

DRAFT

SUMMARY

Digest: Says a reseller may not offer or resell a ticket unless the reseller has or can get the ticket. (Flesch Readability Score: 62.8).

Prohibits a reseller from offering for resale or engaging in a resale of an admission ticket unless the reseller has actual or constructive possession of the admission ticket or explicit authorization in a written contract to obtain the admission ticket from an operator, a ticket seller or a person the operator or ticket seller authorized to purchase the admission ticket in an initial sale.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to speculative ticket sales; amending ORS 646A.115; and prescribing an effective date.

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

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

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

(a) “Admission ticket” means evidence of a purchaser’s right of entry to a venue other than a commercial motion picture theater or an entertainment event other than a movie shown at a commercial motion picture theater.

(b)(A) “Entertainment event” means a performance, recreation, amusement, diversion, spectacle, show or similar event that occurs in this state including, but not limited to, a theatrical or musical performance, concert, film, game, ride or sporting event.

(B) “Entertainment event” does not include a trade show.

(c) “Initial sale” means a ticket seller’s first sale of an admission ticket to a purchaser.

(d) "Operator" means a person that owns, operates or controls a venue or that produces or promotes an entertainment event, or the person's agent or employee.

(e) "Presale" means a sale of admission tickets to a selected group of purchasers with the permission of the ticket seller before admission tickets become available for purchase to the general public.

(f) "Promoter" means a person that organizes financing or publicity for an entertainment event, or the person's agent or employee.

(g) "Purchaser" means an individual who purchases an admission ticket as admission to an entertainment event.

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

(i) "Reseller" means a person other than a ticket seller or an operator that conducts a resale, or the person's agent or employee.

(j) "Ticket seller" means a person, including but not limited to an operator or promoter, that makes an admission ticket available for presale or an initial sale to a purchaser or reseller, or the person's agent or employee.

(k) "Venue" means a location in which an entertainment event occurs, entry to which requires an admission ticket.

(2)(a) A person may not willfully sell or use software, the purpose of which is to circumvent, thwart, interfere with or evade a control or measure, including a security measure or an access control system, that an operator, ticket seller or reseller establishes or uses to ensure an equitable distribution, sale or resale of admission tickets for an entertainment event, including a public or private presale of admission tickets, or to limit the number of admission tickets a single purchaser may purchase from a ticket seller or reseller.

(b) A person may not willfully sell or offer to sell an admission ticket that

1 the person obtained using software described in paragraph (a) of this sub-
2 section.

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

5 (A) Use or cause another person to use an Internet domain name or sub-
6 domain name if the domain name or subdomain name:

7 (i) Names the venue;

8 (ii) Names the entertainment event or an individual or entity that is
9 scheduled to appear or perform at the entertainment event; or

10 (iii) Is substantially similar to the name of the venue, of the enter-
11 tainment event or of a person or entity that is scheduled to appear or per-
12 form at the entertainment event; or

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

14 (i) Text, images, graphics, a design or other material that individually or
15 in combination is so substantially similar to the intellectual property of an
16 operator or venue as to mislead a reasonable visitor to the website into be-
17 lieving that the website is affiliated with the operator or venue; or

18 (ii) Text, images, graphics or a design that states or implies, including
19 by use of the word “official,” that the website is affiliated with or endorsed
20 by an operator or venue or an individual or entity that is scheduled to ap-
21 pear or perform at an entertainment event.

22 (b) Paragraph (a) of this subsection does not apply to a person that is li-
23 censed to use an image of, or is otherwise authorized to act on behalf of:

24 (A) A venue, a promoter or another person that is scheduled to appear
25 or perform at an entertainment event; or

26 (B) A promoter or sponsor of:

27 (i) The entertainment event; or

28 (ii) A person that is scheduled to appear or perform at the entertainment
29 event.

30 (c) A seating chart of a venue or a picture of a view from a seat in a
31 venue does not constitute text, images, graphics or a design that a person

1 may not publish or cause another person to publish under paragraph (a)(B)
2 of this subsection.

3 **(4) A reseller may not offer for resale or engage in a resale of an**
4 **admission ticket unless the reseller:**

5 **(a) Has actual or constructive possession of the admission ticket;**
6 **or**

7 **(b) Has explicit authorization in a written contract with an operator**
8 **to obtain the admission ticket from the operator, a ticket seller or a**
9 **person that the operator or ticket seller authorized to purchase the**
10 **admission ticket from the operator or ticket seller in an initial sale.**

11 **[(4)] (5) Violation of this section is an unlawful practice under ORS**
12 **646.608 that is subject to an action under ORS 646.632 and 646.638.**

13 **SECTION 2. This 2026 Act takes effect on the 91st day after the date**
14 **on which the 2026 regular session of the Eighty-third Legislative As-**
15 **sembly adjourns sine die.**