
**SENATE COMMITTEE ON
BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT**
Senator Dr. Aisha Wahab, Chair
2025 - 2026 Regular

Bill No: AB 1349 **Hearing Date:** June 22, 2026
Author: Bryan
Version: May 5, 2025
Urgency: No **Fiscal:** Yes
Consultant: Sarah Mason

Subject: Consumer protection: ticket sellers

SUMMARY: Updates California laws governing ticket sales and resale by establishing new categories of marketplace participants, imposing new requirements on certain entities involved in ticket sales and resale transactions, and expanding remedies and penalties for violations of the chapter. Prohibits certain ticket sellers and resale marketplaces from advertising, offering for sale, or accepting payment for tickets before the tickets are made available by the event presenter unless authorized to do so. Establishes new requirements relating to ticket disclosures, resale marketplaces, and ticket transferability, and restricts the use of names, logos, trademarks, internet domains, and other identifying characteristics in a manner that may mislead consumers regarding affiliation with an event presenter or authorized ticket seller.

NOTE: *This bill is triple-referred to the Senate Committee on Privacy, Digital Technologies, and Consumer Protection second and Senate Committee on Judiciary third.*

Existing law:

- 1) Defines a ticket seller as any person who for compensation, commission, or otherwise sells admission tickets to sporting, musical, theatre, or any other entertainment event. Clarifies that the following are not a ticket seller subject to various requirements:
 - a) An officially appointed agent of an air carrier, ocean carrier or motor coach carrier who purchases or sells tickets in conjunction with a tour package accomplished through the primary event promoter or his or her agent by written agreement.
 - b) Any person who sells six tickets or less to any one single event, provided the tickets are sold off the premises where the event is to take place, including, but not limited to, designated parking areas and points of entry to the event.
 - c) Any primary contractor (defines as the person or organization responsible for the event for which tickets are being sold) or seller of tickets for the primary contractor operating under a written contract with the primary contractor.
 - d) Any nonprofit charitable tax-exempt organization selling tickets to an event sponsored by the organization. (Business and Professions Code (BPC) §§ 22503.6, 225034, 22511)

- 2) Establishes various requirements for ticket sellers, a violation of which constitutes a misdemeanor, including that they:
 - a) Have a permanent business address from which tickets may only be sold and that the address be included in any advertisement or solicitation, a violation of which constitutes a misdemeanor punishable by imprisonment or a fine not exceeding \$2,500 or by both. Provides that a person who engages, has engaged, or proposes to engage in a violation of this specific requirement is liable for a civil penalty not to exceed \$2,500 for each violation.
 - b) Maintain records of ticket sales, deposits, and refunds.
 - c) Prior to sale, disclose to the purchaser by means of description or a map the location of the seat or seats represented by the ticket or tickets.
 - d) Make any partial or full deposit received on a future event for which tickets are not available refundable, except for a service charge of not more than 10 percent until tickets for the event are actually available.
 - e) Disclose that a service charge is imposed by the ticket seller and is added to the actual ticket price by the seller in any advertisement or promotion for any event by the ticket seller.
 - f) Provide a refund within 30 days for the ticket price of an event which is canceled.
 - g) Provide a refund, upon request, within 30 days, for the ticket price of an event which is postponed, rescheduled, or replaced with another event at the same date and time
 - h) Provide a bond of not more \$50,000 to provide for any refunds in a local jurisdiction that requires this.
 - i) Disclose in any advertisement or promotion for any event that a service charge is imposed and added to the actual ticket price. (Business and Professions Code §§ 22500 – 22511)
- 3) Prohibits a ticket seller from contracting to sell or accepting payment for tickets unless the ticket seller has lawful possession of the ticket; has a contractual right to obtain the ticket; or informs the purchaser the seller does not have possession of the tickets, has no contract to obtain the offered ticket, and may not be able to supply the ticket at the contracted price, as specified. Authorizes a ticket seller to accept a deposit from a prospective purchaser as part of an agreement that the ticket seller will make best efforts to obtain a ticket at a specified price or price range and within a specified time, provided that the ticket seller informs the purchaser orally at the time of the contract or receipt of consideration, whichever is earlier, and in writing within two days, of the terms of the deposit agreement, and includes in the oral and written notice other required disclosures. (BPC § 22502.1)
- 4) Prohibits a ticket seller from representing that they can deliver or cause to be delivered a ticket at a specific price or within a specific price range and fail to deliver within a reasonable time at or below or within the price and range of prices stated.

