
SECOND SUBSTITUTE HOUSE BILL 1648

State of Washington

68th Legislature

2023 Regular Session

By House Appropriations (originally sponsored by Representatives Reeves, Ryu, Berry, Walen, Simmons, Ramel, Orwall, Duerr, Gregerson, Doglio, Stonier, Pollet, and Morgan)

READ FIRST TIME 02/24/23.

1 AN ACT Relating to ticket sales; amending RCW 19.345.010,
2 19.345.020, 43.24.150, and 18.235.020; adding new sections to chapter
3 19.345 RCW; creating new sections; prescribing penalties; and
4 providing an effective date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** This act may be known and cited as the
7 ticket sales warrant integrity, fairness, and transparency for
8 consumer protection act, or TSWIFT consumer protection act.

9 **Sec. 2.** RCW 19.345.010 and 2015 c 129 s 2 are each amended to
10 read as follows:

11 The definitions in this section apply throughout this chapter
12 unless the context clearly requires otherwise.

13 (1) "Admission ticket" means evidence of a right of entry to a
14 venue or an entertainment event.

15 (2) "Affinity group" means an identifiable group of people who
16 are members of the same organization, or who are customers of the
17 same person, and who enjoy special privileges.

18 (3) "All-in price" means the total cost of an admission ticket,
19 including all fees, which may include, but is not limited to, a

1 service fee, processing fee, delivery fee, facility fee, and resale
2 fee that must be paid to purchase the admission ticket.

3 (4) "Base price" means the dollar value of an admission ticket,
4 which value must reflect the dollar amount that the customer is
5 required to pay, and which excludes any charges, fees, and taxes.

6 (5) "Department" means the department of licensing.

7 (6) "Director" means the director of the department of licensing.

8 (7) "Event" means a concert, theatrical performance, sporting
9 event, exhibition, show, or other similar activity held in this
10 state.

11 ~~((4))~~ (8) "Initial sale" means the first sale of an admission
12 ticket by the ticket seller. "Initial sale" also includes the
13 distribution of admission tickets under an agreement between the
14 ticket seller and the recipient.

15 ~~((5))~~ (9) "Internet domain name" means a globally unique,
16 hierarchical reference to an internet host or server, which is
17 assigned through a centralized internet naming authority, and which
18 is composed of a series of character strings separated by periods
19 with the rightmost string specifying the top of the hierarchy.

20 (10) "Person" means any individual, partnership, corporation,
21 limited liability company, other organization, or any combination
22 thereof.

23 ~~((6))~~ (11) "Place of entertainment" means any privately or
24 publicly owned or operated entertainment facility within this state,
25 such as a theater, stadium, museum, arena, park, racetrack, or other
26 place where concerts, theatrical performances, sporting events,
27 exhibitions, shows, or other similar activities are held and for
28 which an entry fee is charged.

29 ~~((7))~~ (12) "Presale" means a sale of admission tickets at or
30 below the ~~((price printed on the ticket by))~~ base price, or with the
31 permission of, a ticket seller, prior to their release to the general
32 public, and which may include an initial sale.

33 ~~((8))~~ (13) "Promoter" means a person who organizes financing
34 and publicity for an entertainment event.

35 ~~((9))~~ (14) "Resale" means a sale other than the initial sale or
36 presale of an admission ticket.

37 (15) "Ticket resale marketplace" means a person or entity that
38 operates a platform or exchange to facilitate the resale or offering
39 for resale of admission tickets between third parties, which includes
40 platforms or exchanges operating by means of an internet website,

1 application, phone system, or other similar technology, and who does
2 not generally maintain their own ticket inventory, and which may
3 include a ticket seller.

4 (16) "Ticket reseller" means a person or entity that resells or
5 offers for resale admission tickets.

