

HB 3167-5
(LC 1166)
3/28/25 (TSB/ps)

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 *that occurs in this***
13 **state including, but not limited to, a theatrical or musical performance,**
14 **concert, film, game, ride or sporting event.**

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 with the permission of the ticket seller before admission
6 tickets become available for purchase to a wider public.

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

9 “(i) ‘Purchaser’ means an individual who purchases an admission
10 ticket as admission to an entertainment event.

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

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

18 “(L) ‘Ticket seller’ means a person, including but not limited to an
19 operator or promoter, that makes an admission ticket available for
20 presale or an initial sale to a reseller or purchaser, or the person’s
21 agent or employee.

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

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

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

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

30 “(iii) A fee for a service that a purchaser may opt to receive or not

1 to receive, that is in addition to the sale or resale of an admission
2 ticket and that does not affect the purchaser's right of entry into an
3 entertainment event or venue.

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

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

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

17 “(3)(a) A person may not sell, offer for sale, resell or offer for resale
18 an admission ticket to a purchaser unless before requiring the pur-
19 chaser to provide a credit card number, debit card number, bank ac-
20 count number or any other form of payment to complete the sale or
21 resale of the admission ticket the person discloses to the purchaser:

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

23 “(i) When the purchaser first selects an admission ticket for pur-
24 chase; and

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

27 “(B) The following information:

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

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

30 “(iii) Whether the person has an agreement with, or sells admission

1 tickets through or in conjunction with, a reseller and, if so, that the
2 price for the admission ticket may vary from the price that the venue
3 or the operator specified;

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

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

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

11 “(c) Before providing a credit card number, debit card number,
12 bank account number or any other form of payment to complete the
13 sale or resale of an admission ticket, a purchaser must have an op-
14 portunity to review the initial price and total price of the admission
15 ticket and an opportunity to make changes to the purchaser’s se-
16 lection of the admission ticket or of the seat location, price level, tier
17 or other variable feature of the admission ticket.

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

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

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

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

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

1 “(i) Names the venue;

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

4 “(iii) Is substantially similar to the name of the venue, of the
5 entertainment event or of a person or entity that is scheduled to ap-
6 pear or perform at the entertainment event.

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

9 “(i) Text, images, graphics, a design or other material that indi-
10 vidually or in combination is substantially similar to the intellectual
11 property of an operator or venue; or

12 “(ii) Text, images, graphics or a design that states or implies, in-
13 cluding by use of the word “official,” that the website is affiliated with
14 or endorsed by an operator or venue or an individual or entity that is
15 scheduled to appear or perform at an entertainment event.

16 “(b) Paragraph (a) of this subsection does not apply to a person that
17 is acting on behalf of a venue, a promoter, another person that is
18 scheduled to appear or perform at an entertainment event or a
19 promoter or sponsor of the entertainment event or of a person that is
20 scheduled to appear or perform at the entertainment event.

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

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

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

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

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

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

12 “[(3)] (6) Violation of [*subsection (2) of*] this section is an unlawful prac-
13 tice under ORS 646.608 that is subject to an action under ORS 646.632 and
14 646.638.

15 “SECTION 2. The amendments to ORS 646A.115 by section 1 of this
16 2025 Act apply to sales of or offers to sell an admission ticket that
17 occur on or after January 1, 2026.”.