Specifies that a ticket seller who violated this prohibition and violates 3) above is civilly liable to the ticket purchaser for two times the contracted price of the ticket, in addition to any sum expended in trying to attend the event, and reasonable attorney's fees and court costs. (BPC §§ 22052.2 and 22052.3)

- 5) Prohibits a person from using, selling, offering for sale, or advertising software designed to circumvent a ticket seller's security measures, access controls, or other controls used to ensure an equitable ticket-buying process. Makes it unlawful to use software or other technological means to purchase tickets in excess of posted limits for online ticket sales. (BPC § 22505.5)

This bill:

- 1) Recasts and expands California's ticket seller laws to apply to additional categories of marketplace participants, including original sellers, event presenters, ticket resellers, and ticket resale marketplaces, and establishes new definitions governing those entities.
- 2) Repeals and replaces existing provisions governing ticket sales and resale transactions and revises the remedies, disclosure requirements, recordkeeping obligations, and enforcement provisions applicable to ticket transactions.
- 3) Requires original sellers, ticket resellers, and, in certain circumstances, consumers, to have actual or constructive possession of a ticket, or a contractual right to sell the ticket, before listing, marketing, or selling the ticket.
- 4) Requires ticket resale marketplaces to verify that tickets listed for resale are owned, possessed, or subject to a contractual right to sell before accepting listings on their platforms.
- 5) Prohibits original sellers and ticket resellers from advertising, offering for sale, contracting for sale, or accepting payment for certain tickets when the seller does not possess the ticket or otherwise lacks the required rights to sell the ticket.
- 6) Requires ticket resellers and ticket resale marketplaces to disclose seat location information, including section, row, and seat number when applicable, and requires disclosure of the face value of certain tickets offered for resale.
- 7) Establishes new requirements governing refunds, credits, exchanges, and consumer options when events are cancelled, postponed, rescheduled, or replaced.
- 8) Expands recordkeeping requirements by requiring original sellers, ticket resellers, and ticket resale marketplaces to maintain records of ticket sales, deposits, and refunds for at least 12 months.
- 9) Creates new civil liability provisions authorizing consumers to recover damages, nonrefundable expenses, attorney's fees, and court costs for certain violations relating to ticket sales and delivery.

- 10) Increases enforcement authority and authorizes civil penalties of up to \$10,000 per violation for violations of the chapter, enforceable by specified public prosecutors.
- 11) Expands existing prohibitions relating to automated ticket purchasing by prohibiting specified acts involving ticket-purchasing software, sales volume limitation systems, and circumvention of ticket purchasing controls.
- 12) Prohibits certain internet websites, web designs, internet addresses, text, images, and similar online displays that are substantially similar to those of an event presenter, rights holder, original seller, venue operator, or authorized agent when used without authorization.
- 13) Repeals existing BPC 22503.5 which exempts certain primary ticket sales activities from the law.

FISCAL EFFECT: This bill is keyed fiscal by Legislative Counsel. According to the Assembly Committee on Appropriations, the bill will result in possible costs to the DOJ of an unknown amount. By adding new requirements for ticket sellers, ticket resellers, and ticket resale marketplaces, this bill provides additional bases for enforcement by DOJ. If DOJ hires staff to handle enforcement actions authorized by this bill, the department would incur significant costs, likely in the low hundreds of thousands of dollars annually at a minimum. If DOJ does not pursue enforcement as authorized by this bill, the department would likely not incur any costs. The bill will also result in cost pressures of an unknown but potentially significant amount to the courts to adjudicate civil actions and misdemeanor charges and possible incarceration costs of an unknown but potentially significant amount.

COMMENTS:

1. **Purpose.** This bill is sponsored by National Independent Venue Association – California and Music Artists Coalition. The Author states that “Secondary market resellers frequently deceive fans by listing and selling tickets to events that do not currently exist, or that they do not have a license to sell. This process is known as speculative ticketing. Fans buy these tickets, often for a predatory mark up. This practice is inherently anti-consumer and directly counter to the wishes of creatives and artists who seek to provide their fan base with a world-class show at an affordable price. AB 1349 will prohibit speculative ticketing by requiring ticket sellers to own, possess, or have the contractual right to sell tickets before listing them. This will protect the integrity of the ticket buying process for consumers, and ensure that the hard work of artists and creatives is not unjustly used to gouge their core fan base.” According to the Author, “AB 1349 also bans websites that mimic official event platforms or use terms like “sold out” when there are still tickets available on the primary site. The bill increases penalties for violators and ensures consumers are refunded for postponed or canceled events. By prioritizing transparency and accountability, the bill protects fans, supports artists, and ensures a fairer ticketing system.”
2. **Background.** California’s ticket sellers regulations were largely enacted before the widespread adoption of online ticket marketplaces, digital ticketing systems, mobile ticket transfers, and sophisticated resale platforms. Today, consumers purchase,

