**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3427**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Rutherford and Atkinson

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Introduced in the House on January 10, 2023

Currently residing in the House Committee on **Labor, Commerce and Industry**

Summary: Ticket Resales

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/8/2022 House Prefiled

12/8/2022 House Referred to Committee on **Labor, Commerce and Industry**

1/10/2023 House Introduced and read first time ([House Journal‑page 166](h:\hj\20230110.docx))

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**VERSIONS OF THIS BILL**

[12/08/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3427_20221208.docx)

A bill

to amend the South Carolina Code of Laws by amending Section 16‑17‑710, relating to ticket resales, so as to remove certain exceptions; and by amending Section 39‑5‑36, relating to the Resale of tickets for more than the original price, so as to remove certain exceptions.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 16‑17‑710 of the S.C. Code is amended to read:

Section 16‑17‑710. (A) A person or entity who offers for resale or resells a ticket for admission to an event must request or receive no more than one dollar above the price charged by the original ticket seller.

(B) This section does not apply to an open market event ticket offered for resale through an internet website or at a permitted physical location when the person or entity reselling the ticket guarantees to the ticket buyer a full refund of the amount paid for the ticket if:

(1) the event is cancelled, except that ticket delivery and processing charges are not required to be refunded if disclosed in the guarantee;

(2) the buyer is denied admission to the event, unless the denial is due to the act or omission of the buyer; or

(3) the ticket is not delivered to the buyer and the failure results in the buyer's inability to use the ticket to attend the event.

(C) For purposes of this section, the term “open market event ticket” means a ticket to an event other than an event sponsored by or taking place at a venue owned by an institution of higher education. An institution of higher education may designate a ticket as an open market event ticket if the institution approves the resale of the ticket prior to the initial sale or delivery of the ticket and issues a public statement or notice authorizing the resale of the ticket.

(D) For purposes of this section, the term “permitted physical location” is a physical geographic location that is either:

(1) on property not owned by the owner of the venue of the ticketed event or on public property even if the property is the venue of the ticketed event subject to reasonable restrictions or conditions imposed by the owner to protect the safety and welfare of attendees of the ticketed event; or

(2) on private property owned by the owner of the venue of the ticketed event if the owner expressly authorizes in writing such resales to occur on the property. The owner may provide specific locations on the property for resales to occur and provide for any conditions for resales on the property.

(EB) A person or entity who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned not more than thirty days.

(FC) The resale or offer for resale of each ticket constitutes a separate offense.

SECTION 2. Section 39‑5‑36 of the S.C. Code is amended to read:

Section 39‑5‑36. (A) A person or firm who knowingly purchases a quantity of tickets for admission to an event which exceeds the maximum quantity posted by or on behalf of the original ticket seller at the point of original sale or printed on the tickets and intends to resell the tickets in excess of one dollar above the price charged by the original ticket seller violates the South Carolina Unfair Trade Practices Act and is subject to its provisions, penalties, and damages.

(B) A person or firm who violates the provisions of Section 16‑17‑710(A) is subject to the provisions, penalties, and damages of the South Carolina Unfair Trade Practices Act.

(C) A person or firm is not liable pursuant to this section with respect to tickets for which the person or firm is the original ticket seller.

(D) For purposes of this section, the term “original ticket seller” means the issuer of the tickets or a person or firm who provides ticket distribution services or ticket sales service under a contract with the issuer.

SECTION 3. This act takes effect upon approval by the Governor.

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