

Oregon Legislature
House Committee on Commerce and Consumer Protection
House Bill 3167

Written Testimony of Tyler St. Clair, Vivid Seats

Good afternoon Chair Sosa, Vice-Chair Chaichi and Vice-Chair Osborne, and Members of the Committee. For the record, my name is Tyler St. Clair, and I serve on the policy team at Vivid Seats. We are an online ticket resale marketplace which aims to connect fans with memory-making live events. I write to you today to provide written testimony in opposition of House Bill 3167 and the -3 amendment as currently drafted. However, we are supportive of the underlying intent to protect consumers and appreciate the opportunity to provide our perspective on how best to protect ticket purchasers in Oregon.

Vivid Seats offers award-winning customer service, and we have been routinely featured on Newsweek's list of "Best Companies for Customer Service" in ticketing. When fans buy tickets on our platform, they do so with peace of mind. Every ticket sold on Vivid Seats is backed by our 100% Buyer Guarantee - a promise that the fan will receive valid tickets, delivered on time and as described - or else the fan gets their money back. We support this guarantee with a 300-person call center located in Texas, with hours from 7:00 AM to midnight.

We support the intent behind House Bill 3167 as introduced, to implement pro-consumer policies that benefit consumers and increase consumer choice in the purchasing process. For example, we support policies such as all-in pricing and have supported such bills in other states. However, we understand that the sponsor has introduced the -3 amendment to remove ticket transfer from the bill and would urge her to reconsider.

First, ticket transferability is the gold standard in consumer protection, empowering fans to use their ticket how they wish. We believe that once a fan purchases a ticket, that ticket is the property of the fan, and they should have the right and choice to use, gift, or sell the ticket if they are unable to attend the event. There are currently six states that have transfer codified into law – Colorado, Connecticut, Illinois, New York, Utah, and Virginia – and Oregon has the opportunity to become the seventh.

Not only does transfer empower consumers – it also promotes competition by pushing back on anticompetitive practices utilized by Ticketmaster/Live Nation to hamper resale. Last year, the United States Department of Justice and 40 state Attorneys General, including former Oregon Attorney General Rosenblum, sued Ticketmaster/Live Nation, alleging that TM/LNE have engaged in anticompetitive conduct. They allege that due to TM/LNE’s use of its SafeTix technology, “Ticketmaster necessitates its involvement in the resale of tickets that take place entirely on rivals’ secondary ticketing platforms.” When a consumer buys a ticket on a resale platform, and that ticket originated from the Ticketmaster platform, they are typically funneled back to Ticketmaster in order to use their ticket. Passing transferability would be a step forward in addressing this anticompetitive behavior by allowing fans to use the platform of their choice, instead of being forced onto a platform that they do not want to use and didn’t intend to use in the first place. By removing ticket transferability in the –3 amendment, we are concerned that this bill goes against the lawsuit signed onto by former Attorney General Rosenblum and the 39 other state Attorneys General.

Additionally, there are other provisions in this bill that concern us. In some instances, there is simply no feasible way for secondary marketplaces to have access to the kind of information that would be required, such as the current price and inventory levels of tickets on primary seller websites. In other instances, we believe that certain language would have an anticompetitive impact. For example, we support language that prohibits the use of bots, but we believe that some of the language in section (2)(a) provides a loophole through which primary sellers, such as Ticketmaster, could restrict the ability of consumers to buy and sell tickets on competitor’s platforms. We would also recommend that the definition of “Total Price” be updated to reflect the recent FTC Rule that goes into effect nationwide in May of this year, which covers live events and hotel lodging.

Thank you again for the opportunity to provide testimony on House Bill 3167. We hope to work with Representative Marsh to continue to develop the pro-consumer policies in this bill and would urge the Committee to set a table so that all parties involved can work through the

complicated technical changes that are needed. Thank you for your time, and I am happy to answer any questions that you may have.