

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1658 Session of 2023

INTRODUCED BY MATZIE, PISCIOTTANO, MARSHALL, KENYATTA, MADDEN, KHAN, HANBIDGE, VENKAT, DEASY, DONAHUE, SCHLOSSBERG, KAZEEM, McNEILL, BRENNAN, BURGOS, HILL-EVANS, WARREN, GALLAGHER, FLICK, CEPEDA-FREYTIZ, SANCHEZ, CERRATO, MAYES, BENHAM, CONKLIN, BOROWSKI AND SAMUELSON, SEPTEMBER 5, 2023

AS REPORTED FROM COMMITTEE ON CONSUMER PROTECTION, TECHNOLOGY AND UTILITIES, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 3, 2023

AN ACT

1 Amending the act of December 17, 1968 (P.L.1224, No.387),  
2 entitled "An act prohibiting unfair methods of competition  
3 and unfair or deceptive acts or practices in the conduct of  
4 any trade or commerce, giving the Attorney General and  
5 District Attorneys certain powers and duties and providing  
6 penalties," prohibiting speculative ticketing acts or  
7 practices.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. The act of December 17, 1968 (P.L.1224, No.387),  
11 known as the Unfair Trade Practices and Consumer Protection Law,  
12 is amended by adding a section to read:

13 Section 3.2. Prohibition on Speculative Ticketing Acts or  
14 Practices.--(a) A reseller may not advertise, offer for sale,  
15 contract for the resale of a ticket or accept full or partial  
16 consideration for resale of a ticket unless all of the following  
17 requirements are met:

18 (1) The ticket shall conform to the ticket's description as

1 advertised and include the precise section and row of the seat  
2 or space to which the ticket would entitle the bearer to occupy.  
3 If the ticket is not for a reserved seat, the ticket shall  
4 include descriptive information about the location of the seat  
5 or space, including a description of a section or other area  
6 within the venue where the seat or space is located.

7 (2) The reseller shall have possession or constructive  
8 possession of the ticket, or a written contract to obtain the  
9 ticket at a certain price from the rights holder or operator for  
10 the ticket. AS USED IN THIS CLAUSE, THE TERM "CONSTRUCTIVE <--  
11 POSSESSION" MEANS THE ABILITY TO EXERCISE A CONSCIOUS DOMINION  
12 OVER A TICKET, THE POWER TO CONTROL THE TICKET AND THE INTENT TO  
13 EXERCISE THAT CONTROL.

14 (3) An official ticket presale or onsale for the event has  
15 occurred before the ticket being advertised, listed or offered  
16 for resale by the reseller, unless the rights holder or operator  
17 has consented in writing to the advertisement, listing or offer  
18 for resale.

19 (b) A secondary ticket platform may not publish an  
20 advertisement for a ticket, listing for a ticket or offer for  
21 resale of a ticket unless an official ticket presale or onsale  
22 for the event has occurred before the ticket being advertised,  
23 listed or offered for resale, unless the rights holder or  
24 operator has consented in writing to the advertisement, listing  
25 or offer for resale.

26 (c) A secondary ticket platform may not use any of the  
27 following:

28 (1) A domain name, or a subdomain name of the domain name,  
29 in the URL of the secondary ticket platform that contains the  
30 name of a specific rights holder or operator or words likely to

1 be associated with a specific rights holder or operator, unless  
2 authorized by the specific rights holder or operator.

3 (2) The name of the exhibition or performance, including the  
4 name of a person, team, performance, group or entity scheduled  
5 to perform at a venue or event, unless authorized by the owner  
6 of the name.

7 (3) A trademark not owned by the secondary ticket platform,  
8 including a trademark owned by an authorized agent or partner of  
9 the operator, unless authorized by the owner of the trademark.

10 (4) A combination of texts, images, web designs or Internet  
11 website addresses that are substantially similar to the texts,  
12 images, web designs or Internet website addresses of a rights  
13 holder or operator, without the written consent of the rights  
14 holder or operator.

15 (5) A name substantially similar to a name specified under  
16 clauses (1) through (4), including a misspelling of a name  
17 specified under clauses (1) through (4).

18 (D) THE ATTORNEY GENERAL SHALL HAVE THE AUTHORITY TO ENFORCE <--  
19 THIS SECTION. A VIOLATION OF THIS SECTION SHALL BE DEEMED  
20 UNLAWFUL UNDER SECTION 3 OF THIS ACT FOR THE PURPOSES OF  
21 ENFORCEMENT BY THE ATTORNEY GENERAL.

22 ~~(d)~~ (E) An operator, venue, rights holder or primary ticket <--  
23 platform who suffers injury as a result of another person's  
24 violation of this section may bring a private action to recover  
25 actual damages for such injury plus one thousand dollars  
26 (\$1,000) for each violation of this section regarding each  
27 ticket sold by the person. The court may, in its discretion,  
28 provide such additional relief as it deems necessary or proper.  
29 The court may award to the plaintiff, in addition to other  
30 relief provided in this section, costs and reasonable attorney

1 fees.

2 (e) (F) As used in this section:

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3 "Domain name" means a globally unique, hierarchical reference  
4 to an Internet host or service, which is assigned through  
5 centralized Internet naming authorities, and which is comprised  
6 of a series of character strings separated by periods, with the  
7 right-most string specifying the top of the hierarchy.

8 "Operator" means a person or entity that owns, operates or  
9 controls a venue or that organizes or produces entertainment.

10 "Primary sale" means the initial sale of a ticket.

11 "Primary ticket platform" means a provider of ticketing  
12 services or an agent of the provider that engages in the primary  
13 sale of tickets for an event.

14 "Purchaser" means a person who purchases a ticket from a  
15 primary ticket platform or a secondary ticket platform.

16 "Resale or secondary sale" means a sale of a ticket that is  
17 not a primary sale.

18 "Reseller" means a person or entity that engages in the  
19 resale or secondary sale of tickets.

20 "Rights holder" means any of the following:

21 (1) A person or entity, including a venue, that has the  
22 initial ownership rights to sell a ticket to an event for which  
23 tickets for entry by the public are required.

24 (2) Regarding a specific live event, a performing artist or  
25 team or an agent working on behalf of the performing artist or  
26 team.

27 "Secondary ticket platform" means a business that operates or  
28 provides an Internet website, software application for a mobile  
29 device or other digital platform for the purpose of reselling or  
30 facilitating the resale of tickets to purchasers, including a

1 primary ticketing platform to the extent that the platform is  
2 engaged in reselling or facilitating the resale of tickets to  
3 purchasers.

4 "Ticket" means a printed, electronic or other license issued  
5 by an operator or rights holder for admission to an event at the  
6 date and time specified on the ticket, subject to the terms and  
7 conditions as specified by the operator or rights holder.

8 "URL" means the Uniform Resource Locator for an Internet  
9 website.

10 "Venue" means a public or private facility at which the  
11 general public is admitted for a sporting event, concert,  
12 theater performance, amusement or other entertainment event.

13 Section 2. This act shall take effect in 60 days.