

**NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

# An Act

SENATE BILL 23-060

BY SENATOR(S) Rodriguez and Baisley, Gonzales, Hinrichsen, Liston, Moreno;  
also REPRESENTATIVE(S) Daugherty and Lindsay, Bird, Mabrey, Ortiz, Ricks, Snyder, Story, Velasco, Garcia, McLachlan.

CONCERNING CONSUMER PROTECTIONS IN EVENT TICKET SALES.

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

**SECTION 1.** In Colorado Revised Statutes, 6-1-718, **amend** (1)(a), (1)(d), (1)(e), (1)(f), (1)(g), (2), (3)(b), (4), and (5); and **add** (1)(c.5), (1)(h), (1)(i), and (3)(c) as follows:

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

(a) "Operator" means a person ~~or entity who~~ THAT owns, operates, or controls a place of entertainment or ~~who~~ THAT promotes or produces entertainment, ~~and that sells a ticket to an event for original sale,~~ including an employee of such person. ~~or entity.~~

*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

(c.5) "PRIMARY TICKET SELLER" MEANS A PERSON THAT HAS BEEN AUTHORIZED BY AN OPERATOR, AS DEFINED IN SUBSECTION (1)(a) OF THIS SECTION, TO SELL A TICKET TO AN EVENT FOR ORIGINAL SALE.

(d) "Purchaser" means a person ~~or entity who~~ THAT purchases a ticket to a place of entertainment.

(e) "Resale" or "resold" means a sale, other than the original sale, of a ticket by a person. ~~or entity.~~

(f) "Reseller" means a person ~~or entity~~ that offers or sells RESALE tickets. ~~for resale after the original sale by the operator including an entity that operates a platform or exchange for the purchase and sale of tickets to events that also engages in the purchase and resale of the ticket either on behalf of the operator or on its own behalf if a reseller.~~

(g) ~~"Ticket" means a license issued by the operator of a place of entertainment for admission to an event at the date and time specified on the ticket, subject to the terms and conditions as specified by the operator.~~ "RIGHTS HOLDER" MEANS ANY PERSON THAT HAS THE INITIAL OWNERSHIP RIGHTS TO SELL A TICKET TO AN EVENT FOR WHICH TICKETS FOR ENTRY BY THE PUBLIC ARE REQUIRED.

(h) "TICKET" MEANS A LICENSE ISSUED BY THE OPERATOR OF A PLACE OF ENTERTAINMENT FOR ADMISSION TO AN EVENT AT THE DATE AND TIME SPECIFIED ON THE TICKET, SUBJECT TO THE TERMS AND CONDITIONS AS SPECIFIED BY THE OPERATOR.

(i) (I) "TICKET RESALE MARKETPLACE" MEANS A PERSON THAT OPERATES A PLATFORM OR EXCHANGE FOR THE PURCHASE AND RESALE OF TICKETS BETWEEN THIRD PARTIES OR BETWEEN THE TICKET RESALE MARKETPLACE AND A THIRD PARTY.

(II) "TICKET RESALE MARKETPLACE" INCLUDES A PRIMARY TICKET SELLER TO THE EXTENT THAT THE PRIMARY TICKET SELLER FACILITATES THE PURCHASE AND RESALE OF TICKETS BETWEEN THIRD PARTIES.

(2) ~~Resellers~~ THE OPERATOR, PRIMARY TICKET SELLER, RESELLER, OR TICKET RESALE MARKETPLACE FROM WHICH A PURCHASER BOUGHT A TICKET shall guarantee a full refund OF THE TICKET to a THE purchaser if:

- (a) The event ~~for which the ticket was resold~~ is canceled;
- (b) The ticket does not or would not in fact grant the purchaser admission to the event; ~~for which the ticket was resold~~;
- (c) The ticket is counterfeit; or
- (d) The ticket fails to conform to its description as advertised or as represented to the purchaser. ~~by the reseller.~~

(3) (b) Nothing in this section shall be deemed to prohibit an operator from prohibiting the resale of:

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

(II) ANY TICKET OR OTHER EVIDENCE OF THE RIGHT OF ENTRY TO ANY PLACE OF ENTERTAINMENT IF THE TICKET OR OTHER EVIDENCE WAS INITIALLY OFFERED:

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

(B) AS PART OF A CHARITABLE EVENT FOR ANY BENEVOLENT, EDUCATIONAL, PHILANTHROPIC, HUMANE, SCIENTIFIC, PATRIOTIC, SOCIAL WELFARE OR ADVOCACY, PUBLIC HEALTH, ENVIRONMENTAL, CIVIC, OR OTHER ELEEMOSYNARY PURPOSE, OR FOR ANY OBJECTIVE OF LAW ENFORCEMENT OFFICERS, FIREFIGHTERS, OTHER PERSONS WHO PROTECT THE PUBLIC SAFETY, OR VETERANS, OR FOR ANY OBJECTIVE OF SPONSORING THE FREE ATTENDANCE OF PERSONS TO ANY EVENT; OR

(C) IN COMPLIANCE WITH THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AS AMENDED.

(c) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROVIDE LESSER PROTECTIONS FOR INDIVIDUALS WITH DISABILITIES THAN WHAT IS REQUIRED IN PART 8 OF ARTICLE 34 OF TITLE 24 AND BY THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET

SEQ., AS AMENDED.

(4) A person, ~~or entity~~, including an operator, A PRIMARY TICKET SELLER, OR A RIGHTS HOLDER, ~~that regulates admission to an event~~ shall not deny access to the event to a person in possession of a valid ticket to the event, OR REVOKE A VALID TICKET TO THE EVENT, regardless of whether the ticket is subject to a subscription or season ticket package agreement, based solely on the ground that such ticket was resold through a reseller OR TICKET RESALE MARKETPLACE that was not approved by the operator.

(5) Nothing in this section shall be construed to prohibit an operator from maintaining and enforcing policies regarding conduct or behavior at or in connection with the operator's ~~venue~~ PLACE OF ENTERTAINMENT. An operator may revoke or restrict ~~season~~ tickets for:

(a) Reasons relating to a violation of venue policies; ~~and to the extent the operator may deem necessary for~~

(b) The protection of the safety of patrons; or

(c) To address fraud or misconduct.

**SECTION 2.** In Colorado Revised Statutes, **amend** 6-1-720 as follows:

**6-1-720. Online event ticket sales - deceptive trade practice - penalties - definitions.** (1) ~~A person~~ AN OPERATOR, A PRIMARY TICKET SELLER, A RESELLER, A TICKET RESALE MARKETPLACE, AN INDIVIDUAL, OR ANY OTHER PERSON engages in a deceptive trade practice when, in the course of the person's business, vocation, or occupation, ~~such~~ THE person:

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

(b) Uses or causes to be used a software application that runs automated tasks over the internet, ~~that circumvents or disables~~ OR USES OR

CAUSES TO BE USED MULTIPLE ELECTRONIC MAIL ADDRESSES OR INTERNET SERVICE PROVIDERS, TO CIRCUMVENT OR DISABLE any electronic queues, waiting periods, or other sales volume limitation systems associated with an online event ticket sale;

(c) USES OR CAUSES TO BE USED A SOFTWARE APPLICATION THAT RUNS AUTOMATED TASKS OVER THE INTERNET TO CIRCUMVENT OR DISABLE A SECURITY MEASURE, ACCESS CONTROL SYSTEM, OR OTHER TECHNOLOGICAL CONTROL OR MEASURE ON AN INTERNET WEBSITE OR ONLINE SERVICE THAT IS USED BY THE OPERATOR TO FACILITATE AUTHORIZED ENTRY INTO AN EVENT;

(d) USES OR CAUSES TO BE USED AN INTERNET WEBSITE TO DISPLAY A TRADEMARKED OR COPYRIGHTED URL, TITLE DESIGNATION, IMAGE, MARK, OR OTHER SYMBOL WITHOUT THE WRITTEN CONSENT OF THE TRADEMARK OR COPYRIGHT HOLDER;

(e) USES OR CAUSES TO BE USED AN INTERNET WEBSITE TO DISPLAY ANY COMBINATION OF TEXT, IMAGES, WEB DESIGNS, OR INTERNET ADDRESSES AND KNOWS OR SHOULD KNOW THAT SUCH INTERNET WEBSITE:

(I) IS SUBSTANTIALLY SIMILAR TO THE INTERNET WEBSITE OF AN OPERATOR, A PLACE OF ENTERTAINMENT, OR A RIGHTS HOLDER; OR

(II) HAS THE TENDENCY OR CAPACITY TO CONFUSE A POTENTIAL PURCHASER;

(f) IS A PRIMARY TICKET SELLER, RESELLER, OR TICKET RESALE MARKETPLACE THAT FACILITATES THE SALE OR RESALE OF TICKETS FOR AN EVENT LOCATED IN COLORADO AND DOES NOT PROMINENTLY DISPLAY THE TOTAL PRICE OF THE TICKET, INCLUDING ALL SERVICE FEES, CONVENIENCE FEES, LOGISTICS FEES, AND ANY OTHER MANDATORY FEE THAT MUST BE PAID IN ORDER TO PURCHASE THE TICKET AND EXCLUDING ANY APPLICABLE SALES TAX, WHEN THE TICKET PRICE IS INITIALLY DISPLAYED AND ANYTIME AFTER THE INITIAL DISPLAY OF THE TICKET PRICE. THE TOTAL PRICE OF THE TICKET MUST BE DISPLAYED IN ANY PRICE QUOTE OR ADVERTISEMENT THAT INCLUDES PRICING.

(g) MAKES A FALSE OR MISLEADING DISCLOSURE OF SUBTOTALS, FEES, CHARGES, OR ANY OTHER COMPONENT OF THE TOTAL PRICE OF A

TICKET OR PRESENTS SUBTOTALS, FEES, CHARGES, OR OTHER COMPONENTS OF THE TOTAL PRICE OF THE TICKET LESS PROMINENTLY OR IN A FONT SIZE THAT IS SMALLER THAN THE FONT SIZE USED TO PRESENT THE TOTAL PRICE OF THE TICKET;

(h) INCREASES THE PRICE OF A TICKET AFTER THE PRICE OF A TICKET IS INITIALLY DISPLAYED; EXCEPT THAT THE PERSON MAY ADD FEES FOR THE DELIVERY OF NONELECTRONIC TICKETS, THE AMOUNT OF WHICH IS BASED UPON THE DELIVERY METHOD SELECTED BY THE PURCHASER, SO LONG AS THE PERSON DISCLOSES THE AMOUNT OF THE DELIVERY FEES PRIOR TO ACCEPTING PAYMENT; OR

(i) ADVERTISES, OFFERS FOR SALE, OR CONTRACTS FOR THE RESALE OF A TICKET OR ACCEPTS FULL OR PARTIAL CONSIDERATION FOR THE RESALE OF A TICKET, UNLESS:

(I) THE TICKET CONFORMS TO ITS DESCRIPTION AS ADVERTISED;

(II) (A) THE PERSON HAS POSSESSION OR CONSTRUCTIVE POSSESSION OF THE TICKET; OR

(B) THE PERSON HAS A WRITTEN CONTRACT TO OBTAIN THE TICKET AT A CERTAIN PRICE FROM THE RIGHTS HOLDER OF THE TICKET; AND

(III) THE RIGHTS HOLDER:

(A) HAS MADE THE TICKET AVAILABLE TO THE PUBLIC, INCLUDING THROUGH A PRESALE, FAN CLUB PRESALE, OR ANY OTHER PROMOTIONAL PRESALE EVENT; OR

(B) HAS OTHERWISE PROVIDED PERMISSION TO THE PERSON TO ADVERTISE, OFFER FOR SALE, OR CONTRACT FOR THE RESALE OF A TICKET OR TO ACCEPT FULL OR PARTIAL CONSIDERATION FOR THE RESALE OF A TICKET.

