



# INSTRUCTIONS

## RESALE AMUSEMENT TICKET LAW

### (4 P.S. § 201, et seq.)

#### I. DEFINITIONS

1. **Act** – Resale Amusement Ticket Law, Act of May 2, 1947, P. L. 143, as amended.
2. **Amusement** – Any form of entertainment including theatrical or operatic performances; concerts; motion picture shows; vaudeville; circuses; carnivals and side shows; athletic contests, including wrestling, boxing, football, basketball, baseball, skating, golfing, tennis, hockey, swimming, archery, shooting and dancing; and all other forms of diversion, such as sports, recreation, exhibitions, contests, displays, games and horse and vehicle races.
3. **Established Price** – The admission price set by the owner of any place of amusement, not including taxes.
4. **Licensee** – The person to whom a resale amusement license is issued.
5. **Licensor** – The receiver of taxes of the city of Philadelphia and the County Treasurers of the counties in Pennsylvania.
6. **Person** – An individual, partnership, corporation or association.
7. **Place of Amusement** – Any place, indoor or outdoor, within the Commonwealth of Pennsylvania, where the general public may attend or engage in amusement, upon paying an established price.
8. **Premium** – The amount added to the established price of an admission ticket that is charged by a licensed reseller of tickets.
9. **Admission Ticket** – The evidence required to enter a place of amusement.

#### II. WHO MUST OBTAIN A LICENSE?

Any person, other than those specifically excluded by the Act, engaged in the resale of admission tickets to a Pennsylvania place of amusement at a price higher than the established price of the ticket, is required to obtain a license. A license must be obtained from each county in which the licensee operates a business. A license need not be obtained to resell admission tickets at the established price. No license is required to resell admission tickets at a price higher than the established price, if the place of amusement is located outside Pennsylvania.

#### III. HOW IS A LICENSE OBTAINED?

To obtain a license, an application, form REV-656, together with a bond must be filed with the licensor of the county in which the person will conduct business. Application and bond forms may be obtained from the licensor. The completed and verified application shall be accompanied by:

- (1) A fee of \$50;
- (2) A bond of \$1,000;
- (3) A description of the business location from which sales will be made; and
- (4) Proof, to the satisfaction of the licensor, that the applicant is of good moral character and repute.

All licenses expire on December 31 following the date the license was issued. A license may be renewed by the payment of the annual \$50 filing fee together with a \$1,000 bond covering the renewal license period. A license may not be assigned or transferred.

#### IV. WHAT ARE THE BOND REQUIREMENTS?

The bond must be in the amount of \$1,000 dollars and issued by a surety company authorized by the Pennsylvania Insurance Department. The bond shall be conditioned upon the licensee's faithful observance of the provisions of the Act and Department of Revenue regulations. The bond must remain in effect until the license expires. The bond must be available for inspection while being held by the licensor and must be turned over to the County District Attorney or City Solicitor for collection, should the license be revoked or the bond forfeited.

#### V. AT WHAT LOCATION MAY TICKETS BE SOLD? MAY THE BUSINESS LOCATION BE CHANGED? MUST THE LICENSE BE POSTED? ARE PRICE LISTS REQUIRED TO BE POSTED? WHAT RECORDS MUST BE MAINTAINED?

A licensee may resell admission tickets only from the place of business set forth in the application. A one-time change of a business location may be made during each license period. Written notice of the change must be given to the licensor within 24 hours of the change. The notice of change shall include the following:

- (1) A copy of the original license issued to the licensee;
- (2) A description of the new business location; and
- (3) The date upon which the business will be transacted at the new location.

Upon receipt of the original license, the licensor will annotate it to reflect the change of address and return it to the licensee.

The licensee must prominently display the license at the business location. The licensee must also prominently display a price list showing the established price and the price being charged for every ticket sold by the licensee. The licensee must maintain a full and accurate record of all sales, including:

- (1) The price paid by the licensee for the ticket(s);
- (2) The price received by the licensee for the ticket(s); and
- (3) The name(s) and address(es) of the person(s) for whom the licensee purchased the ticket(s).

The records of the licensee must be available for inspection at all times.

#### **VI. WHAT AMOUNTS MUST BE PRINTED ON THE ADMISSION TICKET?**

In addition to anything the owner of the business may have printed on the admission ticket, the following must be separately and clearly printed on the face of the ticket:

- (1) The established price of the ticket;
- (2) The amount of the premium; and
- (3) The amount of any lawful taxes.

#### **VII. WHAT IS THE MAXIMUM AMOUNT OF PREMIUM THAT MAY BE LEGALLY PRINTED ON THE TICKET?**

The premium printed on an admission ticket to a place of amusement may not exceed 25 percent of the established price of the admission ticket or \$5 dollars, whichever is larger.

#### **VIII. PROCEDURE - REFUSAL TO GRANT A LICENSE.**

If a licensor refuses to grant or renew a license, the licensor must, upon receiving written request from the applicant or licensee for an opportunity to respond, provide by mail five days' notice of the time and place of a hearing.

#### **IX. PROCEDURE - SUSPENSION AND REVOCATION OF LICENSE.**

If after issuing a license a licensor receives evidence of any of the following circumstances or finds other reason for revoking or suspending the license, the licensor must mail written notification to the licensee stating the reasons for the suspension or revocation.

- (1) The license was obtained by fraud or misrepresentation;
- (2) The licensee made a misstatement on the application;
- (3) The licensee has otherwise violated the provisions of the Act or Department regulations.

The licensor must also, upon receiving written request from the applicant or licensee for an opportunity to respond, provide by mail five days' notice of the time and place of a hearing.

Should the licensee not appear at the hearing or fail to provide evidence contesting the license suspension or revocation, the license may be revoked or suspended for a period of time determined by the licensor. When the license is revoked, the licensee's bond may be forfeited by the licensor, and the licensee will be ineligible to hold a license for three years from the date of license revocation.

#### **X. CRIMINAL PENALTIES**

Upon summary conviction for a first-time offense, anyone violating the Act will be sentenced to pay a fine up to \$300 and the cost of prosecution. If the first-time offender fails to pay the fine, he will be subject to imprisonment for 30 days. The second or subsequent time an individual is convicted of violating the Act, he will be guilty of a misdemeanor of the second degree and will be sentenced to pay a fine up to \$5,000, imprisonment for up to two years, or both. If a corporation, partnership or association violates the Act, any of its directors, members, agents or employees with knowledge of the crime may be convicted of violation of the Act and subject to the penalties described above. If the person violating the Act is a licensee, the license may be suspended or revoked and the person subject to the penalties described above.

#### **XI. DISPOSITION OF FEES AND BOND FORFEITURES.**

All fees and monies accruing from the forfeiture of a bond will be paid to the county or city treasurer, for use by the county or city in which the license was issued.