

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 636 Session of 2023

INTRODUCED BY PISCIOTTANO, VENKAT, MARKOSEK, STEHR, SCHLOSSBERG, KINSEY, SIEGEL, HILL-EVANS, KHAN, CIRESI, TAKAC, GERGELY, PARKER, MALAGARI, CONKLIN, DEASY, KRAJEWSKI, KINKEAD, O'MARA, SAMUELSON, GREEN AND OTTEN, MARCH 21, 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," further providing for definitions and for
7 unlawful acts or practices and exclusions.

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

10 Section 1. Section 2(4)(xxi) of the act of December 17, 1968
11 (P.L.1224, No.387), known as the Unfair Trade Practices and
12 Consumer Protection Law, is amended and clause (4) is amended by
13 adding a subclause to read:

14 Section 2. Definitions.--As used in this act.

15 * * *

16 (4) "Unfair methods of competition" and "unfair or deceptive
17 acts or practices" mean any one or more of the following:

18 * * *

1 ~~(xxi) Advertising, displaying or offering a price for goods~~ <--
2 ~~or services that does not include all mandatory fees or charges~~
3 ~~other than taxes imposed by a government entity.~~ ON AN EVENT <--
4 TICKET, LODGING PLATFORM OR FOOD DELIVERY PLATFORM THAT DOES NOT
5 CLEARLY AND CONSPICUOUSLY DISPLAY THE TOTAL PRICE AT THE POINT
6 IN THE SHOPPING EXPERIENCE WHEN THE CONSUMER IS FIRST SHOWN THE
7 PRODUCT OR SERVICE, INCLUDING EACH MANDATORY FEE OR CHARGE THAT
8 DOES NOT VARY BY CONSUMER CHOICE, OR THAT DOES NOT CLEARLY OR
9 CONSPICUOUSLY DISPLAY EACH MANDATORY FEE OR CHARGE ASSOCIATED
10 WITH THE SALE OF THE PRODUCT OR SERVICE PRIOR TO PURCHASE,
11 EXCEPT FOR TAXES IMPOSED BY A GOVERNMENT ENTITY. AS USED IN THIS
12 SUBCLAUSE:

13 (A) "ACCOMMODATIONS BOOKING PLATFORM" MEANS A BUSINESS THAT
14 OPERATES OR PROVIDES AN INTERNET WEBSITE, SOFTWARE APPLICATION
15 FOR A MOBILE DEVICE OR OTHER DIGITAL PLATFORM FOR THE PURPOSE OF
16 SEARCHING FOR HOTEL ROOMS AND HOMESTAYS FOR CONSUMERS TO
17 PURCHASE.

18 (B) "FOOD DELIVERY PLATFORM" MEANS A BUSINESS THAT OPERATES
19 OR PROVIDES AN INTERNET WEBSITE, SOFTWARE APPLICATION FOR A
20 MOBILE DEVICE OR OTHER DIGITAL PLATFORM FOR THE PURPOSE OF
21 FACILITATING THE DELIVERY OF FOOD AND BEVERAGES TO CONSUMERS.
22 THE TERM SHALL NOT INCLUDE DIRECT DELIVERY FROM A RETAIL FOOD
23 ESTABLISHMENT OR RETAIL FOOD FACILITY AS THOSE TERMS ARE DEFINED
24 IN 3 PA.C.S. § 5702 (RELATING TO DEFINITIONS).

25 (C) "HOMESTAY PLATFORM" MEANS A BUSINESS THAT OPERATES OR
26 PROVIDES AN INTERNET WEBSITE SOFTWARE APPLICATION FOR A MOBILE
27 DEVICE OR OTHER DIGITAL PLATFORM ON WHICH, IN EXCHANGE FOR A FEE
28 OR OTHER CHARGE, AN OWNER OR LESSEE OF A RESIDENTIAL UNIT OR A
29 ROOM OR SPACE IN A RESIDENTIAL UNIT MAY ADVERTISE AND CONDUCT A
30 TRANSACTION FOR THE RENTAL OF THE UNIT OR ROOM OR SPACE FOR THE

1 PURPOSES OF TEMPORARY LODGING.

2 (D) "HOTEL PLATFORM" MEANS A HOTEL AS DEFINED IN SECTION 209
3 OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE "TAX
4 REFORM CODE OF 1971," THAT OPERATES OR PROVIDES AN INTERNET
5 WEBSITE, SOFTWARE APPLICATION FOR A MOBILE DEVICE OR OTHER
6 DIGITAL PLATFORM FOR THE PURPOSE OF RENTING ROOMS FOR TEMPORARY
7 LODGING.

8 (E) "LODGING PLATFORM" MEANS AN ACCOMMODATIONS BOOKING
9 PLATFORM, HOTEL PLATFORM OR HOMESTAY PLATFORM.

10 (F) "PRIMARY TICKET PLATFORM" MEANS A BUSINESS THAT OPERATES
11 OR PROVIDES AN INTERNET WEBSITE, SOFTWARE APPLICATION FOR A
12 MOBILE DEVICE OR OTHER DIGITAL PLATFORM FOR THE PURPOSE OF
13 SELLING OR FACILITATING THE SALE OF TICKETS TO PURCHASERS.

14 (G) "SECONDARY TICKET PLATFORM" MEANS A BUSINESS THAT
15 OPERATES OR PROVIDES AN INTERNET WEBSITE, SOFTWARE APPLICATION
16 FOR A MOBILE DEVICE OR OTHER DIGITAL PLATFORM FOR THE PURPOSE OF
17 RESELLING OR FACILITATING THE RESALE OF TICKETS TO PURCHASERS,
18 INCLUDING A PRIMARY TICKETING PLATFORM TO THE EXTENT THAT THE
19 PLATFORM IS ENGAGED IN RESELLING OR FACILITATING THE RESALE OF
20 TICKETS TO PURCHASERS.

21 (H) "TICKET" MEANS A PRINTED, ELECTRONIC OR OTHER LICENSE
22 ISSUED BY A PRIMARY TICKET PLATFORM OR SECONDARY TICKET PLATFORM
23 FOR ADMISSION TO AN EVENT AT THE DATE AND TIME SPECIFIED ON THE
24 TICKET.

25 [(xxi)] (xxii) Engaging in any other fraudulent or deceptive
26 conduct which creates a likelihood of confusion or of
27 misunderstanding.

28 * * *

29 Section 2. Section 3(a) of the act is amended to read:

30 Section 3. Unlawful Acts or Practices; Exclusions.--(a)

1 Unfair methods of competition and unfair or deceptive acts or
2 practices in the conduct of any trade or commerce as defined by
3 subclauses (i) through [(xxi)] (xxii) of clause (4) of section 2
4 of this act and regulations promulgated under section 3.1 of
5 this act are hereby declared unlawful. The provisions of this
6 act shall not apply to any owner, agent or employe of any radio
7 or television station, or to any owner, publisher, printer,
8 agent or employe of an Internet service provider or a newspaper
9 or other publication, periodical or circular, who, in good faith
10 and without knowledge of the falsity or deceptive character
11 thereof, publishes, causes to be published or takes part in the
12 publication of such advertisement.

13 * * *

14 Section 3. This act shall take effect in ~~60~~ 180 days.

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