

By: Goldman

H.B. No. 3477

A BILL TO BE ENTITLED

AN ACT

relating to restrictions on event ticket sales.

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 AND RESALE 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; 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" means any form of transfer of possession or an offer of transfer of possession, including an offer of transfer of the entitlement to possession, of an event ticket, made by any means from a person other than the ticket issuer.

(4) "Resale ticket agent" means a person who directly or indirectly makes event tickets available for resale to the

1 general public.

2 (5) "Ticket issuer" means a person who directly or
3 indirectly makes event tickets available for sale to the general
4 public.

5 Sec. 2158.002. RESTRICTIONS. (a) A person may not sell,
6 use, or cause to be used any method, technology, device, or software
7 in the sale or resale of event tickets on a ticket issuer's or
8 resale ticket agent's Internet website that:

9 (1) functions as a bypass in the ticket purchasing
10 process;

11 (2) disguises the identity of the ticket purchaser;

12 (3) permits the purchase of a quantity of event
13 tickets in a number that exceeds the maximum number of tickets that
14 may be sold to one purchaser as specified by the event owner or
15 operator on the website; or

16 (4) circumvents a security measure, access control
17 system, or other control, authorization, or measure in the ticket
18 purchasing process.

19 (b) A person may not decode, decrypt, modify, or reverse
20 engineer any event ticket or an underlying algorithm or barcode
21 used in the ticket's production or on any Internet website in the
22 sale or resale of the ticket.

23 Sec. 2158.003. ATTORNEY GENERAL POWERS; CIVIL ACTION. (a)
24 The attorney general may:

25 (1) investigate a claim made by any person that a
26 person violated this chapter;

27 (2) bring an action in district court to enjoin a

1 person from violating this chapter;

2 (3) sue for money damages on behalf of a ticket issuer
3 or resale ticket agent who is a resident of this state and is
4 injured by a violation of this chapter; or

5 (4) recover reasonable expenses incurred in obtaining
6 injunctive or civil relief under this section.

7 (b) If the ticket issuer or resale ticket agent prevails in
8 a suit under this section, the ticket issuer or resale ticket agent
9 may recover court costs, attorney's fees, expenses, and actual
10 damages.

11 SECTION 2. Chapter 2158, Occupations Code, as added by this
12 Act, applies to the purchase of an event ticket for an event subject
13 to that chapter that occurs on or after September 1, 2015,
14 regardless of whether any event tickets were issued before that
15 date.

16 SECTION 3. This Act takes effect September 1, 2015.