6 (17) "Ticket seller" means a person that makes admission tickets
7 available, directly or indirectly, at an initial ((~~presale or~~)) sale
8 or presale to the general public, and may include an owner or
9 operator of a place of entertainment, a sponsor or promoter of an
10 event, a sports team participating in an event, a fan club or
11 affinity group, a theater company, a musical group, or similar
12 participant in an event, or an employee or agent of any such person.

13 **EXCLUSIONS**

14 NEW SECTION. Sec. 3. This chapter does not apply to:

15 (1) Agricultural fairs as provided in RCW 15.76.120;

16 (2) Public and private K-12 schools;

17 (3) Institutions of higher education as defined in RCW
18 28B.92.030;

19 (4) Nonprofit cultural institutions, including accredited zoos
20 and aquariums;

21 (5) Movie theaters;

22 (6) Collegiate athletic teams;

23 (7) Charitable corporations as defined in RCW 24.03A.010;

24 (8) Individual persons who are the original purchaser for
25 personal use of one or more admission tickets to an event covered
26 under this chapter, including persons who are the original purchaser
27 for personal use of season tickets to theatrical performances or
28 sporting events; and

29 (9) Individual employees of a ticket seller, ticket reseller, or
30 ticket resale marketplace if the employee is conducting business in
31 the name of and under the registration of the registered and licensed
32 ticket seller, ticket reseller, or ticket resale marketplace, and all
33 money received by the employee is collected in the name of the
34 registered and licensed ticket seller, ticket reseller, or ticket
35 resale marketplace as required by this chapter.

36 **Sec. 4.** RCW 19.345.020 and 2015 c 129 s 3 are each amended to
37 read as follows:

1 (1) A person may not:

2 (a) Use software to circumvent, thwart, interfere with, or evade
3 a security measure, access control system, or other control or
4 measure on a ticket seller's internet website, application, phone
5 system, or similar technology that is used to enforce posted event
6 admission ticket purchasing limits or to maintain the integrity of
7 posted online admission ticket purchasing order rules; or

8 (b) Sell software that is advertised for profit with the express
9 purpose to circumvent, thwart, interfere with, or evade a security
10 measure, access control system, or other control or measure on a
11 ticket seller's internet website, application, phone system, or
12 similar technology that is used to enforce posted event admission
13 ticket purchasing limits or to maintain the integrity of posted
14 online admission ticket purchasing order rules.

15 (2) The use or sale of software as described in subsection (1) of
16 this section only violates this section if the user or seller knows
17 or should know that the purpose of the software is to circumvent,
18 thwart, interfere with, or evade a security measure, access control
19 system, or other control or measure on a ticket seller's internet
20 website, application, phone system, or similar technology that is
21 used to enforce posted event admission ticket purchasing limits or to
22 maintain the integrity of posted online admission ticket purchasing
23 order rules.

24 (3) A person may not knowingly resell or offer to resell an
25 admission ticket that was obtained using software to circumvent,
26 thwart, interfere with, or evade a security measure, access control
27 system, or other control or measure on a ticket seller's internet
28 website, application, phone system, or similar technology that is
29 used to enforce posted event admission ticket purchasing limits or to
30 maintain the integrity of posted online admission ticket purchasing
31 order rules, and was not obtained for the person's own use or the use
32 of their invitees, employees, or agents.

33 (4) The legislature finds that the conduct described in
34 subsections (1) and (3) of this section, and section 13 of this act
35 (speculative tickets) vitally affects the public interest for the
36 purpose of applying the consumer protection act, chapter 19.86 RCW.
37 Using or selling software to circumvent, thwart, or evade a control
38 or measure, which is used on a ticket seller's internet website,
39 application, phone system, or similar technology to ensure an
40 equitable distribution of tickets, is not reasonable in relation to

1 the development and preservation of business and is an unfair or
2 deceptive act in trade or commerce and an unfair method of
3 competition for the purposes of applying the consumer protection act,
4 chapter 19.86 RCW.

5 (5) Ticket sellers have an affirmative obligation to notify the
6 attorney general of the use of software as described in this section.

