

114TH CONGRESS
1ST SESSION

H. R. 708

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 to provide for criminal penalties for such acts.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 2015

Mrs. BLACKBURN (for herself, Mr. COHEN, Mr. COOPER, and Mr. DESJARLAIS) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 to provide for criminal penalties for such acts.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Better On-line Ticket
3 Sales Act of 2014” or the “BOTS Act”.

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

7 (a) CONDUCT PROHIBITED.—It shall be unlawful for
8 any person—

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

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

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

1 sions of the Federal Trade Commission Act were incor-
 2 porated into and made a part of this Act.

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

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

13 **SEC. 4. FRAUD IN USING OR SELLING TICKET ACCESS CIR-**
 14 **CUMVENTION SOFTWARE.**

15 Chapter 47 of title 18, United States Code, is amend-
 16 ed by adding at the end the following new section:

17 **“§ 1041. Fraud in using or selling ticket access cir-**
 18 **cumvention software**

19 “(a) Whoever—

20 “(1) intentionally uses or sells software to cir-
 21 cumvent a security measure, access control system,
 22 or other control or measure on a ticket seller's Inter-
 23 net website that is used by the seller to ensure equi-
 24 table consumer access to tickets for any given event,
 25 or

1 “(2) sells any ticket in interstate commerce
2 knowingly obtained by that person or another in vio-
3 lation of paragraph (1),
4 shall be punished as provided in subsection (b).

5 “(b) The punishment for an offense under subsection
6 (a) shall be punished by a fine of the greater of—

7 “(1) not more than \$100 for each distinct use
8 or sale of software in violation of paragraph (1) of
9 subsection (a) or sale of a ticket in violation of para-
10 graph (2) of such subsection, or

11 “(2) not more than \$25,000,
12 or by imprisonment for not more than five years, or by
13 both such fine and imprisonment.”.

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