

1991 Assembly Bill 289

Date of enactment: **March 20, 1992**

Date of publication*: **April 3, 1992**

1991 WISCONSIN ACT 121

AN ACT to create 134.22 of the statutes, **relating to:** requiring ticket promoters to refund the purchase price of tickets for certain events that are canceled or rescheduled and providing a penalty.

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

SECTION 1. 134.22 of the statutes is created to read:
134.22 Ticket refunds. (1) In this section:

(a) "Originally scheduled date" means the date on which an entertainment or sporting event is scheduled to be held when a ticket for the event is purchased from the promoter of the event or the promoter's agent.

(b) "Promoter" means a person who arranges, publicly promotes and causes the public offering for sale of tickets to an entertainment or sporting event. "Promoter" does not include a person whose only financial interest in an entertainment or sporting event is as a ticket seller or as the recipient of rental income for the site of the event.

(c) "Sporting event" does not include a competitive sports activity between school teams or between teams that belong to an established sports league.

(2) (a) Except as provided in pars. (b), (c) and (d), every promoter of an entertainment or sporting event that is not held on the originally scheduled date shall refund to any person who purchased a ticket for the event from the promoter or the promoter's agent for that date the amount paid for the ticket, minus handling and service charges not exceeding \$5 or 20% of the amount paid for the ticket, whichever is less, if any of the following applies:

1. The purchaser presents the ticket for an event that is canceled to the promoter or the promoter's agent no later than 90 days after the event is canceled.

2. The purchaser presents the ticket for an event that is rescheduled, or that the promoter represents to the pub-

lic is being rescheduled, to the promoter or the promoter's agent no later than 30 days after the originally scheduled date.

(b) Notwithstanding par. (a), and except as provided in par. (c), if the promoter of an entertainment or sporting event that is not held on the originally scheduled date is an organization described in section 501 (c) (3) of the internal revenue code that is exempt from federal income tax under section 501 (a) of the internal revenue code, the promoter shall be required to refund only that portion of the ticket price that the promoter attributes to the admission price of the event, minus handling and service charges not exceeding \$5 or 20% of that portion of the ticket price, whichever is less, if all of the following apply:

1. The ticket states the portion of the ticket price that the promoter attributes to the admission price of the event and the portion of the ticket price that the promoter attributes to a donation.

2. The ticket states that the law applicable to ticket refunds applies only to the portion of the ticket price that the promoter attributes to the admission price of the event.

(c) No promoter of an entertainment or sporting event who is required to give a ticket refund under this section may deduct service and handling charges from the amount paid for that ticket unless the ticket states, or the promoter informs the purchaser at the time of the ticket sale of, the amount that the promoter may deduct under par. (a) or (b) for handling and service charges.

(cm) Nothing in this subsection requires a promoter or promoter's agent to refund any amount paid by a pur-

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chaser for a service provided by the promoter or promoter's agent that is not included in the price of a ticket for an entertainment or sporting event, if the promoter or promoter's agent informs the purchaser when the service is purchased that the amount paid for the service is nonrefundable.

(d) This subsection does not apply to any promoter of an entertainment or sporting event that is not held on the originally scheduled date because of inclement weather.

(3) Every promoter who is required to furnish a refund under sub. (2) shall furnish the refund to the purchaser no later than 60 days after presentation of the ticket by the purchaser to the promoter.

(4) The department of justice shall investigate violations of this section. The department of justice or any district attorney, upon informing the department of justice, may, on behalf of the state, do any of the following:

(a) Bring an action for temporary or permanent injunctive relief in any court of competent jurisdiction for any violation of this section. The relief sought by the department of justice or district attorney may include the payment by a promoter into an escrow account of an amount estimated to be sufficient to pay for ticket refunds. The court may, upon entry of final judgment, award restitution when appropriate to any person suffering loss because of violations of this section if proof of such loss is submitted to the satisfaction of the court.

(b) Bring an action in any court of competent jurisdiction for the recovery of a civil forfeiture against any person who violates this section in an amount not less than \$50 nor more than \$200 for each violation.

SECTION 2. Initial applicability. This act first applies to entertainment and sporting events that are scheduled to be held on the first day of the 6th month beginning after the effective date of this SECTION.

