

HOUSE BILL REPORT

HB 1762

As Reported by House Committee On:
Innovation, Technology & Economic Development

Title: An act relating to the sale of software used in the unauthorized interference of ticket sales over the internet.

Brief Description: Concerning the sale of software used in the unauthorized interference of ticket sales over the internet.

Sponsors: Representative Young.

Brief History:

Committee Activity:

Innovation, Technology & Economic Development: 2/13/19, 2/15/19 [DP].

Brief Summary of Bill

- Changes the standard of liability for ticket bot software sellers.

HOUSE COMMITTEE ON INNOVATION, TECHNOLOGY & ECONOMIC DEVELOPMENT

Majority Report: Do pass. Signed by 8 members: Representatives Hudgins, Chair; Kloba, Vice Chair; Smith, Ranking Minority Member; Boehnke, Assistant Ranking Minority Member; Slatter, Tarleton, Van Werven and Wylie.

Staff: Kyle Raymond (786-7190).

Background:

Ticket Website Robots.

Ticket bots, or website robots, are software programs used to interfere with the operation of ticket sales over the Internet, or they are used to buy a substantial portion of available tickets for later private resale. Interference includes gaining unauthorized priority access to purchasing tickets, which reduces general public access to online ticket sales at the original price. Ticket bots commonly affect the ticket sales of concerts, sporting events, and other entertainment events.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Ticket bot software sellers and users violate the Consumer Protection Act (CPA) if they know or should know that the purpose of the software is to circumvent, thwart, interfere with, or evade a security measure, access control system, or other control or measure on a ticket seller's website.

Consumer Protection Act.

Washington's Consumer Protection Act (CPA) prohibits unfair or deceptive acts or practices in trade or commerce. An individual or the Attorney General may bring a civil action to enforce the provisions of the CPA. A person or entity found to have violated the CPA is subject to treble damages and attorney's fees.

Summary of Bill:

The provision that a ticket bot software seller violates the Consumer Protection Act (CPA) only if the seller knows or should know the unlawful purpose of the software is changed. A ticket bot software seller violates the CPA if the seller knows or markets that the purpose of the software is to circumvent, thwart, interfere with, or evade a security measure, access control system, or other control or measure on a ticket seller's website.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) For background, the Legislature previously passed a broad ticket bot bill. The Office of the Attorney General saw benefit in narrowing the scope of the related law, while still being able to take action against people trying to exploit the use or marketing of ticket bots.

Ordinary kids and up-and-coming developers may put open source applications (apps) on their phone to build their resumes. While the apps might build components that optimize a processor's use, or create a better way of parsing through a database, those open source components could then be used in the open source sector by someone that wants to use a ticket bot for nefarious purposes. This bill protects innovation and people trying to build their resumes, while still going after those who exploit the use of ticket bots.

(Opposed) None.

Persons Testifying: Representative Young, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.