

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 5104
OFFERED BY MR. PALLONE**

Page 2, line 14, strike “RESALE” and insert “SALE”.

Page 2, line 14, strike “It shall” and insert “(1) It shall”.

Page 2, line 18, strike “(1)” and insert “(A)”.

Page 2, line 20, strike “(2)” and insert “(B)”.

Page 2, after line 21, insert the following:

- 1 (2) It shall be unlawful for any person—
- 2 (A) to sell any ticket in interstate commerce
- 3 unless the seller includes, with any listing of the
- 4 price of a ticket on its website or in any promotional
- 5 material where the ticket price is listed, all ancillary
- 6 charges related to the purchase of a ticket, and in-
- 7 clude such charges and the total cost to the con-
- 8 sumer on each individual ticket in a manner that re-
- 9 mains clear and conspicuous if the ticket is trans-
- 10 ferred;

1 (B) to sell any ticket in interstate commerce
2 that the seller does not possess or have contractual
3 rights to at the time of the sale;

4 (C) who is a primary ticket seller, to sell any
5 ticket in interstate commerce unless that seller
6 makes publicly available, not less than 7 days before
7 the date on which tickets shall be available for pri-
8 mary sale, the total number and distribution method
9 of all tickets that will not be offered for sale to the
10 general public on the first date of primary sale,
11 when the distribution is the responsibility of that
12 primary ticket seller; or

13 (D) to sell any ticket in interstate commerce if
14 the seller makes any representation of affiliation or
15 endorsement with a venue, team, or artist, without
16 the express written consent of such venue, team, or
17 artist, except when it constitutes fair use or is other-
18 wise consistent with applicable laws.

Page 3. line 9, strike “and”.

Page 3, line 13, strike the period and insert a semi-
colon and after such line insert the following:

19 (4) the term “ancillary charges” means service
20 fees, convenience charges, parking fees, and other
21 mandatory charges associated with the purchase of

1 a ticket and not included in the base price of the
2 ticket.

3 (5) the term “distribution method” means the
4 manner in which a primary ticket seller distributes
5 tickets to a particular event, whether through pri-
6 mary sale, limited presale promotions, donations to
7 charity, reservations of season ticket holders, or allo-
8 cated to the primary ticket seller, team, artist, or
9 venue.

10 (6) the term “primary sale,” with regards to a
11 ticket, means the initial sale of a ticket that has not
12 been sold previous to such sale, by a primary ticket
13 seller to the general public on or after the date ad-
14 vertised for such sale.

15 (7) the term “primary ticket seller” means an
16 owner or operator of a venue or a sports team, a
17 manager or provider of an event, or a provider of
18 ticketing services (or an agent of such owner, oper-
19 ator, manager, or provider) that engages in the pri-
20 mary sale of tickets for an event.

21 (8) the term “ticket” means a paper or elec-
22 tronic communication that grants admission to an
23 event, including but not limited to, sporting events

- 1 or games, theater, musical performances, or places
- 2 of public amusement of any kind.