7 NEW SECTION. **Sec. 5.** Businesses domiciled outside the state of
8 Washington are subject to Washington law when selling admission
9 tickets to events in this state, regardless of where the buyer and
10 seller are domiciled.

11 **TICKET SALES LICENSE**

12 NEW SECTION. **Sec. 6.** (1) In order to engage in the business of
13 a ticket seller, ticket reseller, or ticket resale marketplace, a
14 person must:

15 (a) Apply to the department for a ticket sales license on a form
16 designated by the department, pay an annual license fee, and renew
17 the license annually;

18 (b) Be registered with the department of revenue pursuant to RCW
19 82.32.030 and, if an ownership entity other than sole proprietor or
20 general partnership, be registered with the secretary of state for a
21 business license to do business in this state; and

22 (c) Comply with the requirements of this chapter and department
23 rules adopted under this chapter.

24 (2) A ticket sales license may only be granted upon an
25 application setting forth such information as the department may
26 require. The department must require applicants to disclose in their
27 applications whether the applicant owns, is owned by, or shares
28 common ownership with any other ticket seller or ticket reseller.

29 (3) No person may hold more than two ticket sales licenses and no
30 license may be transferred or assigned except upon written permission
31 of the department.

32 **Sec. 7.** RCW 43.24.150 and 2017 c 281 s 40 are each amended to
33 read as follows:

34 (1) The business and professions account is created in the state
35 treasury. All receipts from business or professional licenses,
36 registrations, certifications, renewals, examinations, or civil

1 penalties assessed and collected by the department from the following
2 chapters must be deposited into the account:

- 3 (a) Chapter 18.11 RCW, auctioneers;
- 4 (b) Chapter 18.16 RCW, cosmetologists, barbers, and manicurists;
- 5 (c) Chapter 18.145 RCW, court reporters;
- 6 (d) Chapter 18.165 RCW, private investigators;
- 7 (e) Chapter 18.170 RCW, security guards;
- 8 (f) Chapter 18.185 RCW, bail bond agents;
- 9 (g) Chapter 18.280 RCW, home inspectors;
- 10 (h) Chapter 19.16 RCW, collection agencies;
- 11 (i) Chapter 19.31 RCW, employment agencies;
- 12 (j) Chapter 19.105 RCW, camping resorts;
- 13 (k) Chapter 19.138 RCW, sellers of travel;
- 14 (l) Chapter 42.45 RCW, notaries public;
- 15 (m) Chapter 64.36 RCW, timeshares;
- 16 (n) Chapter 67.08 RCW, boxing, martial arts, and wrestling;
- 17 (o) Chapter 18.300 RCW, body art, body piercing, and tattooing;
- 18 (p) Chapter 79A.60 RCW, whitewater river outfitters;
- 19 (q) Chapter 19.158 RCW, commercial telephone solicitation;

20 ((and))

21 (r) Chapter 19.290 RCW, scrap metal businesses; and

22 (s) Chapter 19.345 RCW, ticket sales.

23 Moneys in the account may be spent only after appropriation.
24 Expenditures from the account may be used only for expenses incurred
25 in carrying out these business and professions licensing activities
26 of the department. Any residue in the account must be accumulated and
27 may not revert to the general fund at the end of the biennium.
28 However, during the 2013-2015 fiscal biennium the legislature may
29 transfer to the state general fund such amounts as reflect the excess
30 fund balance in the account.

31 (2) The director must biennially prepare a budget request based
32 on the anticipated costs of administering the business and
33 professions licensing activities listed in subsection (1) of this
34 section, which must include the estimated income from these business
35 and professions fees.

