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NEW JERSEY ADMINISTRATIVE CODE

TITLE 13

LAW AND PUBLIC SAFETY

CHAPTER 45A

SUBCHAPTER 20

RESALE OF TICKETS OF ADMISSION TO

PLACES OF ENTERTAINMENT

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**SUBCHAPTER 20.
RESALE OF TICKETS OF ADMISSION TO PLACES OF
ENTERTAINMENT**

13:45A-20.1 DEFINITIONS

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

“Advertisement” means any attempt by a licensee to directly or indirectly induce the purchase of tickets, appearing in any newspaper, magazine, periodical, circular, sign or other written matter placed before the public, or in any radio or television broadcast or any other media, electronic or otherwise.

“Director” means the Director of Consumer Affairs in the Department of Law and Public Safety.

“Division” means the Division of Consumer Affairs in the Department of Law and Public Safety.

“Person” means corporations, companies, associations, societies, firms, partnerships and joint stock companies as well as individuals.

“Place of entertainment” means any privately or publicly owned and operated entertainment facility within the State of New Jersey such as a theater, stadium, museum, arena, racetrack or other place where performances, concerts, exhibits, games or contests are held and for which entry fee is charged.

“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.

“Resell” means to offer for resale or to consummate a resale.

“Ticket” means any piece of paper which indicates that the bearer has paid for entry or other evidence which permits entry to a place of entertainment.

“Ticket broker” means any person situated 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 purposes of this subchapter, 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 or her own use, or the use of his or her family, friends or acquaintances.

13:45A-20.1A (RESERVED)

13:45A-20.2 REGISTRATION

- a) An application for registration shall be on a form prescribed by the Director.
- b) An application for registration shall not be approved unless the Director finds that the submitted application form is complete in all respects.
- c) An application for registration shall be accompanied by a bond in due form made payable to the Division of Consumer Affairs, State of New Jersey in the sum of \$10,000 with two or more sufficient sureties or an authorized surety company, which bond shall be approved by the Director.
 - 1) A suit to recover on the bond may be brought by the person damaged or by the Division of Consumer Affairs.
 - 2) Upon the commencement of any action or actions against the surety upon the bond, the surety shall immediately notify the Division of Consumer Affairs.
 - 3) The registrant shall file a new and additional bond in the sum of \$10,000 within 30 days of the commencement of a suit to recover on the bond.
 - 4) Any failure by the registrant to file such a new and additional bond within such period shall constitute cause for the revocation of the registration previously issued to the registrant.
- d) The Director shall afford an applicant who has been rejected for registration, an opportunity to be heard in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.
 - 1) The burden of establishing that the application should be approved shall rest with the applicant.
- e) The Director may consider in determining whether or not to grant a registration:

- 1) Whether the applicant has previously been found to have violated or been convicted of any statute or crime involving dishonesty, fraud or deceit.
- 2) Whether the applicant is financially responsible.

13:45A-20.3 FEES: NEW OR RENEWAL CERTIFICATE OF REGISTRATION

- a) An application for a new or renewal certificate of registration shall be submitted on an application form obtained from the Director, fully executed and accompanied by a fee of \$300.00 in the form of a money order or certified check made payable to the order of the State of New Jersey, Division of Consumer Affairs.
- b) A refund of 50 percent of the fees shall be made by the Division of Consumer Affairs when an application is rejected. Fifty percent of the fee shall be retained by the Division to cover administrative and investigative costs in the processing of the application.
- c) A request by a registrant for a copy of the certificate of registration issued for the purpose of display in a branch office in this State shall be accompanied by a fee of \$50.00.
- d) A request for a change of business address in this State shall be accompanied by a fee of \$10.00.

13:45A-20.4 PLACE OF BUSINESS

- a) A registrant shall request the prior approval of the Director for any change in the business address.
- b) A registration shall not be transferred or assigned.
 - 1) A corporate registrant shall notify the Director prior to any change in the ownership interest in the registered business including but not limited to a transfer of 10 percent or more of stock interest held therein.
- c) A registrant shall clearly and conspicuously post his or her certificate of registration in each of his or her places of business in this State.

