

## HB 3167 -3 STAFF MEASURE SUMMARY

### House Committee On Commerce and Consumer Protection

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**Meeting Dates:** 3/11

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#### WHAT THE MEASURE DOES:

The measure sets restrictions for using software to circumvent ticket sale operations. The measure also requires specific disclosures for ticket sales. requires that ticket sellers share the base price and total price after all fees when a ticket is first selected for sale. The measure adds restrictions to the practice of reselling tickets.

#### Detailed Summary

Defines affiliated, base price, initial sale, presale, promoter, resale marketplace, retail purchaser, ticket seller, total price, and venue.

- Prohibits using software to purchase tickets in excess of the amount a seller of tickets has restricted or circumvent a rule or policy a seller has established for a presale or initial sale or resale of an admission ticket.
  - A person using software in this way may not sell or offer to sell tickets acquired with the software.
  - An operator, ticket seller, or reseller must notify the attorney general if they detect the use of software to circumvent ticket sales, rules, or policies.
- Requires sellers to disclose:
  - Base price and total price when ticket is first selected.
  - Terms to cancel the purchase.
  - Policy for refunds.
  - Business affiliation.
  - Conditions for use of the ticket.
  - If the ticket is transferable or not.
  - Contact information to the attorney general to make a complaint.
  - The base price any affiliated business has the ticket available for.
- Requires a disclosure with each fee showing the base price and the total price.
  - The disclosure must not be fraudulent or misleading and must be prominent.
  - Seller must provide an opportunity for purchaser to reconsider the options of the ticket selected.
- A seller not affiliated with the venue or performer may not use images or logos that could be confusing when selling tickets.
- A reseller must:
  - Have possession or a contract to obtain the ticket before selling.
  - Disclosure of the delivery date and the number of tickets that will allow for seating in a specific zone or section.
  - If a reseller cannot obtain possession of the ticket they sold, the ticket seller must refund within 10 days the whole amount paid but the buyer including deposit.
- Applies to sales after the effective date.

#### ISSUES DISCUSSED:

#### EFFECT OF AMENDMENT:

-3 The amendment changes the definitions of "base Price" and "retail Purchaser." Exempts mover theaters from the definition of "admission ticket." Exempts trade shows from the definition of "entertainment event." Removes requirement to notify Attorney General. Removes the requirement for tickets to be transferable. Requires that the opportunity to review selected options and make changes comes before providing financial information to

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make a payment. Makes technical changes to the prohibition on software that circumvents the ticket seller's rules or policies. Exempts a tax on sale of a ticket, a delivery charge, and additional optional services from inclusion in the total price required in the measure.

### **BACKGROUND:**

ORS 646A.115 is the statute on prohibited software that interferes with sale of admission tickets to entertainment events.