36 **DIRECTOR DUTIES**

37 NEW SECTION. **Sec. 8.** In addition to any other duties imposed by
38 law, the director has the following powers and duties:

- 1 (1) To set license and renewal fees in accordance with RCW
2 43.24.086;
- 3 (2) To adopt rules necessary to implement this chapter;
- 4 (3) To prepare and administer or approve the preparation and
5 administration of licensing under this chapter;
- 6 (4) To maintain the official department record of applicants and
7 licensees;
- 8 (5) To set license expiration dates and renewal periods for all
9 licenses consistent with this chapter;
- 10 (6) To ensure that all informational notices produced by the
11 department regarding statutory and regulatory changes affecting
12 licensees are provided to each licensee in good standing; and
- 13 (7) To make information available to the department of revenue to
14 assist in collecting taxes from persons and businesses required to be
15 licensed under this chapter.

16 **PRICE DISCLOSURES**

17 NEW SECTION. **Sec. 9.** (1) Ticket sellers, ticket resellers, and
18 ticket resale marketplaces may not sell, offer for sale, resell, or
19 offer for resale an admission ticket, including by means of an
20 internet website, application, phone system or other technology used
21 to sell tickets, without disclosing to a consumer the total amount
22 that the consumer will be charged before the consumer purchases the
23 admission ticket, including any fees which represent a portion of the
24 total amount to be charged.

25 (2)(a) The following disclosures must be made by ticket sellers,
26 ticket resellers, and ticket resale marketplaces to a user prior to
27 the user selecting a ticket:

28 (i) The base price of the admission ticket; and

29 (ii) The all-in price.

30 (b) Disclosures of subtotals, fees, and any other component of an
31 admission ticket purchase price must not be false or misleading, must
32 not be presented more prominently or in the same or larger size as
33 the all-in price, and must be fully disclosed before a user is
34 required to enter login credentials if the user is using a platform
35 or exchange that requires login credentials to complete a purchase.

36 (c) The price of an admission ticket may not increase between
37 selection and purchase, excluding reasonable fees for the delivery of

1 nonelectronic tickets based on the delivery method selected by the
2 purchaser, which must be disclosed prior to acceptance of payment.

3 **CONSUMER DISCLOSURES**

4 NEW SECTION. **Sec. 10.** (1) Prior to a user's completion of a
5 purchase of an admission ticket, including by means of an internet
6 website, application, phone system, or other technology used to sell
7 tickets, the following must be disclosed to a user by a ticket
8 seller, ticket reseller, and ticket resale marketplace:

9 (a) The terms of a purchaser's right to cancel the purchase of an
10 admission ticket from the ticket seller or ticket reseller;

11 (b) The refund policy of the ticket seller or ticket reseller
12 should an event be canceled;

13 (c) Whether the ticket seller, ticket reseller, or ticket resale
14 marketplace is owned by, owns, or shares common ownership with
15 another ticket seller or ticket reseller;

16 (d) Whether an admission ticket is transferable, as provided for
17 in section 11 of this act;

18 (e) A hyperlink to a copy of the licensee's license;

19 (f) Contact information to submit a consumer complaint including,
20 but not limited to, information for the Washington state consumer
21 protection division complaint website; and

22 (g) A statement that Washington state has consumer protections
23 for consumers of admission tickets for events, and where those laws
24 may be found.

25 (2) If a ticket reseller is owned by, owns, or shares common
26 ownership with a ticket seller, prior to a user's completion of a
27 purchase of an admission ticket the ticket reseller must disclose the
28 following:

29 (a) Whether admission tickets for an event are still available
30 for purchase from the ticket seller with whom the ticket reseller
31 shares common ownership, owns, or is owned by; and

32 (b) The base price of the admission ticket available for purchase
33 from that ticket seller.

34 **TICKET TRANSFERABILITY**

35 NEW SECTION. **Sec. 11.** (1) A ticket seller may employ a
36 nontransferable admission ticketing system only if the consumer is

1 offered an option at the time of initial sale or presale to purchase
2 the same admission ticket in a transferable form that allows
3 admission tickets to be given away or resold independent of and
4 without requiring the consumer to access or log into the ticket
5 seller's website or platform, without penalty or discrimination.

