

House Bill 4024

Introduced and printed pursuant to House Rule 12.00. Presession filed (at the request of House Interim Committee on Commerce and Consumer Protection for Representative Nathan Sosa)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

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 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,

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 or the person's agent or employee.

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

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

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

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

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

17 (A) Use or cause another person to use an Internet domain name or subdomain name if the do-
18 main name or subdomain name:

19 (i) Names the venue;

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

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

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

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

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

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

33 (A) A venue, a promoter or another person that is scheduled to appear or perform at an enter-
34 tainment event; or

35 (B) A promoter or sponsor of:

36 (i) The entertainment event; or

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

38 (c) A seating chart of a venue or a picture of a view from a seat in a venue does not constitute
39 text, images, graphics or a design that a person may not publish or cause another person to publish
40 under paragraph (a)(B) of this subsection.

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

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

44 **(b) Has explicit authorization in a written contract with an operator to obtain the ad-**
45 **mission ticket from the operator, a ticket seller or a person that the operator or ticket seller**

1 **authorized to purchase the admission ticket from the operator or ticket seller in an initial**
2 **sale.**

3 [(4)] (5) Violation of this section is an unlawful practice under ORS 646.608 that is subject to
4 an action under ORS 646.632 and 646.638.

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

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