

**(4) Preemptive action by Federal Trade Commission**

If the Federal Trade Commission institutes a civil action or an administrative action with respect to a violation of subsection (c), the attorney general of a State may not, during the pendency of such action, bring a civil action under paragraph (1) against any defendant named in the complaint of the Commission for the violation with respect to which the Commission instituted such action.

**(5) Venue; service of process**

**(A) Venue**

Any action brought under paragraph (1) may be brought in—

- (i) the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28; or
- (ii) another court of competent jurisdiction.

**(B) Service of process**

In an action brought under paragraph (1), process may be served in any district in which the defendant—

- (i) is an inhabitant; or
- (ii) may be found.

**(6) Actions by other State officials**

**(A) In general**

In addition to civil actions brought by attorneys general under paragraph (1), any other consumer protection officer of a State who is authorized by the State to do so may bring a civil action under paragraph (1), subject to the same requirements and limitations that apply under this subsection to civil actions brought by attorneys general.

**(B) Savings provision**

Nothing in this subsection may be construed to prohibit an authorized official of a State from initiating or continuing any proceeding in a court of the State for a violation of any civil or criminal law of the State.

**(f) Education and outreach for businesses**

Not later than 60 days after December 14, 2016, the Commission shall commence conducting education and outreach that provides businesses with non-binding best practices for compliance with this Act.

**(g) Relation to State causes of action**

Nothing in this section shall be construed to affect any cause of action brought by a person that exists or may exist under State law.

**(h) Savings provision**

Nothing in this section shall be construed to limit, impair, or supersede the operation of the Federal Trade Commission Act [15 U.S.C. 41 et seq.] or any other provision of Federal law.

**(i) Effective dates**

This section shall take effect on December 14, 2016, except that—

- (1) subsections (b) and (c) shall apply with respect to contracts in effect on or after the date that is 90 days after December 14, 2016; and

- (2) subsections (d) and (e) shall apply with respect to contracts in effect on or after the date that is 1 year after December 14, 2016.

(Pub. L. 114-258, § 2, Dec. 14, 2016, 130 Stat. 1355.)

REFERENCES IN TEXT

The Federal Trade Commission Act, referred to in subsecs. (d)(2) and (h), is act Sept. 26, 1914, ch. 311, 38 Stat. 717, which is classified generally to this subchapter. For complete classification of this Act to the Code, see section 58 of this title and Tables.

This Act, referred to in subsecs. (d)(2)(A) and (f), is Pub. L. 114-258, Dec. 14, 2016, 130 Stat. 1355, known as the Consumer Review Fairness Act of 2016, which enacted this section and provisions set out as a note under section 58 of this title. For complete classification of this Act to the Code, see Short Title of 2016 Amendment note set out under section 58 of this title and Tables.

CODIFICATION

Section was enacted as part of the Consumer Review Fairness Act of 2016, and not as part of the Federal Trade Commission Act which comprises this subchapter.

**§ 45c. Unfair and deceptive acts and practices relating to circumvention of ticket access control measures**

**(a) Conduct prohibited**

**(1) In general**

Except as provided in paragraph (2), it shall be unlawful for any person—

- (A) to circumvent a security measure, access control system, or other technological control or measure on an Internet website or online service that is used by the ticket issuer to enforce posted event ticket purchasing limits or to maintain the integrity of posted online ticket purchasing order rules; or

- (B) to sell or offer to sell any event ticket in interstate commerce obtained in violation of subparagraph (A) if the person selling or offering to sell the ticket either—

- (i) participated directly in or had the ability to control the conduct in violation of subparagraph (A); or
- (ii) knew or should have known that the event ticket was acquired in violation of subparagraph (A).

**(2) Exception**

It shall not be unlawful under this section for a person to create or use any computer software or system—

- (A) to investigate, or further the enforcement or defense, of any alleged violation of this section or other statute or regulation; or

- (B) to engage in research necessary to identify and analyze flaws and vulnerabilities of measures, systems, or controls described in paragraph (1)(A), if these research activities are conducted to advance the state of knowledge in the field of computer system security or to assist in the development of computer security product.