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

(a) ~~"In excess of authorized limits", with regard to an online purchase of tickets, means exceeding a restriction on the number of individual tickets that can be purchased by any single person or circumventing any other terms and conditions of access to an online event~~

~~ticket sale established by the event sponsor or promoter.~~

(b) "Online event ticket sale" means an electronic system utilized by the OPERATOR, sponsor, or ~~promoter~~ RIGHTS HOLDER of a sporting or entertainment event to sell tickets to such event to the public over the internet.

(c) "OPERATOR" HAS THE SAME MEANING AS SET FORTH IN SECTION 6-1-718 (1)(a).

(d) "PLACE OF ENTERTAINMENT" HAS THE SAME MEANING AS SET FORTH IN SECTION 6-1-718 (1)(c).

(e) "PRIMARY TICKET SELLER" HAS THE SAME MEANING SET FORTH IN SECTION 6-1-718 (1)(c.5).

(f) "RESELLER" HAS THE SAME MEANING SET FORTH IN SECTION 6-1-718 (1)(f).

(g) "RIGHTS HOLDER" HAS THE SAME MEANING AS SET FORTH IN SECTION 6-1-718 (1)(g).

(h) "TICKET" HAS THE SAME MEANING AS SET FORTH IN SECTION 6-1-718 (1)(h).

(i) "TICKET RESALE MARKETPLACE" HAS THE SAME MEANING AS SET FORTH IN SECTION 6-1-718 (1)(i).

(j) "URL" MEANS THE UNIFORM RESOURCE LOCATOR ASSOCIATED WITH AN INTERNET WEBSITE.

(3) EXCEPT AS PROVIDED IN SUBSECTION (1) OF THIS SECTION, this section ~~shall~~ DOES not prohibit the resale of tickets in a secondary market by a person other than the event OPERATOR, sponsor, or ~~promoter~~ RIGHTS HOLDER.

(4) (a) Every ~~ticket~~ TRANSACTION IN WHICH ONE OR MORE TICKETS IS acquired OR SOLD in violation of this section ~~shall constitute~~ CONSTITUTES a separate violation for purposes of assessing a civil penalty under section 6-1-112 (1)(a) and (1)(b) AND SUBSECTION (4)(b) OF THIS

SECTION.

(b) NOTWITHSTANDING THE CIVIL PENALTIES SPECIFIED IN SECTION 6-1-112 (1)(a) AND (1)(b):

(I) THE CIVIL PENALTY FOR A VIOLATION OF THIS SECTION IS AS FOLLOWS:

(A) A FINE IN AN AMOUNT OF AT LEAST TEN THOUSAND DOLLARS BUT NOT MORE THAN TWENTY THOUSAND DOLLARS FOR A FIRST VIOLATION;

(B) A FINE IN AN AMOUNT OF AT LEAST TWENTY-FIVE THOUSAND DOLLARS BUT NOT MORE THAN FIFTY THOUSAND DOLLARS FOR A SECOND VIOLATION;

(C) A FINE IN AN AMOUNT OF AT LEAST ONE HUNDRED THOUSAND DOLLARS BUT NOT MORE THAN TWO HUNDRED THOUSAND DOLLARS FOR A THIRD VIOLATION; AND

(D) A FINE IN AN AMOUNT OF AT LEAST ONE MILLION DOLLARS BUT NOT MORE THAN TWO MILLION DOLLARS FOR A FOURTH OR SUBSEQUENT VIOLATION.

(II) THE CIVIL PENALTY FOR A VIOLATION OF A COURT ORDER OR INJUNCTION ISSUED TO ENFORCE THIS SECTION SHALL NOT EXCEED ONE HUNDRED THOUSAND DOLLARS FOR EACH VIOLATION.

**SECTION 3. Applicability.** This act applies to conduct occurring on or after the effective date of this act.

**SECTION 4. Safety clause.** The general assembly hereby finds,



determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

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Steve Fenberg  
PRESIDENT OF  
THE SENATE

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Julie McCluskie  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

\_\_\_\_\_  
Robin Jones  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

(Date and Time)

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Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO