

HB 3167 B STAFF MEASURE SUMMARY**Carrier:** Sen. Taylor**Senate Committee On Labor and Business****Action Date:** 05/22/25**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)**Vote:** 4-0-1-0**Yeas:** 4 - Bonham, Hayden, Patterson, Pham**Exc:** 1 - Taylor**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Whitney Perez, LPRO Analyst**Meeting Dates:** 5/8, 5/13, 5/15, 5/22**WHAT THE MEASURE DOES:**

The measure changes the existing legal standard from "intentionally" to "willfully" applied to the current law that prohibits a person from selling or using software to bypass a system that a ticket seller uses to ensure equitable distribution, sale, or resale of admission tickets for an entertainment event, or to limit the number of tickets a single purchaser may buy from a ticket seller or reseller. It 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 and it prohibits a person, without prior written authorization, from publishing or causing another to publish a website under specified circumstances. The measure applies to the sale of or offers to sell an admission ticket that occurs on or after January 1, 2026.

Detailed Summary:

- Redefines "admission ticket" and "entertainment event." Defines "initial sale," "presale," "promoter," and "purchaser." Redefines "reseller." Defines "ticket seller" and "venue."
- Changes existing standard from "intentionally" to "willfully" applied to law that prohibits a person from selling or using software to circumvent, thwart, interfere with, or evade a control or measure, including a security measure or an access control system, that a ticket seller 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.
- 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.
- Specifies that violation of these requirements is an unlawful practice under the Unlawful Trade Practices Act.
- Applies to the sale of or offers to sell an admission ticket that occurs on or after January 1, 2026.

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:

This summary has not been adopted or officially endorsed by action of the committee.

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Replaces the measure.

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 in 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 B regulates the selling and buying of event tickets in Oregon.