

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 AMENDED ON THIRD CONSIDERATION, IN SENATE, APRIL 19, 2010

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; prohibiting use of certain ticket purchasing
14 software; and prescribing a penalty.

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

17 Section 1. Section 1 of the act of May 2, 1947 (P.L.143,
18 No.62), entitled "An act regulating the sale and resale for
19 profit and the carrying on of the business of selling or
20 reselling tickets or other devices for admission to places of
21 amusement; providing for the licensing of persons reselling such
22 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
7 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
13 primarily designed for the purpose of interfering with the
14 operations of a ticket seller by circumventing:

15 (i) a security measure of the ticket seller's Internet
16 website;

17 (ii) an access control system of the ticket seller's
18 Internet website; or

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

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

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

28 Section 12.1. Unlawful Ticket Purchasing Software.--(a) It
29 is unlawful for a person to knowingly use ticket purchasing
30 software and acquire tickets from a ticket seller, if the

1 tickets would not have been acquired by the person but for the
2 use of the ticket purchasing software.

3 (b) A person who violates this section commits a misdemeanor
4 and shall, upon conviction, be sentenced to a fine of five
5 thousand dollars (\$5,000). ~~Each~~ FOR PURPOSES OF ASSESSING THE ←
6 FINE, EACH ticket acquired through the use of ticket purchasing
7 software in violation of this section constitutes a separate
8 offense INCIDENT. ←

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

12 Section 3. This act shall take effect immediately.