

By: Bonnen

H.B. No. 432

Substitute the following for H.B. No. 432:

By: Gattis

C.S.H.B. No. 432

A BILL TO BE ENTITLED

AN ACT

relating to the creation of an offense involving certain sales of tickets to certain events; providing a penalty.

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

SECTION 1. Subchapter D, Chapter 35, Business & Commerce Code, is amended by adding Section 35.58 to read as follows:

Sec. 35.58. TICKET SCALPING. (a) In this section:

(1) "Nonprofit organization" means an organization that is exempt from taxation under Section 501(a), Internal Revenue Code of 1986, as amended, by being listed under Section 501(c)(3) of that code and that raises money to provide educational scholarships for Texas youth.

(2) "Resell" means to sell a ticket after it has been purchased from an event sponsor or from an individual, corporation, or association authorized to sell the ticket by the event sponsor.

(b) A person may not resell or offer to resell a ticket to a livestock show or rodeo sponsored by a nonprofit organization for a price that is more than \$10 more than the price authorized to be offered to the public by the nonprofit organization.

(c) A person who violates this section commits an offense. Except as provided by Subsections (d) and (e), an offense under this section is a misdemeanor punishable by a fine not to exceed \$100.

(d) If it is shown on the trial of an offense under this section that the person has been previously convicted one time of an

1 offense under this section, the offense is a misdemeanor punishable
2 by a fine not to exceed \$2,000.

3 (e) If it is shown on the trial of an offense under this
4 section that the person has been previously convicted two or more
5 times of an offense under this section, the offense is a misdemeanor
6 punishable by a fine not to exceed \$5,000.

7 SECTION 2. This Act takes effect September 1, 2003.