

*Cruz-Cantwell Substitute*

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.**

**S. 1303**

To require sellers of event tickets to disclose comprehensive information to consumers about ticket prices and related fees.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. CRUZ (for himself and Ms. CANTWELL)

Viz:

1 Strike all after the enacting clause and insert the following:  
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Transparency in  
5 Charges for Key Events Ticketing Act" or the "TICKET  
6 Act".

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

9 (1) COMMISSION; EVENT TICKET; TICKET  
10 ISSUER.—The terms "Commission", "event ticket",  
11 and "ticket issuer" have the same meanings as in

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

3 (2) **BASE EVENT TICKET PRICE.**—The term  
4 “base event ticket price” means, with respect to an  
5 event ticket, the price of the event ticket excluding  
6 the cost of any event ticket fees.

7 (3) **EVENT.**—The term “event” means any live  
8 concert, theatrical performance, sporting event,  
9 show, or similarly scheduled live activity, taking  
10 place in a venue with a seating or attendance capac-  
11 ity exceeding 200 persons that is—

12 (A) open to the general public; and

13 (B) promoted, advertised, or marketed in  
14 interstate commerce, or for which event tickets  
15 are generally sold or distributed in interstate  
16 commerce.

17 (4) **TOTAL EVENT TICKET PRICE.**—The term  
18 “total event ticket price” means, with respect to an  
19 event ticket, the total cost of the event ticket, includ-  
20 ing the base event ticket price and any event ticket  
21 fees.

22 (5) **EVENT TICKET FEE.**—The term “event  
23 ticket fee” means a charge that must be paid in ad-  
24 dition to the base event ticket price in order to ob-  
25 tain an event ticket from a ticket issuer or sec-

1       ondary market ticket issuer, including service fees,  
2       charge and order processing fees, delivery fees, facil-  
3       ity charge fees, taxes, and other charges, and does  
4       not include any charge or fee for an optional product  
5       or service associated with the event that may be se-  
6       lected by a purchaser 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) **SECONDARY MARKET TICKET ISSUER.**—The  
12      term “secondary market ticket issuer” means any  
13      entity for which it is in the regular course of the  
14      trade or business of the entity to resell or make a  
15      secondary sale of an event ticket to the general pub-  
16      lic.

17          (8) **RESALE; SECONDARY SALE.**—The terms  
18      “resale” and “secondary sale” mean any sale of an  
19      event ticket that occurs after the initial sale of the  
20      event ticket by a ticket issuer.

21 **SEC. 3. ALL-INCLUSIVE TICKET PRICE DISCLOSURE.**

22      Beginning 120 days after the date of enactment of  
23      this Act, it shall be unlawful for a ticket issuer or sec-  
24      ondary market ticket issuer to offer for sale an event tick-

1 et unless the ticket issuer or secondary market ticket  
2 issuer—

3 (1) clearly and conspicuously displays the total  
4 event ticket price, if a price is displayed, in any ad-  
5 vertisement, marketing, or price list wherever the  
6 ticket is offered for sale;

7 (2) clearly and conspicuously discloses to any  
8 individual who seeks to purchase an event ticket the  
9 total event ticket price at the time the ticket is first  
10 displayed to the individual and anytime thereafter  
11 throughout the ticket purchasing process; and

12 (3) provides an itemized list of the base event  
13 ticket price and each event ticket fee.

14 **SEC. 4. ENFORCEMENT.**

15 (a) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A  
16 violation of section 3 shall be treated as a violation of a  
17 rule defining an unfair or deceptive act or practice under  
18 section 18(a)(1)(B) of the Federal Trade Commission Act  
19 (15 U.S.C. 57a(a)(1)(B)).

20 (b) POWERS OF COMMISSION.—

21 (1) IN GENERAL.—The Commission shall en-  
22 force section 3 in the same manner, by the same  
23 means, and with the same jurisdiction, powers, and  
24 duties as though all applicable terms and provisions  
25 of the Federal Trade Commission Act (15 U.S.C. 41

1 et seq.) were incorporated into and made a part of  
2 this Act.

3 (2) PRIVILEGES AND IMMUNITIES.—Any person  
4 who violates section 3 shall be subject to the pen-  
5 alties and entitled to the privileges and immunities  
6 provided in the Federal Trade Commission Act (15  
7 U.S.C. 41 et seq.).

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