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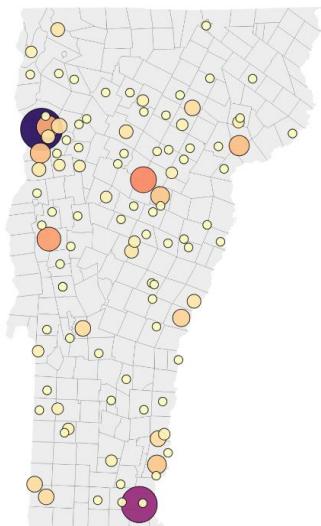
To: Members of the House Committee on Commerce and Economic Development

From: Susan Evans McClure, Executive Director, Vermont Arts Council

Re: H.512 An act relating to the regulation of the event ticketing market

Organizational Background

The Vermont Arts Council is the state's arts agency, and the state affiliate of the National Endowment for the Arts. The Council envisions a Vermont where artists thrive and everyone has access to creativity in their lives, education, and communities. Engagement with the arts transforms individuals, connects us more deeply to each other, energizes the economy, and sustains the vibrant cultural landscape that makes Vermont a great place to live. Since 1965, the Council has been the state's primary provider of funding, advocacy, and information for the arts in Vermont.



In FY25, the Arts Council awarded **\$1,444,302 in funding**. 225 total grants were awarded to **95 individuals and 139 organizations** in all of Vermont's counties.

Grants directly support artists to create new work and deepen their practice, support communities to create public art connected with infrastructure projects, support educators to provide arts education to students in school settings, support arts organizations to add vibrancy to Vermont communities through projects that provide equal and abundant access to the arts, and much more. The Council also administers two grant programs on behalf of the state of Vermont- the Cultural Facilities grant program and the Art in State Buildings Program.

Vermont's creative sector - the collective enterprises, organizations, and individuals whose products and services are rooted in artistic and creative content - is a significant driver of our state's economy. **According to the U.S. Bureau of Economic Analysis, the arts and culture contributed over \$1.2 billion to Vermont's economy in 2023.** Supporting Vermont's creative economy supports Vermont's overall economy, and our communities.

The Current Online Landscape for Ticket Sales

I'll start with a brief story- the year was 2024. A woman in her early 40s learned that the Indigo Girls were playing at the Flynn Theater. Of course, she was incredibly excited. On the day that ticket sales opened, she, a busy working mom, was walking down the street and googled "Indigo Girls Flynn Burlington" on her cell phone. She clicked on the first link that came up and saw that the starting price for tickets was \$250! Now, she may love the Indigo Girls, but she also loved buying groceries and paying her mortgage, so \$250 tickets were just not possible. She closed the link and never saw the show. Ladies and gentlemen, that woman was me.

And, well, it turns out the hardest to learn really is the least complicated...because when I asked the Executive Director of the Flynn about it a few weeks later, he softly told me "Susan, that wasn't really our website." And I realized that I had been totally fooled! And I'm the Executive Director of the Vermont Arts Council! If I didn't realize that I was on a fake website looking at ridiculously inflated re-sale tickets, then who else was being harmed by this? What other people were deciding not to buy tickets, and not to support our local arts organizations? Who was spending their hard-earned money so that an anonymous, out of state, third party could make money off of our local arts organizations?

This is not, of course, about me not seeing the Indigo Girls. This is about how we as a state are supporting our performing arts organizations and businesses that drive our local economies and bring our communities together. It is about how we are protecting Vermonters consumers and fans.

A group of performing arts organizations has been meeting regularly to share information on this topic over the past few years. And a few common issues have been identified: deceptive websites that use the logos of our Vermont performance venues to sell tickets, hugely inflated prices for resale tickets online, and tickets that are purchased with fake credit cards and then re-sold online to consumers. It is clear that the modern ticket resale market is way beyond a guy standing outside the concert venue holding up 2 fingers.

