

1 displayed to the individual and anytime thereafter
2 throughout the ticket purchasing process; and

3 (3) provides an itemized list of the base event
4 ticket price and each event ticket fee prior to the
5 completion of the ticket purchasing process.

6 **SEC. 3. SPECULATIVE TICKETING BAN.**

7 (a) PROHIBITION.—Beginning 180 days after the
8 date of the enactment of this Act, a ticket issuer, sec-
9 ondary market ticket issuer, or secondary market ticket
10 exchange that does not have actual or constructive posses-
11 sion of an event ticket shall not sell, offer for sale, or ad-
12 vertise for sale such event ticket.

13 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
14 tion shall be construed to prohibit a secondary market
15 ticket issuer or secondary market ticket exchange from of-
16 fering a service to a consumer to obtain an event ticket
17 on behalf of the consumer if the secondary market ticket
18 issuer or secondary market ticket exchange complies with
19 the following:

20 (1) Does not market or list the service as an
21 event ticket.

22 (2) Maintains a clear, distinct, and easily dis-
23 cernible separation between the service and event
24 tickets through unavoidable visual demarcation that

1 persists throughout the entire service selection and
2 purchasing process.

3 (3) Clearly and conspicuously discloses before
4 selection of the service that the service is not an
5 event ticket and that the purchase of the service
6 does not guarantee an event ticket.

7 (4) In the event the service is unable to obtain
8 the specified event ticket purchased through the
9 service for the consumer, provides the consumer that
10 purchased the service, within a reasonable amount of
11 time—

12 (A) a full refund for the total cost of the
13 service to obtain an event ticket on behalf of
14 the consumer; or

15 (B) subject to availability, a replacement
16 event ticket in the same or a comparable loca-
17 tion with the approval of the consumer.

18 (5) Does not obtain more tickets in each trans-
19 action than the numerical limitations for tickets set
20 by the venue and artist for each respective event.

21 **SEC. 4. DECEPTIVE WEBSITES.**

22 A ticket issuer, secondary market ticket issuer, or
23 secondary market ticket exchange—

24 (1) shall provide a clear and conspicuous state-
25 ment, before a visitor purchases an event ticket from

1 the ticket issuer, secondary market ticket issuer, or
2 secondary market ticket exchange that the issuer or
3 exchange is engaged in the secondary sale of event
4 tickets;

5 (2) shall not state that the ticket issuer, sec-
6 ondary market ticket issuer, or secondary market
7 ticket exchange is affiliated with or endorsed by a
8 venue, team, or artist, as applicable, unless a part-
9 nership agreement has been executed, including by
10 using words like “official” in promotional materials,
11 social media promotions, search engine optimization,
12 paid advertising, or search engine monetization un-
13 less the issuer or exchange has the express written
14 consent of the venue, team, or artist, as applicable;
15 and

16 (3) shall not use a domain name, or any sub-
17 domain thereof, in the URL of the ticket issuer, sec-
18 ondary market ticket issuer, or secondary market
19 ticket exchange that contains—

20 (A) the name of a specific team, league, or
21 venue where concerts, sports, or other live en-
22 tertainment events are held, unless authorized
23 by the owner of the name;

24 (B) the name of the exhibition or perform-
25 ance or of another event described in subpara-

1 graph (A), including the name of a person,
2 team, performance, group, or entity scheduled
3 to perform at any such venue or event, unless
4 authorized by the owner of the name;

5 (C) any trademark or copyright not owned
6 by the ticket issuer, secondary market ticket
7 issuer, or secondary market ticket exchange, in-
8 cluding any trademark or copyright owned by
9 an authorized agent or partner of the venue or
10 event identified in subparagraph (A) and (B);
11 or

12 (D) any name substantially similar to
13 those described in subparagraphs (A) and (B),
14 including any misspelling of any such name.

15 **SEC. 5. REFUND REQUIREMENTS.**

16 (a) CANCELLATION.—Beginning 180 days after the
17 date of the enactment of this Act, if an event is canceled
18 or postponed (except for a case in which an event is can-
19 celed or postponed due to a cause beyond the reasonable
20 control of the ticket issuer, including a natural disaster,
21 civil disturbance, or otherwise unforeseeable impediment),
22 a ticket issuer, secondary market ticket issuer, or sec-
23 ondary market ticket exchange shall provide the consumer,
24 at the option of the purchaser, at a minimum—

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

3 (2) subject to availability, if the event is post-
4 poned, a replacement event ticket in the same or a
5 comparable location once the event has been re-
6 scheduled, with the approval of the consumer.

7 (b) DISCLOSURE OF GUARANTEE AND REFUND POL-
8 ICY REQUIRED.—Beginning 180 days after the date of the
9 enactment of this Act, a ticket issuer, secondary market
10 ticket issuer, or secondary market ticket exchange shall
11 disclose clearly and conspicuously before the completion
12 of an event ticket sale the guarantee or refund policy of
13 such ticket issuer, secondary market ticket issuer, or sec-
14 ondary market ticket exchange, including under what cir-
15 cumstances any refund issued will include a refund of any
16 event ticket fee and any tax.

