

# ADA and Ticketing

## Mid-Atlantic ADA Center

April 12, 2012

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### Where to find the 2010 Revised ADA Regulations

#### State and Local Governments

- Title II - General Requirements, 28 CFR 35.138
- [www.ada.gov/regs2010/titleII\\_2010/titleII\\_2010\\_withbold.htm](http://www.ada.gov/regs2010/titleII_2010/titleII_2010_withbold.htm)

#### Places of Public Accommodation

- Title III - Reasonable Modifications, 28 CFR 36.302(f)
- [www.ada.gov/regs2010/titleIII\\_2010/titleIII\\_2010\\_withbold.htm](http://www.ada.gov/regs2010/titleIII_2010/titleIII_2010_withbold.htm)

March 15, 2011 - Effective (enforceable)

#### ADA Standards for Design

- [http://www.ada.gov/2010ADASTandards\\_index.htm](http://www.ada.gov/2010ADASTandards_index.htm)

March 15, 2012 -standards are effective (enforceable)

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### 6 Significant Changes Cultural Administrators Should Know

#### Policies, Procedures, and Practices

- Service animals
- Mobility devices
- Ticketing

#### Physical Access and Barrier Removal

- 2010 Standards for Accessible Design
- Safe Harbor
- Reduction of Elements



NEA Tip Sheet:  
[www.nea.gov/resources/Accessibility/pubs/NEA-TipSheet.pdf](http://www.nea.gov/resources/Accessibility/pubs/NEA-TipSheet.pdf)

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### 8 Sections of Ticketing Regulations

1. Ticket Sales
2. Identification of seating
3. Ticket prices
4. Purchasing multiple tickets
5. Hold and release of tickets
6. Ticket transfer
7. Secondary ticket market
8. Prevention of fraud



Title II: §35.138 ticketing regulations  
 Title III: §36.302 (f) ticketing regulations

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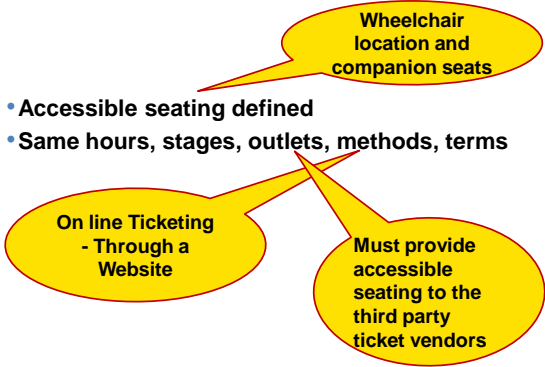
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### Highlights Section 1: Ticket Sales

- Accessible seating defined
- Same hours, stages, outlets, methods, terms




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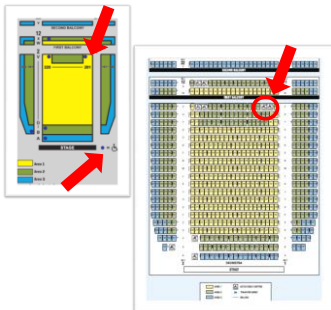
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### Highlights Section 2: Identification of accessible seating

- Availability & Location
  - Provide info about available of accessible seating, upon request
- Features
  - Describe features of available accessible seating in enough detail for the patron to make their own choice, upon request
- Same level of specificity
  - See example to right
- Brochures, maps, etc.
  - Provide material that identifies accessible seating if provided to others




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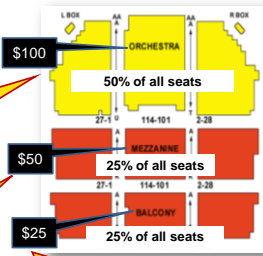
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### Highlights Section 3 : Ticket Prices

Available at all price levels  
 •If seats are not physically located in all price levels use proportional pricing  
 •Accessible seats may not be priced higher than the seats around them



8 wheelchair locs all in the orchestra (100%)  
 Priced proportionally =  
 -4 which locs at \$100  
 -2 which locs at \$50  
 -2 which locs at \$25

BUT... IF all 8 are in the BALCONY?  
 ...all wheelchair locs are \$25

Nothing prohibits discounting – wheelchair locs may cost less than those around them.

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### Highlights Section 4 : Purchase multiple tickets

**Same number of tickets**  
 As anyone else is limited to or allowed to purchase

**Up to 3 companion seats**

- **Contiguous**
- and in the
- **Same row**
- if not, then as close as possible

May hold 3 companion seats but not required to do so

If available at the time of sale

Not required to be the same price if not contiguous and in the same row

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### Highlights Section 5 : Hold and Release

**Only three conditions** under which accessible seats may be released:

All non-accessible seats are:

- 1) **sold out** in the venue,
- 2) **sold out** in an area, or
- 3) **sold out** in a price

Venue defines "sold-out"

Take into account reasonable expectation of releasing holds

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**What about Subscription or Series-of-events tickets**

If accessible seating tickets are sold to a person without a disability the venue must –

- **set up process that prevents automatic reassignment of accessible seating to person without disability**
- provide an opportunity for a person with disability to purchase the tickets in future (when person becomes eligible)

*Ownership rights? When tickets in accessible seating are forfeited or returned provide an opportunity for a person with disability to purchase the tickets*

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**Highlights Section 6 : Transfer tickets**

Person with a disability **may**:

- **Transfer** (*give or sell*) tickets for accessible seating to a third party under the same terms/conditions as any other patron is allowed to do so




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**Highlights Section 7: Secondary Market**

Venue must :

- Honor tickets acquired on the secondary market
- **Exchange to comparable accessible location**

Any transfer of tickets after initial sale

IMPORTANT: If available when presented




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**Highlights Section 8: Prevention of Fraud**

**May not** ask for proof of disability

**May ask for a:**

- verbal attestation at time of purchase by phone or in person
- "click" attestation when purchasing online
- written attestation when purchasing a subscription or series of tickets.



*"Do you, or a member of your party, have a mobility disability or disability requiring the use of the features of the accessible location."*

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**Highlights Section 8: Prevention of Fraud**

**May investigate** where there is good cause to believe purchase is fraudulent




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**Resources**

**U.S. Department of Justice (DOJ)**

[www.ada.gov](http://www.ada.gov)

- Revised Regulations: [www.ada.gov/regs2010/ADAREgs2010.htm](http://www.ada.gov/regs2010/ADAREgs2010.htm)
- 2010 ADA Standards: [www.ada.gov/2010ADAstandards\\_index.htm](http://www.ada.gov/2010ADAstandards_index.htm)
- Service Animals: [www.ada.gov/service\\_animals\\_2010.htm](http://www.ada.gov/service_animals_2010.htm)
- Ticketing: [www.ada.gov/ticketing\\_2010.htm](http://www.ada.gov/ticketing_2010.htm)
- Tech. Assistance: (800) 514-0301 (voice) or (800) 514-0383 (TTY)

**U.S. Access Board**

[www.access-board.gov](http://www.access-board.gov)

- 2010 Standards, Guidelines and Other ADA Standards: [www.access-board.gov/ada/index.htm](http://www.access-board.gov/ada/index.htm)
- Guide to which standard to follow: [www.access-board.gov/ada/using-standards.htm](http://www.access-board.gov/ada/using-standards.htm)
- Tech. Assistance: (800) 872-2253 (voice), (800) 993-2822 (TTY)

**ADA National Network**

[www.adata.org](http://www.adata.org)

- Tech. Assistance: (800) 949-4232 (Voice/TTY)

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