

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 1091

64th Legislature
2015 Regular Session

Passed by the House April 20, 2015
Yeas 94 Nays 1

Speaker of the House of Representatives

Passed by the Senate April 8, 2015
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1091** as passed by House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 1091

AS AMENDED BY THE SENATE

Passed Legislature - 2015 Regular Session

State of Washington 64th Legislature 2015 Regular Session

By Representatives Van De Wege, Klippert, Carlyle, Fey, Goodman, Tarleton, Holy, Gregerson, Jinkins, 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 or should know that the purpose of the software is to circumvent,
11 thwart, interfere with, or evade a security measure, access control
12 system, or other control or measure on a ticket seller's internet web
13 site.

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

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

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