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H.722

Introduced by Representatives Lorber of Burlington, Marcotte of Coventry,  
Aswad of Burlington, Bissonnette of Winooski, Botzow of  
Pownal, Clarkson of Woodstock, Clerkin of Hartford,  
Dickinson of St. Albans Town, Donovan of Burlington, Evans  
of Essex, Geier of South Burlington, Greshin of Warren, Heath  
of Westford, Kitzmiller of Montpelier, Myers of Essex, Ram of  
Burlington, Shand of Weathersfield, Smith of Mendon, Turner  
of Milton, Waite-Simpson of Essex, Weston of Burlington,  
Wilson of Manchester, Wizowaty of Burlington, Wright of  
Burlington and Zuckerman of Burlington

Referred to Committee on

Date:

Subject: Commerce and trade; restrictions on reselling of tickets

Statement of purpose: This bill proposes to restrict the resale of tickets.

*An act relating to preventing ticket scalping*  
~~An act relating to notice of security breaches and internet ticket sales. An  
act relating to the resale of tickets~~

It is hereby enacted by the General Assembly of the State of Vermont:

~~Sec. 1. 13 V.S.A. § 2077 is added to read:~~

~~§ 2077. RESALE OF TICKETS~~

~~(a) No person shall resell, offer to resell, or solicit the resale of a ticket to~~

1 ~~an entertainment event, including a sporting event, a concert, or a theatrical or~~  
2 ~~operatic performance, if such resale is not authorized in writing by the owner~~  
3 ~~or operator of such structure or event or a duly authorized agent of such owner~~  
4 ~~or operator.~~

5 (b) The provisions of subsection (a) of this section do not apply to a person  
6 who resells, offers to resell, or solicits the resale of a ticket:

7 (1) for not greater than 110 percent of the face value printed on the  
8 ticket; or

9 (2) on behalf of a nonprofit organization that is:

10 (A) a nonprofit corporation which is qualified for tax exempt status  
11 under the provisions of Section 501(c) of the Internal Revenue Code, as  
12 amended and which has engaged, in good faith, in charitable, religious,  
13 educational, or civic activities in this state on a regular basis during the  
14 preceding year; or

15 (B) a church, school, fire department, municipality, fraternal  
16 organization, or an organization that operates agricultural fairs or field days,  
17 and which has engaged, in good faith, in charitable, religious, educational, or  
18 civic activities in this state on a regular basis during the preceding year.

19 Sec. 2. EFFECTIVE DATE

20 This act shall take effect upon passage.

21

~~Sec. 1. 9 V.S.A. Chapter 117 is added to read:~~

~~CHAPTER 117. INTERNET SALES~~

~~§ 4190. INTERFERING WITH INTERNET TICKET SALES~~

~~(a) A person shall not intentionally use a computer program or other software to interfere with or circumvent on a ticket seller's website a security measure, access control system, or other control or measure used to ensure an equitable ticket buying process for tickets of admission to a sporting event, theatre, musical performance, or place of public entertainment or amusement of any kind.~~

~~(b) A person who suffers damages or injury as a result of a violation of this section may sue for:~~

- ~~(1) appropriate equitable relief;~~  
~~(2) reasonable attorney's fees and costs; and~~  
~~(3) the greater of:~~
- ~~(A) actual damages suffered; or~~  
~~(B) \$25,000 per violation of this section.~~

~~Sec. 2. 9 V.S.A. § 2435 is amended to read:~~

~~§ 2435. NOTICE OF SECURITY BREACHES~~

~~(a) This section shall be known as the Security Breach Notice Act.~~

~~(b) Notice of breach.~~

~~(1) Except as set forth in subsection (d) of this section, any data collector that owns or licenses computerized personal information that includes personal information concerning a consumer shall notify the consumer that there has been a security breach following discovery or notification to the data collector of the breach. Notice of the security breach shall be made in the most expedient time possible and, without unreasonable delay, and within 45 days of discovery of the breach, unless delay is requested by law enforcement pursuant to consistent with the legitimate needs of the law enforcement agency, as provided in subdivision (3)(4) of this subsection; or with necessitated by any measures necessary to determine the scope of the security breach and restore the reasonable integrity, security, and confidentiality of the data system.~~

