

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 464 Session of
2009

INTRODUCED BY WHITE, BRENNAN, BROWN, D. COSTA, FABRIZIO,
GIBBONS, HORNAMAN, KORTZ, LONGIETTI, MANN, McILVAINE SMITH,
MELIO, PALLONE, PASHINSKI, SABATINA, SIPTROTH, K. SMITH,
VULAKOVICH, WALKO AND CALTIGIRONE, FEBRUARY 18, 2009

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 20, 2009

AN ACT

1 Amending the act of May 2, 1947 (P.L.143, No.62), entitled "An
2 act regulating the sale and resale for profit and the
3 carrying on of the business of selling or reselling tickets
4 or other devices for admission to places of amusement;
5 providing for the licensing of persons reselling such tickets
6 for profit; providing for the suspension and revocation of
7 such licenses; imposing duties on licensees and owners or
8 operators of places of amusement; imposing powers and duties
9 on the Department of Revenue, county treasurers, district
10 attorneys, and the receiver of taxes, and city solicitors in
11 cities of the first class; making disposition of moneys
12 collected and providing penalties," further providing for
13 ~~definitions; and providing for ticket purchasing software and~~ ←
14 ~~for penalties~~ DEFINITIONS; PROHIBITING USE OF CERTAIN TICKET ←
15 PURCHASING SOFTWARE; AND PRESCRIBING A PENALTY.

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

18 Section 1. Section 1 of the act of May 2, 1947 (P.L.143,
19 No.62), entitled "An act regulating the sale and resale for
20 profit and the carrying on of the business of selling or
21 reselling tickets or other devices for admission to places of
22 amusement; providing for the licensing of persons reselling such
23 tickets for profit; providing for the suspension and revocation

1 of such licenses; imposing duties on licensees and owners or
2 operators of places of amusement; imposing powers and duties on
3 the Department of Revenue, county treasurers, district
4 attorneys, and the receiver of taxes, and city solicitors in
5 cities of the first class; making disposition of moneys
6 collected and providing penalties," is amended by adding a
7 ~~definition~~ DEFINITIONS to read:

8 Section 1. Definitions.--

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

11 * * *

12 (12) "Ticket purchasing software." Computer software used
13 to purchase multiple tickets in an automated fashion from an
14 Internet website which sells tickets to amusements or places of
15 amusement. PRIMARILY DESIGNED FOR THE PURPOSE OF INTERFERING
16 WITH THE OPERATIONS OF A TICKET SELLER BY CIRCUMVENTING:

17 (I) A SECURITY MEASURE OF THE TICKET SELLER'S INTERNET
18 WEBSITE;

19 (II) AN ACCESS CONTROL SYSTEM OF THE TICKET SELLER'S
20 INTERNET WEBSITE; OR

21 (III) ANY FUNCTION OR OPERATION OF THE TICKET SELLER'S
22 INTERNET WEBSITE DESIGNED TO ENSURE THAT THE SALE OF TICKETS,
23 INCLUDING, BUT NOT LIMITED TO, THE NUMBER OF TICKETS SOLD TO A
24 SINGLE PURCHASER, OCCURS IN AN EQUITABLE MANNER FOR MEMBERS OF
25 THE PUBLIC.

26 (13) "TICKET SELLER." A PERSON WHO HAS EXECUTED A WRITTEN
27 AGREEMENT WITH AN OWNER TO SELL, OVER THE INTERNET, TICKETS TO
28 AN AMUSEMENT.

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

30 Section 12.1. Ticket Purchasing Software; Violation. (a)

~~1 It is unlawful for any person knowingly to sell, give, possess,
2 use or otherwise distribute or possess with the intent to sell,
3 give or distribute ticket purchasing software that is primarily
4 designed or produced for the purpose of interfering with the
5 operations of any ticket seller that sells, over the Internet,
6 tickets of admission to a sporting event, theater, musical
7 performance or place of public entertainment or amusement of any
8 kind by circumventing any security measures on the ticket
9 seller's website, circumventing any access control systems of
10 the ticket seller's website or circumventing any controls or
11 measures that are instituted by the ticket seller on its website
12 to ensure an equitable ticket buying process.~~

~~13 (b) For purposes of this section, "ticket seller" means any
14 person that has executed a written agreement with the management
15 of any venue for a sporting event, theater, musical performance
16 or public entertainment or amusement of any kind to sell tickets
17 to the event over the Internet.~~

~~18 (c) Any person who violates this section commits a
19 misdemeanor of the third degree. Every acquisition, sale or
20 offer for sale constitutes a separate violation.~~

~~21 SECTION 12.1. UNLAWFUL TICKET PURCHASING SOFTWARE.-- (A) IT
22 IS UNLAWFUL FOR A PERSON TO KNOWINGLY USE TICKET PURCHASING
23 SOFTWARE AND ACQUIRE TICKETS FROM A TICKET SELLER, IF THE
24 TICKETS WOULD NOT HAVE BEEN ACQUIRED BY THE PERSON BUT FOR THE
25 USE OF THE TICKET PURCHASING SOFTWARE.~~

~~26 (B) A PERSON WHO VIOLATES THIS SECTION COMMITS A MISDEMEANOR
27 AND SHALL, UPON CONVICTION, BE SENTENCED TO A FINE OF FIVE
28 THOUSAND DOLLARS (\$5,000). EACH TICKET ACQUIRED THROUGH THE USE
29 OF TICKET PURCHASING SOFTWARE IN VIOLATION OF THIS SECTION
30 CONSTITUTES A SEPARATE OFFENSE.~~



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



4 Section 3. This act shall take effect immediately.