6 (2) A person may not be penalized, discriminated against, or
7 denied access to an event solely on the grounds that the admission
8 ticket was resold or that the admission ticket was resold on a ticket
9 resale marketplace or other admission ticket platform not affiliated
10 with the ticket seller.

11 (3) Nothing in this section prohibits a ticket seller from
12 maintaining and enforcing policies with respect to conduct, behavior,
13 or age at entertainment venue, or establish limits on the quantity of
14 admission tickets that may be purchased for an event.

15 **DECEPTIVE URLS**

16 NEW SECTION. **Sec. 12.** (1) The website of a ticket seller,
17 ticket reseller, or ticket resale marketplace selling admission
18 tickets to an event scheduled at a place of entertainment in this
19 state shall not use an internet domain name or subdomain thereof in
20 the website's uniform resource locator that contains any of the
21 following:

22 (a) The name of a place of entertainment;

23 (b) The name of an event, including the name of a person or
24 entity scheduled to perform or appear at the event; or

25 (c) A name substantially similar to those described in (a) and
26 (b) of this subsection.

27 (2) The restriction in subsection (1) of this section does not
28 apply if the ticket seller, ticket reseller, or ticket resale
29 marketplace selling admission tickets to an event scheduled in this
30 state is acting on behalf of the place of entertainment, event,
31 person, or entity scheduled to perform or appear at the event.

32 **SPECULATIVE TICKET BAN**

33 NEW SECTION. **Sec. 13.** (1) A ticket reseller shall not utilize a
34 tentative ticket policy under which the ticket reseller sells
35 admission tickets that are not owned by the ticket reseller, under
36 contract to be transferred to the ticket reseller, or in the ticket

1 reseller's possession at the time of sale unless the policy is
2 disclosed to an admission ticket purchaser at the outset of the
3 transaction.

4 (2) The disclosure under subsection (1) of this section must
5 include an approximate delivery date and the number of admission
6 tickets that are guaranteed to be grouped together, including any
7 designation by the venue of an assigned seating zone, section number,
8 or seat number. If the ticket reseller cannot guarantee specific
9 seats because the tickets are not owned by the ticket reseller, under
10 contract to be transferred to the ticket reseller, or in the ticket
11 reseller's possession, then the ticket reseller must also disclose
12 this fact to an admission ticket purchaser at the outset of the
13 transaction.

14 (3) If a ticket reseller is unsuccessful in securing the
15 tentative tickets contemplated in this section, then the ticket
16 reseller must refund any deposit made by the purchaser of those
17 admission tickets no later than 10 days after the date of the
18 ticketed event.

19 **UNIFORM REGULATION OF BUSINESS AND PROFESSIONS ACT**

20 NEW SECTION. **Sec. 14.** The uniform regulation of business and
21 professions act, chapter 18.235 RCW, governs unlicensed practice, the
22 issuance and denial of licenses, and the discipline of licensees
23 under this chapter.

24 **Sec. 15.** RCW 18.235.020 and 2017 c 281 s 37 are each amended to
25 read as follows:

26 (1) This chapter applies only to the director and the boards and
27 commissions having jurisdiction in relation to the businesses and
28 professions licensed under the chapters specified in this section.
29 This chapter does not apply to any business or profession not
30 licensed under the chapters specified in this section.

31 (2)(a) The director has authority under this chapter in relation
32 to the following businesses and professions:

33 (i) Auctioneers under chapter 18.11 RCW;

34 (ii) Bail bond agents and bail bond recovery agents under chapter
35 18.185 RCW;

36 (iii) Camping resorts' operators and salespersons under chapter
37 19.105 RCW;

