

114TH CONGRESS
2D SESSION

H. R. 5104

To prohibit, as an unfair and deceptive act or practice in commerce, the sale or use of certain software to circumvent control measures used by Internet ticket sellers to ensure equitable consumer access to tickets for any given event, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2016

Mrs. BLACKBURN (for herself, Mr. TONKO, Mr. BURGESS, Mr. ISRAEL, Mr. TIBERI, Mr. COHEN, Mr. DESJARLAIS, Mr. COOPER, Mr. BYRNE, Mr. NADLER, Mr. BISHOP of Michigan, Mr. COSTELLO of Pennsylvania, Ms. JENKINS of Kansas, Mr. HARPER, Mr. ROSS, and Mr. CÁRDENAS) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To prohibit, as an unfair and deceptive act or practice in commerce, the sale or use of certain software to circumvent control measures used by Internet ticket sellers to ensure equitable consumer access to tickets for any given event, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Better On-line Ticket
5 Sales Act of 2016” or the “BOTS Act”.

1 **SEC. 2. UNFAIR AND DECEPTIVE ACTS AND PRACTICES RE-**
2 **LATING TO USE OF TICKET ACCESS CIR-**
3 **CUMVENTION SOFTWARE.**

4 (a) CONDUCT PROHIBITED.—It shall be unlawful for
5 any person—

6 (1) to intentionally use or sell software to cir-
7 cumvent a security measure, access control system,
8 or other control or measure on a ticket seller’s Inter-
9 net website that is used by the seller to ensure equi-
10 table consumer access to tickets for any given event;
11 or

12 (2) to sell any ticket in interstate commerce
13 knowingly obtained by that person or another in vio-
14 lation of paragraph (1).

15 (b) FEDERAL TRADE COMMISSION ENFORCE-
16 MENT.—A violation of subsection (a) shall be treated as
17 a violation of a rule defining an unfair or deceptive act
18 or practice prescribed under section 18(a)(1)(B) of the
19 Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).
20 The Federal Trade Commission shall enforce this section
21 in the same manner, by the same means, and with the
22 same jurisdiction as though all applicable terms and provi-
23 sions of the Federal Trade Commission Act were incor-
24 porated into and made a part of this Act.

1 **SEC. 3. CIVIL ACTION.**

2 Any person who suffers injury as a result of another
3 person's violation of subsection (a) of section 2, may bring
4 a civil action against such person in a United States dis-
5 trict court and may recover from such person damages
6 for such injury plus \$1,000 for each distinct use or sale
7 of software in violation of paragraph (1) of such sub-
8 section or sale of a ticket in violation of paragraph (2)
9 of such subsection that caused such injury, and reasonable
10 attorneys' fees and costs.

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