

By: Oliveira

H. B. No. 3041

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the sale of event tickets; providing penalties.

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

4 SECTION 1. Subtitle D, Title 13, Occupations Code, is
5 amended by adding Chapter 2158 to read as follows:

CHAPTER 2158. SALE OF EVENT TICKETS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 2158.001. DEFINITIONS. In this chapter:

12 (A) is open to the general public;

1 with or without consideration, from a person other than the ticket
2 issuer.

3 (4) "Ticket issuer" means a person who directly or
4 indirectly makes event tickets available for initial sale to the
5 general public, and may include the operator of a venue, the sponsor
6 or promoter of an event, a sports team participating in an event, a
7 league whose teams are participating in the event, a theater
8 company, a musical group or similar participant in an event, or an
9 authorized agent of those persons. The term does not include a
10 person involved in or facilitating an event ticket resale.

11 (5) "Venue" means the theater, stadium, field, hall,
12 or other facility where an event takes place.

13 Sec. 2158.002. APPLICABILITY. This chapter does not apply
14 to the resale of event tickets issued:

15 (1) for an event for which any proceeds are intended
16 solely to benefit charity; or

17 (2) free of charge to students, faculty, staff
18 members, alumni, booster club members, or substantial financial
19 contributors of an institution of higher education as defined in
20 Section 61.003, Education Code.

21 Sec. 2158.003. RESTRICTIONS ON TICKET ISSUERS. A ticket
22 issuer may not:

23 (1) prohibit or restrict the resale of an event
24 ticket;

25 (2) print terms and conditions on an event ticket that
26 purport to restrict the resale of that ticket;

27 (3) impose a penalty on a person who resells or offers

1 to resell an event ticket or treat the person in any material way
2 less favorably than a similarly situated purchaser who does not
3 resell, offer to resell, or violate a restriction on the resale of
4 the event ticket imposed by a ticket issuer in violation of this
5 section:

SUBCHAPTER B. PENALTIES

15 Sec. 2158.051. ATTORNEY GENERAL POWERS; INVESTIGATION;
16 INJUNCTION; CIVIL ACTION. (a) For the protection of consumers, the
17 attorney general may:

1 (5) recover reasonable expenses incurred in obtaining
2 injunctive relief or civil penalties under this section.

3 (b) If the consumer prevails in a suit under this section,
4 the consumer may recover court costs and attorney's fees and:

5 (1) actual damages; or

6 (2) the lesser of \$100,000 or \$100 for each violation
7 of this chapter that occurred.

8 (c) For purposes of calculating damages under Subsection
9 (b)(2), each event ticket sold, resold, or offered for sale in a
10 manner other than a manner authorized by this chapter or rules
11 adopted under this chapter is a violation of this chapter.

12 (d) Notwithstanding Subsection (b)(2), on a finding by the
13 trier of fact that the defendant has violated this chapter on one or
14 more previous occasions, the trier of fact may award an amount not
15 to exceed three times the amount available under Subsection (b).

16 (e) A complaint under this section must be filed not later
17 than the first anniversary of the date the violation occurs.

18 Sec. 2158.052. CIVIL PENALTY. A ticket issuer who
19 knowingly violates Section 2158.052 is liable for a civil penalty
20 of not less than \$100 or more than \$500 for each violation.

21 Sec. 2158.053. OFFENSE. (a) A person commits an offense if
22 the person knowingly or recklessly makes a materially false or
23 misleading statement on behalf of a ticket issuer in the advance
24 public notice required under Section 2158.052.

25 (b) An offense under this section is a Class C misdemeanor.

26 SECTION 2. Chapter 2158, Occupations Code, as added by this
27 Act, applies to the sale or resale of an event ticket for an event

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1 subject to that chapter that occurs on or after January 1, 2014,
2 regardless of whether any event tickets were issued before that
3 date.

4 SECTION 3. This Act takes effect September 1, 2013.