



## Americans with Disabilities Act Title II and Title III Revised Regulations Fact Sheet Series

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### Fact Sheet #6

## Ticketing



Previously, ticketing had not been addressed specifically in the ADA or in its implementing regulations. Entities that sell tickets were always covered by the ADA, but there was no specific guidance for the myriad of situations related to ticketing. All that changed when the Department of Justice issued ticketing regulations which took effect on March 15, 2011. [§36.302(f), §35.138] These regulations apply to Title II (state and local government programs) and Title III (private businesses, a.k.a. places of public accommodations).

### General Requirements

An entity that sells tickets for a single event or a series of events shall modify its policies, practices, or procedures to ensure that individuals with disabilities have an equal opportunity to purchase tickets for accessible seating:

- During the same hours as others;
- During the same stages of ticket sales, including but not limited to, pre-sales, promotions, lotteries, waitlists, and general sales;
- Through the same methods of distribution;
- In the same types and numbers of ticketing sales outlets, including telephone service, in-person ticket sales at the facility, or third-party ticketing services, as other patrons; and
- Under the same terms and conditions as other tickets sold for the same event or series of events.

### If a ticketing entity is asked, it must:

- Inform individuals with disabilities, their companions, and third parties purchasing tickets for individuals with disabilities of the locations of all unsold or otherwise available accessible seating for any ticketed event at the facility;

- Identify and describe the features of available accessible seating in enough detail to reasonably permit an individual with a disability to decide independently whether a given accessible seating location meets his or her accessibility needs; and
- Provide materials, such as seating maps, plans, brochures, pricing charts, or other information, that identify accessible seating with the same text or visual representations as other seats, if such materials are provided to the general public.

## **Ticket Prices**

The price of tickets for accessible seating must not be higher than the price of other tickets in the same seating section for the same event. Tickets for accessible seating must be made available at all price levels for every event. If tickets for accessible seating at a particular price level cannot be provided because barrier removal in an existing facility is not readily achievable, then the percentage of tickets for accessible seating that should have been available at that price level if it weren't for the barriers must be offered for purchase, at that price level, in a nearby or similar accessible location. The percentage is determined by the ratio of the total number of tickets at that price level to the total number of tickets in the assembly area.

## **Purchasing Multiple Tickets**

For each ticket for accessible seating purchased by or for an individual with a disability, an entity must make available for purchase three additional tickets for seats in the same row that are contiguous with the wheelchair space, provided that the seats are available at the time of purchase. Such seats may include wheelchair spaces. If patrons are allowed to purchase at least four tickets, and there are fewer than three additional contiguous seats available for purchase, an entity must offer the available contiguous seats and also must make up the difference by offering tickets for seats that are as close as possible to the accessible seats. If ticket sales for a particular event or venue are limited to fewer than four seats per patron, then entities must offer as many seats to patrons with disabilities, including the ticket for the wheelchair space, as would be offered to patrons without disabilities. If patrons are allowed to purchase more than four tickets, then patrons with disabilities must be allowed to purchase up to the same number of tickets, including the ticket for the wheelchair space. If a group includes one or more individuals who need to use accessible seating because of a mobility disability, or because the disability requires the use of the accessible features that are provided in accessible seating, the group must be placed in a seating area with accessible seating so that, if possible, the group can sit together. If it is necessary to divide the group, it should be divided so that the people in the group who use wheelchairs are not isolated from the group.

## **Hold and Release of Tickets for Accessible Seating**

Tickets for accessible seating may be released for sale to individuals without disabilities in certain limited circumstances. However, a facility is never required to release tickets for accessible seating to individuals without disabilities.

Unsold tickets for accessible seating may be released only under the following circumstances:

- When all non-accessible tickets (excluding luxury boxes, club boxes, or suites) have been sold;

- When all non-accessible tickets in a designated seating area have been sold and the tickets for accessible seating are being released in the same designated area; or
- When all non-accessible tickets in a designated price category have been sold and the tickets for accessible seating are being released within the same designated price category.

When series-of-events tickets are sold out and the entity releases and sells accessible seating to individuals without disabilities for a series of events, a process must be established that prevents the automatic reassignment of the accessible seating to such ticket holders for future seasons, future years, or future series, so that individuals with disabilities who require the features of accessible seating, and who become newly eligible to purchase tickets when these series-of-events tickets are available for purchase, have an opportunity to do so.

When series-of-events tickets with an ownership right in accessible seating areas are forfeited or otherwise returned to an entity, reasonable modifications in policies, practices, or procedures must be made in order to afford individuals with mobility disabilities, or individuals with disabilities that require the features of accessible seating, the chance to purchase such tickets in accessible seating areas.

### **Ticket Transfer**

Individuals with disabilities who hold tickets for accessible seating must be permitted to transfer tickets to third parties under the same terms and conditions, and to the same extent, as other spectators holding the same type of tickets, whether they are for a single event or a series of events.

### **Secondary Ticket Market**

Policies, practices, or procedures must be modified to ensure that individuals with disabilities may use a ticket acquired in the secondary ticket market under the same terms and conditions as other individuals who acquired their tickets through the secondary ticket market for the same event or series of events.

If an individual with a disability acquires a ticket or series of tickets to an inaccessible seat through the secondary market, the individual should be allowed to exchange his ticket for one to an accessible seat in a comparable location, if accessible seating is vacant at the time the individual presents the ticket.

### **Prevention of Fraud**

Individuals with disabilities may not be required to provide any proof of disability, such as a doctor's note. For the sale of single-event tickets, sellers can ask whether the individual purchasing the tickets for accessible seating has either a mobility disability or a disability that requires the use of the accessible features that are provided in the accessible seating, or is purchasing the tickets for such a person. For series-of-events tickets, sellers can ask the individual purchasing the tickets for accessible seating to attest in writing that the accessible seating is for a person who has a mobility disability or a disability that requires the use of the accessible features that are provided in the accessible seating. An investigation may take place regarding the potential misuse of accessible seating where there is good cause to believe that such seating has been purchased fraudulently.

## **New Requirements for Assembly Areas from the 2010 Standards**

- In general, new construction or alterations on or after March 15, 2012 must comply with the 2010 ADA Standards. [Sections 221, 802 as well as §35.151(g) and §36.406(f)]
- Vague requirements for lines of sight and dispersion have been replaced with specific standards.
- Reduced scoping for large venues with more than 500 seats.
- New requirements for location of accessible seating in stadium-style movie theaters.
- Lawn seating will be required to be on an accessible route.

**Call your Regional ADA Center at 1.800.949.4232 for more information on Ticketing and to get other Fact Sheets in our nine part series!**