

119TH CONGRESS
2D SESSION

S. _____

To prohibit the speculative sale of event tickets, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. LUJÁN introduced the following bill; which was read twice and referred
to the Committee on _____

A BILL

To prohibit the speculative sale of event 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 “Guaranteeing Honest
5 Ownership in Secondary Ticketing Act” or the “GHOST
6 Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

9 (1) **ACTUAL POSSESSION.**—The term “actual
10 possession”, with respect to an event ticket, means

1 physical or virtual possession of an event ticket
2 issued by a ticket issuer.

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

5 (3) EVENT; EVENT TICKET; TICKET ISSUER.—
6 The terms “event”, “event ticket”, and “ticket
7 issuer” have the meanings given such terms in the
8 Better Online Ticket Sales Act of 2016 (15 U.S.C.
9 45c).

10 (4) RESELLER.—The term “reseller” means a
11 person engaged in the resale of event tickets that is
12 not the original ticket issuer.

13 **SEC. 3. PROHIBITION ON SPECULATIVE TICKETING.**

14 It shall be unlawful for any reseller to sell, offer for
15 sale, or advertise for sale an event ticket unless such re-
16 seller has actual possession of such event ticket.

17 **SEC. 4. ENFORCEMENT.**

18 (a) ENFORCEMENT BY THE COMMISSION.—

19 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
20 TICES.—A violation of section 3 shall be treated as
21 a violation of a rule defining an unfair or deceptive
22 act or practice under section 18(a)(1)(B) of the Fed-
23 eral Trade Commission Act (15 U.S.C.
24 57a(a)(1)(B)).

25 (2) POWERS OF THE COMMISSION.—

1 (A) IN GENERAL.—Except as provided in
2 paragraphs (3) and (4), the Commission shall
3 enforce section 3 in the same manner, by the
4 same means, and with the same jurisdiction,
5 powers, and duties as though all applicable
6 terms and provisions of the Federal Trade
7 Commission Act (15 U.S.C. 41 et seq.) were in-
8 corporated into and made a part of this Act.

9 (B) PRIVILEGES AND IMMUNITIES.—Any
10 person who violates section 3 or a regulation
11 promulgated thereunder shall be subject to the
12 penalties and entitled to the privileges and im-
13 munities provided in the Federal Trade Com-
14 mission Act (15 U.S.C. 41 et seq.).

15 (C) AUTHORITY PRESERVED.—Nothing in
16 this section shall be construed to limit the au-
17 thority of the Commission under any other pro-
18 vision of law.

19 (D) RULEMAKING.—The Commission shall
20 promulgate in accordance with section 553 of
21 title 5, United States Code, such rules as may
22 be necessary to carry out this Act.

23 (3) CIVIL ACTION.—If the Commission has rea-
24 son to believe that any person has violated section
25 3, the Commission may bring a civil action in an ap-

1 appropriate district court of the United States to seek
2 appropriate relief, including equitable monetary re-
3 lief.

4 (4) CIVIL PENALTY.—

5 (A) IN GENERAL.—In addition to any
6 other penalty prescribed by law, any person who
7 violates section 3 shall be liable for—

8 (i) a civil penalty of not less than
9 \$15,000 for each day during which the vio-
10 lation occurs or continues to occur; and

11 (ii) an additional civil penalty equal to
12 the greater of—

13 (I) \$1,000 per event ticket sold,
14 offered for sale, or advertised for sale
15 in violation of this Act; or

16 (II) an amount equal to the sum
17 of the total price for each event ticket
18 sold, offered for sale, or advertised for
19 sale in violation of this Act, multiplied
20 by 5.

21 (B) ENHANCED CIVIL PENALTY FOR IN-
22 TENTIONAL VIOLATIONS.—In addition to the
23 civil penalty under subparagraph (A), a person
24 who intentionally violates section 3 shall be lia-
25 ble for a civil penalty of not less than \$10,000

1 per event ticket sold, offered for sale, or adver-
2 tised for sale in violation of this Act.

3 (5) COMPLAINT WEBSITE.—

4 (A) IN GENERAL.—Not later than 180
5 days after the date of enactment of this Act,
6 the Commission shall create a publicly available
7 website where individuals may report violations
8 of this Act and the Better Online Ticket Sales
9 Act of 2016 (15 U.S.C. 45c).

10 (B) COOPERATION WITH STATE ATTOR-
11 NEYS GENERAL.—As appropriate, the Commis-
12 sion shall share reports received through the
13 website created under subparagraph (A) with
14 State attorneys general.

15 (6) REPORT TO CONGRESS.—Not later than
16 180 days after the date of enactment of this Act,
17 and annually thereafter, the Commission shall sub-
18 mit to Congress a report on enforcement metrics, ac-
19 tivity, and effectiveness under this Act and the Bet-
20 ter Online Ticket Sales Act of 2016 (15 U.S.C.
21 45c).

22 (b) ENFORCEMENT BY THE STATES.—

23 (1) IN GENERAL.—In any case in which the at-
24 torney general of a State has reason to believe that
25 an interest of the residents of the State has been or

1 is threatened or adversely affected by the engage-
2 ment of any person in a practice that violates sec-
3 tion 3, the attorney general of the State may, as
4 parens patriae, bring a civil action on behalf of the
5 residents of the State in an appropriate district
6 court of the United States—

7 (A) to enjoin further violation by such per-
8 son;

9 (B) to compel compliance with the require-
10 ments of this Act; and

11 (C) to obtain damages, restitution, or other
12 compensation on behalf of such residents.

13 (2) INVESTIGATORY POWERS.—Nothing in this
14 section may be construed to prevent the attorney
15 general of a State from exercising the powers con-
16 ferred on the attorney general by the laws of the
17 State to conduct investigations, to administer oaths
18 or affirmations, or to compel the attendance of wit-
19 nesses or the production of documentary or other
20 evidence.

21 (3) VENUE; SERVICE OF PROCESS.—

22 (A) VENUE.—Any action brought under
23 paragraph (1) may be brought in—

24 (i) the district court of the United
25 States that meets applicable requirements

1 relating to venue under section 1391 of
2 title 28, United States Code; or

3 (ii) another court of competent juris-
4 diction.

5 (B) SERVICE OF PROCESS.—In an action
6 brought under paragraph (1), process may be
7 served in any district in which the defendant—

8 (i) is an inhabitant; or

9 (ii) may be found.

10 (4) ACTIONS BY OTHER STATE OFFICIALS.—

11 (A) IN GENERAL.—In addition to civil ac-
12 tions brought by attorneys general under para-
13 graph (1), any other consumer protection offi-
14 cer of a State who is authorized by the State
15 to do so may bring a civil action under para-
16 graph (1), subject to the same requirements
17 and limitations that apply under this subsection
18 to civil actions brought by attorneys general.

19 (B) SAVINGS PROVISION.—Nothing in this
20 section may be construed to prohibit an author-
21 ized official of a State from initiating or con-
22 tinuing any proceeding in a court of the State
23 for a violation of any civil or criminal law of the
24 State.

1 SEC. 5. EFFECTIVE DATE.

2 This Act shall take effect on the date that is 60 days
3 after the date of enactment of this Act.