17 (c) DISCLOSURE OF HOW TO OBTAIN A REFUND RE-
18 QUIRED.—Beginning 180 days after the date of the enact-
19 ment of this Act, a ticket issuer, secondary market ticket
20 issuer, or secondary market ticket exchange shall provide
21 a clear and conspicuous explanation of how to obtain a
22 refund of the total cost of the ticket, any event ticket fee,
23 and any tax.

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

3 Not later than 6 months after the date of the enact-
4 ment of this Act, the Commission shall submit to Congress
5 a report on enforcement of the Better Online Ticket Sales
6 Act of 2016 (Public Law 114–274; 15 U.S.C. 45c), includ-
7 ing any enforcement action taken, challenges with enforce-
8 ment and coordination with State Attorneys General, and
9 recommendations on how to improve enforcement and in-
10 dustry compliance.

11 **SEC. 7. ENFORCEMENT.**

12 (a) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A
13 violation of this Act shall be treated as a violation of a
14 rule defining an unfair or deceptive act or practice under
15 section 18(a)(1)(B) of the Federal Trade Commission Act
16 (15 U.S.C. 57a(a)(1)(B)).

17 (b) POWERS OF COMMISSION.—

18 (1) IN GENERAL.—The Commission shall en-
19 force this Act in the same manner, by the same
20 means, and with the same jurisdiction, powers, and
21 duties as though all applicable terms and provisions
22 of the Federal Trade Commission Act (15 U.S.C. 41
23 et seq.) were incorporated into and made a part of
24 this Act.

25 (2) PRIVILEGES AND IMMUNITIES.—Any person
26 who violates this Act shall be subject to the penalties

1 and entitled to the privileges and immunities pro-
2 vided in the Federal Trade Commission Act (15
3 U.S.C. 41 et seq.).

4 (3) AUTHORITY PRESERVED.—Nothing in this
5 Act shall be construed to limit the authority of the
6 Commission under any other provision of law.

7 **SEC. 8. DEFINITIONS.**

8 In this Act:

9 (1) ARTIST.—The term “artist” means any per-
10 former, musician, comedian, producer, ensemble or
11 production entity of a theatrical production, sports
12 team owner, or similar person.

13 (2) COMMISSION.—The term “Commission”
14 means the Federal Trade Commission.

15 (3) DOMAIN NAME.—The term “domain name”
16 means a globally unique, hierarchical reference to an
17 Internet host or service, which is assigned through
18 centralized Internet naming authorities, and which is
19 comprised of a series of character strings separated
20 by periods, with the right most string specifying the
21 top of the hierarchy.

22 (4) EVENT; EVENT TICKET; TICKET ISSUER.—
23 The terms “event”, “event ticket”, and “ticket
24 issuer” have the meaning given those terms in the

1 Better Online Ticket Sales Act of 2016 (Public Law
2 114–274).

3 (5) EVENT TICKET FEE.—The term “event
4 ticket fee”—

5 (A) means a charge for an event ticket
6 that must be paid in addition to the base event
7 ticket price in order to obtain an event ticket
8 from a ticket issuer, secondary market ticket
9 issuer, or secondary market ticket exchange in-
10 cluding any service fee, charge and order proc-
11 essing fee, delivery fee, facility charge fee, and
12 any other charge; and

13 (B) does not include any charge or fee for
14 an optional product or service associated with
15 the event that may be selected by a purchaser
16 of an event ticket.

17 (6) OPTIONAL PRODUCT OR SERVICE.—The
18 term “optional product or service” means a product
19 or service that an individual does not need to pur-
20 chase to use or take possession of an event ticket.

21 (7) RESALE; SECONDARY SALE.—The terms
22 “resale” and “secondary sale” mean any sale of an
23 event ticket that occurs after the initial sale of the
24 event ticket by a ticket issuer.

1 (8) SECONDARY MARKET TICKET EXCHANGE.—

2 The term “secondary market ticket exchange”
3 means any person that operates a platform or ex-
4 change for advertising, listing, or selling resale tick-
5 ets, on behalf of itself, vendors, or a secondary mar-
6 ket ticket issuer.

7 (9) SECONDARY MARKET TICKET ISSUER.—The

8 term “secondary market ticket issuer” means any
9 person, including a ticket issuer, that resells or
10 makes a secondary sale of an event ticket to the gen-
11 eral public in the regular course of the trade or busi-
12 ness of the person.

13 (10) TOTAL EVENT TICKET PRICE.—The term

14 “total event ticket price” means, with respect to an
15 event ticket, the total cost of the event ticket, includ-
16 ing the base event ticket price and any event ticket
17 fee.

18 (11) URL.—The term “URL” means the uni-

19 form resource locator associated with an internet
20 website.

21 (12) VENUE.—The term “venue” means a

22 physical space at which an event takes place.

