

By: Capriglione

H.B. No. 3745

A BILL TO BE ENTITLED

AN ACT

relating to prohibitions in connection with event ticket sales or resales on an Internet website and with the online sale of goods.

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

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

CHAPTER 328. ONLINE SALE OR RESALE OF EVENT TICKETS AND ONLINE SALE OF GOODS

Sec. 328.001. 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 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 a 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.

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

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

7 Sec. 328.002. PROHIBITIONS REGARDING ONLINE EVENT TICKET
8 SALES OR RESALES. (a) A person may not sell, use, or cause to be
9 used any method, technology, device, or software in the sale or
10 resale of event tickets on a ticket issuer's or resale ticket
11 agent's Internet website that:

12 (1) functions as a bypass in the ticket purchasing
13 process;

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

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

19 (4) circumvents a security measure, access control
20 system, or other control, authorization, or measure in the ticket
21 purchasing process.

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

26 Sec. 328.003. PROHIBITIONS CONCERNING SALE OF GOODS ONLINE.
27 A person may not sell, use, or cause to be used any method,

1 technology, device, or software in the sale of a good on an Internet
2 website that:

3 (1) functions as a bypass in the purchasing process;

4 (2) disguises the identity of the purchaser;

5 (3) permits the purchase of a quantity of goods in a
6 number that exceeds the maximum number of goods that may be sold to
7 one purchaser as specified by the seller or operator on the website;

8 or

9 (4) circumvents a security measure, access control
10 system, or other control, authorization, or measure in the
11 purchasing process.

12 Sec. 328.004. ENFORCEMENT BY ATTORNEY GENERAL; INJUNCTION.

13 (a) The attorney general may investigate a claim that a person
14 violated this chapter.

15 (b) If the attorney general believes that a person is
16 violating or about to violate this chapter, the attorney general
17 may bring an action in the name of the state to restrain or enjoin
18 the person from violating this chapter.

19 (c) The attorney general is entitled to recover all
20 reasonable costs of bringing an action under this section,
21 including court costs, reasonable attorney's fees, and
22 investigation costs.

23 SECTION 2. Section 328.002, Business & Commerce Code, as
24 added by this Act, applies to a purchase that occurs on or after the
25 effective date of this Act, regardless of whether any event tickets
26 were issued before that date.

27 SECTION 3. This Act takes effect September 1, 2021.