

HOUSE BILL No. 5827

August 15, 2012, Introduced by Rep. Cotter and referred to the Committee on Government Operations.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 465 (MCL 750.465) and by adding section 465b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 465. (1) The owner, lessee, operator, or manager of each
2 theatre, circus, athletic grounds used for an athletic game, or
3 place of public entertainment or amusement shall have printed on
4 each ticket issued for admission to, or for a seat of, the theatre,
5 circus, athletic grounds, or place of public entertainment or
6 amusement, in conspicuous type, the price of the ticket, and the
7 number on the seat ~~when each seat is~~ **IF THE SEATS ARE** numbered. The
8 owner, lessee, operator, or manager also shall print or endorse on
9 the ticket the charge in excess of the box office price at which
10 the ticket is sold if the ticket is purchased at a location other

1 than the box office where the event occurs and the following
2 statement: "This ticket may be purchased at the box office price
3 without the surcharge by purchasing the ticket at the box office
4 where the event is scheduled to occur."

5 (2) A person owning, occupying, managing, or controlling a
6 building, room, park or enclosure for the sale of tickets for a
7 theatre, circus, athletic game, or place of public entertainment or
8 amusement, who asks, demands, or receives from a person for the
9 sale of the ticket to a theatre, circus, athletic grounds, or place
10 of public entertainment or amusement, a price in excess of the
11 general admission advertised or charged for the same privilege, or
12 a person, who by himself or herself or his or her agent or
13 employee, offers for sale ~~upon~~**IN** a public place or ~~thoroughfare~~**ON**
14 **A STREET OR HIGHWAY**, a ticket to a theatre, circus, athletic
15 grounds, or place of public entertainment or amusement, for
16 admission to, or for a seat or other privilege in a theatre,
17 circus, athletic grounds, or place of public entertainment or
18 amusement, at a price in excess of that demanded or received from
19 the general public for the same privilege, or in excess of the
20 advertised or printed rate, shall be punished as provided in
21 subsection (6), except if the request, demand, or receipt is with
22 the written permission of the owner, lessee, operator, or manager
23 of the theatre, circus, athletic grounds, or place of public
24 entertainment or amusement where the event occurs. If the owner,
25 lessee, operator, or manager permits, in writing, a charge in
26 excess of the box office price, the permission shall be limited to
27 the sales of tickets at locations other than the box office where

1 the event occurs. **THIS SUBSECTION DOES NOT APPLY TO A SALE OR**
2 **RESALE OF AN EVENT TICKET THAT IS SUBJECT TO THE EVENT TICKETS ACT.**

3 (3) Except as provided in subsections (1) and (2), a person
4 shall not establish an agency or suboffice for the sale of a seat
5 ticket of admission to a theatre, circus, athletic grounds, or
6 place of public entertainment or amusement at a price greater than
7 the sale of a seat ticket at the box office of the theatre, circus,
8 athletic grounds, place of public entertainment or amusement, or in
9 excess of the advertised price of the seat ticket. **THIS SUBSECTION**
10 **DOES NOT APPLY TO A SALE OR RESALE OF AN EVENT TICKET THAT IS**
11 **SUBJECT TO THE EVENT TICKETS ACT.**

12 (4) Except as provided in subsections (1) and (2), the owner,
13 lessee, operator, or occupant of a building, room, enclosure, or
14 other place open to the public, who permits a person to sell or
15 exhibit for sale in the building, room, enclosure, or other place
16 open to the public, 1 or more tickets for a theatre, circus,
17 athletic grounds, or place of public entertainment or amusement,
18 for more than the price printed on the ticket, shall be liable and
19 guilty equally as the person. **THIS SUBSECTION DOES NOT APPLY TO A**
20 **SALE OR RESALE OF AN EVENT TICKET THAT IS SUBJECT TO THE EVENT**
21 **TICKETS ACT.**

22 (5) If the owner, lessee, operator, or manager of a circus,
23 theatre, athletic grounds, or place of public entertainment or
24 amusement has sold a ticket or admission to a person, under
25 restrictive conditions and at a less rate than the general
26 admission charged, and whose name appears on the face of the ticket
27 or is registered in the office of the owner, lessee, operator, or

1 managers as the holder of the ticket and if it is printed on the
2 face of the ticket that the ticket is nontransferable and sold only
3 to the person whose name appears on the face of the ticket or is
4 registered, the holder of the ticket shall not sell the ticket to
5 another person, and a person selling the ticket shall be punished
6 as provided in subsection (6). **THIS SUBSECTION DOES NOT APPLY TO A**
7 **SALE OR RESALE OF AN EVENT TICKET THAT IS SUBJECT TO THE EVENT**
8 **TICKETS ACT.**

9 (6) A person who violates this section is guilty of a
10 misdemeanor **PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR**
11 **A FINE OF NOT MORE THAN \$500.00, OR BOTH.**

12 (7) **AS USED IN THIS SECTION, "EVENT TICKET" MEANS THAT TERM AS**
13 **DEFINED IN SECTION 3 OF THE EVENT TICKETS ACT.**

14 **SEC. 465B. (1) A PERSON THAT INTENTIONALLY USES OR SELLS**
15 **SOFTWARE TO CIRCUMVENT A SECURITY MEASURE OR ACCESS CONTROL SYSTEM,**
16 **OR A CONTROL OR MEASURE THAT IS USED TO ENSURE AN EQUITABLE BUYING**
17 **PROCESS FOR EVENT TICKETS, ON A TICKET ISSUER'S WEBSITE, IS GUILTY**
18 **OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93**
19 **DAYS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.**

20 (2) **AS USED IN THIS SECTION:**

21 (A) **"EVENT TICKET" MEANS THAT TERM AS DEFINED IN SECTION 3 OF**
22 **THE EVENT TICKETS ACT.**

23 (B) **"SOFTWARE" MEANS A COMPUTER PROGRAM THAT IS PRIMARILY**
24 **DESIGNED OR PRODUCED FOR THE PURPOSE OF INTERFERING WITH THE**
25 **OPERATION OF A TICKET ISSUER THAT SELLS EVENT TICKETS OVER THE**
26 **INTERNET.**

27 (C) **"TICKET ISSUER" MEANS THAT TERM AS DEFINED IN SECTION 3 OF**

1 **THE EVENT TICKETS ACT.**

2 Enacting section 1. This amendatory act takes effect 90 days
3 after the date it is enacted into law.

4 Enacting section 2. This amendatory act does not take effect
5 unless Senate Bill No.____ or House Bill No. 5828(request no.
6 01478'11 **) of the 96th Legislature is enacted into law.