

118TH CONGRESS
2D SESSION

H. R. 3950

IN THE SENATE OF THE UNITED STATES

MAY 16, 2024

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

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

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

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

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

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

24 **SEC. 3. SPECULATIVE TICKETING BAN.**

25 (a) PROHIBITION.—Beginning 180 days after the
26 date of the enactment of this Act, a ticket issuer, sec-

1 onday market ticket issuer, or secondary market ticket
2 exchange that does not have actual or constructive posses-
3 sion of an event ticket shall not sell, offer for sale, or ad-
4 vertise for sale such event ticket.

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

12 (1) Does not market or list the service as an
13 event ticket.

14 (2) Maintains a clear, distinct, and easily dis-
15 cernible separation between the service and event
16 tickets through unavoidable visual demarcation that
17 persists throughout the entire service selection and
18 purchasing process.

19 (3) Clearly and conspicuously discloses before
20 selection of the service that the service is not an
21 event ticket and that the purchase of the service
22 does not guarantee an event ticket.

23 (4) In the event the service is unable to obtain
24 the specified event ticket purchased through the
25 service for the consumer, provides the consumer that

1 purchased the service, within a reasonable amount of
2 time—

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

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

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

12 **SEC. 4. DECEPTIVE WEBSITES.**

13 A ticket issuer, secondary market ticket issuer, or
14 secondary market ticket exchange—

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

21 (2) shall not state that the ticket issuer, sec-
22 ondary market ticket issuer, or secondary market
23 ticket exchange is affiliated with or endorsed by a
24 venue, team, or artist, as applicable, unless a part-
25 nership agreement has been executed, including by

(3) shall not use a domain name, or any subdomain thereof, in the URL of the ticket issuer, secondary market ticket issuer, or secondary market ticket exchange that contains—

using words like “official” in promotional materials, social media promotions, search engine optimization, paid advertising, or search engine monetization unless the issuer or exchange has the express written consent of the venue, team, or artist, as applicable; and

(A) the name of a specific team, league, or venue where concerts, sports, or other live entertainment events are held, unless authorized by the owner of the name;

(B) the name of the exhibition or performance or of another event described in subparagraph (A), including the name of a person, team, performance, group, or entity scheduled to perform at any such venue or event, unless authorized by the owner of the name;

(C) any trademark or copyright not owned by the ticket issuer, secondary market ticket issuer, or secondary market ticket exchange, including any trademark or copyright owned by an authorized agent or partner of the venue or

1 event identified in subparagraph (A) and (B);
2 or
3 (D) any name substantially similar to
4 those described in subparagraphs (A) and (B),
5 including 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 can-
10 celed or postponed due to a cause beyond the reasonable
11 control of the ticket issuer, including a natural disaster,
12 civil disturbance, or otherwise unforeseeable impediment),
13 a ticket issuer, secondary market ticket issuer, or sec-
14 ondary market ticket exchange shall provide the consumer,
15 at the option 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 re-
21 scheduled, with the approval of the consumer.

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

1 disclose clearly and conspicuously before the completion
2 of an event ticket sale the guarantee or refund policy of
3 such ticket issuer, secondary market ticket issuer, or sec-
4 ondary market ticket exchange, including under what cir-
5 cumstances any refund issued will include a refund of any
6 event ticket fee 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
12 refund of the total cost of the ticket, any event ticket fee,
13 and 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 enact-
17 ment of this Act, the Commission shall submit to Congress
18 a report on enforcement of the Better Online Ticket Sales
19 Act of 2016 (Public Law 114–274; 15 U.S.C. 45c), includ-
20 ing any enforcement action taken, challenges with enforce-
21 ment and coordination with State Attorneys General, and
22 recommendations on how to improve enforcement and in-
23 dustry compliance.

1 **SEC. 7. ENFORCEMENT.**

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

7 (b) POWERS OF COMMISSION.—

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

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

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

23 **SEC. 8. DEFINITIONS.**

24 In this Act:

25 (1) ARTIST.—The term “artist” means any per-
 26 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
10 by periods, with the right most string specifying the
11 top of the hierarchy.

12 (4) EVENT; EVENT TICKET; TICKET ISSUER.—
13 The terms “event”, “event ticket”, and “ticket
14 issuer” have the meaning given those terms in the
15 Better Online Ticket Sales Act of 2016 (Public Law
16 114–274).

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

19 (A) means a charge for an event ticket
20 that must be paid in addition to the base event
21 ticket price in order to obtain an event ticket
22 from a ticket issuer, secondary market ticket
23 issuer, or secondary market ticket exchange in-
24 cluding any service fee, charge and order proc-

1 essing fee, delivery fee, facility charge fee, and
2 any other charge; and

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

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

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

15 (8) SECONDARY MARKET TICKET EXCHANGE.—
16 The term “secondary market ticket exchange”
17 means any person that operates a platform or ex-
18 change for advertising, listing, or selling resale tick-
19 ets, on behalf of itself, vendors, or a secondary mar-
20 ket ticket issuer.

21 (9) SECONDARY MARKET TICKET ISSUER.—The
22 term “secondary market ticket issuer” means any
23 person, including a ticket issuer, that resells or
24 makes a secondary sale of an event ticket to the gen-

(11) URL.—The term “URL” means the uniform resource locator associated with an internet website.

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