

AN ACT

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

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 OF EVENT TICKETS

Sec. 328.001. DEFINITIONS. In this chapter:

(1) "Bot" means any automated software program that performs automatic and repetitive tasks and is designed to impersonate or replicate human activity online. The term does not include autofill or password management features built into an Internet browser or provided through separate software.

(2) "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.

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

1 Sec. 328.002. PROHIBITION ON USE OR CREATION OF BOTS TO
2 ENGAGE IN CERTAIN ONLINE TICKET ACTIVITY. A person may not use or
3 create a bot to:

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

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

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

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

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

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

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

27 (d) A person who knowingly violates Section 328.002 is

1 liable for a civil penalty of not more than \$10,000 for each
2 violation.

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

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

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

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

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

S.B. No. 1639

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1639 passed the Senate on April 26, 2023, by the following vote: Yeas 27, Nays 4.

Secretary of the Senate

I hereby certify that S.B. No. 1639 passed the House on May 6, 2023, by the following vote: Yeas 112, Nays 22, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor