

First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 23-0482.01 Christopher McMichael x4775

**SENATE BILL 23-060**

**SENATE SPONSORSHIP**

**Rodriguez and Baisley**

**HOUSE SPONSORSHIP**

**Daugherty and Lindsay,**

**Senate Committees**

Business, Labor, & Technology

**House Committees**

Business Affairs & Labor

**A BILL FOR AN ACT**

101 **CONCERNING CONSUMER PROTECTIONS 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 law regarding ticket sales and resales for events. **Section 1** of the bill amends definitions related to event ticket sales to:

- Specify that a "reseller" includes an event operator who acts as a reseller of event tickets; and
- Define a "rights holder" as a person with initial ownership rights to sell a ticket to an event.

Current law imposes certain restrictions on the resale of tickets.

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  
3rd Reading Unamended  
March 9, 2023

SENATE  
Amended 2nd Reading  
March 7, 2023

**Section 1** exempts from those ticket resale restrictions tickets to events that are initially offered at no charge or as part of a charitable event or for tickets that are offered in compliance with the "Americans with Disabilities Act".

**Section 1** also allows an event operator to revoke or restrict tickets that are purchased or sold through deceptive trade practices.

**Section 2** specifies that a person engages in deceptive trade practices when, in the course of the person's business, vocation, or occupation, the person:

- Uses computer software or systems that run automated tasks to purchase tickets to events or to circumvent or disable ticket limitation and security measures;
- Displays trademarked, copyrighted, or substantially similar web designs, URLs, or other images and symbols without the consent of the trademark or copyright holder, operator, or rights holder;
- 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;
- Increases the price of a ticket once the ticket has been selected for purchase, with the exception of adding delivery fees; or
- Advertises, offers for sale, or contracts for the resale of a ticket unless the ticket conforms to its description as advertised, the person has possession or constructive possession of the ticket, and the person has permission from the rights holder.

**Section 2** also outlines a civil penalty structure for transactions in which one or more tickets are sold or acquired in a manner that constitutes a deceptive trade practice.

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

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

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

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

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

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

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

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

17          (g) "Ticket" means a license issued by the operator of a place of  
18          entertainment for admission to an event at the date and time specified on  
19          the ticket, subject to the terms and conditions as specified by the operator.

20          "RIGHTS HOLDER" MEANS ANY PERSON THAT HAS THE INITIAL OWNERSHIP  
21          RIGHTS TO SELL A TICKET TO AN EVENT FOR WHICH TICKETS FOR ENTRY BY  
22          THE PUBLIC ARE REQUIRED.

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

27          (i) (I) "TICKET RESALE MARKETPLACE" MEANS A PERSON THAT

1 OPERATES A PLATFORM OR EXCHANGE FOR THE PURCHASE AND RESALE OF  
2 TICKETS BETWEEN THIRD PARTIES OR BETWEEN THE TICKET RESALE  
3 MARKETPLACE AND A THIRD PARTY.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2 (c) To address fraud or misconduct.

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

5 **6-1-720. Online event ticket sales - deceptive trade practice -**  
6 **penalties - definitions.** (1) ~~A person~~ AN OPERATOR, A PRIMARY TICKET

7 SELLER, A RESELLER, A TICKET RESALE MARKETPLACE, AN INDIVIDUAL, OR  
8 ANY OTHER PERSON engages in a deceptive trade practice when, in the

9 course of the person's business, vocation, or occupation, ~~such~~ THE person:

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

16 (b) Uses or causes to be used a software application that runs  
17 automated tasks over the internet, ~~that circumvents or disables~~ OR USES OR  
18 CAUSES TO BE USED MULTIPLE ELECTRONIC MAIL ADDRESSES OR INTERNET  
19 SERVICE PROVIDERS, TO CIRCUMVENT OR DISABLE any electronic queues,  
20 waiting periods, or other sales volume limitation systems associated with  
21 an online event ticket sale;

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

1 (d) IS AWARE OF THE USE OF SOFTWARE APPLICATIONS FOR EVENT  
2 TICKET SALES AS DESCRIBED IN SUBSECTIONS (1)(a), (1)(b), AND (1)(c) OF  
3 THIS SECTION AND FAILS TO NOTIFY THE ATTORNEY GENERAL OF THE USE  
4 OF THOSE SOFTWARE APPLICATIONS;

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

9 (f) USES OR CAUSES TO BE USED AN INTERNET WEBSITE TO DISPLAY  
10 ANY COMBINATION OF TEXT, IMAGES, WEB DESIGNS, OR INTERNET  
11 ADDRESSES, WHICH INTERNET WEBSITE IS SUBSTANTIALLY SIMILAR TO THE  
12 INTERNET WEBSITE OF AN OPERATOR OR RIGHTS HOLDER, WITHOUT THE  
13 WRITTEN CONSENT OF THE OPERATOR OR RIGHTS HOLDER;

