



ADA
2010 Revised
Requirements

Ticket Sales

The Department of Justice published revised final regulations implementing the Americans with Disabilities Act (ADA) for title II (State and local government services) and title III (public accommodations and commercial facilities) on September 15, 2010, in the Federal Register. These requirements, or rules, clarify and refine issues that have arisen over the past 20 years and contain new, and updated, requirements, including the 2010 Standards for Accessible Design (2010 Standards).

Overview

Providing equal opportunity to people with disabilities is the fundamental principle of the Americans with Disabilities Act (ADA). This publication provides guidance on the Department's new nondiscrimination requirements that apply to selling tickets for assigned seats at events such as concerts, plays, and sporting events. The requirements, which are identical for title II and title III entities, apply to tickets sold for single events and those sold for a series of events (e.g., subscriptions or season tickets).

The requirements, which went into effect on March 15, 2011, address:

- Ticket sales;
- Ticket prices;
- Identification of available accessible seating;
- Purchasing multiple tickets;
- Ticket Transfer;
- Secondary ticket market;
- Hold and release of tickets for accessible seating; and
- Prevention of fraud in purchase of tickets for accessible seating.

Over the past 20 years, some public and private venues, ticket sellers, and distributors have not provided the same opportunity to purchase tickets for wheelchair-accessible seats and non-accessible seats. The general public has been able to directly and immediately purchase tickets for non-accessible seats, whether through a venue's Internet site or its box office, or through a third-party Internet based vendor. However, these direct purchase options have simply been unavailable to many individuals with disabilities because transactions frequently could not be completed. Instead the

Revised ADA Requirements: Ticket Sales

purchaser was directed to send an e-mail or to call a separate telephone number to request tickets and wait for a response. These burdensome policies still exist, making it difficult or impossible for those who require accessible seats to purchase tickets, especially for popular events that sell out in minutes. As of March 15, 2011, venues that sell tickets for assigned seats must implement policies to comply with the new ticketing requirements.

back chair or those whose service dogs cannot fit under a non-accessible seat or lie safely in the aisle are also permitted to purchase accessible seats. Tickets for accessible seats may be sold to individuals who require accessible seating themselves or to someone purchasing on their behalf. People with disabilities who do not require the specific features of accessible seating but merely have a preference for them are not entitled to purchase accessible seats.

What is an Accessible Seat and Who Can Use One?

Accessible seats are spaces specifically designed for wheelchairs and include features such as an accessible approach, location at grade, clear floor space, and larger dimensions. For information about the number, dimensions, and features of accessible seats, please see the 2010 ADA Standards for Accessible Design (2010 Standards), sections 221 and 802.

Aisle seats with retractable or removable armrests, which are called “designated aisle seats” and can be used by some people with disabilities, are not covered by these ticketing requirements.

People with mobility disabilities who require accessible seating because of their disability are permitted to purchase tickets for accessible seats. This group includes people who use wheelchairs, those who use other mobility devices, and people who cannot climb steps or walk long distances because of significant arthritis or severe respiratory, circulatory, or cardiac conditions. Individuals who, because of their disability, cannot sit in a straight-

Ticket Sales

Venues are required to sell tickets for accessible seats in the same manner and under the same conditions as all other ticket sales.

Tickets for accessible seats must be sold:

- during the same hours;
- through the same methods of purchase (by telephone, on site, through a website, or through third-party vendors); and
- during the same stages of sales (pre-sales, promotions, general sales, wait lists, or lotteries) as non-accessible seats.

If tickets are made available at the pre-sale stage for members of a fan club, credit card club, or other voluntary club, those tickets must include tickets for accessible seats. Voluntary clubs for people with disabilities who self-identify for priority purchasing or to purchase tickets reserved for club members are permitted. However, the venue must ensure that a reasonable number of accessible seats are available for purchase at all prices and locations by non-members with disabilities.

When a venue provides tickets to a third-party ticket vendor, including Internet-based vendors, the venue must include comparable tickets for accessible seats. Once third-party ticket vendors acquire tickets for accessible seats, they are obligated to sell them in accordance with the Department's ADA requirements. If the venue fails to provide any tickets for accessible seats, the third-party vendor is encouraged, but not required, to contact the venue to obtain tickets for accessible seats. Similarly, if the venue provides unsold tickets to a "discount" or "half price" ticket outlet, it must also provide tickets for accessible seats, if such seats are available.

Ticket Prices

Venues cannot charge higher prices for accessible seats than for non-accessible seats in the same seating section. This concept also applies to service charges added to the cost of a ticket, whether charged by the venue or a third-party seller. Venues must offer accessible seats in all price categories available to the public.

Many existing facilities may not have accessible seating in all price categories because of existing architectural barriers. Under the ADA, a venue must remove such architectural barriers where doing so is readily achievable. What is readily achievable ("easily accomplishable and able to be carried out without much difficulty or expense") depends on the venue's architectural structure and resources. In those situations where it is not readily achievable to remove the barriers in a part of an arena or auditorium, the venue must offer a proportional number of seats in an accessible location at the same price. The ratio of the total number of seats in the non-accessible

price level to the total number of seats in the venue is used to determine the number of accessible seats that must be provided in an accessible location.

For example, Sections 221.1 and 221.2 of the 2010 Standards require a 1000-seat venue to have 10 wheelchair-accessible seats dispersed horizontally and vertically. The venue, built in 1980, has 200 seats in its inaccessible upper balcony where tickets are generally priced at \$50. The total number of seats in the venue divided by the total number of seats in the upper balcony (1,000 divided by 200) is 20 percent. The venue must relocate 20 percent of its required accessible seating (in this instance, two seats) to an accessible location at the \$50 price level (for individuals with disabilities and their companions). These seats must be in a comparably priced or better location. The venue cannot relocate the \$50 accessible seats to a section where the tickets cost less than \$50.