~~(2) Any data collector that maintains or possesses computerized data containing personal information of a consumer that the business data collector does not own or license or any data collector that acts or conducts business in Vermont that maintains or possesses records or data containing personal~~

~~information that the data collector does not own or license shall notify the owner or licensee of the information of any security breach immediately following discovery of the breach, consistent with the legitimate needs of law enforcement as provided in subdivision (3)(4) of this subsection.~~

~~(3) In the most expedient time possible and within 45 days of discovery of the security breach, unless delay is necessary to determine the scope of the security breach under subdivision (1) of this subsection or is requested by law enforcement pursuant to subdivision (4) of this subsection, a data collector or other entity subject to this subchapter, other than a person or entity licensed or registered with the department of banking, insurance, securities, and health care administration under Title 8 or this title, shall provide the attorney general's office notice of a security breach, notice of the number of Vermont consumers affected if known to the data collector, and a copy of the notice provided to a consumer under subdivision (1) of this subsection.~~

~~(3)(4) The notice to a consumer required by this subsection shall be delayed upon request of a law enforcement agency. A law enforcement agency may request the delay if it believes that notification may impede a law enforcement investigation, or a national or homeland security investigation or jeopardize public safety or national or homeland security interests. In the event law enforcement makes the request in a manner other than in writing, the data collector shall document such request contemporaneously in writing, including the name of the law enforcement officer making the request and the officer's law enforcement agency engaged in the investigation. A law enforcement agency shall promptly notify the data collector when the law enforcement agency no longer believes that notification may impede a law enforcement investigation, or a national or homeland security investigation or jeopardize public safety or national or homeland security interests. The data collector shall provide notice required by this section without unreasonable delay upon receipt of a written communication, which includes facsimile or electronic communication, from the law enforcement agency withdrawing its request for delay.~~

~~(4)(5) The notice to a consumer shall be clear and conspicuous. The notice shall include a description of each of the following, if known to the data collector:~~

~~(A) The incident in general terms.~~

~~(B) The type of personal information that was subject to the security breach unauthorized access or acquisition.~~

~~(C) The general acts of the business data collector to protect the personal information from further unauthorized access or acquisition.~~

~~(D) A toll-free telephone number that the consumer may call for further information and assistance.~~

~~(E) Advice that directs the consumer to remain vigilant by reviewing account statements and monitoring free credit reports.~~

~~(F) The date or dates of the security breach and the date of the data collector's discovery of the security breach.~~

~~\*\*\*~~

~~Sec. 3. EFFECTIVE DATE~~

~~This act shall take effect upon passage.~~

Sec. 1. 9 V.S.A. Chapter 117 is added to read:

CHAPTER 117. INTERNET SALES

§ 4190. INTERFERING WITH INTERNET TICKET SALES

(a) A person shall not intentionally use a computer program or other software intended to interfere with or circumvent, on a ticket seller's website, an equitable ticket buying process established by the seller for tickets of admission to a sporting event, theatre, musical performance, or place of public entertainment or amusement of any kind.

(b) A person who violates this section, in a civil action brought by the seller, shall be subject to:

- (1) appropriate equitable relief;
- (2) reasonable attorney's fees and costs; and
- (3) liquidated damages of up to \$3,000 per transaction.

(b) A person who violates this section, in a civil action brought by the seller, shall be subject to:

- (1) appropriate equitable relief;
- (2) reasonable attorney's fees and costs;
- (3) actual damages suffered; and
- (4) statutory damages of up to \$1,500.00 per ticket, payable to the seller.

*Sec. 2. Sec. 13 of No. 78 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:*

*Sec.13 FARM-TO-PLATE INVESTMENT PROGRAM*

*The funds received pursuant to Sec. 7(a) of this act shall be used to further the initiatives of the farm-to-plate investment program established in 10 V.S.A. § 330 and support entities that will enhance the production, storage, processing, and distribution infrastructure of the Vermont food system. The funds shall be competitively awarded by the program director, in consultation with the secretary of agriculture, food and markets and the Vermont sustainable agriculture council, in the form of grants to for-profit and nonprofit entities that are ready to implement their business plans or expand their existing operations to provide additional capacity and services within the food system. The funds also may be used for the coordination and implementation of the recommendations contained in the strategic plan of the farm-to-plate investment program.*

*Sec. 3. EFFECTIVE DATE*

*This act shall take effect July 1, 2010.*