

HB 3167 A -A11 STAFF MEASURE SUMMARY

Senate Committee On Labor and Business

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Meeting Dates: 5/8, 5/13, 5/15

WHAT THE MEASURE DOES:

The measure regulates the selling and buying of event tickets to increase transparency in the buying process. The measure prohibits willfully using software to purchase tickets from an operator, ticket seller, or reseller in an attempt to thwart control measures designed to ensure an equitable distribution, sale, or resale of admission tickets for an entertainment event, or to limit the number of admission tickets a single purchaser may purchase. The measure requires sellers to disclose the initial price and total price when admission ticket is first selected and prior to financial information being required. Applies to sales of an admission ticket on or after January 1, 2026.

Detailed Summary:

Regulates the selling and buying of event tickets to increase transparency in the buying process. Defines affiliated, initial price, initial sale, presale, promoter, purchaser, ticket seller, total price, and venue. Excludes commercial motion picture theaters from the definition of admission ticket and excludes trade shows from the definition of entertainment events. Excludes government charges, delivery fees, and optional add-ons from the definition of total price. Prohibits willfully using software to purchase tickets from an operator, ticket seller, or reseller in an attempt to thwart control measures designed to ensure an equitable distribution, sale, or resale of admission tickets for an entertainment event, or to limit the number of admission tickets a single purchaser may purchase. Prohibits a person using software in this way from willfully selling or offering to sell tickets acquired with the software. Requires sellers to disclose the initial price and total price when admission ticket is first selected and prior to financial information being required. Requires sellers to disclose prior to financial information being required by the purchaser, the terms to cancel the purchase, the policy for refunds, whether the purchaser is interacting with a reseller and if the ticket price may vary from the original venue or operator, the conditions for use of the ticket, and if the ticket is transferable or not. Requires that these disclosures must not be fraudulent or misleading and must be as prominent or larger than the initial price. Requires a seller to provide an opportunity for the purchaser to reconsider the options of the ticket selected. Prohibits a seller not affiliated with the venue or performer and without prior written authorization from the use of images, graphics, logos or other intellectual property that could be confusing when selling tickets. Requires a reseller to have possession or a contract to obtain the ticket before selling and provide disclosure of the delivery date and the number of tickets that will allow for seating in a specific zone or section. Specifies that if a reseller cannot obtain possession of the ticket they sold, the ticket seller must refund within 10 days the whole amount paid by the purchaser, including any deposit. Provides that a violation is an unfair trade practice, for a private right of action, and for Attorney General enforcement. Applies to sales of an admission ticket on or after January 1, 2026.

REVENUE: No revenue impact

FISCAL: Has minimal fiscal impact

ISSUES DISCUSSED:

- Provisions of the measure
- Related Federal Trade Commission rule
- Application of the Unlawful Trade Practices Act
- Examples of deceptive websites and speculative ticket sales

- Competition in ticketing sales

EFFECT OF AMENDMENT:

-A11 Replaces the measure. The amendment modifies existing law to prohibit willfully selling or using software that has the purpose to circumvent, thwart, interfere with, or evade a control or measure, including a security measure or an access control system, that a ticket seller establishes or uses to ensure equitable distribution, sale, or resale of admission tickets for an entertainment event, or to limit the number of admission tickets a single purchaser may buy from a ticket seller or reseller. It specifies what a person must disclose to a purchaser before the person may sell, offer for sale, resell, or offer for resale an admission ticket. It also prohibits a reseller or affiliate from offering the resale of an admission ticket unless they have actual or constructive possession of the admission ticket or a written contract to obtain the admission ticket from an operator, ticket seller, or the person that purchased the admission ticket initially and meets other specified requirements. The amendment defines key terms and applies to sale of or offers to sell an admission ticket that occurs on or after January 1, 2026.

Detailed Summary:

Section 1

Redefines "admission ticket." Defines "affiliated" and "completes a purchase." Redefined "entertainment event." Defines "final price," "initial price," and "method of purchase." Defines "presale," "promoter," and "purchaser." Defines "resale marketplace," "ticket seller," "total price," and "venue." Modifies existing law to prohibit willfully selling or using software that has the purpose to circumvent, thwart, interfere with, or evade a control or measure, including a security measure or an access control system, that a ticket seller establishes or uses to ensure equitable distribution, sale, or resale of admission tickets for an entertainment event, or to limit the number of admission tickets a single purchaser may buy from a ticket seller or reseller. Prohibits a person from willfully selling or offering to sell an admission ticket that the person obtained using this software. Specifies what a person must disclose to a purchaser before the person may sell, offer for sale, resell, or offer for resale an admission ticket, such as total price of the admission ticket. Prohibits a person, without prior written authorization, from using or causing another person to use an Internet domain name or subdomain name under specified circumstances, such as if it names the venue. Prohibits a person, without prior written authorization, from publishing or causing another to publish a website under specified circumstances, such as when the text of the website is so substantially similar to the intellectual property of an operator as to mislead a reasonable visitor to the website. Provides exception to these prohibitions on the use of internet domain names and websites. Prohibits a reseller or affiliate from offering the resale of an admission ticket unless they have actual or constructive possession of the admission ticket or a written contract to obtain the admission ticket from an operator, ticket seller, or the person that purchased the admission ticket initially and meets other specified requirements, such as disclosure that it is a resale. Specifies that a purchaser or reseller may not be subject to retaliation or discrimination for reselling an admission ticket. Specifies that violation of these requirements is an unlawful practice under the Unlawful Trade Practices Act.

Section 2

Applies to the sale of or offers to sell an admission ticket that occurs on or after January 1, 2026.

REVENUE: May have revenue impact, but no statement yet issued

FISCAL: May have fiscal impact, but no statement yet issued

BACKGROUND:

The Federal Trade Commission (FTC) was created on September 26, 1914. It is a government agency that is intended to protect the public from deceptive or unfair business practices, and from unfair methods of

competition. Recently, the FTC issued a final rule on unfair or deceptive fees that will be effective on May 12, 2025. The final rule, 16 CFR Part 464, specifies that it is an unfair and deceptive practice for businesses to offer, display, or advertise any price of live-event tickets or short-term lodging without clearly, conspicuously and prominently disclosing the total price. The rule defines "total price" to include the maximum total of all fees or charges a consumer must pay for any goods or services and any mandatory ancillary good or service, except that government charges, shipping charges, and fees or charges for any optional ancillary good or service may be excluded. The final rule also requires businesses to make specified disclosures before a consumer makes a purchase. Finally, the rule makes it an unfair and deceptive practice for businesses to misrepresent any fee or charge in any offer, display, or advertisement for live-event tickets or short-term lodging.

The Unlawful Trade Practices Act (UTPA) is one tool consumers may use to recover damages that occur as a result of deceptive sales or business practices. The UTPA was enacted in 1971. The UTPA provides individuals with a right of private action for deceptive practices with the sale of real estate, goods, or services. Additional recovery powers are given to the Attorney General and district attorneys.

When buying a ticket to an event, a consumer can buy from the entity that originally offers the tickets, ticket resellers, or other consumers who want to sell a ticket they purchased. ORS 646A.115 currently regulates the use of software that interferes with the sale of admission tickets to entertainment events.

HB 3167 A regulates the selling and buying of event tickets to increase transparency in the buying process.