

## HOUSE AMENDMENTS TO HOUSE BILL 3167

By COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

April 14

On page 1 of the printed bill, delete lines 5 through 22 and delete pages 2 through 4 and insert:

**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.

“(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**.

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

3       “(B) ‘Total price’ does not include:

4       “(i) A tax that a federal, state, local or tribal law imposes on a sale or resale of an ad-  
5 mission ticket;

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

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

10       “(n) ‘Venue’ means a location in which an entertainment event occurs, entry to which  
11 requires an admission ticket.

12       “(2)(a) A person may not [*intentionally*] **willfully** sell or use software, the purpose of which is  
13 to circumvent, thwart, interfere with or evade a control or measure, including a security measure  
14 or an access control system, that an operator, **ticket seller** or reseller establishes or uses to ensure  
15 an equitable distribution, sale or resale of admission tickets for an entertainment event, **including**  
16 **a public or private presale of admission tickets, or to limit the number of admission tickets**  
17 **a single purchaser may purchase from a ticket seller or reseller.**

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

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

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

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

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

28       “(B) The following information:

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

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

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

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

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

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

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

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

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

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

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

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

11       “(i) Names the venue;

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

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

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

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

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

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

26       “(5)(a) A reseller or a person affiliated with a reseller may not offer, or engage in, a re-  
27 sale of an admission ticket unless the reseller or person:

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

31       “(B) Discloses at the outset of the resale:

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

33       “(ii) The number of admission tickets offered for resale that allow admission to an  
34 entertainment event and whether the admission tickets offer seating in a specific zone, sec-  
35 tion, seat or other place within the venue or, if the admission tickets do not provide for ad-  
36 mission to or seating in a specific zone, section, seat or other place within the venue, a clear  
37 statement to that effect.

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

42       “[(3)] (6) Violation of [subsection (2) of] this section is an unlawful practice under ORS 646.608  
43 that is subject to an action under ORS 646.632 and 646.638.

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

