

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 857

To require the disclosure of service and other charges on tickets, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 1995

Mr. DINGELL (for himself, Mr. CONDIT, Mr. MOORHEAD, and Mr. OXLEY) introduced the following bill; which was referred to the Committee on Commerce

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## A BILL

To require the disclosure of service and other charges on tickets, 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 “Ticket Fee Disclosure  
5 Act of 1995”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) sellers and resellers of entertainment and  
9 sporting event tickets often impose service charges  
10 and fees or other additional fees and charges, in ex-

1       cess of the face amount of such tickets, to consum-  
2       ers who purchase such tickets;

3           (2) consumers who desire to purchase entertain-  
4       ment and sporting event tickets are entitled to full,  
5       complete, and clear disclosure of any such additional  
6       charges or fees;

7           (3) the failure by sellers and resellers of enter-  
8       tainment and sporting event tickets to provide full,  
9       complete, and clear disclosure of any such additional  
10      charges or fees constitutes an unfair and deceptive  
11      act or practice in or affecting commerce within the  
12      meaning of section 5 of the Federal Trade Commis-  
13      sion Act (15 U.S.C. 45);

14          (4) sellers and resellers of entertainment and  
15      sporting event tickets should be required to disclose  
16      to potential purchasers of such tickets the amount of  
17      any additional fees and charges beyond the face  
18      amount of such tickets, and to have the amount of  
19      such charges or fees imprinted on the ticket or on  
20      a receipt evidencing any such ticket sale; and

21          (5) the Federal Trade Commission should con-  
22      duct a study and issue a report to the Congress con-  
23      cerning practices by and relationships between per-  
24      sons involved in entertainment and sporting events  
25      (such as promoters, facility owners and operators,

1 performers, and sellers and resellers of tickets) and  
2 to make recommendations based on such study to  
3 achieve better disclosure, information, access, and  
4 value for consumers who seek to purchase entertain-  
5 ment or sporting event tickets.

6 **SEC. 3. DISCLOSURE OF SERVICE CHARGES OR ADDI-**  
7 **TIONAL TICKET FEES.**

8 It is unlawful for any seller or reseller (including any  
9 ticket broker) of entertainment or sporting event tickets—

10 (1) to fail to disclose to a purchaser of an en-  
11 tertainment or sporting event ticket, prior to any  
12 purchase of such ticket, any fee, charge, or assess-  
13 ment (other than a tax or other levy imposed pursu-  
14 ant to Federal, State, or local law) to be imposed in  
15 excess of the face amount of the ticket, and

16 (2) to fail to have the amount of any such fee,  
17 charge, or assessment imprinted on the ticket or on  
18 a receipt evidencing any such ticket sale.

19 **SEC. 4. ENFORCEMENT.**

20 (a) IN GENERAL.—Section 3 shall be enforced by the  
21 Federal Trade Commission under the Federal Trade Com-  
22 mission Act (15 U.S.C. 41 et seq.). Consequently, no ac-  
23 tivity which is outside the jurisdiction of that Act shall  
24 be affected by this Act.

1           (b) ACTIONS BY THE FEDERAL TRADE COMMIS-  
2 SION.—The Federal Trade Commission shall prevent any  
3 person from violating section 3 in the same manner, by  
4 the same means, and with the same jurisdiction, powers,  
5 and duties as though all applicable terms and provisions  
6 of the Federal Trade Commission Act (15 U.S.C. 41 et  
7 seq.) were incorporated into and made a part of this Act.  
8 Any person who violates section 3 shall be subject to the  
9 privileges and immunities provided in the Federal Trade  
10 Commission Act in the same manner, by the same means,  
11 and with the same jurisdiction, power, and duties, as  
12 though all applicable terms and provisions of the Federal  
13 Trade Commission Act were incorporated into and made  
14 a part of this Act.