14 (g) SELLS A TICKET TO AN EVENT AT A PLACE OF ENTERTAINMENT  
15 WITHOUT DISCLOSING THE TOTAL COST OF THE TICKET, INCLUSIVE OF ALL  
16 ANCILLARY FEES THAT MUST BE PAID IN ORDER TO PURCHASE THE TICKET,  
17 IN THE TICKET LISTING PRIOR TO THE TICKET BEING SELECTED FOR  
18 PURCHASE;

19 (h) SELLS A TICKET TO AN EVENT AT A PLACE OF ENTERTAINMENT  
20 WITHOUT DISCLOSING THE PORTION OF THE TICKET THAT REPRESENTS A  
21 SERVICE CHARGE, OR ANY OTHER FEE OR SURCHARGE FOR THE PURCHASE,  
22 IN A CLEAR AND CONSPICUOUS MANNER;

23 (i) MAKES A FALSE OR MISLEADING DISCLOSURE OF SUBTOTALS,  
24 FEES, CHARGES, OR ANY OTHER COMPONENT OF THE TOTAL PRICE OF A  
25 TICKET OR PRESENTS SUBTOTALS, FEES, CHARGES, OR OTHER COMPONENTS  
26 OF THE TOTAL PRICE OF THE TICKET LESS PROMINENTLY OR IN A FONT SIZE  
27 THAT IS SMALLER THAN THE FONT SIZE USED TO PRESENT THE TOTAL PRICE

1 OF THE TICKET;

2 (j) INCREASES THE PRICE OF A TICKET AFTER A PURCHASER HAS  
3 SELECTED A TICKET FOR PURCHASE; EXCEPT THAT THE PERSON MAY ADD  
4 FEES FOR THE DELIVERY OF NONELECTRONIC TICKETS, THE AMOUNT OF  
5 WHICH IS BASED UPON THE DELIVERY METHOD SELECTED BY THE  
6 PURCHASER, SO LONG AS THE PERSON DISCLOSES THE AMOUNT OF THE  
7 DELIVERY FEES PRIOR TO ACCEPTING PAYMENT; ■

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

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

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

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

16 (III) THE RIGHTS HOLDER:

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

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

24 (l) FAILS TO CLEARLY AND CONSPICUOUSLY DISCLOSE ON A  
25 WEBSITE BEING UTILIZED FOR THE ORIGINAL SALE OF TICKETS TO AN  
26 EVENT;

27 (I) THE TOTAL NUMBER OF TICKETS THAT WILL BE OFFERED FOR

1 SALE TO THE EVENT NOT LESS THAN ONE DAY BEFORE THE DATE ON WHICH  
2 THE TICKETS ARE MADE AVAILABLE FOR SALE;

3 (II) WHETHER ADDITIONAL TICKETS WILL BE MADE AVAILABLE FOR  
4 SALE AT A LATER DATE;

5 (III) AN HOURLY UPDATE REGARDING THE NUMBER OF TICKETS  
6 STILL AVAILABLE TO THE PUBLIC FOR PURCHASE;

7 (IV) FOR TICKETS DISCLOSED PURSUANT TO SUBSECTION (1)(I)(I)  
8 OF THIS SECTION, THE PRICE OF THOSE TICKETS, INCLUDING THE NUMBER  
9 AND TOTAL COST OF TICKETS OFFERED AT A SET PRICE; AND

10 (V) THE NUMBER OF TICKETS WITH PRICES THAT WILL FLUCTUATE  
11 TO REFLECT MARKET DEMAND.

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

13 (a) ~~"In excess of authorized limits", with regard to an online~~  
14 ~~purchase of tickets, means exceeding a restriction on the number of~~  
15 ~~individual tickets that can be purchased by any single person or~~  
16 ~~circumventing any other terms and conditions of access to an online event~~  
17 ~~ticket sale established by the event sponsor or promoter.~~

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

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

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

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

1           (f) "RESELLER" HAS THE SAME MEANING SET FORTH IN SECTION  
2           6-1-718 (1)(f).

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

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

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

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

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

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

20          (b) NOTWITHSTANDING THE CIVIL PENALTIES SPECIFIED IN SECTION  
21          6-1-112 (1)(a) AND (1)(b):

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

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

27          (B) A FINE IN AN AMOUNT OF AT LEAST TWENTY-FIVE THOUSAND

1 DOLLARS BUT NOT MORE THAN FIFTY THOUSAND DOLLARS FOR A SECOND  
2 VIOLATION;

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

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

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

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

14 **SECTION 4. Safety clause.** The general assembly hereby finds,  
15 determines, and declares that this act is necessary for the immediate  
16 preservation of the public peace, health, or safety.