

ADDENDUM TO MEMORANDUM OF LAW

DATE: April 26, 1988

TO: Councilmember Judy McCarty
FROM: City Attorney
SUBJECT: Off Site Sale of Entertainment Tickets

Our Memorandum of Law dated March 28, 1988 regarding the off site sale of entertainment tickets failed to mention recent state legislation regulating ticket sellers, as defined.

Senate Bill 675 added Chapter 21, Division 8, sections 22500 et seq. to the Business and Professions Code, effective January 1, 1987. It defines a ticket seller as any person who sells admission tickets to sporting, musical, theater or other entertainment events, excluding a "primary contractor" or their agent under a written contract. It also excludes travel agents, tour guides and persons selling six or less tickets to any one event provided they are selling off the premises of the event.

Ticket sellers are required under this statute to have a permanent business address, maintain records of ticket purchases and sales, and refund deposits or sales for cancelled events. This bill also requires that ticket sellers disclose seat location, any service charges and the cost of the tickets when included in a tour or package deal. The legislation also provides that local jurisdictions may require ticket sellers to be licensed.

This information in no way changes our conclusion that the City does not have the authority to limit the amount that can be charged upon resale for entertainment tickets above their face value; however, we believe it will provide you with a more complete understanding of the current state of the law regarding ticket sellers.

JOHN W. WITT, City Attorney

By

Nina B. Deane

Deputy City Attorney

NBD:lfs:524.3(x043.2)

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