but remains in the fund.

(h) For each state fiscal year beginning after June 30, 2017, and ending before July 1, ~~2022~~, **2023**, the corporation ~~may~~ **shall** allocate **not more than** two million dollars (\$2,000,000) of the total amount held within the fund in that state fiscal year for the purposes of making grants from the fund under subsection (a)(5) to district boards established in the city of Lafayette and the city of Fort Wayne as set forth in IC 5-28-15.5-5. **If a district board established in the city of Lafayette and the city of Fort Wayne does not apply for a grant from the fund under IC 5-28-15.5-8(a)(3) during a particular state fiscal year, the allocated amount may be used for another purpose described in subsection (a)(1) through (a)(4) for that state fiscal year.** This subsection expires December 31, ~~2022~~, **2023**.

SECTION 4. IC 24-5-27 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 27. Ticket Sales

Sec. 1. This chapter does not apply to tickets of admission to any boxing, sparring, or unarmed combat match or exhibition under IC 4-33-22.

Sec. 2. As used in this chapter, "Internet domain name" means a globally unique, hierarchical reference to an Internet host or service, which is assigned through centralized Internet naming authorities and which is comprised of a series of character strings separated by periods, with the right most string specifying the top of the hierarchy.

Sec. 3. As used in this chapter, "nontransferable ticketing system" means any program, platform, process, or act that restricts, through contractual or technological means, a ticket



purchaser's ability to:

- (1) freely use;**
- (2) give away;**
- (3) assign; or**
- (4) resell;**

a ticket purchased by the ticket purchaser.

Sec. 4. As used in this chapter, "person" means an individual, a corporation, a business trust, an estate, a trust, a partnership, an association, a nonprofit corporation or organization, a cooperative, or any other legal entity.

Sec. 5. As used in this chapter, "resale of tickets" means the act of selling a valid and previously purchased ticket to a person who is not:

- (1) the original purchaser of the ticket; or**
- (2) the ticket issuer.**

Sec. 6. As used in this chapter, "ticket issuer" means any person that makes tickets available, directly or indirectly, for an entertainment event. The term includes the following:

- (1) The operator of a venue.**
- (2) The sponsor or promoter of an entertainment event.**
- (3) A sports team participating in an entertainment event or a league whose teams are participating in an entertainment event.**
- (4) A theater company, musical group, or similar participant in an entertainment event.**
- (5) An agent of any person or entity described in subdivisions (1) through (4).**

Sec. 7. As used in this chapter, "ticket platform" means a marketplace that enables consumers to purchase and sell tickets.

Sec. 8. As used in this chapter, "ticket web site" means an Internet web site:

- (1) advertising the sale of tickets;**
- (2) offering the sale of tickets; or**
- (3) offering tickets for resale;**

to an event in this state.

Sec. 9. As used in this chapter, "URL" means an Internet web site's uniform resource locator.

Sec. 10. As used in this chapter, "venue" means an arena, stadium, theater, concert hall, or other place of exhibition or performance in this state.

Sec. 11. As used in this chapter, "web site operator" means a person:



- (1) owning;
- (2) operating; or
- (3) controlling;

a ticket web site for an event scheduled at a venue.

Sec. 12. Subject to section 13 of this chapter, a person may, through the use of an Internet web site:

- (1) resell;
- (2) offer to resell; or
- (3) attempt to resell;

any ticket, privilege, or license of admission to an entertainment event, place of public amusement, arena, stadium, theater, performance, sport, exhibition, or athletic contest in this state without restriction or monetary limitation.

Sec. 13. A person who resells, offers to resell, or attempts to resell a ticket, as described under section 12 of this chapter, must provide the ticket purchaser with a full refund or comparable replacement ticket, as applicable, if any of the following occur:

- (1) The event is canceled and not rescheduled.
- (2) The ticket received by the purchaser is counterfeit.
- (3) The ticket fails to conform to the description provided by the seller or reseller.
- (4) The ticket was not delivered to the purchaser prior to the occurrence of the event, unless such failure of delivery was due to an act or omission of the purchaser.
- (5) The ticket does not provide the consumer with admission to the event for which it was purchased unless such failure to be admitted is due to actions caused by the purchaser or venue.

Sec. 14. A refund under section 13 of this chapter must include the following:

- (1) Reimbursement for the full price paid by the consumer for the ticket.
- (2) Reimbursement for any fee related to the purchase, download, delivery, or shipping of the ticket, as applicable.

Sec. 15. A person who engages in the resale of event tickets may comply with the requirements of this chapter by using a ticket platform that fully complies with this chapter.

Sec. 16. A ticket issuer may employ a nontransferable ticketing system if the following conditions are met:

- (1) The ticket purchaser is offered, at the time of sale, the opportunity to purchase a transferable:
 - (A) physical; or



(B) electronic ticket portable document format file; version of the same ticket.

(2) The ticket described in subdivision (1) may be given away or resold:

(A) independently of the ticket issuer's preferred ticket platform; and

(B) without penalty or discrimination.

Sec. 17. A ticket purchaser or seller shall not be penalized, discriminated against, or denied access to an event:

(1) because the ticket or tickets were resold; or

(2) because of the purchaser's or seller's choice of ticket platform.

Sec. 18. Nothing in this chapter shall prevent a ticket issuer or venue operator from doing the following:

(1) Maintaining and enforcing policies with respect to conduct, behavior, or age at the venue or event.

(2) Prohibiting the possession or use of illicit narcotics at the venue or event.

(3) Prohibiting or regulating the possession, display, or use of firearms at the venue or event.

(4) Establishing and enforcing limits on the quantity of tickets that may be purchased.

(5) Establishing and enforcing occupancy limits for the venue or event, as applicable.

(6) Canceling tickets that were procured in violation of IC 35-43-2-3 or 15 U.S.C. 45(c).

(7) Employing a nontransferable ticketing system for one (1) of the following purposes:

(A) The issuance of a ticket that:

(i) is not promotionally offered to the general public; and

(ii) is made available to an individual or group as part of a targeted promotion, discounted price, or for a private event due to the individual's or group's student status, economic hardship status, disability status, group affiliation, or membership in a religious or civic organization.

(B) The issuance of a ticket for a NCAA Division I postseason collegiate basketball or hockey tournament.

Sec. 19. (a) This section does not apply to a web site operator that is authorized by the venue to be acting upon the venue's behalf.

(b) A web site operator may not intentionally use an Internet



domain name or any subdomain in a ticket web site's URL that contains any of the following:

- (1) The name of the venue.**
- (2) The name of the exhibition or performance.**
- (3) The name of the person or entity scheduled to perform or appear at the venue.**
- (4) Any name substantially similar to the name of the venue, exhibition, or performance.**

(c) A person who violates this section commits a deceptive act that is actionable by the attorney general and is subject to the remedies and penalties under IC 24-5-0.5."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 554 as printed January 29, 2019.)

MORRIS

Committee Vote: yeas 13, nays 0.

