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H. R. 3950

[Report No. 118-]

To require sellers of event tickets to disclose comprehensive information to consumers about ticket prices and related fees, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 2023

Mr. BILIRAKIS (for himself and Ms. SCHAKOWSKY) introduced the following bill; which was referred to the Committee on Energy and Commerce

DECEMBER --, 2023

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on June 9, 2023]

A BILL

To require sellers of event tickets to disclose comprehensive information to consumers about ticket prices and related fees, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Transparency In*
5 *Charges for Key Events Ticketing Act” or the “TICKET*
6 *Act”.*

7 **SEC. 2. ALL INCLUSIVE TICKET PRICE DISCLOSURE.**

8 *Beginning 180 days after the date of the enactment*
9 *of this Act, it shall be unlawful for a ticket issuer, secondary*
10 *market ticket issuer, or secondary market ticket exchange*
11 *to offer for sale an event ticket unless the ticket issuer, sec-*
12 *ondary market ticket issuer, or secondary market ticket ex-*
13 *change—*

14 *(1) clearly and conspicuously displays the total*
15 *event ticket price, if a price is displayed, in any ad-*
16 *vertisement, marketing, or price list wherever the tick-*
17 *et is offered for sale;*

18 *(2) clearly and conspicuously discloses to any in-*
19 *dividual who seeks to purchase an event ticket the*
20 *total event ticket price at the time the ticket is first*
21 *displayed to the individual and anytime thereafter*
22 *throughout the ticket purchasing process; and*

23 *(3) provides an itemized list of the base event*
24 *ticket price and each event ticket fee prior to the com-*
25 *pletion of the ticket purchasing process.*

1 **SEC. 3. SPECULATIVE TICKETING BAN.**

2 (a) *PROHIBITION.*—Beginning 180 days after the date
3 of the enactment of this Act, a ticket issuer, secondary mar-
4 ket ticket issuer, or secondary market ticket exchange that
5 does not have actual or constructive possession of an event
6 ticket shall not sell, offer for sale, or advertise for sale such
7 event ticket.

8 (b) *RULE OF CONSTRUCTION.*—Nothing in this section
9 shall be construed to prohibit a secondary market ticket
10 issuer or secondary market ticket exchange from offering a
11 service to a consumer to obtain an event ticket on behalf
12 of the consumer if the secondary market ticket issuer or sec-
13 ondary market ticket exchange complies with the following:

14 (1) Does not market or list the service as an
15 event ticket.

16 (2) Maintains a clear, distinct, and easily dis-
17 cernible separation between the service and event tick-
18 ets through unavoidable visual demarcation that per-
19 sists throughout the entire service selection and pur-
20 chasing process.

21 (3) Clearly and conspicuously discloses before se-
22 lection of the service that the service is not an event
23 ticket and that the purchase of the service does not
24 guarantee an event ticket.

25 (4) In the event the service is unable to obtain
26 the specified event ticket purchased through the service

1 *for the consumer, provides the consumer that pur-*
2 *chased the service, within a reasonable amount of*
3 *time—*

4 (A) *a full refund for the total cost of the*
5 *service to obtain an event ticket on behalf of the*
6 *consumer; or*

7 (B) *subject to availability, a replacement*
8 *event ticket in the same or a comparable location*
9 *with the approval of the consumer.*

10 (5) *Does not obtain more tickets in each trans-*
11 *action than the numerical limitations for tickets set*
12 *by the venue and artist for each respective event.*

13 **SEC. 4. DECEPTIVE WEBSITES.**

14 *A ticket issuer, secondary market ticket issuer, or sec-*
15 *ondary market ticket exchange—*

16 (1) *shall provide a clear and conspicuous state-*
17 *ment, before a visitor purchases an event ticket from*
18 *the ticket issuer, secondary market ticket issuer, or*
19 *secondary market ticket exchange that the issuer or*
20 *exchange is engaged in the secondary sale of event*
21 *tickets;*

22 (2) *shall not state that the ticket issuer, sec-*
23 *ondary market ticket issuer, or secondary market tick-*
24 *et exchange is affiliated with or endorsed by a venue,*
25 *team, or artist, as applicable, unless a partnership*

