

Requested by Representative MARSH

**PROPOSED AMENDMENTS TO
HOUSE BILL 3167**

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

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

4 **“646A.115. (1) As used in this section:**

5 **“(a) ‘Admission ticket’ means evidence of a purchaser’s right of entry to**
6 **a venue other than a commercial motion picture theater or an enter-**
7 **tainment event other than a movie shown at a commercial motion pic-**
8 **ture theater.**

9 **“(b) ‘Affiliated’ means a person’s having control of, being controlled**
10 **by or under common control with another person.**

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

15 **“(B) ‘Entertainment event’ does not include a trade show.**

16 **“(d) ‘Initial price’ means the lesser of:**

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

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

20 **“(e) ‘Initial sale’ means a ticket seller’s first sale of an admission**
21 **ticket to a purchaser.**

1 “[*(c)*] (f) ‘Operator’ means a person that owns, operates or controls a
2 venue or that produces or promotes an entertainment event, or the person’s
3 agent or employee.

4 “(g) ‘Presale’ means a sale of admission tickets to a selected group
5 of purchasers, a sale at or below the initial price or, with the permis-
6 sion of the ticket seller, a sale before admission tickets become avail-
7 able to a wider public.

8 “(h) ‘Promoter’ means a person that organizes financing or public-
9 ity for an entertainment event, or the person’s agent or employee.

10 “(i) ‘Purchaser’ means an individual who purchases an admission
11 ticket for the individual’s own use as admission to an entertainment
12 event.

13 “[*(d)*] (j) ‘Resale’ means a sale other than a ticket seller’s or an
14 operator’s initial sale of an admission ticket for a venue that is located in
15 or an entertainment event that occurs in this state, irrespective of the lo-
16 cation in which the sale occurs or the means by which a reseller solicits or
17 advertises the sale or delivers or receives payment for the admission ticket.

18 “(k) ‘Resale marketplace’ means a platform or exchange that facil-
19 itates an offer or completion of a resale between a ticket seller or re-
20 seller and a purchaser, irrespective of the location of the platform or
21 exchange or the technology the platform or exchange uses to facilitate
22 the resale.

23 “[*(e)*] (L) ‘Reseller’ means a person other than a ticket seller or an op-
24 erator that conducts a resale, or the person’s agent or employee.

25 “(m) ‘Ticket seller’ means a person, including but not limited to an
26 operator or promoter, that makes an admission ticket available for
27 presale or an initial sale to a reseller or purchaser, or the person’s
28 agent or employee.

29 “(n)(A) ‘Total price’ means the total cost a purchaser must pay to
30 a ticket seller or reseller for an admission ticket, including every fee,

1 **charge, surcharge or other cost that the purchaser must pay to receive**
2 **or use the admission ticket, such as a service fee, processing fee, fa-**
3 **ility fee, convenience fee, resale fee or other fee or charge, however**
4 **labeled or denominated.**

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

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

8 **“(ii) A delivery charge; or**

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

13 **“(o) ‘Venue’ means a location in which an entertainment event oc-**
14 **curs, entry to which requires an admission ticket.**

15 **“(2)(a) A person may not [intentionally] willfully sell or use software, the**
16 **purpose of which is to circumvent, thwart, interfere with or evade a control**
17 **or measure, including a security measure or an access control system, that**
18 **an operator, ticket seller or reseller establishes or uses to ensure an equi-**
19 **table distribution, sale or resale of admission tickets for an entertainment**
20 **event or to a venue, to limit the number of admission tickets a single**
21 **purchaser may purchase or to implement other rules or policies the**
22 **operator, ticket seller or reseller establishes for a presale, initial sale**
23 **or resale of an admission ticket.**

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

27 **“(3)(a) A person may not sell, offer for sale, resell or offer for resale**
28 **an admission ticket to a purchaser unless before requiring the pur-**
29 **chaser to provide a credit card number, debit card number, bank ac-**
30 **count number or any other form of payment to complete the sale or**

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

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

3 “(i) When the purchaser first selects an admission ticket for pur-

4 chase; and

5 “(ii) As the purchaser proceeds through all steps necessary to

6 complete the purchase; and

7 “(B) The following information:

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

9 “(ii) The person’s policy for refunds if an entertainment event is

10 canceled;

11 “(iii) Whether the person is, or is affiliated with, an operator, a

12 ticket seller, a reseller or another person and the name or assumed

13 business name of the person and any affiliated operator, ticket seller,

14 reseller or other person;

15 “(iv) All conditions for, or limitations on, the use of the admission

16 ticket;

17 “(v) Whether the admission ticket is transferable and, if so, the

18 terms under which the purchaser may transfer the admission ticket;

19 “(vi) Contact information the purchaser may use to submit a com-

20 plaint to the Attorney General and a notice that the purchase is sub-

21 ject to this section; and

22 “(vii) Whether an admission ticket is available from an operator,

23 ticket seller or reseller with which the person is affiliated and, if so,

24 the initial price that the operator, ticket seller or reseller charges for

25 the admission ticket.

26 “(b) A disclosure of the total price for an admission ticket must

27 show and label each fee, charge, surcharge or other cost that, together

28 with the initial price, constitutes the total price.

29 “(c) Before providing a credit card number, debit card number,

30 bank account number or any other form of payment to complete the

1 sale or resale of an admission ticket, a purchaser must have an op-
2 portunity to review the initial price and total price of the admission
3 ticket and an opportunity to make changes to the purchaser's se-
4 lection of the admission ticket or of the seat location, price level, tier
5 or other variable feature of the admission ticket.

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

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

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

14 “(4)(a) Except as provided in paragraph (b) of this subsection, a
15 person may not use a venue's logo or proprietary photography or
16 graphics that identify the venue, an Internet domain name or uniform
17 resource locator on a website or resale marketplace the person main-
18 tains to sell or offer for sale admission tickets if the logo, photogra-
19 phy, graphics, Internet domain name or uniform resource locator is,
20 or is likely to be confused with, the venue's logo, photography,
21 graphics, Internet domain name or uniform resource locator or the
22 name of an entertainment event at the venue or the name of a person
23 that is scheduled to appear or perform at an entertainment event at
24 the venue.

25 “(b) Paragraph (a) of this subsection does not apply to a person that
26 is acting on behalf of a venue, a promoter, another person that is
27 scheduled to appear or perform at an entertainment event or a
28 promoter or sponsor of the entertainment event or of a person that is
29 scheduled to appear or perform at the entertainment event.

30 “(5)(a) A reseller or a person affiliated with a reseller may not offer,

1 or engage in, a resale of an admission ticket unless the reseller or
2 person:

3 “(A) Has actual or constructive possession of the admission ticket
4 or has a written contract to obtain the admission ticket from an op-
5 erator, ticket seller or the person that purchased the admission ticket
6 in an initial sale; and

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

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

10 “(ii) The number of admission tickets in the resale that will allow
11 admission to or seating in a specific zone, section, seat or other place
12 within the venue or, if the admission tickets do not provide for ad-
13 mission to or seating in a specific zone, section, seat or other place
14 within the venue, a statement to that effect.

15 “(b) If a ticket seller does not obtain actual or constructive pos-
16 session of an admission ticket after a sale to a purchaser occurs, the
17 ticket seller shall refund not later than 10 days after the date of the
18 entertainment event the total price, including any deposit, tax, deliv-
19 ery charge or fee, that the purchaser paid for the admission ticket.

20 “[3] (6) Violation of [*subsection (2) of*] this section is an unlawful prac-
21 tice under ORS 646.608 that is subject to an action under ORS 646.632 and
22 646.638.

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

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