

.....
(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To prohibit speculative ticketing as an unfair or deceptive act or practice,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. ARMSTRONG introduced the following bill; which was referred to the
Committee on _____

A BILL

To prohibit speculative ticketing as an unfair or deceptive
act or practice, 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 “Speculative Ticketing
5 Oversight and Prohibition Act” or the “STOP Act of
6 2023”.

7 **SEC. 2. SPECULATIVE TICKETING BAN.**

8 (a) PROHIBITION.—Beginning 180 days after the
9 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 of 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. 3. 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

1 using words like “official” in promotional materials,
2 social media promotions, search engine optimization,
3 paid advertising, or search engine monetization un-
4 less the issuer or exchange has the express written
5 consent of the venue, team, or artist, as applicable;
6 and

7 (3) shall not use a domain name, or any sub-
8 domain thereof, in the URL of the ticket issuer, sec-
9 ondary market ticket issuer, or secondary market
10 ticket exchange that contains—

11 (A) the name of a specific team, league, or
12 venue where concerts, sports, or other live en-
13 tertainment events are held, unless authorized
14 by the owner of the name;

15 (B) the name of the exhibition or perform-
16 ance or of another event described in subpara-
17 graph (A), including the name of a person,
18 team, performance, group, or entity scheduled
19 to perform at any such venue or event, unless
20 authorized by the owner of the name;

21 (C) any trademark or copyright not owned
22 by the ticket issuer, secondary market ticket
23 issuer, or secondary market ticket exchange, in-
24 cluding any trademark or copyright owned by
25 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. 4. 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 due to a cause beyond the reasonable control of the
11 ticket issuer, including a natural disaster, civil disturb-
12 ance, or otherwise unforeseeable impediment), a ticket
13 issuer, secondary market ticket issuer, or secondary mar-
14 ket ticket exchange shall provide the consumer, at the op-
15 tion 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. 5. 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. 6. ENFORCEMENT BY THE FEDERAL TRADE COMMIS-**
2 **SION.**

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

8 (b) POWERS OF COMMISSION.—The Commission
9 shall enforce this Act in the same manner, by the same
10 means, and with the same jurisdiction, powers, and duties
11 as though all applicable terms and provisions of the Fed-
12 eral Trade Commission Act (15 U.S.C. 41 et seq.) were
13 incorporated into and made a part of this Act.

14 (c) PRIVILEGES AND IMMUNITIES.—Any person who
15 violates this Act shall be subject to the penalties and enti-
16 tled to the privileges and immunities provided in the Fed-
17 eral Trade Commission Act (15 U.S.C. 41 et seq.).

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

21 **SEC. 7. DEFINITIONS.**

22 In this Act:

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

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

3 (3) DOMAIN NAME.—The term “domain name”
4 means a globally unique, hierarchical reference to an
5 Internet host or service, which is assigned through
6 centralized Internet naming authorities, and which is
7 comprised of a series of character strings separated
8 by periods, with the right most string specifying the
9 top of the hierarchy.

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

15 (5) EVENT TICKET FEE.—The term “event
16 ticket fee”—

17 (A) means a charge that must be paid in
18 addition to the base event ticket price in order
19 to obtain an event ticket from a ticket issuer,
20 secondary market ticket issuer, or secondary
21 market ticket exchange including any service
22 fee, charge and order processing fee, delivery
23 fee, facility charge fee, and any other charge;
24 and

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

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

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

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

19 (9) SECONDARY MARKET TICKET ISSUER.—The
20 term “secondary market ticket issuer” means any
21 person, including a ticket issuer, that resells or
22 makes a secondary sale of an event ticket to the gen-
23 eral public in the regular course of the trade or busi-
24 ness of the person.

1 (10) URL.—The term “URL” means the uni-
2 form resource locator associated with an internet
3 website.

4 (11) VENUE.—The term “venue” means a
5 physical space at which an event takes place.