1 *agreement has been executed, including by using*
2 *words like “official” in promotional materials, social*
3 *media promotions, search engine optimization, paid*
4 *advertising, or search engine monetization unless the*
5 *issuer or exchange has the express written consent of*
6 *the venue, team, or artist, as applicable; and*

7 *(3) shall not use a domain name, or any sub-*
8 *domain thereof, in the URL of the ticket issuer, sec-*
9 *ondary market ticket issuer, or secondary market tick-*
10 *et exchange that contains—*

11 *(A) the name of a specific team, league, or*
12 *venue where concerts, sports, or other live enter-*
13 *tainment events are held, unless authorized by*
14 *the owner of the name;*

15 *(B) the name of the exhibition or perform-*
16 *ance or of another event described in subpara-*
17 *graph (A), including the name of a person, team,*
18 *performance, group, or entity scheduled to per-*
19 *form at any such venue or event, unless author-*
20 *ized by the owner of the name;*

21 *(C) any trademark or copyright not owned*
22 *by the ticket issuer, secondary market ticket*
23 *issuer, or secondary market ticket exchange, in-*
24 *cluding any trademark or copyright owned by*

1 *an authorized agent or partner of the venue or*
2 *event identified in subparagraph (A) and (B); or*
3 *(D) any name substantially similar to those*
4 *described in subparagraphs (A) and (B), includ-*
5 *ing any misspelling of any such name.*

6 **SEC. 5. REFUND REQUIREMENTS.**

7 *(a) CANCELLATION.—Beginning 180 days after the*
8 *date of the enactment of this Act, if an event is canceled*
9 *or postponed (except for a case in which an event is canceled*
10 *or postponed due to a cause beyond the reasonable control*
11 *of the ticket issuer, including a natural disaster, civil dis-*
12 *turbance, or otherwise unforeseeable impediment), a ticket*
13 *issuer, secondary market ticket issuer, or secondary market*
14 *ticket exchange shall provide the consumer, at the option*
15 *of the purchaser, at a minimum—*

16 *(1) a full refund for the total cost of the event*
17 *ticket, any event ticket fee, and any tax; or*

18 *(2) subject to availability, if the event is post-*
19 *poned, a replacement event ticket in the same or a*
20 *comparable location once the event has been resched-*
21 *uled, with the approval of the consumer.*

22 *(b) DISCLOSURE OF GUARANTEE AND REFUND POLICY*
23 *REQUIRED.—Beginning 180 days after the date of the en-*
24 *actment of this Act, a ticket issuer, secondary market ticket*
25 *issuer, or secondary market ticket exchange shall disclose*

1 *clearly and conspicuously before the completion of an event*
2 *ticket sale the guarantee or refund policy of such ticket*
3 *issuer, secondary market ticket issuer, or secondary market*
4 *ticket exchange, including under what circumstances any*
5 *refund issued will include a refund of any event ticket fee*
6 *and any tax.*

7 *(c) DISCLOSURE OF HOW TO OBTAIN A REFUND RE-*
8 *QUIRED.—Beginning 180 days after the date of the enact-*
9 *ment of this Act, a ticket issuer, secondary market ticket*
10 *issuer, or secondary market ticket exchange shall provide*
11 *a clear and conspicuous explanation of how to obtain a re-*
12 *fund of the total cost of the ticket, any event ticket fee, and*
13 *any tax.*

14 **SEC. 6. REPORT BY THE FEDERAL TRADE COMMISSION ON**
15 **BOTS ACT OF 2016 ENFORCEMENT.**

16 *Not later than 6 months after the date of the enactment*
17 *of this Act, the Commission shall submit to Congress a re-*
18 *port on enforcement of the Better Online Ticket Sales Act*
19 *of 2016 (Public Law 114–274; 15 U.S.C. 45c), including*
20 *any enforcement action taken, challenges with enforcement*
21 *and coordination with State Attorneys General, and rec-*
22 *ommendations on how to improve enforcement and industry*
23 *compliance.*

1 **SEC. 7. ENFORCEMENT.**

2 (a) *UNFAIR OR DECEPTIVE ACT OR PRACTICE.*—A vio-
3 lation of this Act shall be treated as a violation of a rule
4 defining an unfair or deceptive act or practice under section
5 18(a)(1)(B) of the Federal Trade Commission Act (15
6 U.S.C. 57a(a)(1)(B)).