13:45A-20.5 SALE OR EXCHANGE

- a) A place of entertainment or its agent shall print on the face of each ticket and include in any advertising for any event the price charged therefor.
- b) No person 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 percent of the ticket price or \$3.00, whichever is greater, plus lawful taxes. No registered

ticket broker or season ticket holder 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 percent of the price paid to acquire the ticket, plus lawful taxes.

- c) Notwithstanding the provisions of (b) above, nothing shall limit the price for the resale or purchase of a ticket for admission to a place of entertainment sold by any person other than a registered ticket broker, provided such resale or purchase is made through an Internet website.
- d) It shall be a prohibited practice for a ticket broker to fail to disclose to a purchaser of tickets when he or she is using a tentative order policy, or "try and get" or fail to refund any deposit made by a purchaser of those tickets within a reasonable time when the broker fails to obtain such tickets.
- e) It shall be a prohibited practice for a ticket broker as a condition of selling or exchanging a ticket for a particular entertainment event, to require a buyer to purchase other tickets.
- f) It shall be a prohibited practice for a registrant to accept or demand any other things of value in excess of the lawful purchase price of a ticket.
- g) Any buyer who pays any monies towards the purchase of a ticket and fails to receive the promised ticket on the promised delivery date shall be given notification by the ticket broker of the failure to deliver tickets and shall be given the option of receiving a full refund within 30 days or consenting to an extension of the delivery date.
- h) A ticket broker shall provide a buyer of a ticket with a receipt which specifies the date on which the tickets will be delivered to the buyer and the total purchase price for the tickets.
- i) 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:
 - 1) 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;
 - 2) Obtaining a certificate of registration to resell or engage in the business of reselling tickets from the director;
 - 3) 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;

- 4) 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;
- 5) Disclosing to the purchaser, by means of verbal description or a map, the location of the seats represented by the tickets;
- 6) Disclosing to the purchaser the cancellation policy of that broker;
- 7) 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;
- 8) 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;
- 9) 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 seven business days after the event for which the tickets were sought;
- 10) 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
- 11) 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.

13:45A-20.6 RECORDS

- a) A ticket broker shall keep full and accurate sets of records maintained in accordance with generally accepted accounting practices and principles.
- b) Records of a ticket broker shall clearly set forth:
 - 1) The prices at which all tickets have been bought and sold by the ticket broker; and
 - 2) The names and addresses of the persons from whom the ticket broker purchased the tickets and to whom the ticket broker sold the tickets.

- c) Records of a ticket broker shall include sales invoice books.
 - 1) The invoices used shall be printed and numbered consecutively.
 - 2) The invoices used shall be in duplicate, the original of which shall be given to the purchaser and the duplicate kept by the ticket broker in consecutive order.
 - 3) The invoices used shall include the following information:
 - i) Date of the transaction;
 - ii) Name and place of entertainment;
 - iii) Number of ticket(s) sold;
 - iv) Price of ticket(s) with ticket broker's premium recorded separately;
 - v) Seat location;
 - vi) Date of performance;
 - vii) Whether payment was made by cash, check or charge account;
 - viii) Name and address of purchaser;
- d) Records of a ticket broker shall include a sales journal which reflects a record of daily sales.
- e) Records set forth in this subchapter shall be maintained for a period of at least two years and shall be made available for inspection by the Division at any reasonable time and upon reasonable notice.

13:45A-20.7 ADVERTISING

- a) A ticket broker shall not attempt in any advertising material, directly or indirectly, to include any statement or representation relating to a concert that has not been scheduled to occur on a particular date and at a specific place of entertainment.
- b) A registrant shall clearly and conspicuously disclose his registration number in any public advertisement or advertising material.

- c) Advertising for any event by a ticket broker shall include the price charged by a place of entertainment for each ticket offered for sale but ticket prices are not required to be included in pamphlets, brochures or billboards prepared as a schedule of events prior to the time a ticket is offered for sale.