Identification of Available Accessible Seating

Venues and third-party sellers must provide the same information about accessible seats as provided about non-accessible seats, using the same text and visual representations. Typically information about location, price, view, and seat availability is provided. Accessible seats must be described in enough detail to permit the purchaser to determine if a seat meets his or her needs. If a venue has detailed maps or displays of seating configurations on its website or if it provides seating information in its pamphlets or brochures, including information for particular events or shows, it must include information on accessible seating in the same detail as is provided on non-accessible seating.

Purchasing Multiple Tickets

People purchasing a ticket for an accessible seat may purchase up to three additional seats for their companions in the same row and these seats must be contiguous with the accessible seat. Accessible seats may be used as companion seats. If contiguous seats have already been sold and are not available, the venue must offer other seats as close as possible to the accessible seat. If those seats are in a different price category, the venue is not required to modify the price and may charge the same price as it charges others for those seats.

Where a venue limits ticket sales to fewer than four tickets, those limits also apply to tickets for accessible seats. Similarly, when a venue allows the purchase of more than four tickets, that policy also applies to tickets for accessible seats, but only three companion seats must be contiguous with the accessible seat.

Group Sales

Many venues offer a group sales rate for groups of a pre-determined size. If a group includes one or more individuals who need accessible seating, the entire group should be seated together in an area that includes accessible seating. If it is not possible to seat the entire group together and the group must be split, the tickets should be allocated so that the individuals with disabilities are not isolated from others in their group.

Hold and Release of Tickets for Accessible Seating

Generally, tickets for accessible seats may not be sold to members of the general public who do not need the specific features of accessible seats. However, in three specific circumstances, unsold accessible seats may be released and sold to members of the general public:

- when all non-accessible seats have been sold (excluding luxury boxes, club boxes, suites, and seats the venue holds back when declaring a sell-out); or
- when all non-accessible seats in a particular seating section have been sold, unsold accessible seats in that section may be released; or
- when all non-accessible seats in a particular price category have been sold, unsold accessible seats in that price category may be released.

Venues must select only one of these options for declaring a sellout for an event. Another option may be selected for a different event. However, venues are not required to release accessible seats and may choose to hold back all or a portion of the remaining accessible seats.

Accessible seats for a series, subscription, or season tickets may be sold to members of the general public in the same three circumstances – in the case of a sell-out of all non-accessible seats, of all non-accessible seats in a particular seating location, or all non-accessible seats in a particular price category. However, in order to avoid foreclosing the availability of accessible seating for years in the future, venues must set up a process to prevent automatic renewal of accessible seats that have been sold to

the general public. One way venues can accomplish this result is by advising an individual ticket purchaser who is receiving accessible seating, at the time of purchase, that, whenever other patrons in non-accessible seats fail to renew their subscriptions, the venue will only allow this particular individual to renew by switching that individual to non-accessible seats in the same section or price level. Of course, if no comparable non-accessible seats become available, the venue may continue to allow this individual to renew the use of the accessible seats until comparable seats become available.

Ticket Transfers and Secondary Ticket Market

If venues permit patrons to give or sell their tickets to others, the same right must be extended to patrons with disabilities who hold tickets for accessible seats and to persons with disabilities who intend to buy or receive tickets on the secondary ticket market. An individual with a ticket for an accessible seat may transfer it to anyone, including someone who does not have a disability. Venues cannot require that accessible seats only be transferred to someone with a disability.

An individual who has purchased a non-accessible seat through the secondary market but needs an accessible seat must be permitted to exchange the ticket for a comparable accessible seat, if one is available. A venue may choose to move a patron to another seat in order to give that accessible seat to a patron with a disability who requires it, but is not obligated to do so.

Prevention of Fraud in Purchase of Tickets for Accessible Seating

Venues cannot require proof of disability as a condition for purchasing tickets for accessible seats. However, venues and third-party vendors may take steps to prevent the fraudulent sale and use of accessible seating. For single event tickets, venues may ask purchasers to state that they require, or are purchasing tickets for someone who requires, the features of an accessible seat. For series of events tickets, purchasers may be asked to attest in writing that they require, or are purchasing tickets for someone who requires, the features of an accessible seat. These steps may be used in all sales, including those over the Internet. Venues may also mark tickets to clearly identify that they are for accessible seats. Some venues include on tickets for accessible seats a message stating that, if the user of the ticket does not need the specific features of the accessible seat, the venue may require the ticket holder to move to a different, non-accessible seating location.

Venues may investigate the potential misuse of accessible seats where there is good cause to believe that such seating has been purchased fraudulently. Purchasers may also be warned that if accessible seating has been purchased fraudulently, they are subject to investigation and/or relocation. Providing additional information about the features of other types of seats (e.g., seats that can be accessed without steps, designated aisle seats, or seats located close to exits) may assist patrons to determine which type of seat meets their specific needs. Venues must not, however, use this process to steer patrons with disabilities to particular seat types or locations.

Staff Training

A critical and often overlooked component of ensuring successful compliance is comprehensive and ongoing staff training. You may have established good policies, but if your staff are not aware of them or do not know how to implement them, problems can arise. Venues of all sizes are strongly encouraged to educate venue managers, box office staff, individuals answering phones or responding to Internet inquiries, and any other staff involved in ticket sales about the ADA's requirements. Other paid or volunteer staff who interact with the public (e.g., ushers, event security) should also be trained. Ticket distributors and third-party ticket vendors are also strongly encouraged to provide ongoing training to their staff about these requirements.

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ADA Website
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