

By: Taylor

S.B. No. 1558

A BILL TO BE ENTITLED

AN ACT

relating to the sale of event tickets.

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

SECTION 1. Subtitle D, Title 13, Occupations Code, is amended by adding Chapter 2158 to read as follows:

CHAPTER 2158. SALE OF EVENT TICKETS

Sec. 2158.001. DEFINITIONS. In this chapter:

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

(A) is open to the general public;

(B) is held in a public or private venue accommodating more than 1,000 persons; and

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

(2) "Event ticket" means any physical or electronic certificate, document, voucher, token, or other evidence of a right to enter an event, an entitlement to purchase a right to enter an event, or a right to occupy a specified seat at an event.

(3) "Resale" includes any form of transfer or alienation of possession or an offer of transfer or alienation of possession, including an offer of transfer or alienation of the entitlement to possession, of an event ticket, made by any means, with or without consideration, from a person other than the ticket

1 issuer.

2 (4) "Ticket issuer" means a person who directly or
3 indirectly makes event tickets available for initial sale to the
4 general public, and may include the operator of a venue, the sponsor
5 or promoter of an event, a sports team participating in an event, a
6 league whose teams are participating in the event, a theater
7 company, a musical group or similar participant in an event, or an
8 authorized agent of those persons. The term does not include a
9 person involved in or facilitating an event ticket resale.

10 (5) "Venue" means the theater, stadium, field, hall,
11 or other facility where an event takes place.

12 Sec. 2158.002. APPLICABILITY. This chapter does not apply
13 to the resale of an event ticket issued:

14 (1) for an event for which any proceeds are intended
15 solely to benefit charity; or

16 (2) free of charge to students, faculty, staff
17 members, alumni, booster club members, or substantial financial
18 contributors of an institution of higher education as defined in
19 Section 61.003, Education Code.

20 Sec. 2158.003. RESTRICTIONS ON TICKET ISSUERS. A ticket
21 issuer may not:

22 (1) prohibit or restrict the resale of an event
23 ticket;

24 (2) print terms and conditions on an event ticket that
25 purport to restrict the resale of that ticket;

26 (3) impose a penalty on a person who resells or offers
27 to resell an event ticket or treat the person in any material way

1 less favorably than a similarly situated purchaser who does not
2 resell, offer to resell, or violate a restriction on the resale of
3 the event ticket imposed by a ticket issuer in violation of this
4 section;

5 (4) prevent resale of event tickets by limiting the
6 form of the event tickets to only a nontransferable electronic form
7 or by requiring a person to present the original purchaser's credit
8 card or state-issued identification card to gain admission to the
9 event; or

10 (5) impose a minimum or maximum price on the resale of
11 an event ticket or otherwise restrict or limit the price of the
12 event ticket on resale.

13 Sec. 2158.004. ATTORNEY GENERAL POWERS; INJUNCTION; CIVIL
14 ACTION. (a) For the protection of consumers, the attorney general
15 may:

16 (1) bring an action in district court to enjoin a
17 person from violating this chapter;

18 (2) sue for money damages on behalf of a consumer who
19 purchased an event ticket, is a resident of this state, and is
20 injured by a violation of this chapter; or

21 (3) recover reasonable expenses incurred in obtaining
22 injunctive relief under this section.

23 (b) If the consumer prevails in a suit under this section,
24 the consumer may recover court costs, attorney's fees, and actual
25 damages.

26 (c) A complaint under this section must be filed not later
27 than the first anniversary of the date the violation occurs.

1 SECTION 2. Chapter 2158, Occupations Code, as added by this
2 Act, applies to the sale or resale of an event ticket for an event
3 subject to that chapter that occurs on or after January 1, 2014,
4 regardless of whether any event tickets were issued before that
5 date.

6 SECTION 3. This Act takes effect September 1, 2013.