

BUSINESS AND COMMERCE CODE

TITLE 10. USE OF TELECOMMUNICATIONS

SUBTITLE B. ELECTRONIC COMMUNICATIONS

Chapter 328, consisting of Secs. 328.001 to 328.003, was added by Acts 2023, 88th Leg., R.S., Ch. 96 (S.B. 1639), Sec. 1.

For another Chapter 328, consisting of Secs. 328.001 to 328.003, added by Acts 2023, 88th Leg., R.S., Ch. 169 (S.B. 58), Sec. 1, see Sec. 328.001 et seq., post.

CHAPTER 328. ONLINE SALE OF EVENT TICKETS

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. 1620, 89th Legislature, Regular Session, for amendments affecting the following section.

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.

Added by Acts 2023, 88th Leg., R.S., Ch. 96 (S.B. 1639), Sec. 1, eff. September 1, 2023.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. 1620, 89th Legislature, Regular Session, for amendments affecting the

following section.

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

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

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

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

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

Added by Acts 2023, 88th Leg., R.S., Ch. 96 (S.B. [1639](#)), Sec. 1, eff. September 1, 2023.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [1620](#), 89th Legislature, Regular Session, for amendments affecting the following section.

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

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

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

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

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

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

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

Added by Acts 2023, 88th Leg., R.S., Ch. 96 (S.B. [1639](#)), Sec. 1, eff. September 1, 2023.