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ENGROSSED HOUSE BILL 1091

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State of Washington

64th Legislature

2015 Regular Session

By Representatives Van De Wege, Klippert, Carlyle, Fey, Goodman, Tarleton, Holy, Gregerson, Jenkins, Lytton, Stanford, Orwall, Kirby, Fitzgibbon, Sawyer, Ryu, Riccelli, and Morris; by request of Attorney General

Prefiled 01/08/15. Read first time 01/12/15. Referred to Committee on Technology & Economic Development.

1 AN ACT Relating to the unauthorized interference of ticket sales  
2 over the internet; and adding a new chapter to Title 19 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** It is the intent of the legislature to  
5 protect consumers and ticket sellers from software that simulates the  
6 action of a human being purchasing tickets from a ticket seller in  
7 order to evade controls and measures on a ticket seller's web site.  
8 The legislature is concerned by the use of software, commonly  
9 referred to as BOTs (web robots), to interfere with the operation of  
10 ticket sales over the internet, gaining unauthorized priority access  
11 to purchasing tickets, and thereby reducing access to the general  
12 public of online ticket sales at the intended original price. In  
13 order to protect consumers and ticket sellers, the legislature  
14 intends to prohibit acts and practices of persons that use or sell  
15 software to circumvent, thwart, interfere with, or evade a security  
16 measure, access control system, or other control or measure on a  
17 ticket seller's internet web site. It is not the intent of the  
18 legislature to interrupt the online ticket buying process established  
19 by the authorized ticket seller, including the distribution of  
20 tickets to season ticket holders.

1        NEW SECTION.    **Sec. 2.**    The definitions in this section apply  
2 throughout this chapter unless the context clearly requires  
3 otherwise.

4        (1) "Admission ticket" means evidence of a right of entry to a  
5 venue or an entertainment event.

6        (2) "Affinity group" means an identifiable group of people who  
7 are members of the same organization, or who are customers of the  
8 same person, and who enjoy special privileges.

9        (3) "Event" means a concert, theatrical performance, sporting  
10 event, exhibition, show, or other similar activity held in this  
11 state.

12        (4) "Initial sale" means the first sale of an admission ticket by  
13 the ticket seller. "Initial sale" also includes the distribution of  
14 admission tickets under an agreement between the ticket seller and  
15 the recipient.

16        (5) "Person" means any individual, partnership, corporation,  
17 limited liability company, other organization, or any combination  
18 thereof.

19        (6) "Place of entertainment" means any privately or publicly  
20 owned or operated entertainment facility within this state, such as a  
21 theater, stadium, museum, arena, park, racetrack, or other place  
22 where concerts, theatrical performances, sporting events,  
23 exhibitions, shows, or other similar activities are held and for  
24 which an entry fee is charged.

25        (7) "Presale" means a sale of admission tickets at or below the  
26 price printed on the ticket by, or with the permission of, a ticket  
27 seller, prior to their release to the general public.

28        (8) "Promoter" means a person who organizes financing and  
29 publicity for an entertainment event.

30        (9) "Ticket seller" means a person that makes admission tickets  
31 available, directly or indirectly, at an initial presale or sale to  
32 the general public, and may include an owner or operator of a place  
33 of entertainment, a sponsor or promoter of an event, a sports team  
34 participating in an event, a fan club or affinity group, a theater  
35 company, a musical group, or similar participant in an event, or an  
36 employee or agent of any such person.

37        NEW SECTION.    **Sec. 3.**    (1) A person may not:

1 (a) Use software to circumvent, thwart, interfere with, or evade  
2 a security measure, access control system, or other control or  
3 measure on a ticket seller's internet web site; or

4 (b) Sell software that is advertised for profit with the express  
5 purpose to circumvent, thwart, interfere with, or evade a security  
6 measure, access control system, or other control or measure on a  
7 ticket seller's internet web site.

8 (2) The use or sale of software as described in subsection (1) of  
9 this section only violates this section if the user or seller knows  
10 that the purpose of the software is to circumvent, thwart, interfere  
11 with, or evade a security measure, access control system, or other  
12 control or measure on a ticket seller's internet web site.

13 (3) The legislature finds that the conduct described in  
14 subsection (1) of this section vitally affects the public interest  
15 for the purpose of applying the consumer protection act, chapter  
16 19.86 RCW. Using or selling software to circumvent, thwart, or evade  
17 a control or measure, which is used on a ticket seller's internet web  
18 site to ensure an equitable distribution of tickets, is not  
19 reasonable in relation to the development and preservation of  
20 business and is an unfair or deceptive act in trade or commerce and  
21 an unfair method of competition for the purposes of applying the  
22 consumer protection act, chapter 19.86 RCW.

23 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act  
24 constitute a new chapter in Title 19 RCW.

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