

1-1 By: Zaffirini S.B. No. 1639
 1-2 (In the Senate - Filed March 6, 2023; March 16, 2023, read
 1-3 first time and referred to Committee on Business & Commerce;
 1-4 April 20, 2023, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 10, Nays 1; April 20, 2023,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17		X		
1-18	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 1639 By: Zaffirini

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to prohibitions in connection with ticket sales on an
 1-24 Internet website; providing a civil penalty.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Subtitle B, Title 10, Business & Commerce Code,
 1-27 is amended by adding Chapter 328 to read as follows:

1-28 CHAPTER 328. ONLINE SALE OF EVENT TICKETS

1-29 Sec. 328.001. DEFINITIONS. In this chapter:

1-30 (1) "Bot" means any automated software program that
 1-31 performs automatic and repetitive tasks and is designed to
 1-32 impersonate or replicate human activity online.

1-33 (2) "Event" means a concert, theatrical performance,
 1-34 sporting event, exhibition, show, or similar scheduled activity
 1-35 that:

1-36 (A) is open to the public;

1-37 (B) is held in a public or private venue; and

1-38 (C) requires payment of an admission fee to
 1-39 attend the activity.

1-40 (3) "Ticket" means a physical or electronic
 1-41 certificate, voucher, document, token, or other evidence of a right
 1-42 for admission to enter a place of entertainment for one or more
 1-43 events at one or more specified dates and times.

1-44 Sec. 328.002. PROHIBITION ON USE OR CREATION OF BOTS TO
 1-45 ENGAGE IN CERTAIN ONLINE TICKET ACTIVITY. A person may not use or
 1-46 create a bot to:

1-47 (1) purchase tickets in excess of posted limits for an
 1-48 online ticket sale;

1-49 (2) use multiple Internet Protocol (IP) addresses,
 1-50 multiple purchaser accounts, or multiple e-mail addresses to
 1-51 purchase tickets in excess of posted limits for an online ticket
 1-52 sale;

1-53 (3) circumvent or disable an electronic queue, waiting
 1-54 period, presale code, or other sales volume limitation system
 1-55 associated with an online ticket sale; or

1-56 (4) circumvent or disable a security measure, access
 1-57 control system, or other control or measure that is used to
 1-58 facilitate authorized entry to an event.

1-59 Sec. 328.003. ENFORCEMENT BY ATTORNEY GENERAL; INJUNCTION;
 1-60 CIVIL PENALTY. (a) The attorney general may investigate a claim

2-1 that a person violated this chapter.

2-2 (b) If the attorney general concludes that a person is
2-3 violating or about to violate this chapter, the attorney general
2-4 may bring an action in the name of the state to restrain or enjoin
2-5 the person from violating this chapter.

2-6 (c) In addition to bringing an action for injunctive relief
2-7 under this chapter, the attorney general may seek restitution and
2-8 petition a district court for the assessment of a civil penalty as
2-9 provided by this section.

2-10 (d) A person who knowingly violates Section 328.002 is
2-11 liable for a civil penalty of not more than \$10,000 for each
2-12 violation.

2-13 (e) Every ticket transaction in which a ticket is acquired
2-14 to be sold in violation of Section 328.002 constitutes a separate
2-15 violation for purposes of assessing a civil penalty.

2-16 (f) The civil penalty for a violation of a court order or
2-17 injunction issued to enforce this section may not exceed \$100,000.

2-18 (g) The attorney general may recover all reasonable costs of
2-19 bringing an action under this section, including court costs,
2-20 reasonable attorney's fees, and investigation costs.

2-21 SECTION 2. Section 328.002, Business & Commerce Code, as
2-22 added by this Act, applies only to a purchase that occurs on or
2-23 after the effective date of this Act, regardless of whether a ticket
2-24 for an event was issued before that date.

2-25 SECTION 3. This Act takes effect September 1, 2023.

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