

PROHIBITING USE OF CERTAIN TICKET PURCHASING SOFTWARE AND PENALTY
Act of May. 12, 2010, P.L. 187, No. 23 Cl. 04
Session of 2010
No. 2010-23

HB 464

AN ACT

Amending the act of May 2, 1947 (P.L.143, No.62), entitled "An act regulating the sale and resale for profit and the carrying on of the business of selling or reselling tickets or other devices for admission to places of amusement; providing for the licensing of persons reselling such tickets for profit; providing for the suspension and revocation of such licenses; imposing duties on licensees and owners or operators of places of amusement; imposing powers and duties on the Department of Revenue, county treasurers, district attorneys, and the receiver of taxes, and city solicitors in cities of the first class; making disposition of moneys collected and providing penalties," further providing for definitions; prohibiting use of certain ticket purchasing software; and prescribing a penalty.

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

Section 1. Section 1 of the act of May 2, 1947 (P.L.143, No.62), entitled "An act regulating the sale and resale for profit and the carrying on of the business of selling or reselling tickets or other devices for admission to places of amusement; providing for the licensing of persons reselling such tickets for profit; providing for the suspension and revocation of such licenses; imposing duties on licensees and owners or operators of places of amusement; imposing powers and duties on the Department of Revenue, county treasurers, district attorneys, and the receiver of taxes, and city solicitors in cities of the first class; making disposition of moneys collected and providing penalties," is amended by adding definitions to read:

Section 1. Definitions.--

The following words and phrases when used in this act shall have the meanings ascribed to them in this section:

* * *

(12) "Ticket purchasing software." Computer software primarily designed for the purpose of interfering with the operations of a ticket seller by circumventing:

(i) a security measure of the ticket seller's Internet website;
(ii) an access control system of the ticket seller's Internet website; or

(iii) any function or operation of the ticket seller's Internet website designed to ensure that the sale of tickets, including, but not limited to, the number of tickets sold to a single purchaser, occurs in an equitable manner for members of the public.

(13) "Ticket seller." A person who has executed a written agreement with an owner to sell, over the Internet, tickets to an amusement.

Section 2. The act is amended by adding a section to read:

Section 12.1. Unlawful Ticket Purchasing Software.--(a) It is unlawful for a person to knowingly use ticket purchasing software and acquire tickets from a ticket seller, if the tickets would not have been acquired by the person but for the use of the ticket purchasing software.

(b) A person who violates this section commits a misdemeanor and shall, upon conviction, be sentenced to a fine of five thousand dollars (\$5,000). For purposes of assessing the fine, each ticket acquired through the use of ticket purchasing software in violation of this section constitutes a separate incident .

(c) The court, in imposing a sentence, shall order restitution pursuant to 18 Pa.C.S. § 1106 (relating to restitution for injuries to person or property).

Section 3. This act shall take effect immediately.

APPROVED--The 12th day of May, A.D. 2010.

EDWARD G. RENDELL