

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 or person affiliated with a reseller from offering for resale or engaging in a resale of an admission ticket unless the reseller or person affiliated with 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

1 to a purchaser.

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

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

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

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

12 (h) "Resale" means a sale other than a ticket seller or an operator's ini-
13 tial sale of an admission ticket for a venue that is located in or an enter-
14 tainment event that occurs in this state, irrespective of the location in which
15 the sale occurs or the means by which a reseller solicits or advertises the
16 sale or delivers or receives payment for the admission ticket.

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

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

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

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

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

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

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

(i) Names the venue;

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

(iii) Is substantially similar to the name of the venue, of the entertainment event or of a person or entity that is scheduled to appear or perform at the entertainment event; or

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

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

(ii) Text, images, graphics or a design that states or implies, including by use of the word "official," that the website is affiliated with or endorsed by an operator or venue or an individual or entity that is scheduled to appear or perform at an entertainment event.

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

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

(B) A promoter or sponsor of:

(i) The entertainment event; or

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

(c) A seating chart of a venue or a picture of a view from a seat in a

venue does not constitute text, images, graphics or a design that a person may not publish or cause another person to publish under paragraph (a)(B) of this subsection.

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

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

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

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

SECTION 2. This 2026 Act takes effect on the 91st day after the date on which the 2026 regular session of the Eighty-third Legislative Assembly adjourns sine die.