transfer, and resell tickets through a variety of online channels that did not exist when many of the ticketing statutes were first enacted. While technological advances have increased convenience and expanded access to tickets, they have also introduced new challenges relating to speculative ticket sales, automated purchasing software, deceptive online practices, fee transparency, and restrictions on ticket transferability. Policymakers, regulators, artists, venues, ticketing companies, and consumer advocates have increasingly focused on whether existing laws adequately protect consumers in the modern ticketing marketplace.

Federal regulators have devoted significant attention to ticketing-related consumer protection concerns in recent years. The Federal Trade Commission (FTC) has identified hidden fees, deceptive pricing practices, and the use of automated software to circumvent ticket purchasing restrictions as practices that can harm consumers and impair fair competition. In 2024, the FTC adopted its Rule on Unfair or Deceptive Fees, commonly referred to as the “Junk Fees Rule,” which requires greater transparency in ticket pricing and seeks to ensure that consumers receive meaningful information regarding the total cost of a ticket before making purchasing decisions. The FTC has also pursued enforcement actions under the Better Online Ticket Sales (BOTS) Act against entities alleged to have used automated technologies, multiple accounts, and other means to evade ticket purchasing limits designed to provide equitable access to tickets.

At the same time, federal antitrust scrutiny of the live entertainment industry has continued to increase. In 2010, the United States Department of Justice (DOJ) approved the merger of Live Nation and Ticketmaster subject to conditions intended to address competition concerns. In 2019, the DOJ announced that Live Nation had violated portions of the consent decree governing the merger and extended the decree through 2025. Following highly publicized ticketing issues associated with major concert tours and broader concerns regarding competition in the live entertainment marketplace, the DOJ and a coalition of state attorneys general, including California, filed an antitrust lawsuit against Live Nation Entertainment and Ticketmaster in 2024. The litigation alleges conduct affecting competition in concert promotion, venue services, and ticketing and reflects ongoing national debate regarding competition, consumer choice, and access to live entertainment events.

The Legislature has considered numerous measures over the past decade intended to address evolving issues in the ticketing marketplace. AB 329 (Pan, Chapter 325, Statutes of 2013) prohibited the use and sale of software designed to circumvent ticket purchasing controls intended to ensure an equitable ticket-buying process. AB 1556 (Friedman, Chapter 180, Statutes of 2021) strengthened consumer protections relating to cancelled, postponed, and rescheduled events by establishing refund requirements. Subsequent legislative efforts have explored a range of consumer protection issues including fee transparency, all-in pricing, resale marketplace disclosures, speculative ticket sales, deceptive practices, ticket transferability, and consumer understanding of ticket transactions. In addition, broader consumer protection measures such as SB 478 (Dodd, Chapter 740, Statutes of 2023), California's Honest Pricing Law, reflect increasing legislative interest in ensuring transparency and fairness in transactions involving mandatory fees.

Although California law already prohibits certain unfair ticketing practices, many of the existing statutes were enacted before the widespread use of digital ticketing, mobile ticket transfers, online resale marketplaces, and automated purchasing technologies. As a result, questions have emerged regarding whether existing laws adequately address modern practices such as speculative ticket sales, the use of sophisticated software to circumvent ticket purchasing controls, deceptive online ticketing websites, and consumer confusion regarding whether a ticket is being sold by an authorized seller or through a resale marketplace. Consumer advocates and policymakers have also raised concerns regarding consumer confusion about the source of tickets, whether tickets are being sold by authorized sellers or resale marketplaces, and whether sellers possess or have a legal right to transfer the tickets being offered for sale. Policymakers have increasingly examined whether additional statutory clarity is warranted to address these practices while preserving legitimate ticketing, resale, and consumer transfer rights.

