A-Engrossed
House Bill 3167

Ordered by the House April 14
Including House Amendments dated April 14

Sponsored by Representatives MARSH, NOSSE, MANNIX, BOWMAN, JAVADI; Representatives ANDERSEN, CHAICHI, GOMBERG, GRAYBER, NATHANSON, NERON, NGUYEN H, PHAM H, SOSA, WALTERS, Senators CAMPOS, FREDERICK (Presession 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. 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*] **willfully** 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**, including a public or private presale of admission tickets**.

Prohibits a person from offering or selling an admission ticket to a retail purchaser unless the person discloses the **initial price and** total price of the admission ticket before **requiring the purchaser to provide** [*completing the sale and unless the person makes certain other disclosures*] **payment information**. **Requires the seller to make additional disclosures.**

Prohibits a person from using, without prior authorization, an Internet domain name or subdomain name that names a venue, names an entertainment event or a person that is scheduled to appear or perform at the entertainment event or uses text, images, graphics, a design or other material that is substantially similar to the intellectual property of an operator or venue.

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

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

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

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

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

(a) "Admission ticket" means evidence of a purchaser's right of entry to a venue **other than a commercial motion picture theater** or an entertainment event **other than a movie shown at a commercial motion picture theater**.

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

[*(b)*] **(c)(A)** "Entertainment event" means a performance, recreation, amusement, diversion, spectacle, show or similar event **that occurs in this state** including, but not limited to, a theatrical or musical performance, concert, film, game, ride or sporting event.

(B) "Entertainment event" does not include a trade show.

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.

(d) "Initial price" means the lesser of:

(A) The advertised price of an admission ticket; or

(B) The amount that a purchaser must pay for an admission ticket less all fees, taxes, surcharges or other charges.

(e) "Initial sale" means a ticket seller's first sale of an admission ticket to a purchaser.

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

(g) "Presale" means a sale of admission tickets to a selected group of purchasers with the permission of the ticket seller before admission tickets become available for purchase to a wider public.

(h) "Promoter" means a person that organizes financing or publicity for an entertainment event, or the person's agent or employee.

(i) "Purchaser" means an individual who purchases an admission ticket as admission to an entertainment event.

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

[*(e)*] **(k)** "Reseller" means a person other than **a ticket seller or** an operator that conducts a resale**, or the person's agent or employee**.

(L) "Ticket seller" means a person, including but not limited to an operator or promoter, that makes an admission ticket available for presale or an initial sale to a reseller or purchaser, or the person's agent or employee.

(m)(A) "Total price" means the total cost of an admission ticket, including every fee and charge that the purchaser must pay to receive or use the admission ticket.

(B) "Total price" does not include:

(i) A tax that a federal, state, local or tribal law imposes on a sale or resale of an admission ticket;

(ii) A delivery charge for a physical ticket that must be mailed; or

(iii) A fee for a service that a purchaser may opt to receive or not to receive, that is in addition to the sale or resale of an admission ticket and that does not affect the purchaser's right of entry into an entertainment event or venue.

(n) "Venue" means a location in which an entertainment event occurs, entry to which requires an admission ticket.

(2)**(a)** A person may not [*intentionally*] **willfully** sell or use software, the purpose of which is 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**, including a public or private presale of admission tickets, or to limit the number of admission tickets a single purchaser may purchase from a ticket seller or reseller**.

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

(3)(a) A person may not sell, offer for sale, resell or offer for resale an admission ticket to a purchaser unless before requiring the purchaser to provide a credit card number, debit card number, bank account number or any other form of payment to complete the sale or

resale of the admission ticket the person discloses to the purchaser:

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

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

(ii) As the purchaser proceeds through all steps necessary to complete the purchase; and

(B) The following information:

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

(ii) The policy for refunds if an entertainment event is canceled;

(iii) Whether the person has an agreement with, or sells admission tickets through or in conjunction with, a reseller and, if so, that the price for the admission ticket may vary from the price that the venue or the operator specified;

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

(v) Whether the admission ticket is transferable and, if so, the terms under which the purchaser may transfer the admission ticket.

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

(c) Before providing a credit card number, debit card number, bank account number or any other form of payment to complete the sale or resale of an admission ticket, a purchaser must have an opportunity to review the initial price and total price of the admission ticket and an opportunity to make changes to the purchaser's selection of the admission ticket or of the seat location, price level, tier or other variable feature of the admission ticket.

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

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

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

(4)(a) Except as provided in paragraph (b) of this subsection, a person may not without prior written authorization:

(A) Use or cause another person to use an Internet domain name or subdomain name or a universal resource locator if the domain name, subdomain name or universal resource locator:

(i) Names the venue;

(ii) Names the entertainment event or an individual or entity that is scheduled to appear or perform at the entertainment event; or

(iii) Is substantially similar to the name of the venue, of the entertainment event or of a person or entity that is scheduled to appear or perform at the entertainment event.

(B) Publish or cause another person to publish a website that has or uses:

(i) Text, images, graphics, a design or other material that individually or in combination is substantially similar to the intellectual property of an operator or venue; or

(ii) Text, images, graphics or a design that states or implies, including by use of the word "official," that the website is affiliated with or endorsed by an operator or venue or an individual or entity that is scheduled to appear or perform at an entertainment event.

(b) Paragraph (a) of this subsection does not apply to a person that is acting on behalf of a venue, a promoter, another person that is scheduled to appear or perform at an enter-

tainment event or a promoter or sponsor of the entertainment event or of a person that is scheduled to appear or perform at the entertainment event.

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

(A) Has actual or constructive possession of the admission ticket or has a written contract to obtain the admission ticket from an operator, ticket seller or the person that purchased the admission ticket in an initial sale; and

(B) Discloses at the outset of the resale:

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

(ii) The number of admission tickets offered for resale that allow admission to an entertainment event and whether the admission tickets offer seating in a specific zone, section, seat or other place within the venue or, if the admission tickets do not provide for admission to or seating in a specific zone, section, seat or other place within the venue, a clear statement to that effect.

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

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

SECTION 2. The amendments to ORS 646A.115 by section 1 of this 2025 Act apply to sales of or offers to sell an admission ticket that occur on or after January 1, 2026.