



## 2009 SENATE BILL 458

January 12, 2010 – Introduced by Senators SULLIVAN, TAYLOR, WIRCH, PLALE, HOLPERIN, DARLING, LASSA, ERPENBACH, OLSEN, KANAVAS and MILLER, cosponsored by Representatives ZEPNICK, FIELDS, SCHNEIDER, STONE, TURNER and HONADEL. Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

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) (ae), 66.0410 (1) (c), 66.0410  
3           (1) (e) and 66.0410 (3) of the statutes; **relating to:** the local regulation of ticket  
4           selling and providing a penalty.

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### ***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 (university) 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 bill authorizes the university or a local governmental unit (a political subdivision, a professional baseball or football district, or the Bradley Center) to create a resale zone, which is defined as the only part of such an entity's property in which a ticket may be resold.

Under the bill, if a person is observed violating a political subdivision's resale zone ordinance, or the university's or another local governmental unit's resale zone requirements, the person may be cited for the violation and removed from the premises and, if convicted, 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. If a person violates a resale zone ordinance or requirement a second time, the person may

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be permanently prohibited from entering either, or both, of the premises where the violations occurred.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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***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) (ae) of the statutes is created to read:

3           66.0410 (1) (ae) “Local governmental unit” means a political subdivision, a  
4 local professional baseball park district under s. 229.65 (5), a local professional  
5 football stadium district under s. 229.821 (4), or the Bradley Center Sports and  
6 Entertainment Corporation under s. 232.02.

7           **SECTION 3.** 66.0410 (1) (b) of the statutes is renumbered 66.0410 (1) (d).

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

9           66.0410 (1) (c) “Resale zone” means property owned by a local governmental  
10 unit or the university that the local governmental unit or university designates as  
11 the only area of its property in which a ticket may be resold.

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

13           66.0410 (1) (e) “University” means the Board of Regents of the University of  
14 Wisconsin System.

15           **SECTION 6.** 66.0410 (2) (a) of the statutes is amended to read:

16           66.0410 (2) (a) ~~A Subject to sub. (3), a political subdivision may not enact an~~  
17 ~~ordinance or adopt a resolution and the Board of Regents of the University of~~  
18 ~~Wisconsin System~~ university may not promulgate a rule or adopt a resolution  
19 prohibiting the resale of any ticket for an amount that is equal to or less than the  
20 ticket’s face value.

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

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

6           **SECTION 8.** 66.0410 (3) of the statutes is created to read:

7           66.0410 (3) TICKET RESALE ZONES. (a) A local governmental unit and the  
8 university may create a resale zone. If a political subdivision enacts an ordinance  
9 creating a resale zone, it may enforce the ordinance under par. (b). If the university  
10 or a local governmental unit other than a political subdivision creates a resale zone,  
11 a political subdivision may enforce the requirements of the resale zone, which is  
12 located within its jurisdiction, under par. (b).

13           (b) A person who is observed violating an ordinance or requirement described  
14 under par. (a) may be cited for that violation and removed from the premises and, if  
15 convicted of the violation, is subject to a forfeiture not to exceed the penalty for a  
16 Class C forfeiture under s. 939.52 (3) (c). A person who is cited and removed from  
17 the premises may not return to the premises until the person is convicted or the  
18 citation is dismissed. A person convicted of violating such an ordinance or  
19 requirement for the 2nd time may be permanently prohibited from entering the  
20 premises where either, or both, of the violations occurred.

21           **SECTION 9. Initial applicability.**

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

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(END)