

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. This Act may be cited as the Ticket Scalping Law.

SECTION 2. 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) "Event" means an event of public entertainment or amusement.

(2) "Event sponsor" means an owner, lessee, operator, promoter, or manager of an event or the site of an event.

(3) "Resell" means to sell a ticket after it has been purchased from the 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 an event for a price that is more than \$5 over the price authorized to be offered to the public by the event sponsor.

(c) A person who violates this section commits an offense.

(d) An offense under this section is:

(1) a Class C misdemeanor if the number of tickets sold or offered for sale is fewer than three;

(2) a Class B misdemeanor if the number of tickets sold

1 or offered for sale is three or more but fewer than 10;

2 (3) a Class A misdemeanor if the number of tickets sold
3 or offered for sale is 10 or more but fewer than 20; and

4 (4) a state jail felony if the number of tickets sold
5 or offered for sale is 20 or more.

6 (e) When tickets are sold or offered for sale in violation
7 of this section pursuant to one scheme or continuing course of
8 conduct, whether to the same or different persons, the conduct may
9 be considered as one offense and the number of tickets sold or
10 offered for sale aggregated in determining the grade of the
11 offense.

12 SECTION 3. This Act takes effect September 1, 2003.