I will share a few quick examples with you, and then you will hear more from Kevin Sweeney from the Flynn. Just this week, I found the following:

- Tickets to see the band moe. at Higher Ground on Feb 5, on sale for \$48 from Higher Ground, being sold for \$75-88 dollars on Vivid Seats and \$79 and \$167 on StubHub
- Tickets to see the UVM men's hockey team play UMass on January 23 are on sale for \$28.75. The exact same seat that is still available on the UVM website is also being sold on Go Tickets for \$52
- I could go on and on about this- safe to say that almost anything you want to buy tickets to, you can get them on a resale platform and pay much, much more with no guarantee that these tickets are legitimate.

Legislation in Other States and National Efforts

The Vermont Arts Council has also been working with national partners to track this issue across the country. While national legislation would be helpful, it is clear that Congress is not moving forward, and protections need to be put in place now. Since H.512 was introduced last spring, the Council has been working with the Attorney General's Office to identify the key issues that could be addressed that would have a meaningful impact for Vermont businesses and consumers on this issue. We closely evaluated bills that have passed in 6 states over recent years and have specifically pulled out the few key issues that will make a difference here.

We want to keep this bill tightly focused on addressing the issues that will make a difference. It is not our intent to make things harder for Vermont's performing arts venues. And it is also not our intent to outlaw ticket reselling or squash competition- things happen to ticket buyers and no one should be punished for not being able to use the tickets they purchased. We are looking to implement common sense guardrails that will protect consumers, small businesses, and our economy.

H.512: Focusing on 5 Key Areas That Will Make a Difference

10% Price Cap on Secondary Ticket Exchange: Currently, there is no limit on what a reseller can sell a ticket for online. Beyond my \$250 Indigo Girls tickets, I recently saw tickets to the unfortunate final game of the UVM men's soccer season being sold online for \$300. UVM sold that ticket for \$18. Price caps are the key measure that will disincentivize resellers from selling tickets at tremendous markups. Price caps do not set the original ticket price- performance venues in Vermont should set the cost of tickets that is right for their business model. Price caps regulate abusive resale markups that have no relationship to real demand. Predatory resale is not genuine competition. It is manipulation that extracts money from fans and drains revenue from local venues and artists. **H.512 should include language mandating that “A ticket reseller or ticket issuer may not charge more than 10% of the total price of the original ticket, including taxes and fees, for the service of providing a marketplace for the resale of a ticket.”**

Ban on Deceptive URLs and Improper Use of Intellectual Property: Deceptive websites are entrapping Vermont consumers by presenting fake tickets, tickets purchased explicitly for retail with fraudulent credit cards, or extremely marked up tickets as if they are being bought directly from the venue. While enforcement of deceptive marketing may be difficult to enforce, banning deceptive URLs at the state level will allow us to go directly to major search engines (Yelp, Google, etc.) and tell them that they are directing people to illegal

websites. **H.512 should make it unlawful for websites to use names, graphics, logos, or intellectual property of Vermont's venues.**

Event Ticket Reseller Registration and Reporting Requirements: Vermont consumers deserve to know if they are buying directly from the venue or from a reseller. One of the many challenges venues are experiencing now is that there is no way to contact reseller platforms, and they often have incorrect information on them. So, in addition to overpaying and maybe buying tickets that have been purchased with a stolen credit card, you are also being told the wrong physical location. Vermont venues want their audiences to at least show up at the right place and need to be able to contact resellers. **H.512 should create a reseller registry, requiring that any individual or entity that resells 100 or more tickets per year above face value must register and pay a fee with the state.**

Consumer Education Campaign: We know that legislation is not the only lever we have to improve this situation. Consumers need to know more about the legal requirements and their channels for contesting any issues. We also know that, while consumer education is only a piece of solving this puzzle, it will have a significant impact. **The Vermont Arts Council and the Vermont Attorney General's Office will undertake a consumer education campaign in partnership with venues**, funded in part by fees and enforcement of violations.

Enforcement: We need this law to have teeth and be enforceable- when I spoke to a colleague in Minnesota about their legislation, he said that the missing piece was enforcement in their state. We want to learn from what has already happened in other states, and we need our Attorney General's Office to be empowered to enforce this law. **H.512 should treat violations as unfair trade practices under existing Vermont law, with penalties up to \$10,000 per violation.**

Vermont's independent live entertainment industry is a crucial part of our economy (driving \$92.6 million in GSP*) and our communities. H.512 is an important step to protect Vermont's small businesses, get fans into seats, and support our economy.