



March 10, 2025

Re: House Bill 3167 & -3 Amendment

Dear Rep. Nathan Sosa (Chair), Rep. Farrah Chaichi (Vice Chair), Rep. Virgle Osborne (Vice Chair), and Members of the Committee on Commerce and Consumer Protection,

On behalf of StubHub, the world's leading ticket marketplace, thank you for the opportunity to provide testimony on HB 3167 and the proposed -3 Amendment. **We respectfully urge the Committee to send HB 3167 and proposed -3 Amendment to a stakeholder table to discuss needed comprehensive amendments to successfully meet the sponsor's objectives while avoiding unintended consequences for consumers and the industry.**

Founded in 2000, StubHub revolutionized the ticket resale marketplace by providing a safe, secure and transparent platform to connect ticket buyers and sellers. In 2024, StubHub served over 120,000 Oregonian fans and brought over 40,000 visitors to Oregon for events. Our industry leading FanProtect Guarantee ensures buyers and sellers can transact with confidence, with each order protected and supported by a world-class customer service team.

StubHub believes that a competitive, transparent, and secure ticket marketplace unequivocally supports fans. A competitive marketplace will provide consumers with greater access to the events they want to experience and the ability to purchase tickets at a fair and market-driven price. As introduced, HB 3167 includes several provisions that conceptually support the fan experience – including strengthening Oregon's existing bots prohibition and enhancing enforcement through reporting, establishing a consumer's right to transfer or resale their ticket, prohibiting deceptive websites, and regulating speculative ticket sales.

Unfortunately, the -3 Amendment removes several of these critical provisions, including the right to transfer and bots reporting, and fails to address concerns with the remaining provisions that inadvertently strengthen entrenched entities with significant market power in the live events industry.

Our specific section-by-section concerns include:

Section 2. Bots Prohibition & Reporting

House Bill 3167, and proposed -3 Amendment, set out to enhance the existing prohibition on the use of bots in Oregon. StubHub supports strong anti-bots laws, however, it is critical these laws are not manipulated to endorse the use of anticompetitive terms and conditions by ticket sellers. House Bill 3167, and proposed -3 Amendment, include concerning language that would empower ticket sellers to leverage restrictive policies to limit the rights of consumers and thwart competition. StubHub strongly recommends deleting the phrase, "or to implement other rules or policies the operator, ticket seller or reseller establishes for a presale, initial sale or resale of an admission ticket," to ensure Oregon's bots provision remains focused on prohibiting the use of software to unfairly buy tickets in excess of established ticket limits or disrupt electronic queues.

As introduced, HB 3167 also strengthened Oregon’s existing prohibition on the use of bots by enhancing enforcement through the inclusion of a reporting requirement. This requires ticket sellers breached by bots to provide the authorities the information necessary to enforce the law. Unfortunately, the proposed -3 Amendment removes this important tool to pursue bad actors.

Section 3. Disclosures

House Bill 3167, and proposed -3 Amendment, set out a series of disclosure requirements, that while well intentioned, are both confusing, and in some instances, unattainable. Furthermore, several of these provisions have unintended consequence with respect to the privacy of individuals participating in ticket sales or resales and endorsing anti-competitive terms and conditions placed on the initial sale of tickets.

StubHub recommends aligning the disclosure provisions of HB 3167 with best practices from other states to ensure clarity, consistency, and avoid unintended consequences.

Section 4. Consumer Right to Transfer

As introduced, HB 3167 empowers fans by creating a consumer right to transfer their tickets after an initial purchase. This provision elevates the rights of Oregon consumers to align with the rights already afforded to consumers in Colorado, Connecticut, Illinois, New York, Utah, and Virginia. These states have enumerated the right to transfer into their laws, guaranteeing fans the right to donate, give away, resell or transfer their tickets and promoting competition.

The proposed -3 Amendment removes this critical protection from the legislation, leaving Oregon consumers with no rights over the tickets they purchase and vulnerable to restrictive practices imposed by ticket sellers –many of whom operate their own resale platforms and use technology or terms and conditions to self-preference or restrict how and where a consumer can transfer their ticket.

Section 5. Deceptive Websites

House Bill 3167, and the proposed -3 Amendment, create discriminatory trademark requirements that prohibit the identifying graphics or a URL if they are “likely to be confused” with the venue. This vague and ambiguous standard is ripe for abuse by ticket sellers who are seeking to eliminate legitimate competitors from the marketplace. For example, a competitor may argue that a seat map is an identifying graphic and attempt to prohibit any non-affiliated entity from properly informing consumers about the seat location of a ticket being offered for sale.

Several states – including California, Colorado, Maryland, Michigan, Minnesota, Nevada, New Jersey, New York, Tennessee, Texas, and Utah – have prohibited the use of deceptive websites or URLs. Aligning HB 3167 with best practices from other states can ensure bad actors are prohibited from participating in the marketplaces while protecting fair competition. For example, Colorado¹ enacted a law

¹ Colorado House Bill 24-1378, https://leg.colorado.gov/sites/default/files/2024a_1378_signed.pdf

in 2024 prohibiting deceptive websites with consensus from multiple stakeholders, including consumer groups, small and large venues, professional sports teams, and ticket sellers and resale marketplaces.

Section 6. Speculative Ticket Sales

House Bill 3167, and the proposed -3 Amendment, aim to regulate the sale of speculative tickets. The provision also includes unique disclosure requirements that, as drafted, necessitate additional clarity to ensure the requirements are both clear and attainable.

Thank you for your consideration and the opportunity to comment on HB 3167 and the proposed -3 Amendment. StubHub looks forward to further partnering with you to advance legislation that promotes a competitive, transparent, and secure ticket marketplace that will benefit Oregon's fans.

Sincerely,

A handwritten signature in cursive script that reads "Sean Auyash".

Sean Auyash
Government Relations Manager
StubHub