

House Bill 2794

Sponsored by Representative PARRISH (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits person that is not authorized reseller from selling admission ticket to entertainment event if operator of entertainment event has not released admission tickets for sale.

Requires person that is not authorized reseller to have, at time at which person sells admission ticket, demonstrable immediate access to current printed or electronic inventory that is updated with each admission ticket sale to show exact number and location of spaces at venue that remain unsold and physical inventory of printed tickets. Requires person that is not authorized reseller to make certain disclosures in advertisements and communications that solicit purchase of admission tickets.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to sales of admission tickets for entertainment events; creating new provisions; amending
3 ORS 646A.115; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

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

6 646A.115. (1) As used in this section:

7 (a) "Admission ticket" means evidence of a purchaser's right of entry to a venue or an enter-
8 tainment event.

9 (b) "**Authorized reseller**" means a reseller that has a contract with an operator to sell
10 admission tickets to an entertainment event on the operator's behalf.

11 [(b)] (c) "Entertainment event" means a performance, recreation, amusement, diversion, specta-
12 cle, show or similar event including, but not limited to, a theatrical or musical performance, concert,
13 film, game, ride or sporting event.

14 [(c)] (d) "Operator" means a person that owns, operates or controls a venue or that produces,
15 [or] promotes **or otherwise provides** an entertainment event, or the person's agent or employee.

16 [(d)] (e) "Resale" means a sale other than an operator's initial sale of an admission ticket for
17 a venue that is located in or an entertainment event that occurs in this state, irrespective of the
18 location in which the sale occurs or the means by which a reseller solicits or advertises the sale
19 or delivers or receives payment for the admission ticket.

20 [(e)] (f) "Reseller" means a person other than an operator that conducts a resale.

21 (2)(a) **A reseller other than an authorized reseller may not:**

22 (A) **Sell an admission ticket that an operator has not released for sale; or**

23 (B) **Sell an admission ticket if, at the time of the sale, the reseller does not have:**

24 (i) **Demonstrable immediate access to a current printed or electronic inventory that is**
25 **updated with each admission ticket sale to show the exact number and location of spaces at**
26 **the venue, on the date and at the time specified for the entertainment event, that remain**
27 **unsold; and**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 (ii) A physical inventory of printed admission tickets, if the operator requires authorized
2 resellers to maintain a physical inventory of printed admission tickets.

3 (b) An admission ticket is counterfeit if a reseller that sells the admission ticket is not
4 an authorized reseller and does not comply with paragraph (a) of this subsection.

5 (3) Before selling an admission ticket to a person, a reseller or authorized reseller shall
6 show the person an inventory of the spaces available at the venue on the date and at the
7 time set for the entertainment event to which the ticket is admission. The inventory must
8 disclose the location and the price of each individual space or class of spaces within the
9 venue that remain available for purchase.

10 (4) A reseller other than an authorized reseller, in any advertisement or any communi-
11 cation or material the reseller uses to solicit a person to purchase an admission ticket for
12 an entertainment event, shall state that:

13 (a) The reseller is not an authorized reseller; and

14 (b) The admission tickets that the reseller has available for purchase are from the
15 reseller's inventory of admission tickets, not from the operator's or an authorized reseller's
16 inventory of admission tickets.

17 [(2)] (5) A person may not intentionally sell or use software, the purpose of which is to cir-
18 cumvent, thwart, interfere with or evade a control or measure, including a security measure or an
19 access control system, that an operator or reseller establishes or uses to ensure an equitable dis-
20 tribution, sale or resale of admission tickets for an entertainment event.

21 [(3)] (6) [*Violation of subsection (2)*] A **violation** of this section is an unlawful practice under
22 ORS 646.608 that is subject to [*an action*] **enforcement** under ORS 646.632 and **an action under**
23 **ORS 646.638**.

24 **SECTION 2.** The amendments to ORS 646A.115 by section 1 of this 2015 Act apply to sales
25 of admission tickets that occur on or after the effective date of this 2015 Act.

26 **SECTION 3.** This 2015 Act being necessary for the immediate preservation of the public
27 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect
28 on its passage.