

Date of Hearing:

ASSEMBLY COMMITTEE ON ARTS, ENTERTAINMENT, SPORTS, TOURISM, AND
INTERNET MEDIA

Sharon Quirk-Silva, Chair

AB 472 (Cooley) – As Introduced February 8, 2021

SUBJECT: Campsite reservations: securing an equitable process.

SUMMARY: Would make it unlawful for a person to intentionally use or sell software or services to circumvent a security control or measure that is used to ensure an equitable campsite reservationmaking process for visitors, as specified. Specifically, **this bill:**

- 1) Adds “an equitable campsite reservationmaking process for visitors” to the existing prohibition on the use or sale of software or services used to circumvent a control measure used to ensure an equitable ticket buying process for event attendees.
- 2) Provides the following definitions:
 - a) “A control or measure that is used to ensure an equitable campsite reservationmaking process” includes limits on the number of campsite reservations that a person can make.
 - b) “Campsite reservation” means a reservation for an outdoor recreation or camping venue, including, but not limited to, a state or local park.
 - c) “Visitor” means a person who makes a campsite reservation with the intent to visit the outdoor recreation or camping venue for which the reservation is made.

EXISTING LAW:

- 1) Regulates ticket sellers (defined as any person who for compensation, commission, or otherwise sells admission tickets to sporting, musical, theatre, or any other entertainment event) including establishing requirements for records of sales and disclosures of seat location, and establishing penalties for violating requirements and prohibitions on certain ticket selling practices. (Business and Professions Code (BPC) § 22500 et. seq.)
- 2) Prohibits the using or selling of software to circumvent a security measure, access control system, or other control or measure that is used to ensure an equitable ticket buying process, as specified. (BPC § 22505.5)

FISCAL EFFECT: Unknown. This bill has been keyed as fiscal by the Legislative Counsel.

COMMENTS:

- 1) *Author and supporter’s statement of need for legislation.* According to the Author, “Our State and local parks are a public good that all should have equitable access to. In recent years there has been a surge of interest in camping and outdoor recreational activities, leading to an increase in demand for reservations in a space with finite supply.

“Due to this increased demand, bot services began promising individuals the ability to reserve their preferred campsites, at times for a premium cost. Bots are online software that can perform automated and directed tasks. These bots acquire reservations at speeds faster than a human and unfairly limit the supply of sites for the average camper.

“State Parks, with their Reserve California booking site, have worked to implement technological improvements to reduce the use of bots in campsite reservations. However, constantly evolving technology threatens to create a game of ‘cat and mouse’ in the struggle to limit bot use. Additionally, current law provides consumer protections limiting the use of bots in ticket purchases for entertainment events/venues. However, these protections are not extended to outdoor recreational venues.”

The County of San Diego adds in their support, “In recent years, parks across the state have seen an increase in visitation which has led to an increase in the use of ‘bots’ as people struggle to reserve campsites. These software bots can perform automated or directed tasks such as rapidly securing last-minute or otherwise hard to get reservations. This unfairly excludes individuals without the resources to access this technology. AB 472 would prohibit the use of bots and help ensure that all residents have an equal ability to access California’s state and local park system, including our County Parks.”

- 2) *Background.* “Bots” and Attempts to Curb Their Use. “Bots” are robotic ticket buying software programs that allow users to quickly buy tickets online. Typically, these are used by unscrupulous actors like ticket scalpers to buy tickets, then turn around and sell the same tickets at increasingly higher prices. Over the past several years, numerous high profile concert ticket sales have been impacted by the presumed use of “bots” in that individuals wait online to purchase tickets while software programs allow their users to jump to the front of the line and purchase large numbers of tickets at one time. This scenario often leads to concerts and other high profile events selling out in a matter of minutes, leaving fans ticketless and forcing them to spend more money to attend an event.

The ticket industry has attempted to combat problems caused by “bots” by employing other technological means, such as “Completely Automated Public Turing tests to tell Computers and Humans Apart” (CAPTCHA), which include phrases and picture tests at the point of sale during the online transaction to differentiate between a human purchaser and a likely computer program. CAPTCHA tests, such as typing characters into a box, are designed to prevent the use of “bots” because the requested task is typically one that can be completed by a person but would be difficult for a robotic software program to accurately perform.

Supporters of efforts to restrict the use of “bots” assert that even these technological efforts are not completely successful because the problem of instant sellouts and increased resale prices for tickets continues to generate complaints from the ticket-buying public. California is one of a number of states to pass legislation imposing bans on “bots” and establishing penalties for those who use these systems.

- 3) *Double referral.* Should this bill pass out of this committee, it will be re-referred to the Assembly Committee on Privacy and Consumer Protection.

4) *Prior related legislation.*

- a) AB 1032 (Quirk) Chapter 105, Statutes of 2019, clarified existing prohibitions under the Ticket Sellers Act are to benefit ticket buyers who are intended “event attendees,” as defined, and expands prohibited conduct to include the use or sale of services to circumvent security measures, access control systems or other control or measures, as specified.
- b) AB 1832 (Calderon), Chapter 158, Statutes of 2014, made technical changes to existing law prohibiting software from circumventing ticket sellers’ equitable ticket buying process to ensure the prohibition is not only limited to Internet Web sites.
- c) AB 329 (Pan), Chapter 325, Statutes of 2013, made it a misdemeanor to intentionally use or sell software to circumvent a security measure, access control system or other control or measure on a ticket seller’s Web site that is used to ensure an equitable ticket buying process.

REGISTERED SUPPORT / OPPOSITION:

Support

The County of San Diego

Opposition

There is no opposition on file.

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