

LEGISLATURE OF NEBRASKA  
NINETY-SIXTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1059**

Introduced by Bourne, 8; Connealy, 16

Read first time January 6, 2000

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend section  
2 28-101, Revised Statutes Supplement, 1999; to create an  
3 offense of ticket scalping; to harmonize provisions; and  
4 to repeal the original section.

5 Be it enacted by the people of the State of Nebraska,

1           Section 1. (1) No person shall sell, offer for sale, or  
2 attempt to sell any ticket for admission or any other evidence of  
3 the right of entry to any public entertainment event at a price in  
4 excess of the price fixed for admission, including tax. If a  
5 seller requires as a precondition of the sale, offer, or attempted  
6 sale of a ticket, the purchase or rental of other goods or services  
7 at a price in excess of the fair market value of such goods or  
8 services, the excess amount shall be deemed to be a part of the  
9 purchase price of the ticket.

10           (2) Nothing in this section shall:

11           (a) Prohibit the charging of a fee for services rendered  
12 in connection with the sale of a ticket to an event if the fee is  
13 permitted pursuant to a contract between the ticket seller and the  
14 promoter of an event; and

15           (b) Prevent a qualifying nonprofit organization or its  
16 employees and volunteers from selling, offering for sale, or  
17 attempting to sell any tickets of admission to the highest bidder  
18 in a raffle, auction, or similar fundraising activity for the  
19 benefit of the organization's charitable or community betterment  
20 purposes.

21           (3) Ticket reselling pursuant to this section is a Class  
22 IV misdemeanor.

23           (4) For purposes of this section:

24           (a) Charitable or community betterment purposes has the  
25 same meaning as defined in section 9-504;

26           (b) Public entertainment event includes, but is not  
27 limited to, any theater performance, music concert, circus,  
28 exhibition, or athletic contest; and

1           (c) Qualifying nonprofit organization means any nonprofit  
2 organization (i) holding a certificate of exemption under section  
3 501 of the Internal Revenue Code or whose major activities,  
4 exclusive of conducting any raffle, auction, or similar fundraising  
5 activity, are conducted for charitable or community betterment  
6 purposes, (ii) with an office located in Nebraska, and (iii) which  
7 conducts charitable activities in Nebraska.

8           Sec. 2.     Section 28-101, Revised Statutes Supplement,  
9 1999, is amended to read:

10           28-101.   Sections 28-101 to 28-1348 and section 1 of this  
11 act shall be known and may be cited as the Nebraska Criminal Code.

12           Sec. 3.     Original section 28-101, Revised Statutes  
13 Supplement, 1999, is repealed.