

By: Zaffirini

S.B. No. 1639

A BILL TO BE ENTITLED

AN ACT

relating to prohibitions in connection with event ticket sales or resales on an Internet website.

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

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.

(4) "Resale ticket agent" means a person who directly

1 or indirectly makes event tickets available for resale to the
2 public.

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

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

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

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

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

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

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

25 Sec. 328.003. ENFORCEMENT BY ATTORNEY GENERAL; INJUNCTION.

26 (a) The attorney general may investigate a claim that a person
27 violated this chapter.

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

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

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

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