

## HB 3167 -6 STAFF MEASURE SUMMARY

### House Committee On Commerce and Consumer Protection

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**Meeting Dates:** 3/11, 4/8

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#### **WHAT THE MEASURE DOES:**

The measure sets restrictions for using software to circumvent ticket sale operations. The measure also requires specific disclosures for ticket sales. requires that ticket sellers share the base price and total price after all fees when a ticket is first selected for sale. The measure adds restrictions to the practice of reselling tickets.

#### Detailed Summary

Defines affiliated, base price, initial sale, presale, promoter, resale marketplace, retail purchaser, ticket seller, total price, and venue.

**Prohibits using software to purchase tickets in excess of the amount a seller of tickets has restricted or circumvent a rule or policy a seller has established for a presale or initial sale or resale of an admission ticket.**

A person using software in this way may not sell or offer to sell tickets acquired with the software.

An operator, ticket seller, or reseller must notify the Attorney General if they detect the use of software to circumvent ticket sales, rules, or policies. They must provide evidence to the Attorney General. The Attorney General is allowed to investigate.

#### **Requires sellers to disclose:**

Base price and total price when ticket is first selected.

Terms to cancel the purchase.

Policy for refunds.

Business affiliation.

Conditions for use of the ticket.

If the ticket is transferable or not.

Contact information for the Attorney General, to make a complaint.

The base price any affiliated business has the ticket available for.

**Requires a disclosure with each fee showing the base price and the total price.**

The disclosure must not be fraudulent or misleading and must be prominent.

Seller must provide an opportunity for purchaser to reconsider the options of the ticket selected.

**A person may not sell a ticket that is not transferable.**

An operator may not deny entry to a venue, charge a fee, or otherwise penalize someone that purchased a ticket from a seller not affiliated with the operator.

**A seller not affiliated with the venue or performer may not use images or logos that could be confusing when selling tickets.**

**A reseller must:**

Have possession or a contract to obtain the ticket before selling.

Disclosure of the delivery date and the number of tickets that will allow for seating in a specific zone or section.

If a reseller cannot obtain possession of the ticket they sold, the ticket seller must refund within 10 days the whole amount paid but the buyer including deposit.

**Provides that violation is an unfair trade practice under ORS 646.608**

**Provides for a private right of action under ORS 646.638**

**Provides for AG enforcement under ORS 646.632**

**Applies to sales after the effective date.**

**ISSUES DISCUSSED:**

- Ticket transferability
- Impacts for ticket sellers
- Impacts on ticket marketplaces

**EFFECT OF AMENDMENT:**

-6 The amendment excludes commercial motion picture theaters from venues an admission ticket gives a right of entry to and excludes trade shows from the definition of entertainment events. Excludes government charges, delivery fees and optional add-ons from the 'total price.' The amendment changes the standard for violation of the provisions for using software to purchase tickets from 'knowingly' to 'willfully.' Requires sellers to disclose the initial price and total price when ticket is first selected. Requires sellers to disclose, prior to financial information being required by the purchaser: terms to cancel the purchase, policy for refunds, whether the purchaser is interacting with a reseller, and if so that the ticket price may vary from the original venue or operator, conditions for use of the ticket, and if the ticket is transferable or not. The amendment requires a disclosure with each fee showing the base price and the total price prior to financial information being required by the purchaser. The disclosure must not be fraudulent or misleading and must be as prominent or larger than the initial price. Seller must provide an opportunity for purchaser to reconsider the options of the ticket selected. The amendment Specifies that the measure applies to sales on or after January 1, 2026.

**BACKGROUND:**

When buying a ticket to an event a consumer can buy from the entity that originally offers the tickets, ticket resellers, or other consumers that want to sell a ticket they purchased. The entertainment industry has seen increasing unfair and deceptive activities that mislead and take advantage of consumers.

HB 3167 regulates the selling and buying of event tickets to increase transparency in the buying process. ORS 646A.115 is the statute on prohibited software that interferes with sale of admission tickets to entertainment events.