

By: Zaffirini, et al. S.B. No. 1639  
(Thimesch, Capriglione, Isaac, Frazier, Jones of Dallas,  
et al.)

A BILL TO BE ENTITLED

AN ACT

relating to prohibitions in connection with ticket sales on an  
Internet website; providing a civil penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle B, Title 10, Business & Commerce Code,  
is amended by adding Chapter 328 to read as follows:

CHAPTER 328. ONLINE SALE OF EVENT TICKETS

Sec. 328.001. DEFINITIONS. In this chapter:

(1) "Bot" means any automated software program that  
performs automatic and repetitive tasks and is designed to  
impersonate or replicate human activity online. The term does not  
include autofill or password management features built into an  
Internet browser or provided through separate software.

(2) "Event" means a concert, theatrical performance,  
sporting event, exhibition, show, or similar scheduled activity  
that:

(A) is open to the public;

(B) is held in a public or private venue; and

(C) requires payment of an admission fee to  
attend the activity.

(3) "Ticket" means a physical or electronic  
certificate, voucher, document, token, or other evidence of a right  
for admission to enter a place of entertainment for one or more  
events at one or more specified dates and times.

1       Sec. 328.002. PROHIBITION ON USE OR CREATION OF BOTS TO  
2 ENGAGE IN CERTAIN ONLINE TICKET ACTIVITY. A person may not use or  
3 create a bot to:

4           (1) purchase tickets in excess of posted limits for an  
5 online ticket sale;

6           (2) use multiple Internet Protocol (IP) addresses,  
7 multiple purchaser accounts, or multiple e-mail addresses to  
8 purchase tickets in excess of posted limits for an online ticket  
9 sale;

10          (3) circumvent or disable an electronic queue, waiting  
11 period, presale code, or other sales volume limitation system  
12 associated with an online ticket sale; or

13          (4) circumvent or disable a security measure, access  
14 control system, or other control or measure that is used to  
15 facilitate authorized entry to an event.

16       Sec. 328.003. ENFORCEMENT BY ATTORNEY GENERAL; INJUNCTION;  
17 CIVIL PENALTY. (a) The attorney general may investigate a claim  
18 that a person violated this chapter.

19           (b) If the attorney general concludes that a person is  
20 violating this chapter, the attorney general may bring an action in  
21 the name of the state to restrain or enjoin the person from  
22 violating this chapter.

23           (c) In addition to bringing an action for injunctive relief  
24 under this chapter, the attorney general may seek restitution and  
25 petition a district court for the assessment of a civil penalty as  
26 provided by this section.

27           (d) A person who knowingly violates Section 328.002 is

1 liable for a civil penalty of not more than \$10,000 for each  
2 violation.

3 (e) Every ticket transaction in which a ticket is acquired  
4 to be sold in violation of Section 328.002 constitutes a separate  
5 violation for purposes of assessing a civil penalty.

6 (f) The civil penalty for a violation of a court order or  
7 injunction issued to enforce this section may not exceed \$100,000.

8 (g) The attorney general may recover all reasonable costs of  
9 bringing an action under this section, including court costs,  
10 reasonable attorney's fees, and investigation costs.

11 SECTION 2. Section 328.002, Business & Commerce Code, as  
12 added by this Act, applies only to a purchase that occurs on or  
13 after the effective date of this Act, regardless of whether a ticket  
14 for an event was issued before that date.

15 SECTION 3. This Act takes effect September 1, 2023.