

HR 5245

Better Oversight of Secondary Sales and Accountability in Concert Ticketing Act of 2016

Congress: 114 (2015–2017, Ended)

Chamber: House

Policy Area: Commerce

Introduced: May 16, 2016

Current Status: Referred to the Subcommittee on Commerce, Manufacturing, and Trade.

Latest Action: Referred to the Subcommittee on Commerce, Manufacturing, and Trade. (May 20, 2016)

Official Text: <https://www.congress.gov/bill/114th-congress/house-bill/5245>

Sponsor

Name: Rep. Pascrell, Bill, Jr. [D-NJ-9]

Party: Democratic • **State:** NJ • **Chamber:** House

Cosponsors (3 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Lipinski, Daniel [D-IL-3]	D · IL		May 23, 2016
Rep. Sires, Albio [D-NJ-8]	D · NJ		May 23, 2016
Rep. Jeffries, Hakeem S. [D-NY-8]	D · NY		Jun 16, 2016

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred to	May 20, 2016

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

Bill	Relationship	Last Action
114 HR 5104	Related bill	Sep 13, 2016: Received in the Senate and Read twice and referred to the Committee on Commerce, Science, and Transportation.

Better Oversight of Secondary Sales and Accountability in Concert Ticketing Act of 2016

This bill directs the Federal Trade Commission (FTC) to promulgate rules for the primary or secondary sale, distribution, or pricing of tickets for sporting events, theater, musical performances, or places of public amusement.

For primary sales, sellers must: (1) disclose at least seven days prior to sale, the total number of tickets the seller is offering and the total number and distribution method of tickets not available to the general public; (2) print on each ticket the distribution method, date, and time of the primary sale; (3) disclose service fees, convenience charges, and parking fees and provide refunds for such charges; and (4) provide full refunds for nontransferable tickets if requested by the consumer by one week prior to the event. Primary sellers are prohibited from requiring that consumers only be permitted to resell tickets in a manner determined by the primary seller.

For secondary sales, the secondary ticket sales marketplace must: (1) disclose if it does not possess the ticket at the time of sale, and (2) explain refund procedures if the ticket received does not match the description by the secondary marketplace.

The secondary sales rules must prohibit the use of software to circumvent a security system or access control measure on a primary ticket seller's website that is used to ensure equitable consumer access to tickets.

The secondary marketplace must disclose: (1) the distribution method and face value of each ticket; (2) the location of the seats or space; and (3) if the marketplace purchased the ticket during a public sale, the date and time of the purchase by the secondary marketplace.

Online marketplace resellers are: (1) prohibited from representing an affiliation or endorsement with venues, teams, or artists without their consent, except when it constitutes fair use; and (2) required to post notice on their websites indicating that they are conducting secondary sales and requiring users to confirm having read such notice before starting a transaction.

Individual employees of venues, primary ticket sellers, teams, artists, online resale marketplaces, or box offices are prohibited from reselling tickets: (1) for higher than face value, or (2) to third parties for resale for higher than face value.

Online marketplace resellers must disclose when the secondary marketplace of a ticket is the primary ticket seller, venue, team, or artist associated with the event.

The FTC and states are provided authority to enforce against violations. Persons may bring private civil actions to recover damages for injuries from violations.

Actions Timeline

- **May 20, 2016:** Referred to the Subcommittee on Commerce, Manufacturing, and Trade.
- **May 16, 2016:** Introduced in House
- **May 16, 2016:** Referred to the House Committee on Energy and Commerce.