

By: Zaffirini

S.B. No. 1622

A BILL TO BE ENTITLED

1 AN ACT

2 relating to certain disclosures and other requirements relating to
3 the online sale of concert and other event tickets.

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

5 SECTION 1. Chapter 328, Business & Commerce Code, as added
6 by Chapter 96 (S.B. 1639), Acts of the 88th Legislature, Regular
7 Session, 2023, is amended by designating Section 328.001 as
8 Subchapter A and adding a subchapter heading to read as follows:

9 SUBCHAPTER A. GENERAL PROVISIONS

10 SECTION 2. Section 328.001, Business & Commerce Code, as
11 added by Chapter 96 (S.B. 1639), Acts of the 88th Legislature,
12 Regular Session, 2023, is amended to read as follows:

13 Sec. 328.001. DEFINITIONS. In this chapter:

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

19 ~~(2)]~~ "Event" means a concert, theatrical
20 performance, sporting event, exhibition, show, or similar
21 scheduled activity that:

22 (A) is open to the public;

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

24 (C) requires payment of an admission fee to

1 attend the activity.

2 (2) "Venue" means an arena, stadium, theater, concert
3 hall, or other place used for events.

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

8 SECTION 3. Chapter 328, Business & Commerce Code, as added
9 by Chapter 96 (S.B. 1639), Acts of the 88th Legislature, Regular
10 Session, 2023, is amended by adding Subchapter B to read as follows:

11 SUBCHAPTER B. USE OR CREATION OF BOTS PROHIBITED

12 Sec. 328.051. DEFINITIONS. In this subchapter:

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

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

22 SECTION 4. Section 328.002, Business & Commerce Code, as
23 added by Chapter 96 (S.B. 1639), Acts of the 88th Legislature,
24 Regular Session, 2023, is transferred to Subchapter B, Chapter 328,
25 Business & Commerce Code, as added by this Act, and redesignated as
26 Section 328.052, Business & Commerce Code, to read as follows:

27 Sec. 328.052 [328.002]. PROHIBITION ON USE OR CREATION OF

1 BOTS TO ENGAGE IN CERTAIN ONLINE TICKET ACTIVITY. A person may not
2 use or create a bot to:

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

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

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

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

15 SECTION 5. Section 328.003, Business & Commerce Code, as
16 added by Chapter 96 (S.B. 1639), Acts of the 88th Legislature,
17 Regular Session, 2023, is transferred to Subchapter B, Chapter 328,
18 Business & Commerce Code, as added by this Act, redesignated as
19 Section 328.053, Business & Commerce Code, and amended to read as
20 follows:

21 Sec. 328.053 [~~328.003~~]. ENFORCEMENT BY ATTORNEY GENERAL;
22 INJUNCTION; CIVIL PENALTY. (a) The attorney general may
23 investigate a claim that a person violated this subchapter
24 [~~chapter~~].

25 (b) If the attorney general concludes that a person is
26 violating this subchapter [~~chapter~~], the attorney general may bring
27 an action in the name of the state to restrain or enjoin the person

1 from violating this subchapter [~~chapter~~].

2 (c) In addition to bringing an action for injunctive relief
3 under this subchapter [~~chapter~~], the attorney general may seek
4 restitution and petition a district court for the assessment of a
5 civil penalty as provided by this section.

6 (d) A person who knowingly violates Section 328.052
7 [~~328.002~~] is liable for a civil penalty of not more than \$10,000 for
8 each violation.

9 (e) Every ticket transaction in which a ticket is acquired
10 to be sold in violation of Section 328.052 [~~328.002~~] constitutes a
11 separate violation for purposes of assessing a civil penalty.

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

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

17 SECTION 6. Chapter 328, Business & Commerce Code, as added
18 by Chapter 96 (S.B. 1639), Acts of the 88th Legislature, Regular
19 Session, 2023, is amended by adding Subchapter C to read as follows:

20 SUBCHAPTER C. ANCILLARY FEES AND OTHER FEES AND CHARGES

21 Sec. 328.101. DEFINITIONS. In this subchapter:

22 (1) "Ancillary fee" includes a service charge,
23 surcharge, or any other fee charged in connection with the sale of
24 an event ticket. The term does not include a shipping fee or any
25 applicable local, state, or federal taxes.

26 (2) "Ticket seller" means a person that sells or
27 resells tickets for a concert or other event, including the

1 operator of a ticket website or the operator's agent.

2 (3) "Ticket website" means an Internet website or
3 mobile application advertising or offering the sale of tickets, or
4 offering tickets for resale, to an event in this state.

5 Sec. 328.102. APPLICABILITY. (a) This subchapter applies
6 only to the sale or resale of a ticket for a concert or other event
7 that will be held in this state.

8 (b) Notwithstanding Subsection (a), this subchapter does
9 not apply to the sale or resale of a ticket by a movie theater,
10 unless the movie theater is hosting a live event.

11 Sec. 328.103. DISCLOSURE OF ANCILLARY FEES. A ticket
12 seller offering tickets for sale or resale on a ticket website shall
13 disclose in a clear and conspicuous manner to a potential ticket
14 purchaser in the ticket listing and before the purchaser selects
15 the ticket for purchase:

16 (1) the total cost, stated in dollars, of the ticket
17 purchase, including all ancillary fees the purchaser must pay to
18 complete the purchase; and

19 (2) the portion of the total cost, stated in dollars,
20 of the ticket purchase that is represented by ancillary fees.

21 Sec. 328.104. PROHIBITED CONDUCT. A ticket seller offering
22 tickets for sale or resale on a ticket website may not:

23 (1) disclose a fee in a manner that is false or
24 misleading;

25 (2) display an ancillary fee or any component of the
26 total price of a ticket purchase more prominently or in the same
27 font as or a larger font than the total price of the ticket

1 purchase; or

2 (3) increase the total cost of a ticket purchase
3 during the purchase process after a potential ticket purchaser has
4 selected a ticket for purchase, except to charge a reasonable fee
5 disclosed before the final purchase of the ticket for the delivery
6 of the ticket by a nonelectronic delivery method selected by the
7 purchaser.

8 Sec. 328.105. OTHER LAWS NOT AFFECTED. This subchapter may
9 not be construed to nullify, expand, or otherwise affect any other
10 law regarding the sale of a ticket for a concert or other event.

11 SECTION 7. This Act takes effect September 1, 2025.