**(b) Enforcement by the Federal Trade Commission**

**(1) Unfair or deceptive acts or practices**

A violation of subsection (a) shall be treated as a violation of a rule defining an unfair or a

deceptive act or practice under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

**(2) Powers of Commission**

**(A) In general**

The Commission shall enforce this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section.

**(B) Privileges and immunities**

Any person who violates subsection (a) shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

**(C) Authority preserved**

Nothing in this section shall be construed to limit the authority of the Federal Trade Commission under any other provision of law.

**(c) Enforcement by States**

**(1) In general**

In any case in which the attorney general of a State has reason to believe that an interest of the residents of the State has been or is threatened or adversely affected by the engagement of any person subject to subsection (a) in a practice that violates such subsection, the attorney general of the State may, as *parens patriae*, bring a civil action on behalf of the residents of the State in an appropriate district court of the United States—

(A) to enjoin further violation of such subsection by such person;

(B) to compel compliance with such subsection; and

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

**(2) Rights of Federal Trade Commission**

**(A) Notice to Federal Trade Commission**

**(i) In general**

Except as provided in clause (iii), the attorney general of a State shall notify the Commission in writing that the attorney general intends to bring a civil action under paragraph (1) not later than 10 days before initiating the civil action.

**(ii) Contents**

The notification required by clause (i) with respect to a civil action shall include a copy of the complaint to be filed to initiate the civil action.

**(iii) Exception**

If it is not feasible for the attorney general of a State to provide the notification required by clause (i) before initiating a civil action under paragraph (1), the attorney general shall notify the Commission immediately upon instituting the civil action.

**(B) Intervention by Federal Trade Commission**

The Commission may—

(i) intervene in any civil action brought by the attorney general of a State under paragraph (1); and

(ii) upon intervening—

(I) be heard on all matters arising in the civil action; and

(II) file petitions for appeal of a decision in the civil action.

**(3) Investigatory powers**

Nothing in this subsection may be construed to prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of the State to conduct investigations, to administer oaths or affirmations, or to compel the attendance of witnesses or the production of documentary or other evidence.

**(4) Preemptive action by Federal Trade Commission**

If the Commission institutes a civil action or an administrative action with respect to a violation of subsection (a), the attorney general of a State may not, during the pendency of such action, bring a civil action under paragraph (1) against any defendant named in the complaint of the Commission for the violation with respect to which the Commission instituted such action.

**(5) Venue; service of process**

**(A) Venue**

Any action brought under paragraph (1) may be brought in—

(i) the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28; or

(ii) another court of competent jurisdiction.

**(B) Service of process**

In an action brought under paragraph (1), process may be served in any district in which the defendant—

(i) is an inhabitant; or

(ii) may be found.

**(6) Actions by other State officials**

**(A) In general**

In addition to civil actions brought by attorneys general under paragraph (1), any other consumer protection officer of a State who is authorized by the State to do so may bring a civil action under paragraph (1), subject to the same requirements and limitations that apply under this subsection to civil actions brought by attorneys general.

**(B) Savings provision**

Nothing in this subsection may be construed to prohibit an authorized official of a State from initiating or continuing any proceeding in a court of the State for a violation of any civil or criminal law of the State.

(Pub. L. 114-274, §2, Dec. 14, 2016, 130 Stat. 1401.)

REFERENCES IN TEXT

The Federal Trade Commission Act, referred to in subsec. (b)(2), is act Sept. 26, 1914, ch. 311, 38 Stat. 717,

which is classified generally to this subchapter. For complete classification of this Act to the Code, see section 58 of this title and Tables.

#### CODIFICATION

Section was enacted as part of the Better Online Ticket Sales Act of 2016 or the BOTS Act of 2016, and not as part of the Federal Trade Commission Act which comprises this subchapter.

#### DEFINITIONS

Pub. L. 114-274, § 3, Dec. 14, 2016, 130 Stat. 1403, provided that: "In this Act [see Short Title of 2016 Amendment note set out under section 58 of this title]:

"(1) COMMISSION.—The term 'Commission' means the Federal Trade Commission.