7 (b) *POWERS OF COMMISSION.*—

8 (1) *IN GENERAL.*—The Commission shall enforce
9 this Act in the same manner, by the same means, and
10 with the same jurisdiction, powers, and duties as
11 though all applicable terms and provisions of the Fed-
12 eral Trade Commission Act (15 U.S.C. 41 et seq.)
13 were incorporated into and made a part of this Act.

14 (2) *PRIVILEGES AND IMMUNITIES.*—Any person
15 who violates this Act shall be subject to the penalties
16 and entitled to the privileges and immunities pro-
17 vided in the Federal Trade Commission Act (15
18 U.S.C. 41 et seq.).

19 (3) *AUTHORITY PRESERVED.*—Nothing in this
20 Act shall be construed to limit the authority of the
21 Commission under any other provision of law.

22 **SEC. 8. DEFINITIONS.**

23 *In this Act:*

24 (1) *ARTIST.*—The term “artist” means any per-
25 former, musician, comedian, producer, ensemble or

1 *production entity of a theatrical production, sports*
2 *team owner, or similar person.*

3 (2) *COMMISSION.*—*The term “Commission”*
4 *means the Federal Trade Commission.*

5 (3) *DOMAIN NAME.*—*The term “domain name”*
6 *means a globally unique, hierarchical reference to an*
7 *Internet host or service, which is assigned through*
8 *centralized Internet naming authorities, and which is*
9 *comprised of a series of character strings separated by*
10 *periods, with the right most string specifying the top*
11 *of the hierarchy.*

12 (4) *EVENT; EVENT TICKET; TICKET ISSUER.*—
13 *The terms “event”, “event ticket”, and “ticket issuer”*
14 *have the meaning given those terms in the Better On-*
15 *line Ticket Sales Act of 2016 (Public Law 114–274).*

16 (5) *EVENT TICKET FEE.*—*The term “event ticket*
17 *fee”*—

18 (A) *means a charge for an event ticket that*
19 *must be paid in addition to the base event ticket*
20 *price in order to obtain an event ticket from a*
21 *ticket issuer, secondary market ticket issuer, or*
22 *secondary market ticket exchange including any*
23 *service fee, charge and order processing fee, deliv-*
24 *ery fee, facility charge fee, and any other charge;*
25 *and*

1 (B) does not include any charge or fee for
2 an optional product or service associated with
3 the event that may be selected by a purchaser of
4 an event ticket.

5 (6) *OPTIONAL PRODUCT OR SERVICE.*—The term
6 “optional product or service” means a product or
7 service that an individual does not need to purchase
8 to use or take possession of an event ticket.

9 (7) *RESALE; SECONDARY SALE.*—The terms “re-
10 sale” and “secondary sale” mean any sale of an event
11 ticket that occurs after the initial sale of the event
12 ticket by a ticket issuer.

13 (8) *SECONDARY MARKET TICKET EXCHANGE.*—
14 The term “secondary market ticket exchange” means
15 any person that operates a platform or exchange for
16 advertising, listing, or selling resale tickets, on behalf
17 of itself, vendors, or a secondary market ticket issuer.

18 (9) *SECONDARY MARKET TICKET ISSUER.*—The
19 term “secondary market ticket issuer” means any per-
20 son, including a ticket issuer, that resells or makes a
21 secondary sale of an event ticket to the general public
22 in the regular course of the trade or business of the
23 person.

24 (10) *TOTAL EVENT TICKET PRICE.*—The term
25 “total event ticket price” means, with respect to an

1 *event ticket, the total cost of the event ticket, includ-*
2 *ing the base event ticket price and any event ticket*
3 *fee.*

4 (11) *URL.—The term “URL” means the uni-*
5 *form resource locator associated with an internet*
6 *website.*

7 (12) *VENUE.—The term “venue” means a phys-*
8 *ical space at which an event takes place.*