

# House Bill 3167

Sponsored by Representatives MARSH, NOSSE, MANNIX, BOWMAN; Representatives GOMBERG, GRAYBER, NATHANSON, PHAM H, SOSA, WALTERS, Senators CAMPOS, FREDERICK (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

**Digest:** Says that a ticket seller must tell a buyer the total price for a ticket and certain information before selling a ticket for an event. Says that a reseller must have a ticket before it can sell the ticket. Sets certain other requirements for ticket sales. (Flesch Readability Score: 62.5).

Prohibits knowingly or intentionally selling or offering for sale admission tickets that a person obtains by using software that is designed to circumvent, thwart, interfere with or evade a control or measure, including a security measure or an access control system, that an operator, ticket seller or reseller establishes or uses to ensure an equitable distribution, sale or resale of admission tickets for an entertainment event.

Prohibits a person from offering or selling an admission ticket to a retail purchaser unless the person discloses the total price of the admission ticket before completing the sale and unless the person makes certain other disclosures.

Prohibits a reseller from selling or offering for resale an admission ticket unless the reseller has actual or constructive possession of the admission ticket and makes certain disclosures before completing the sale.

Punishes violations of the Act as an unlawful practice under the Unlawful Trade Practices Act.

## A BILL FOR AN ACT

1  
2 Relating to regulating sales of admission tickets to entertainment events; creating new provisions;  
3 and amending ORS 646A.115.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 646A.115 is amended to read:

6 646A.115. (1) As used in this section:

7 (a) "Admission ticket" means evidence of a purchaser's right of entry to a venue or an enter-  
8 tainment event.

9 (b) "Affiliated" means a person's having control of, being controlled by or under common  
10 control with another person.

11 (c) "Base price" means the advertised price of an admission ticket or the amount that a  
12 retail purchaser must pay for an admission ticket less all fees, taxes, surcharges or other  
13 charges, whichever is less.

14 [(b)] (d) "Entertainment event" means a performance, recreation, amusement, diversion, specta-  
15 cle, show or similar event including, but not limited to, a theatrical or musical performance, concert,  
16 film, game, ride or sporting event **that occurs in this state**.

17 (e) "Initial sale" means a ticket seller's first sale of an admission ticket to a retail pur-  
18 chaser.

19 [(c)] (f) "Operator" means a person that owns, operates or controls a venue or that produces  
20 or promotes an entertainment event, or the person's agent or employee.

21 (g) "Presale" means a sale of admission tickets to a selected group of retail purchasers,  
22 a sale at or below the base price or, with the permission of the ticket seller, a sale before

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 admission tickets become available to a wider public.

2 (h) **“Promoter” means a person that organizes financing or publicity for an enter-**  
 3 **tainment event, or the person’s agent or employee.**

4 [(d)] (i) **“Resale” means a sale other than a ticket seller’s or an operator’s initial sale of an**  
 5 **admission ticket for a venue that is located in or an entertainment event that occurs in this state,**  
 6 **irrespective of the location in which the sale occurs or the means by which a reseller solicits or**  
 7 **advertises the sale or delivers or receives payment for the admission ticket.**

8 (j) **“Resale marketplace” means a platform or exchange that facilitates an offer or com-**  
 9 **pletion of a resale between a ticket seller or reseller and a retail purchaser, irrespective of**  
 10 **the location of the platform or exchange or the technology the platform or exchange uses**  
 11 **to facilitate the resale.**

12 [(e)] (k) **“Reseller” means a person other than a ticket seller or an operator that conducts a**  
 13 **resale, or the person’s agent or employee.**

14 (L) **“Retail purchaser” means an individual who purchases an admission ticket for the**  
 15 **individual’s own use as admission to an entertainment event.**

16 (m) **“Ticket seller” means a person, including but not limited to an operator or promoter,**  
 17 **that makes an admission ticket available for presale or an initial sale to a reseller or retail**  
 18 **purchaser, or the person’s agent or employee.**

19 (n) **“Total price” means the total cost a purchaser must pay to a ticket seller or reseller**  
 20 **for an admission ticket, including every fee, tax, charge, surcharge or other cost that the**  
 21 **purchaser must pay to receive or use the admission ticket, such as a service fee, processing**  
 22 **fee, delivery fee, facility fee, convenience fee, resale fee or other fee or charge, however la-**  
 23 **beled or denominated.**

24 (o) **“Venue” means a location in which an entertainment event occurs, entry to which**  
 25 **requires an admission ticket.**

26 (2)(a) A person may not **knowingly or** intentionally sell or use software, the purpose of which  
 27 is to circumvent, thwart, interfere with or evade a control or measure, including a security measure  
 28 or an access control system, that an operator, **ticket seller** or reseller establishes or uses to ensure  
 29 an equitable distribution, sale or resale of admission tickets for an entertainment event, **to limit**  
 30 **the number of admission tickets a single purchaser may purchase or to implement other**  
 31 **rules or policies the operator, ticket seller or reseller establishes for a presale, initial sale**  
 32 **or resale of an admission ticket.**

33 (b) A person may not **knowingly or intentionally sell or offer to sell an admission ticket**  
 34 **that the person obtained using software described in paragraph (a) of this subsection.**

35 (c) An operator, ticket seller or reseller shall notify the Attorney General if the operator,  
 36 ticket seller or reseller detects the use of software described in paragraph (a) of this sub-  
 37 section and shall provide available evidence of the use. The Attorney General may investigate  
 38 the use of the software and for this purpose may issue an investigative demand under ORS  
 39 **646.618.**