15           (c) TREATMENT OF VIOLATIONS.—Any violation of  
16 section 3 shall be treated as a violation of a rule under  
17 section 18 of the Federal Trade Commission Act (15  
18 U.S.C. 57a) regarding unfair or deceptive acts or prac-  
19 tices.

20           (d) EFFECT ON OTHER LAWS.—Nothing contained  
21 in this Act shall be construed to limit the authority of the  
22 Federal Trade Commission under any other provision of  
23 law.

1 **SEC. 5. ACTIONS BY STATES.**

2 Whenever an attorney general of any State has rea-  
3 son to believe that the interests of the residents of that  
4 State have been or are being threatened or adversely af-  
5 fected because any person has engaged or is engaging in  
6 an act or practice in violation of section 3, the State may  
7 bring a civil action on behalf of its residents in an appro-  
8 priate district court of the United States to enjoin such  
9 act or practice, to enforce compliance of section 3, to ob-  
10 tain damages, restitution, or other compensation on behalf  
11 of residents of such State, or to obtain such further and  
12 other relief as the court may deem appropriate.

13 **SEC. 6. STUDY.**

14 (a) STUDY.—The Federal Trade Commission shall  
15 conduct a study of practices of persons involved in the sale  
16 and resale of entertainment and sporting event tickets.  
17 The study shall—

18 (1) include, at a minimum, an examination of  
19 relevant practices by, and relationships between, the  
20 following persons: promoters of entertainment and  
21 sporting events; owners and operators of venues,  
22 arenas, stages, and other facilities where such events  
23 are staged; artists, athletes, and other performers;  
24 and sellers and resellers of entertainment and sport-  
25 ing event tickets,

1           (2) identify charges, fees, or assessments im-  
2           posed by such persons that purchasers of tickets  
3           pay,

4           (3) include an evaluation of unique or exclusive  
5           contractual relationships between any such persons  
6           and their effect on consumer ticket prices and addi-  
7           tional charges, fees, and assessments imposed there-  
8           on,

9           (4) include a review of the practice of combin-  
10          ing fees, assessments, and other charges with the  
11          price of the ticket so that the face amount of the  
12          ticket includes such fees, assessments, and other  
13          charges,

14          (5) include an analysis of the effects on  
15          consumer ticket prices and on additional fees, as-  
16          sessments, and other charges imposed thereon of  
17          consolidations, purchases, and other acquisitions by  
18          and between such persons, and

19          (6) include an examination of the extent to  
20          which entertainment and sporting event tickets are  
21          withheld or otherwise not provided for public sale,  
22          including an identification of persons who withhold  
23          such tickets from public sale, identification of per-  
24          sons (including ticket brokers) who purchase or oth-  
25          erwise acquire tickets that are withheld from public

1 sale, and the effect of any such practices on the abil-  
2 ity of consumers to have reasonable access to tickets  
3 at publicly available prices.

4 (b) REPORT.—Not later than one year after the date  
5 of the enactment of this Act, the Federal Trade Commis-  
6 sion shall submit to the Committee on Commerce of the  
7 House of Representatives and the Committee on Com-  
8 merce, Science, and Transportation of the Senate a writ-  
9 ten report based on the study under subsection (a). Such  
10 report shall include findings relating to practices that fail  
11 to provide consumers with adequate disclosure or informa-  
12 tion concerning fees, assessments, and other charges im-  
13 posed on entertainment and sporting event tickets and  
14 practices that lead to higher consumer prices for such tick-  
15 ets and shall include recommendations to achieve better  
16 disclosure, information, access, and value for consumers  
17 of such tickets.

18 **SEC. 7. DEFINITIONS.**

19 For purposes of this Act:

20 (1) The term “attorney general” means the  
21 chief legal officer of a State.

22 (2) The term “State” means any State of the  
23 United States, the District of Columbia, Puerto

- 1 Rico, the Northern Mariana Islands, and any terri-
- 2 tory or possession of the United States.