- 3. Arguments in Support.** A coalition of music creators, venues, labels, workers and unions write that “Speculative ticketing lets resellers list and sell tickets they do not actually have. The result is inflated prices, exposure to fraud, and broken trust between artists and the fans who want to see them. AB 1349's requirement that a seller must own, possess, or hold contractual rights to a ticket before listing it is essential to restoring integrity to the marketplace. Ticketing should never operate like a futures market, where access to a show is hedged and traded like a commodity before a single real ticket exists.” They state that they “support AB 1349 because fans are best served when artists and venues are in control of the live experience, not industrial resellers who extract value without adding any.”

Music Artists Coalition adds to this, noting that “Artists invest everything in the live experience, and the relationship between an artist and a fan is the foundation of it all. When industrial resellers insert themselves into that relationship by selling tickets they do not have or hiding behind fake box offices, they exploit fans and undermine the artists who created the show in the first place. AB 1349 helps put artists and fans back at the center, where they belong.

Bottlerock writes that “Speculative tickets deprive venues and festivals of the ability to price their own shows and siphon money out of the legitimate live music ecosystem into the pockets of scalpers/brokers who invest nothing, build nothing, and create nothing in our state.”

- 4. Arguments in Opposition.** A coalition of consumers, civil justice advocates, non-profits and businesses write that “Buried in AB 1349 is language that gives Ticketmaster even more power over California fans, who already have no rights with respect to the tickets they buy. AB 1349 takes every opportunity to codify the power ticket sellers already have by endorsing unfair and anti-competitive terms and conditions. Whether a fan can resell, gift or transfer their tickets is entirely at the discretion of the original seller, which 80% of the time is Ticketmaster. AB 1349 also creates unattainable requirements for fans by stating they must be able to deliver the ticket to the buyer, when it's really Ticketmaster that controls this. Ticketmaster regularly delays ticket delivery, or prevents transfer of tickets all together, which may make complying with this requirement impossible for fans. Fans should not face steep financial penalties if their plans change and they need to resell tickets to

an event. However, AB 1349 contains cumbersome requirements that unfairly penalize fans who need to resell their tickets. These include requirements that fans must get a license just to resell their tickets, or face up to six months in county jail, or a \$2,500 fine, or both; civil penalties up to \$10,000 and attorney's fees for the public prosecutor; and they must maintain records of ticket sales, deposits and refunds for a minimum of 12 months after sale."

According to Consumer Federation of California, "the bill is so pro-monopoly in its approach that it doesn't even acknowledge that it is possible for consumers to get good deals on events sometimes (remember that 95% of concerts don't sell out, and many sporting events don't sell out either, as baseball's Athletics can attest!). The language in Section 22508 of the bill never contemplates that a consumer might actually pay less than the original price of a ticket (called the "face price" in the bill). This just shows that the fox is guarding the henhouse in AB 1349." The group writes that "as currently drafted AB 1349 doesn't help consumers much, if at all. It helps the Live Nation/Ticketmaster monopoly, and those who openly or more quietly support it."

Seat Geek and Tick Pick cite opening paragraphs of an amended complaint in the antitrust lawsuit brought against Live Nation/Ticketmaster, quoting that "One monopolist serves as the gatekeeper for the delivery of nearly all live music in America today: Live Nation, including its wholly owned subsidiary, Ticketmaster [...] to the detriment of fans, artists, venues and competition." According to the companies, "With this backdrop of the competitive landscape, it becomes apparent that key aspects of AB 1349 will lock consumers into transacting only on the dominant affiliated marketplace, further entrenching the Live Nation-Ticketmaster monopoly." They state that "When resale marketplaces are not allowed to compete for fans' business – as they effectively would be by this proposed legislation – the market loses an important price discovery mechanism, including when resale prices fall below face value, a regular occurrence that venues and promoters are often eager to hide from ticket purchasers... By sanctifying into law the event providers' dictated terms and conditions with respect to resale, AB 1349 unfortunately will place limits not just on ticket resale platforms but also on the many California consumers who use these marketplaces every day. Consumers will foot the bill in the form of inconvenience, lack of choice, lack of control over tickets they purchased, and an overall worse purchasing experience."

Sports Fan Coalition writes that "We support much of the intent in this bill, in particular banning speculative ticketing and banning the use of deceptive websites. However, as drafted we worry the bill could have unintended consequences that would further entrench Live Nation/Ticketmaster's illegal monopoly. Why else would they support this bill if they were not benefiting from it?"

