

VIRGINIA ACTS OF ASSEMBLY -- 2017 SESSION

CHAPTER 268

An Act to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 38.2, consisting of sections numbered 59.1-466.5, 59.1-466.6, and 59.1-466.7, relating to limitations on reselling tickets on an Internet ticketing platform; civil penalty.

[S 1425]

Approved March 3, 2017

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 38.2, consisting of sections numbered 59.1-466.5, 59.1-466.6, and 59.1-466.7, as follows:

CHAPTER 38.2.

TICKET RESALE RIGHTS ACT.

§ 59.1-466.5. Definitions.

As used in this chapter, "event" means any professional concert, professional sporting event, or professional theatrical production, open to the public for which tickets are ordinarily sold.

§ 59.1-466.6. Ticket resale limitations; prohibition; exception.

A. No person that issues tickets for admission to an event shall issue any such ticket solely through a delivery method that substantially prevents the purchaser of the ticket from lawfully reselling the ticket on the Internet ticketing platform of the ticket purchaser's choice.

B. No person shall be discriminated against or denied admission to an event solely on the basis that the person resold a ticket, or purchased a resold ticket, on a specific Internet ticketing platform.

C. This section shall not apply to (i) student tickets issued for an event at an auxiliary enterprise facility financed with bonds issued under Article X, Section 9(d) of the Constitution of Virginia and supported in part by student fees or (ii) any concert or theater venue located within or adjacent to a national park that offers yearly memberships that include concert or theater tickets as part of the membership benefit.

§ 59.1-466.7. Enforcement; penalties.

A. The Attorney General may cause an action to be brought in the name of the Commonwealth to enjoin any violation of § 59.1-466.6 by any person and to recover a civil penalty in the amount of not less than \$1,000 nor more than \$5,000 for each such violation. Civil penalties paid pursuant to this section shall be deposited to the Literary Fund.

B. In an action brought under this section, the Attorney General may recover damages and such other relief allowed by law, including restitution on behalf of consumers injured by violations of § 59.1-466.6.

C. In an action brought under this section, the Attorney General may recover reasonable expenses incurred in investigating and preparing the case, and attorneys' fees.

D. Whenever the Attorney General has reasonable cause to believe that any person has engaged in, is engaging in, or is about to engage in, any violation of § 59.1-466.6, the Attorney General is empowered to issue a civil investigative demand. The provisions of § 59.1-9.10 shall apply, mutatis mutandis, to civil investigative demands issued pursuant to this section.

E. Nothing in this section shall be construed as affecting any private cause of action that may exist under any law of the Commonwealth.