

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1199 Session of  
2024

INTRODUCED BY ROBINSON, LANGERHOLC, PENNYCUICK, FARRY, FONTANA,  
KEARNEY, KANE, MILLER, DUSH, LAUGHLIN, BAKER AND BROOKS,  
MAY 17, 2024

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
MAY 17, 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," 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 \* \* \*

19 (xxi) Advertising, displaying or offering by any person,

1 business or other entity a price through the use of an event  
2 ticket platform, lodging platform or food delivery platform that  
3 does not prominently display the total price when the consumer  
4 is first shown a price of a product or service, including  
5 mandatory fees or charges that do not vary by consumer choices,  
6 except for any taxes or fees imposed on the consumer by a  
7 government or quasi-government entity or assessment fees of a  
8 government-created special district or program, or that does not  
9 prominently display mandatory fees or charges, including any  
10 taxes or fees imposed on the consumer by a government or quasi-  
11 government entity or assessment fees of a government-created  
12 special district or program, associated with the sale of the  
13 product or service prior to purchase. Notwithstanding the above,  
14 this subclause does not require a food delivery platform to  
15 include the fees it charges for providing its services in the  
16 price of goods shown to the consumer, provided that any  
17 mandatory fees are displayed to the consumer before the  
18 transaction is completed. As used in this subclause:

19 (A) "Accommodations booking platform" means a business that  
20 operates or provides an Internet website, software application  
21 for a mobile device, other digital platform or any other service  
22 for the purpose of searching for hotel, motel, inn, resort,  
23 guest house, bed and breakfast establishment, hostelry or other  
24 temporary lodging rooms and homestays for consumers to rent.

25 (B) "Food delivery platform" means a business that operates  
26 or provides an Internet website, software application for a  
27 mobile device or other digital platform for the purpose of  
28 facilitating the delivery of food and beverages to consumers.  
29 The term shall not include direct delivery from a retail food  
30 establishment or retail food facility as those terms are defined

1 in 3 Pa.C.S. § 5702 (relating to definitions).

2 (C) "Homestay platform" means a business that operates or  
3 provides an Internet website software application for a mobile  
4 device or other digital platform on which, in exchange for a fee  
5 or other charge, an owner or lessee of a residential unit or a  
6 room or space in a residential unit may advertise and conduct a  
7 transaction for the rental of the unit or room or space for the  
8 purposes of temporary lodging.

9 (D) "Hotel platform" means a hotel as defined in section 209  
10 of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax  
11 Reform Code of 1971," that operates or provides an Internet  
12 website, software application for a mobile device or other  
13 digital platform for the purpose of renting rooms for temporary  
14 lodging.

15 (E) "Lodging platform" means an accommodations booking  
16 platform, hotel platform or homestay platform.

17 (F) "Primary ticket platform" means a business that operates  
18 or provides an Internet website, software application for a  
19 mobile device or other digital platform for the purpose of  
20 selling or facilitating the sale of tickets to purchasers.

21 (G) "Secondary ticket platform" means a business that  
22 operates or provides an Internet website, software application  
23 for a mobile device or other digital platform for the purpose of  
24 reselling or facilitating the resale of tickets to purchasers,  
25 including a primary ticket platform to the extent that the  
26 primary ticket platform is engaged in reselling or facilitating  
27 the resale of tickets to purchasers.

28 (H) "Ticket" means a printed, electronic or other license  
29 issued by a primary ticket platform or secondary ticket platform  
30 for admission to an event at the date and time specified on the

1 ticket.

2 (I) "Ticket platform." A primary ticket platform or a  
3 secondary ticket platform.

4 [(xxi)] (xxii) Engaging in any other fraudulent or deceptive  
5 conduct which creates a likelihood of confusion or of  
6 misunderstanding.

7 \* \* \*

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

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

22 \* \* \*

23 Section 3. This act shall take effect in 180 days.