According to TechNet, "AB 1349 imposes sweeping liability on secondary ticket resale marketplaces by effectively requiring them to "confirm" that tickets listed on their platforms comply with all applicable state laws. Such standard converts a marketplace intermediary into a guarantor of the legality of each listing by a third-party. Secondary ticket marketplaces do not issue the original tickets, do not control the contractual arrangements between sellers and event presenters, and do not have the visibility into every upstream transaction."

StubHub states that “AB 1349 restricts competition by protecting monopolies in a market already defined by anti-competitive behavior, and in doing so, not only undermines the ongoing efforts of California’s Attorney General but also harms the very Californian consumers it claims to protect... AB 1349 co-opts consumer protection as a justification to reinforce the dominance of engrained monopolies, like Ticketmaster. AB 1349 will harm consumers by further reinforcing anticompetitive behavior in an already heavily concentrated industry.”

5. Policy Comments and Suggested Amendments.

Existing protections regarding ticket availability and delivery are already in place. California law already contains consumer protections intended to address situations in which a ticket seller offers tickets for sale but fails to provide the promised tickets. Under existing Business and Professions Code Sections 22502.1, 22502.2, and 22502.3, ticket sellers are prohibited from representing that they can provide tickets at a specified price or within a specified price range and then failing to deliver those tickets within a reasonable or contracted timeframe. Consumers who suffer losses as a result may recover damages, nonrefundable expenses, attorney's fees, and court costs. These provisions are intended to ensure that consumers receive the tickets they purchase and provide remedies when sellers are unable or unwilling to fulfill their contractual obligations. As a result, California law already establishes a framework governing the sale and delivery of tickets and provides meaningful remedies when consumers do not receive the tickets they were promised.

Existing restrictions on bots are already in place. The use of automated software to circumvent ticket purchasing limits is already prohibited under both California and federal law. AB 329 (Pan, Chapter 325, Statutes of 2013) made it unlawful in California to use or sell software designed to circumvent a ticket seller's security measures, access controls, or other mechanisms intended to ensure an equitable ticket-buying process. At the federal level, Congress enacted the Better Online Ticket Sales (BOTS) Act of 2016, which prohibits the circumvention of online ticket purchasing controls and authorizes enforcement by the Federal Trade Commission. More recently, the FTC has pursued enforcement actions against entities alleged to have used automated technologies, multiple accounts, and other methods to evade ticket purchasing restrictions. Accordingly, concerns regarding bots and automated ticket purchasing are not occurring in a legal vacuum; both state and federal law already prohibit many forms of conduct associated with ticket-buying bots and unauthorized circumvention of ticket purchasing controls.

Disclosure requirements are already in place. California law already requires ticket sellers to disclose important information about the tickets being offered for sale. Existing Business and Professions Code provisions require ticket sellers to provide the ticket's assigned seat, row, section, or other location information, or disclose when a ticket does not correspond to a specific seat or location. These requirements are intended to ensure that consumers receive accurate information regarding the nature of the ticket being purchased and can make informed purchasing decisions. As a result, certain disclosures regarding seat location and ticket characteristics are already addressed under existing law.

Differential Treatment of Marketplace Participants. This bill raises the question of whether similar conduct should be regulated differently depending on the type of marketplace participant involved. The modern ticketing ecosystem includes event presenters, venue operators, original sellers, ticket resale marketplaces, brokers, professional resellers, season ticket holders, and individual consumers. While these participants serve different functions within the marketplace, concerns relating to speculative ticket sales, deceptive advertising, consumer confusion, ticket availability, and marketplace transparency may arise in both primary and secondary ticketing markets.

Several provisions of AB 1349 impose obligations on certain marketplace participants while exempting or treating others differently. To the extent the Legislature seeks to address conduct such as speculative sales, deceptive practices, or consumer confusion, policymakers may wish to consider whether a conduct-based framework that applies comparable standards across marketplace participants would better promote consistency, transparency, and consumer understanding. Applying different standards to similar conduct may create regulatory complexity and may affect how consumers experience protections depending on where a ticket is purchased.

Alternative Approach. Rather than creating separate regulatory frameworks for different categories of marketplace participants, the goal should be a more uniform approach that focuses on the conduct giving rise to consumer harm. The approach should include prohibitions on speculative ticket sales, modernization of existing anti-bot provisions, restrictions on deceptive websites and advertising practices, and protections for the lawful transfer of tickets, while applying comparable standards to primary sellers, resale marketplaces, brokers, and other participants engaged in ticket sales and resale activities.

