

B-Engrossed House Bill 3167

Ordered by the Senate June 3
Including House Amendments dated April 14 and Senate Amendments
dated June 3

Sponsored by Representatives MARSH, NOSSE, MANNIX, BOWMAN, JAVADI, Senator GOLDEN; Representatives ANDERSEN, CHAICHI, EVANS, FRAGALA, GAMBA, GOMBERG, GRAYBER, KROPF, MCDONALD, NATHANSON, NERON, NGUYEN H, PHAM H, SOSA, TRAN, WALTERS, WATANABE, Senators ANDERSON, CAMPOS, FREDERICK, MEEK, PATTERSON (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 a person may not sell or use software to get around a ticket seller's or reseller's efforts to sell tickets fairly. Says a person may not use a domain name that is too much like the name of an operator or venue without an okay from the operator or venue. (Flesch Readability Score: 60.0).

[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 willfully selling or 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 payment information. Requires the seller to make additional disclosures.]

Prohibits a person from **willfully** 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 **is substantially similar to the name of the venue, of the entertainment event or the person or entity that is scheduled to appear or perform at the entertainment event. Prohibits a person from publishing or causing another person to publish a website that has or uses text, images, graphics, a design or other material that is so substantially similar to the intellectual property of an operator or venue as to mislead a reasonable visitor to the website into believing that the website is affiliated with the 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)] **(b)(A)** "Entertainment event" means a performance, recreation, amusement, diversion,

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.

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.

(c) “Initial sale” means a ticket seller’s first sale of an admission ticket to a purchaser.

[(c)] (d) “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.

(e) “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 the general public.

(f) “Promoter” means a person that organizes financing or publicity for an entertainment event, or the person’s agent or employee.

(g) “Purchaser” means an individual who purchases an admission ticket as admission to an entertainment event.

[(d)] (h) “Resale” means a sale other than a ticket seller 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)] (i) “Reseller” means a person other than a ticket seller or an operator that conducts a resale, or the person’s agent or employee.

(j) “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 purchaser or reseller, or the person’s agent or employee.

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

(A) Use or cause another person to use an Internet domain name or subdomain name if the domain name or subdomain name:

(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; or

(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 so substantially similar to the intellectual property of an operator or venue as to mislead a reasonable visitor to the website into believing that the website is affiliated with the op-

erator 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 licensed to use an image of, or is otherwise authorized to act on behalf of:

(A) A venue, a promoter or another person that is scheduled to appear or perform at an entertainment event; or

(B) A promoter or sponsor of:

(i) The entertainment event; or

(ii) A person that is scheduled to appear or perform at the entertainment event.

(c) A seating chart of a venue or a picture of a view from a seat in a venue does not constitute text, images, graphics or a design that a person may not publish or cause another person to publish under paragraph (a)(B) of this subsection.

[(3)] (4) 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.