1 (iv) Commercial telephone solicitors under chapter 19.158 RCW;
2 (v) Cosmetologists, barbers, manicurists, and estheticians under
3 chapter 18.16 RCW;
4 (vi) Court reporters under chapter 18.145 RCW;
5 (vii) Driver training schools and instructors under chapter 46.82
6 RCW;
7 (viii) Employment agencies under chapter 19.31 RCW;
8 (ix) For hire vehicle operators under chapter 46.72 RCW;
9 (x) Limousines under chapter 46.72A RCW;
10 (xi) Notaries public under chapter 42.45 RCW;
11 (xii) Private investigators under chapter 18.165 RCW;
12 (xiii) Professional boxing, martial arts, and wrestling under
13 chapter 67.08 RCW;
14 (xiv) Real estate appraisers under chapter 18.140 RCW;
15 (xv) Real estate brokers and salespersons under chapters 18.85
16 and 18.86 RCW;
17 (xvi) Scrap metal processors, scrap metal recyclers, and scrap
18 metal suppliers under chapter 19.290 RCW;
19 (xvii) Security guards under chapter 18.170 RCW;
20 (xviii) Sellers of travel under chapter 19.138 RCW;
21 (xix) Timeshares and timeshare salespersons under chapter 64.36
22 RCW;
23 (xx) Whitewater river outfitters under chapter 79A.60 RCW;
24 (xxi) Home inspectors under chapter 18.280 RCW;
25 (xxii) Body artists, body piercers, and tattoo artists, and body
26 art, body piercing, and tattooing shops and businesses, under chapter
27 18.300 RCW; (~~and~~)
28 (xxiii) Appraisal management companies under chapter 18.310 RCW;
29 and
30 (xxiv) Ticket sales under chapter 19.345 RCW.
31 (b) The boards and commissions having authority under this
32 chapter are as follows:
33 (i) The state board for architects established in chapter 18.08
34 RCW;
35 (ii) The Washington state collection agency board established in
36 chapter 19.16 RCW;
37 (iii) The state board of registration for professional engineers
38 and land surveyors established in chapter 18.43 RCW governing
39 licenses issued under chapters 18.43 and 18.210 RCW;

1 (iv) The funeral and cemetery board established in chapter 18.39
2 RCW governing licenses issued under chapters 18.39 and 68.05 RCW;

3 (v) The state board of licensure for landscape architects
4 established in chapter 18.96 RCW; and

5 (vi) The state geologist licensing board established in chapter
6 18.220 RCW.

7 (3) In addition to the authority to discipline license holders,
8 the disciplinary authority may grant or deny licenses based on the
9 conditions and criteria established in this chapter and the chapters
10 specified in subsection (2) of this section. This chapter also
11 governs any investigation, hearing, or proceeding relating to denial
12 of licensure or issuance of a license conditioned on the applicant's
13 compliance with an order entered under RCW 18.235.110 by the
14 disciplinary authority.

15 NEW SECTION. **Sec. 16.** If any provision of this act or its
16 application to any person or circumstance is held invalid, the
17 remainder of the act or the application of the provision to other
18 persons or circumstances is not affected.

19 NEW SECTION. **Sec. 17.** Sections 3, 5, 6, and 8 through 14 of
20 this act are each added to chapter 19.345 RCW.

21 NEW SECTION. **Sec. 18.** This act takes effect January 1, 2025.

22 NEW SECTION. **Sec. 19.** (1) The legislature finds that
23 Washingtonians are proud to support the arts and music and
24 entertainment events; value the opportunity to attend live events;
25 and appreciate the economic benefit these events and venues bring to
26 local communities.

27 (2) The legislature submits that in multiple instances, consumers
28 have had negative ticket sales experiences, including the most recent
29 Taylor Swift concert tour. These concert fans were frustrated at the
30 "nightmare dressed like a daydream" when trying to get access to
31 their favorite artist's live events. When fans felt the ticket sales
32 industry created "bad blood" with consumers, they refused to be told
33 "you need to calm down."

1 (3) The legislature believes ticket sellers should be "fearless"
2 in providing integrity, fairness, and transparency with consumers,
3 and therefore, the legislature refuses to "shake it off."

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