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Ticket Resellers Law

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56:8-26. Definitions.

As used in this act:

- a. "Director" means the director of the Division of Consumer Affairs in the Department of Law and Public Safety.
- b. "Division" means the Division of Consumer Affairs in the Department of Law and Public Safety.
- c. "Person" means corporations, companies, associations, societies, firms, partnerships and joint stock companies as well as individuals.
- d. "Place of entertainment" means any privately or publicly owned and operated entertainment facility within this State, such as a theater, stadium, museum, arena, racetrack or other place where performances, concerts, exhibits, games or contests are held and for which an entry fee is charged.
- e. "Ticket" means any physical, electronic, or other evidence that the possessor of that evidence has a license to enter a place of entertainment for one or more events at the place of entertainment, at the date and time or dates and times specified on the ticket, subject to the terms and conditions specified by the ticket issuer.
- f. "Ticket broker" means any person situated in and operating in this State who is involved in the business of reselling tickets of admission to places of entertainment and who charges a premium in excess of the price, plus taxes, printed on the tickets. For the purposes of P.L.1983, c.135 (C.56:8-26 et seq.), the term "ticket broker" shall not include an individual not regularly engaged in the business of reselling tickets, who resells less than 30 tickets during any one-year period, and who obtained the tickets for his own use, or the use of his family, friends, or acquaintances.
- g. "Resale" means a sale by a person other than the owner or operator of a place of entertainment or of the entertainment event or an agent of any such person. Resale shall not include the first sale or distribution of a ticket by a ticket issuer.
- h. "Resell" means to offer for resale or to consummate a resale.
- i. "Digger" means a person temporarily hired for the purpose of securing tickets by intimidating a purchaser waiting in line to procure event tickets.
- j. "Reseller" means any person, other than a ticket issuer or ticket resale website, who resells a ticket.
- k. "Ticket issuer" means any person, other than a ticket resale website or reseller, that makes tickets available, directly or indirectly, to the general public, and may include, as applicable, the owner or operator of a place of entertainment, the producer or promoter of an event, a sports team or sports league of teams, a theater company, musical group or similar participant in an event, or an agent for any such person.
- l. "Ticket resale website" means an online platform that provides a forum for the buying and selling of tickets, but does not include a ticket broker, ticket issuer, reseller, or place of entertainment.

L.1983, c.135, s.1; amended 1983, c.220, s.1; 2001, c.394, s.1; 2008, c.55, s.1; 2018, c.117, s.1.

56:8-27. Requirements for ticket broker.

No ticket broker shall engage in or continue in the business of reselling tickets for admission to a place of entertainment without meeting the following requirements:

- a. Owning, operating or maintaining a permanent office, branch office, bureau, agency, or other place of business, not including a post office box, for the purpose of reselling tickets;
- b. Obtaining a certificate of registration to resell or engage in the business of reselling tickets from the director;
- c. Listing the ticket broker's registration number in any form of advertisement or solicitation in which tickets are being sold for the purpose of purchase by the general public for events in this State;
- d. Maintaining records of ticket sales, deposits and refunds for a period of not less than two years from the time of any of these transactions;
- e. Disclosing to the purchaser, by means of verbal description or a map, the location of the seats represented by the tickets;
- f. Disclosing to the purchaser the cancellation policy of that broker;
- g. Disclosing that a service charge is added by the ticket broker to the stated price on the tickets and is included by the broker in any advertisement or promotion for an event;
- h. Disclosing to the purchaser, whenever applicable, that the ticket broker has a guarantee policy. If a ticket broker guarantees delivery of tickets to a purchaser and fails to deliver the tickets, the ticket broker shall provide a full refund for the cost of the tickets;
- i. Disclosing to the purchaser of tickets when he is utilizing a tentative order policy, popularly known as a "try and get." When a ticket broker fails to obtain tickets on a "try and get" basis, the broker shall refund any deposit made by a purchaser of those tickets within a reasonable time, as shall be determined by the director;
- j. When guaranteeing tickets in conjunction with providing a tour package, a ticket broker who fails to provide a purchaser with those tickets shall refund fully the price of the tour package and tickets; and
- k. Providing to a purchaser of tickets who cancels an order a full refund for the cost of the tickets less shipping charges, if those tickets are returned to the broker within three days after receipt; provided, that when tickets are purchased within seven days of an event, a refund shall be given only if the tickets are returned within one day of receipt; and further provided, that no refund shall be given on any tickets purchased within six days of an event unless the ticket broker is able to resell the tickets.

L.1983,c.135,s.2; amended 1983, c.220, s.2; 2001, c.394, s.2.

56:8-28. Application for registration, fee.

- a. The division shall prepare and furnish to applicants for registration application forms and requirements prescribed by the director pertaining to the applications for and the issuance of certificates of registration to ticket brokers.

