



**SENATE SUBSTITUTE AMENDMENT 2,
TO 2009 SENATE BILL 458**

February 25, 2010 - Offered by Senator SULLIVAN.

1 **AN ACT** *to renumber* 66.0410 (1) (a) and 66.0410 (1) (b); *to amend* 66.0410 (2)
2 (a) and 66.0410 (2) (b); and *to create* 66.0410 (1) (bm), 66.0410 (1) (bs), 66.0410
3 (1) (c), 66.0410 (1) (e), 66.0410 (2) (c), 66.0410 (2) (d) and 66.0410 (3) of the
4 statutes; **relating to:** the local regulation of ticket selling and providing
5 penalties.

Analysis by the Legislative Reference Bureau

Under current law, a city, village, town, or county (political subdivision) may not enact an ordinance or adopt a resolution that prohibits the resale of any ticket to an entertainment event or a sporting event if the resale price is equal to or less than the ticket's face value. Also under current law, the Board of Regents of the University of Wisconsin System may not promulgate a rule or adopt a resolution prohibiting the resale of any ticket for an amount that is equal to or less than the ticket's face value.

This substitute amendment authorizes an entity (a professional baseball or football district, the Bradley Center, or Milwaukee World Festival, Inc., which operates the Summerfest grounds) to create a resale zone. A resale zone is defined as property controlled by an entity that the entity designates as the only area of its property in which a ticket may be resold. The substitute amendment also authorizes a political subdivision to prohibit the reselling of tickets at or less than face value

within 250 feet of any property on which a resale zone is created and to prohibit the reselling of tickets to a National Collegiate Athletic Association tournament event at or less than face value within 250 feet of the Bradley Center.

If a person is convicted of violating the requirements of a resale zone, the person is subject to a forfeiture of \$10 for the first offense, and the law enforcement officer who issues the citation must also give the person information about the penalty that may apply for any subsequent violations. For a first offense, no court costs may be imposed on a defendant. For a second or any subsequent offense, a person is subject to a forfeiture not to exceed the penalty for a Class C forfeiture, which is a civil penalty with a maximum forfeiture of \$500.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 66.0410 (1) (a) of the statutes is renumbered 66.0410 (1) (be).

2 **SECTION 2.** 66.0410 (1) (b) of the statutes is renumbered 66.0410 (1) (d).

3 **SECTION 3.** 66.0410 (1) (bm) of the statutes is created to read:

4 66.0410 (1) (bm) “Resale zone” means property controlled by a sports stadium
5 or Milwaukee World Festival, Inc., that such an entity designates as the only area
6 of the property within its control in which a ticket may be resold.

7 **SECTION 4.** 66.0410 (1) (bs) of the statutes is created to read:

8 66.0410 (1) (bs) “Reselling of tickets” means to sell, offer to sell, or offer to
9 purchase a ticket that has been previously sold or otherwise distributed by the
10 original issuer of the ticket.

11 **SECTION 5.** 66.0410 (1) (c) of the statutes is created to read:

12 66.0410 (1) (c) “Sports stadium” means a local professional baseball park
13 district under s. 229.65 (5), a local professional football stadium district under s.
14 229.821 (4), or the Bradley Center Sports and Entertainment Corporation under s.
15 232.02.

16 **SECTION 6.** 66.0410 (1) (e) of the statutes is created to read:

1 66.0410 (1) (e) “University” means the Board of Regents of the University of
2 Wisconsin System.

3 **SECTION 7.** 66.0410 (2) (a) of the statutes is amended to read:

4 66.0410 (2) (a) ~~A~~ Except as provided in par. (c) or (d) and sub. (3), a political
5 subdivision may not enact an ordinance or adopt a resolution and the ~~Board of~~
6 ~~Regents of the University of Wisconsin System~~ university may not promulgate a rule
7 or adopt a resolution prohibiting the resale of any ticket for an amount that is equal
8 to or less than the ticket’s face value.

9 **SECTION 8.** 66.0410 (2) (b) of the statutes is amended to read:

10 66.0410 (2) (b) If a political subdivision or the ~~Board of Regents of the~~
11 ~~University of Wisconsin System~~ university has in effect on April 22, 2004, an
12 ordinance, rule, or resolution that is inconsistent with par. (a), the ordinance, rule,
13 or resolution does not apply and may not be enforced.

14 **SECTION 9.** 66.0410 (2) (c) of the statutes is created to read:

15 66.0410 (2) (c) A political subdivision may prohibit the reselling of tickets for
16 an amount that is equal to or less than the ticket’s face value within 250 feet of any
17 property on which a resale zone is created under sub. (3) if the political subdivision
18 posts signage notifying the public that reselling of tickets is prohibited in that area.

19 **SECTION 10.** 66.0410 (2) (d) of the statutes is created to read:

20 66.0410 (2) (d) A political subdivision may prohibit the reselling of tickets to
21 a National Collegiate Athletic Association tournament event for an amount that is
22 equal to or less than the ticket’s face value within 250 feet of property controlled by
23 the Bradley Center Sports and Entertainment Corporation, under s. 232.02, at
24 which such an event is held.

25 **SECTION 11.** 66.0410 (3) of the statutes is created to read:

1 66.0410 **(3)** TICKET RESALE ZONES. (a) All of the following may create a resale
2 zone:

3 1. A sports stadium.

4 2. Milwaukee World Festival, Inc.

5 (b) A political subdivision may enforce the requirements of a resale zone, which
6 is located within its jurisdiction, under par. (c).

7 (c) A person who is convicted for the first time of violating the requirements of
8 a resale zone is subject to a forfeiture of \$10. A law enforcement officer who cites a
9 person for a first violation shall provide the person, along with his or her citation,
10 information about the penalty that may apply upon subsequent violations, as
11 described in this paragraph. If a person is convicted of a 2nd or subsequent violation
12 of the requirements of a resale zone, the person is subject to a forfeiture not to exceed
13 the penalty for a Class C forfeiture under s. 939.52 (3) (c).

14 (d) Transactions that occur within a resale zone are not endorsed by the entity
15 that created the resale zone, and are not subject to any purchase guarantee against
16 fraudulent activity.

17 (e) Notwithstanding the provisions of s. 814.65 (1), no court costs may be
18 assessed against a defendant, for a first violation, in an action under this subsection.

19 **SECTION 12. Initial applicability.**

20 (1) This act first applies to a ticket that is resold on the effective date of this
21 subsection.

22 **(END)**