



July 23, 2024

The Honorable Michael Rodrigues
Chairman
Senate Committee on Ways and Means
Room 212, State House, 24 Beacon St.
Boston, MA 02133-1099

The Honorable Karen Spilka
Senate President
Senate
Room 332, State House, 24 Beacon St.
Boston, MA 02133-1099

The Honorable Ronald Mariano
Speaker of the House
House of Representatives
Room 356, State House, 24 Beacon St.
Boston, MA 02133-1099

The Honorable Aaron Michlewitz
Chairman
House Committee on Ways and Means
Room 243, State House, 24 Beacon St.
Boston, MA 02133-1099

The Honorable David Muradian
Representative
Member of the House Committee on
Economic Development
Room 156, State House, 24 Beacon St.
Boston, MA 02133-1099

The Honorable Jerald Parisella
Chairman
House Chairman for the Joint Committee
on Economic Development
Room 42, State House, 24 Beacon St.
Boston, MA 02133-1099

The Honorable Barry Finegold
Chairman
Senate Joint Committee on Economic
Development
Room 511-A, State House, 24 Beacon St.
Boston, MA 02133-1099

The Honorable Michael Moran
Majority Leader
House of Representatives
Room 343, State House, 24 Beacon St.
Boston, MA 02133-109

The Honorable Tackey Chan
Chairman
House Joint Committee on Consumer
Protection and Professional Licensure
Room 42, State House, 24 Beacon St.
Boston, MA 02133-1099

The Honorable Peter Durant
Senator
Member of the Joint Committee on
Economic Development
Room 413-A, State House, 24 Beacon St.
Boston, MA 02133-1099

Re: S. 2869

Dear Chairman Rodrigues, Senate President Spilka, Speaker of the House Mariano, Chairman Michlewitz, Representative Muradian, Chairman Parisella, Chairman Finegold, Majority Leader Moran, Chairman Chan, and Senator Durant:

On behalf of Chamber of Progress – a tech industry association supporting public policies to build a more inclusive society in which all people benefit from technological leaps – we write to you today regarding the Senate ticketing bill incorporated into the economic development package, specifically Section 236, that is currently being considered by the appointed conference committee. Currently, the House and Senate versions differ. Chamber of Progress **strongly urges you to support the Senate version** to protect Massachusetts consumers and encourage a healthy and competitive market.

The Senate version prohibits bots from buying tickets putting customers first and ensuring a fair marketplace.

The Senate bill prohibits a person from using bots to purchase tickets over the allowed amount for a given event and supports a transparent and fair ticketing industry. Too often customers get locked out of fan experiences because they cannot buy highly sought-after tickets when the general on-sale begins. Using bots to purchase multiple tickets and hold those seats harms customers' ability to access and buy tickets.

Lack of ticket availability from the venue will impact a customer's financial capacity and may create distrust between the venue and the customer. Additionally, this bill would follow in the footsteps of the 2016 Better Online Ticket Sales (BOTS) Act, a nationwide ban on ticket bots that use computer software to circumvent ticket purchase limits and bypass venues' ticketing rules.¹ We applaud this bill for considering the benefits to the customer and the marketplace.

The Senate version commendably emphasizes transparency including language promoting pricing disclosure.

Chamber of Progress supports this goal and appreciates your attention to empowering customers. In this regard, the best practice for all-in pricing disclosure is to make the total price visible from the beginning to end, with an itemized breakdown available at the end of the purchase flow.

Final language should clarify pro-consumer obligations to both initial sellers and resellers.

The House language currently defines tickets as "licenses." The core pro-consumer requirements listed in 185D(a) and (b) (all-in, up-front pricing) and in 185D(c) (refund obligations) apply to "licensees" or "licensees under section 185A." However, as written, this terminology would appear to apply the obligations to ticket resellers only, leaving out

¹ Considine, Allison. *The Battle Between Bots and the Ticket Industry Continues*. Western Arts Alliance (2016). <https://www.westarts.org/news-updates/the-battle-between-bots-and-the-ticket-industry-continues>

all primary sellers. "Licensees" should be struck in favor of more inclusive language. We recommend "Any person, firm, corporation or other entity that facilitates the sale or resale of a ticket to any theatrical exhibition, public show, public amusement or exhibition."

In doing so, the House version effectively prevents the transferability of tickets because a ticket holder would be considered a licensee, a title that is non-transferable. This means that in practice, under the House language, a ticket holder could not transfer a ticket to a friend or family member if they can no longer make an event, simply because they are not the "licensee." This would unfairly limit Massachusetts resident's ability to enjoy sport, entertainment, and cultural events.

Additionally, the Conference Committee should ensure the final bill language allows for the transfer of tickets to best protect Massachusetts consumers and promote competition.

For these reasons, we respectfully **urge you to support the Senate version and advance ticket transferability rights for consumers.**

Sincerely,

A handwritten signature in black ink, appearing to read "B. January". The signature is fluid and cursive, with the first letter being a large capital 'B'.

Brianna January
Director, State & Local Government Relations
Northeast Region
Chamber of Progress