- b. Every applicant for a certificate of registration to engage in the business of reselling tickets as a ticket broker shall file a written application with the division on the form furnished by, and consistent with, the regulations prescribed by the director.
- c. Each application shall be accompanied by a fee which shall be determined by the director and shall not exceed \$500, and a description of the location where the applicant proposes to conduct his business.

L.1983,c.135,s.3; amended 2001, c.394, s.3.

56:8-29. Issuance of certificate of registration.

- a. Within 120 days after receipt of the completed application, fee and bond, if any, and when the director is satisfied that the applicant has complied with all of the requirements of this act, the director shall grant and issue a certificate of registration to the applicant.
- b. The certificate of registration granted may be renewed for a period of two years upon the payment of a renewal fee which shall be determined by the director and shall not exceed \$500.
- c. No certificate of registration shall be transferred or assigned without the approval of the director. Any request for a change in the location of the premises operated by any registrant situated in and operating in this State shall be submitted to the director in writing no less than 30 days prior to that relocation. The certificate of registration shall run to January 1 in the second year next ensuing the date thereof unless sooner revoked by the director.

L.1983,c.135,s.4; amended 2001, c.394, s.4.

56:8-30. Bond required to engage in business of reselling tickets as a ticket broker.

The director shall require the applicant for a certificate of registration to engage in the business of reselling tickets as a ticket broker to file with the application a bond in the amount of \$10,000.00 with two or more sufficient sureties or an authorized surety company, which bond shall be approved by the director.

Each bond shall be conditioned on the promise that the applicant, his agents or employees will not be guilty of fraud or extortion, will not violate any of the provisions of this act, will comply with the rules and regulations promulgated by the director, and will pay all damages occasioned to any person by reason of misstatement, misrepresentation, fraud or deceit or any unlawful act or omission in connection with the provisions of this act and the business conducted under this act.

L.1983,c.135,s.5; amended 2001, c.394, s.5.

56:8-31. Revocation or suspension of license

The director, after notice to the licensee and reasonable opportunity for the licensee to be heard, may revoke his license or may suspend his license for any period which the director deems proper, upon satisfactory proof that the licensee has violated this act, any condition of his license or any rule or regulation of the division promulgated pursuant to this act.

L.1983, c. 135, s. 6.

56:8-32. Display of license; copies

Immediately upon the receipt of the license issued pursuant to this act, the licensee shall display and maintain his license in a conspicuous place in his principal office for reselling tickets. He shall request copies of the license from the director for the purpose of displaying a copy of the license in each branch office, bureau or agency and the director may charge a fee for the copies.

L.1983, c. 135, s. 7.

56:8-33. Notification to purchasers of price of ticket, reselling of tickets limited.

a. The seller of a ticket shall notify a ticket purchaser of the purchase price of a ticket prior to the purchase of that ticket from that ticket seller by that purchaser.

b. No reseller other than a registered ticket broker shall resell or purchase with the intent to resell a ticket for admission to a place of entertainment at a maximum premium in excess of 20% of the ticket price or \$3.00, whichever is greater, plus lawful taxes. No registered ticket broker shall resell or purchase with the intent to resell a ticket for admission to a place of entertainment at a premium in excess of 50% of the price paid to acquire the ticket, plus lawful taxes.

c. Notwithstanding the provisions of subsection a. or b. of this section, nothing shall limit the price for the resale or purchase of a ticket for admission to a place of entertainment sold by any reseller other than a registered ticket broker, provided such resale or purchase is made through an Internet web site.

L.1983, c.135, s.8; amended 1983, c.220, s.3; 2001, c.394, s.6; 2008, c.55, s.2; 2018, c.117, s.2.

56:8-34. Reselling of tickets prohibited in certain areas; reselling regulated.

a. No person shall resell or purchase with the intent to resell any ticket, in or on any street, highway, driveway, sidewalk, parking area, or common area owned by a place of entertainment in this State, or any other area adjacent to or in the vicinity of any place of entertainment in this State as determined by the director; except that a person may resell, in an area which may be designated by a place of entertainment in this State, any ticket or tickets originally purchased for his own personal or family use at no greater than the lawful price permitted under P.L.1983, c.135 (C.56:8-26 et seq.).

b. Notwithstanding any other provision of law, any reseller or ticket resale website shall guarantee to each purchaser of resold tickets that the reseller or ticket resale website will provide a full refund of the amount paid by the purchaser, including, but not limited to, all fees, regardless of how characterized, if any of the following occurs:

(1) the event for which that ticket has been resold is cancelled, provided that if the event is cancelled, then actual handling and delivery fees need not be refunded as long as that previously disclosed guarantee specifies that those fees will not be refunded; or

