

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1048 Session of  
2024

INTRODUCED BY BROOKS, PENNYCUICK, BREWSTER, CULVER, DILLON AND  
DUSH, JANUARY 29, 2024

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
JANUARY 29, 2024

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  
19 tickets with the intent to resell the tickets.

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

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

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

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

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

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

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

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

30 (i) advance the state of knowledge in the field of computer

1 system security; or

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

4 (c) An operator, primary ticket platform or rights holder  
5 that suffers injury as a result of another person's violation of  
6 this section may bring a civil action against the person for  
7 damages for the injury, plus five hundred dollars (\$500) for  
8 each ticket sale made in violation of this act, reasonable  
9 attorney fees and costs.

10 (d) As used in this section:

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

13 "Rights holder" means any of the following:

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

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

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

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