

**AMERICANS WITH DISABILITIES ACT REGULATIONS  
TICKET SALES FOR ACCESSIBLE SEATING  
28 C.F.R. 35.138**

**Definition**

Accessible seating is defined as wheelchair spaces and companion seats that comply with sections 221 and 802 of the [2010 ADA Accessible Design Standards](#) along with any other seats required to be offered for sale to the individual with a disability pursuant to the “purchasing multiple tickets” paragraph below.

**Ticket Sales**

A public entity that sells tickets for a single event or 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:

1. During the same hours;
2. During the same stages of ticket sales, including, but not limited to, pre-sales, promotions, lotteries, wait lists, and general sales;
3. Through the same methods of distribution;
4. 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
5. Under the same terms and conditions as other tickets sold for the same event or series of events.

**Identification of Available Accessible Seating**

A public entity that sells or distributes tickets for a single event or series of events shall, upon inquiry:

1. Inform individuals with disabilities, their companions, and third parties purchasing tickets for accessible seating on behalf of individuals with disabilities of the locations of all unsold or otherwise available accessible seating for any ticketed event or events at the facility.
2. Identify and describe the features of available accessible seating in enough detail to reasonably permit an individual with a disability to assess independently whether a given accessible seating location meets his or her accessibility needs.
3. Provide materials, such as seating maps, plans, brochures, pricing charts, or other information, that identify accessible seating and information relevant thereto 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 for a single event or series of events shall not be set higher than the price for other tickets in the same seating section for the same event or series of events. Tickets for accessible seating must be made available at all price levels for every event or series of events. If tickets for accessible seating at a particular price level are not available because of inaccessible features, then the percentage of tickets for accessible seating that should have been available at that price level (determined by the ratio of the total number of tickets at that price level to the total number of tickets in the assembly

area) shall be offered for purchase, at that price level, in a nearby or similar accessible location.

### **Purchasing Multiple Tickets**

For each ticket for a wheelchair space purchased by an individual with a disability or a third-party purchasing such a ticket at his or her request, a public entity shall make available for purchase three additional tickets for seats in the same row that are contiguous with the wheelchair space, provided that at the time of purchase there are three such seats available. A public entity is not required to provide more than three contiguous seats for each wheelchair space. Such seats may include wheelchair spaces.

If patrons are allowed to purchase at least four tickets, and there are fewer than three such additional contiguous seat tickets available for purchase, a public entity shall offer the next highest number of such seat tickets available for purchase and shall make up the difference by offering tickets for sale for seats that are as close as possible to the accessible seats.

### **Sales Limited to Less than Four Tickets**

If a public entity limits sales of tickets to fewer than four seats per patron, then the public entity is only obligated to offer as many seats to patrons with disabilities, including the ticket for the wheelchair space, as it would offer to patrons without disabilities.

### **Maximum Number of Tickets Patrons may Purchase Exceeds Four**

If patrons are allowed to purchase more than four tickets, a public entity shall allow patrons with disabilities to purchase up to the same number of tickets, including the ticket for the wheelchair space.

### **Group Sales**

If a group includes one or more individuals who need to use accessible seating because of a mobility disability or because their disability requires the use of the accessible features that are provided in accessible seating, the group shall 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 individuals in the group who use wheelchairs are not isolated from their group.

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

Tickets for accessible seating may be released for sale in certain limited circumstances. A public entity may release unsold tickets for accessible seating for sale to individuals without disabilities for their own use for a single event or series of events only under the following circumstances:

1. When all non-accessible tickets (excluding luxury boxes, club boxes, or suites) have been sold;
2. 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
3. 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.

Nothing in this paragraph requires a facility to release tickets for accessible seating to individuals without disabilities for their own use.

### **Ticket Transfer**

Individuals with disabilities who hold tickets for accessible seating shall 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 series of events.

### **Prevention of Fraud in Purchase of Tickets for Accessible Seating**

A public entity may not require proof of disability, including, for example, a doctor's note, before selling tickets for accessible seating.

1. **Single-event tickets:** For the sale of single-event tickets, it is permissible to inquire whether the individual purchasing the tickets for accessible seating has a mobility disability or a disability that requires the use of the accessible features that are provided in accessible seating, or is purchasing the tickets for an individual who has a mobility disability or a disability that requires the use of the accessible features that are provided in the accessible seating.
2. **Series-of-events tickets:** For series-of-events tickets, it is permissible to 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.

A public entity may investigate the potential misuse of accessible seating where there is good cause to believe that such seating has been purchased fraudulently.

*NOTE: This exhibit does not include regulatory language on year-to-year sale of season-long seats or language on secondary ticket markets. This information is available in 28 C.F.R. 35.138.*

**End of McClusky School District #19 Exhibit ABBF-E**