

By: Thimesch, Capriglione, Isaac, Frazier,
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H.B. No. 2444

Substitute the following for H.B. No. 2444:

By: Isaac

C.S.H.B. No. 2444

A BILL TO BE ENTITLED

1 AN ACT

2 relating to prohibitions in connection with ticket sales on an
3 Internet website; providing a civil penalty.

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

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

7 CHAPTER 328. ONLINE SALE OF EVENT TICKETS

8 Sec. 328.001. DEFINITIONS. In this chapter:

9 (1) "Bot" means any automated software program that
10 performs automatic and repetitive tasks and is designed to
11 impersonate or replicate human activity online.

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

15 (A) is open to the public;

16 (B) is held in a public or private venue; and

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

19 (3) "Ticket" means a physical or electronic
20 certificate, voucher, document, token, or other evidence of a right
21 for admission to enter a place of entertainment for one or more
22 events at one or more specified dates and times.

23 Sec. 328.002. PROHIBITION ON USE OR CREATION OF BOTS TO
24 ENGAGE IN CERTAIN ONLINE TICKET ACTIVITY. A person may not use or

1 create a bot to:

2 (1) purchase tickets in excess of posted limits for an
3 online ticket sale;

4 (2) use multiple Internet Protocol (IP) addresses,
5 multiple purchaser accounts, or multiple e-mail addresses to
6 purchase tickets in excess of posted limits for an online ticket
7 sale;

8 (3) circumvent or disable an electronic queue, waiting
9 period, presale code, or other sales volume limitation system
10 associated with an online ticket sale; or

11 (4) circumvent or disable a security measure, access
12 control system, or other control or measure that is used to
13 facilitate authorized entry to an event.

14 Sec. 328.003. ENFORCEMENT BY ATTORNEY GENERAL; INJUNCTION;
15 CIVIL PENALTY. (a) The attorney general may investigate a claim
16 that a person violated this chapter.

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

21 (c) In addition to bringing an action for injunctive relief
22 under this chapter, the attorney general may seek restitution and
23 petition a district court for the assessment of a civil penalty as
24 provided by this section.

25 (d) A person who knowingly violates Section 328.002 is
26 liable for a civil penalty of not more than \$10,000 for each
27 violation.

1 (e) Every ticket transaction in which a ticket is acquired
2 to be sold in violation of Section 328.002 constitutes a separate
3 violation for purposes of assessing a civil penalty.

4 (f) The civil penalty for a violation of a court order or
5 injunction issued to enforce this section may not exceed \$100,000.

6 (g) The attorney general may recover all reasonable costs of
7 bringing an action under this section, including court costs,
8 reasonable attorney's fees, and investigation costs.

9 SECTION 2. Section 328.002, Business & Commerce Code, as
10 added by this Act, applies only to a purchase that occurs on or
11 after the effective date of this Act, regardless of whether a ticket
12 for an event was issued before that date.

13 SECTION 3. This Act takes effect September 1, 2023.