40 (3)(a) A person may not sell, offer for sale, resell or offer for resale an admission ticket  
 41 to a retail purchaser unless the person discloses to the retail purchaser before the retail  
 42 purchaser completes a purchase of an admission ticket:

43 (A) The base price and the total price for the admission ticket:

44 (i) When the retail purchaser first selects an admission ticket for purchase; and

45 (ii) As the retail purchaser proceeds through all steps necessary to complete the pur-

1 chase; and

2 (B) The following information:

3 (i) The terms under which the retail purchaser may cancel the purchase;

4 (ii) The person's policy for refunds if an entertainment event is canceled;

5 (iii) Whether the person is, or is affiliated with, an operator, a ticket seller, a reseller  
6 or another person and the name or assumed business name of the person and any affiliated  
7 operator, ticket seller, reseller or other person;

8 (iv) All conditions for, or limitations on, the use of the admission ticket;

9 (v) Whether the admission ticket is transferable and, if so, the terms under which the  
10 retail purchaser may transfer the admission ticket;

11 (vi) Contact information the retail purchaser may use to submit a complaint to the At-  
12 torney General and a notice that the purchase is subject to this section; and

13 (vii) Whether an admission ticket is available from an operator, ticket seller or reseller  
14 with which the person is affiliated and, if so, the base price that the operator, ticket seller  
15 or reseller charges for the admission ticket.

16 (b) A disclosure of the total price for an admission ticket must show and label each fee,  
17 tax, charge, surcharge or other cost that, together with the base price, constitutes the total  
18 price.

19 (c) Before a retail purchaser completes a purchase of an admission ticket, the retail  
20 purchaser must have an opportunity to review the base price and total price of the admission  
21 ticket and an opportunity to make changes to the retail purchaser's selection of the admis-  
22 sion ticket or of the seat location, price level, tier or other variable feature of the admission  
23 ticket.

24 (d) A disclosure of a total price under this subsection:

25 (A) May not be in any way false, misleading or fraudulent; and

26 (B) Must be made with the same prominence and in the same sized, or larger, typeface  
27 as any advertisement or disclosure of the base price for the admission ticket or, if the dis-  
28 closure is oral or by audio recording, must be made at the same volume and cadence as any  
29 advertisement or disclosure of the base price for the admission ticket.

30 (4)(a) A person may not sell or offer for sale an admission ticket that is not transferable  
31 unless a retail purchaser has an option to purchase, at a presale or initial sale, a version of  
32 the admission ticket that is transferable without requiring an authorization from the oper-  
33 ator or ticket seller and without penalty or discrimination.

34 (b) An operator may not deny entry to a venue to, impose a fee or charge on, or other-  
35 wise penalize or discriminate against a person that purchased an admission ticket from a  
36 ticket seller or reseller that is not affiliated with the operator.

37 (c) This subsection does not prohibit a person from establishing, maintaining or enforcing  
38 policies that govern conduct at a venue, an allowable age for admission or a limit on the  
39 number of admission tickets that a single purchaser may purchase.

40 (5)(a) Except as provided in paragraph (b) of this subsection, a person may not use a  
41 venue's logo or proprietary photography or graphics that identify the venue, an Internet  
42 domain name or uniform resource locator on a website or resale marketplace the person  
43 maintains to sell or offer for sale admission tickets if the logo, photography, graphics,  
44 Internet domain name or uniform resource locator is, or is likely to be confused with, the  
45 venue's logo, photography, graphics, Internet domain name or uniform resource locator or

1 the name of an entertainment event at the venue or the name of a person that is scheduled  
2 to appear or perform at an entertainment event at the venue.

3 (b) Paragraph (a) of this subsection does not apply to a person that is acting on behalf  
4 of a venue, a promoter, another person that is scheduled to appear or perform at an enter-  
5 tainment event or a promoter or sponsor of the entertainment event or of a person that is  
6 scheduled to appear or perform at the entertainment event.

7 (6)(a) A reseller or a person affiliated with a reseller may not offer, or engage in, a resale  
8 of an admission ticket unless the reseller or person:

9 (A) Has actual or constructive possession of the admission ticket or has a written con-  
10 tract to obtain the admission ticket from an operator, ticket seller or the person that pur-  
11 chased the admission ticket in an initial sale; and

12 (B) Discloses at the outset of the resale:

13 (i) An approximate delivery date of the admission ticket to the purchaser; and

14 (ii) The number of admission tickets in the resale that will allow admission to or seating  
15 in a specific zone, section, seat or other place within the venue or, if the admission tickets  
16 do not provide for admission to or seating in a specific zone, section, seat or other place  
17 within the venue, a statement to that effect.

18 (b) If a ticket seller does not obtain actual or constructive possession of an admission  
19 ticket after a sale to a purchaser occurs, the ticket seller shall refund not later than 10 days  
20 after the date of the entertainment event the total price, including any deposit, that the  
21 purchaser paid for the admission ticket.

22 [(3)] (7) Violation of [subsection (2) of] this section is an unlawful practice under ORS 646.608  
23 that is subject to an action under ORS 646.632 and 646.638.

24 **SECTION 2. The amendments to ORS 646A.115 by section 1 of this 2025 Act apply to sales**  
25 **of or offers to sell an admission ticket that occur on or after the effective date of this 2025**  
26 **Act.**