
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1378 Session of
2023

INTRODUCED BY MALAGARI, MADDEN, CIRESI, HILL-EVANS, SANCHEZ,
KINKEAD, CERRATO, WARNER, BRIGGS, MADSEN, GAYDOS, PIELLI,
GERGELY, McANDREW, HADDOCK, FLOOD, DONAHUE, PISCIOTTANO,
SALISBURY, T. DAVIS, GALLAGHER, GIRAL AND JAMES,
JUNE 12, 2023

REFERRED TO COMMITTEE ON CONSUMER PROTECTION, TECHNOLOGY AND
UTILITIES, JUNE 12, 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," providing for online access control measures.

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

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

12 Section 3.2. Online Access Control Measures.--(a) Except as
13 provided in subsection (b), it shall be unlawful for any person
14 in this Commonwealth to:

15 (1) Use or cause to be used a software application that runs
16 automated tasks over the Internet to access a computer, computer
17 network or computer system, or any part of a computer, computer
18 network or computer system, for the purpose of purchasing

1 tickets with the intent to resell the tickets.

2 (2) Use or cause to be used a software application that runs
3 automated tasks over the Internet and that circumvents or
4 disables any electronic queues, waiting periods or other sales
5 volume limitation systems associated with online ticket sales
6 for events, or uses or causes to be used multiple email
7 addresses or Internet service providers to circumvent or disable
8 the systems.

9 (3) Use or cause to be used a software application that runs
10 automated tasks over the Internet to circumvent or disable a
11 security measure, access control system or other technological
12 control or measure on an Internet website or online service that
13 is used by the operator to facilitate authorized entry into an
14 event.

15 (4) Sell or offer to sell any product or service obtained in
16 violation of paragraph (1), (2) or (3) if the person selling or
17 offering to sell the product or service:

18 (i) participated directly in or had the ability to control
19 the conduct in violation of paragraph (1), (2) or (3); or

20 (ii) knew or should have known that the product or service
21 was acquired in violation of paragraph (1), (2) or (3).

22 (b) It shall not be unlawful under this act for a person to
23 create or use any computer software or system to:

24 (1) investigate or further the enforcement or defense of any
25 alleged violation of this section or other statute or
26 regulation; or

27 (2) engage in research necessary to identify and analyze
28 flaws and vulnerabilities of measures, systems or controls
29 described in subsection (a), if these research activities are
30 conducted to:

1 (i) advance the state of knowledge in the field of computer
2 system security; or

3 (ii) assist in the development of a computer security
4 product.

5 (c) An operator, primary ticket platform or rights holder
6 that suffers injury as a result of another person's violation of
7 this act may bring a civil action against the person for damages
8 for the injury, plus one thousand dollars (\$1,000) for each
9 ticket sale made in violation of this act, reasonable attorney
10 fees and costs.

11 (d) As used in this section:

12 "Operator" means a person that owns, operates or controls a
13 venue or that organizes or produces entertainment.

14 "Rights holder" means any of the following:

15 (1) A person, including a venue, that has the initial
16 ownership rights to sell a ticket to an event for which tickets
17 for entry by the public are required.

18 (2) With respect to a specific live event, a performing
19 artist or team or an agent working on behalf of the performing
20 artist or team.

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

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