"(2) EVENT.—The term 'event' means any concert, theatrical performance, sporting event, show, or similarly scheduled activity, taking place in a venue with a seating or attendance capacity exceeding 200 persons that—

"(A) is open to the general public; and

"(B) is promoted, advertised, or marketed in interstate commerce or for which event tickets are generally sold or distributed in interstate commerce.

"(3) EVENT TICKET.—The term 'event ticket' means any physical, electronic, or other form of a certificate, document, voucher, token, or other evidence indicating that the bearer, possessor, or person entitled to possession through purchase or otherwise has—

"(A) a right, privilege, or license to enter an event venue or occupy a particular seat or area in an event venue with respect to one or more events; or

"(B) an entitlement to purchase such a right, privilege, or license with respect to one or more future events.

"(4) TICKET ISSUER.—The term 'ticket issuer' means any person who makes event tickets available, directly or indirectly, to the general public, and may include—

"(A) the operator of the venue;

"(B) the sponsor or promoter of an event;

"(C) a sports team participating in an event or a league whose teams are participating in an event;

"(D) a theater company, musical group, or similar participant in an event; and

"(E) an agent for any such person."

#### § 46. Additional powers of Commission

The Commission shall also have power—

##### (a) Investigation of persons, partnerships, or corporations

To gather and compile information concerning, and to investigate from time to time the organization, business, conduct, practices, and management of any person, partnership, or corporation engaged in or whose business affects commerce, excepting banks, savings and loan institutions described in section 57a(f)(3) of this title, Federal credit unions described in section 57a(f)(4) of this title, and common carriers subject to the Act to regulate commerce, and its relation to other persons, partnerships, and corporations.

##### (b) Reports of persons, partnerships, and corporations

To require, by general or special orders, persons, partnerships, and corporations, engaged in or whose business affects commerce, excepting banks, savings and loan institutions described in section 57a(f)(3) of this title, Federal credit unions described in section 57a(f)(4) of this title,

and common carriers subject to the Act to regulate commerce, or any class of them, or any of them, respectively, to file with the Commission in such form as the Commission may prescribe annual or special, or both annual and special, reports or answers in writing to specific questions, furnishing to the Commission such information as it may require as to the organization, business, conduct, practices, management, and relation to other corporations, partnerships, and individuals of the respective persons, partnerships, and corporations filing such reports or answers in writing. Such reports and answers shall be made under oath, or otherwise, as the Commission may prescribe, and shall be filed with the Commission within such reasonable period as the Commission may prescribe, unless additional time be granted in any case by the Commission.

##### (c) Investigation of compliance with antitrust decrees

Whenever a final decree has been entered against any defendant corporation in any suit brought by the United States to prevent and restrain any violation of the antitrust Acts, to make investigation, upon its own initiative, of the manner in which the decree has been or is being carried out, and upon the application of the Attorney General it shall be its duty to make such investigation. It shall transmit to the Attorney General a report embodying its findings and recommendations as a result of any such investigation, and the report shall be made public in the discretion of the Commission.

##### (d) Investigations of violations of antitrust statutes

Upon the direction of the President or either House of Congress to investigate and report the facts relating to any alleged violations of the antitrust Acts by any corporation.

##### (e) Readjustment of business of corporations violating antitrust statutes

Upon the application of the Attorney General to investigate and make recommendations for the readjustment of the business of any corporation alleged to be violating the antitrust Acts in order that the corporation may thereafter maintain its organization, management, and conduct of business in accordance with law.

##### (f) Publication of information; reports

To make public from time to time such portions of the information obtained by it hereunder as are in the public interest; and to make annual and special reports to the Congress and to submit therewith recommendations for additional legislation; and to provide for the publication of its reports and decisions in such form and manner as may be best adapted for public information and use: *Provided*, That the Commission shall not have any authority to make public any trade secret or any commercial or financial information which is obtained from any person and which is privileged or confidential, except that the Commission may disclose such information (1) to officers and employees of appropriate Federal law enforcement agencies or to any officer or employee of any State law enforcement agency upon the prior certification of