(2) the ticket received by the purchaser does not grant the purchaser admission to the event described on the ticket, for reasons that may include, but are not limited to, that the ticket is counterfeit, the ticket has been cancelled by the ticket issuer due to non-payment, or the event described on the ticket was cancelled for any reason prior to purchase of the resold ticket, unless the ticket is cancelled due to an act or omission by that purchaser.

c. (1) No reseller shall employ a tentative ticket policy whereby the reseller sells tickets that are not in the reseller's possession at the time of sale, unless that policy is disclosed to a ticket purchaser at the outset of the transaction. That disclosure shall include an approximate delivery date and the number of tickets that are guaranteed together, including the zone or section number. If the reseller is unsuccessful in securing those tickets, the reseller shall refund any deposit made by a purchaser of those tickets within 10 days after the event.

(2) A reseller shall not sell a ticket for the same seat to more than one person at the same time.

d. No person shall use or cause to be used any means, method or technology that is designed, intended or functions to disguise the identity of the purchaser with the purpose of purchasing or attempting to purchase a quantity of tickets to a place of entertainment in excess of authorized limits established by a ticket issuer.

e. No person shall use or cause to be used software, or any other technology or device, that is designed, intended or functions to interfere with a computer, computer network, or computer system, or any part thereof, for the purpose of purchasing or attempting to purchase or obtain access to a quantity of tickets to a place of entertainment in excess of authorized limits established by a ticket issuer, or that is designed, intended or functions to circumvent or disable any access control systems, electronic queues, waiting periods or other sales volume limitation systems to ensure the equitable distribution of tickets instituted on the website of the ticket issuer.

L.1983, c.135, s.9; amended 1983, c.220, s.4; 2001, c.394, s.7; 2018, c.117, s.3.

56:8-35. Special treatment prohibited.

Any person who gives or offers anything of value to an employee of a place of entertainment, in that employee's individual capacity, and not in that employee's capacity as an employee, in exchange for, or as an inducement to, special treatment by that employee with respect to obtaining tickets, or any employee of a place of entertainment who receives or solicits anything of value, in that employee's individual capacity, and not in that employee's capacity as an employee, in exchange for special treatment by that employee with respect to issuing tickets, shall be in violation of P.L.1983, c.135 (C.56:8-26 et seq.).

amended 1983, c.220, s.5; 2018, c.117, s.4.

56:8-35.4. Use of digger unlawful.

It shall be an unlawful practice for a person to use a digger to acquire any ticket.

L.2001,c.394,s.12.

56:8-35.5. Definitions relative to Internet ticket sales

a. As used in this section:

"Internet domain name" means a globally unique, hierarchical reference to an Internet host or service, which is assigned through centralized Internet naming authorities and which is comprised of a series of character strings separated by periods, with the right-most string specifying the top of the hierarchy.

"Ticket website" means an Internet website advertising, offering for sale, selling, or reselling tickets to any event at a place of entertainment in New Jersey.

"Website operator" means a person owning, operating, or controlling a ticket website for any event at a place of entertainment in New Jersey.

b. (1) Except as provided in paragraph (2) of this subsection, a website operator shall not sell or offer to sell a ticket to a New Jersey resident through a ticket website if the website operator intentionally uses an Internet domain name that contains any of the following:

(a) the name of the place of entertainment or any name that is substantially similar; or

(b) the name of the event or any name that is substantially similar, including the name of the person or entity scheduled to perform or appear at the place of entertainment.

(2) Paragraph (1) of this subsection shall not apply to a website operator who is authorized by the place of entertainment to act on its behalf.

c. A violation of subsection b. of this section is an unlawful practice pursuant to P.L.1960, c.39 (C.56:8-1 et seq.).

L.2019, c.8, s.1.

56:8-36. Rules and regulations

The director, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c. 410 (C.52:14B-1 et seq.), shall promulgate rules and regulations necessary to implement this act.

L.1983, c. 135, s. 11.

56:8-37. Violations; penalties.

a. Any person who violates P.L.1983, c.135 (C.56:8-26 et seq.) shall be subject to all remedies and penalties available pursuant to P.L.1960, c.39 (C.56:8-1 et seq.).

b. In addition to any other penalty provided by law, any person who violates any provision of P.L.1983, c.135 (C.56:8-26 et seq.) shall be guilty of a crime of the fourth degree.

L.1983, c.135, s.12; amended 2018, c.117, s.5.

56:8-38. Nonprofit or political organizations; application of act

The provisions of this act shall not apply to any person who sells, raffles or otherwise disposes of the ticket for a bona fide nonprofit or political organization when the premium proceeds are devoted to the lawful purposes of the organization.

L.1983, c. 135, s. 13.