As such, the contents of AB 1349 should be replaced with the following:

Strike existing BPC 22502.1 and replace with:

22502.1.

(a) For purposes of this section, "speculative ticket sale" means the advertisement, listing, marketing, offer for sale, contract for sale, acceptance of payment for, or sale of a ticket by a person who, at the time of the advertisement, listing, marketing, offer for sale, contract for sale, acceptance of payment for, or sale does not have either (1) Actual or constructive possession of the ticket. Constructive possession means that the person has fully paid for the ticket, holds a legally enforceable right to receive delivery of the ticket, and has received confirmation of purchase or assignment from the original ticket seller, event presenter, or venue operator, or (2) Has not been authorized by the event presenter or venue operator to sell the ticket.

(b) A ticket seller shall not engage in a speculative ticket sale.

(c) A ticket seller shall not advertise, list, market, offer for sale, contract for sale, accept payment for, or sell a ticket before the ticket has been made available for sale by the event presenter, venue operator, rights holder, or original seller, unless expressly authorized by the event presenter, venue operator, rights holder, or

original seller unless the ticket seller has constructive possession of the ticket as defined in (a)(1).

(d) A ticket resale marketplace shall not knowingly process payment, collect a fee, or facilitate the completion of a speculative ticket sale and shall implement reasonable measures designed to prevent speculative ticket sales on its platform.

(e) The definitions contained in Section 22503 apply to this section.

(f) A violation of this section constitutes an unlawful business practice pursuant to Chapter 5 (commencing with Section 17200) of Part 2 of Division 7.

Amend existing BPC 22502.3.

22502.3

For purposes of this section, "person subject to this chapter" means a ticket seller, original seller, ticket reseller, or ticket resale marketplace.

In addition to other remedies, a person subject to this chapter who violates Section 22502.1 or 22502.2 and fails to supply a ticket at or below a contracted price or within a contracted price range shall be civilly liable to the ticket purchaser for two times the contracted price of the ticket, in addition to any sum expended by the purchaser in nonrefundable expenses for attending or attempting to attend the event in good faith reliance on seat or space availability, and reasonable attorney's fees and court costs.

Strike existing BPC Section 22503 and replace with:

22503

For purposes of this chapter:

(a) "Consumer" means a natural person who purchases a ticket with the reasonable expectation of attending an event.

(b) "Event presenter" means the person or organization responsible for a sporting, musical, theater, or other entertainment event for which tickets are sold, including a rights holder or its authorized agent.

(c) "Original seller" means a person who, for compensation, commission, or otherwise, advertises, lists, markets for sale, or sells an admission ticket to a sporting, musical, theater, or other entertainment event for original sale as instructed by an event presenter or venue operator.

(d) "Rights holder" means an artist, performing arts organization, theater company, dance company, professional athletic team, professional athletic league, author, lecturer, or other person that is a primary performer, participant, speaker, or presenter at an event for which tickets are sold.

(e) "Ticket resale marketplace" means an entity that, for compensation, commission, or otherwise, operates a website or other online application that advertises, lists, markets for sale, processes payments for, or facilitates the resale of admission tickets for a sporting, musical, theater, or other entertainment event between third parties, and includes an original seller to the extent that the original seller operates a website or other online application that advertises, lists, markets for sale, processes payments for, or facilitates resale.

(f) "Ticket reseller" means a person or entity, other than a consumer or season ticket holder, who, for compensation, commission, or otherwise, advertises, lists, markets for sale, offers for sale, facilitates the sale of, or sells admission tickets to a sporting, musical, theater, or other entertainment event on the secondary market.

(g) "Ticket seller" means a person who, for compensation, commission, or otherwise, advertises, lists, markets for sale, offers for sale, facilitates the sale of, or sells an admission ticket to a sporting, musical, theater, or other entertainment event.

(h) "Venue operator" means a person who owns, operates, manages, or controls a venue at which a sporting, musical, theater, or other entertainment event is presented.

(i) "Season ticket holder" means a person who purchases a package of tickets for multiple events from an original seller, event presenter, rights holder, or venue operator pursuant to a season ticket membership, subscription, premium seat license, or similar ticketing program.

Add BPC 22502.6:

22502.6.

(a) Except as otherwise required by law or reasonably necessary to address fraud, theft, unauthorized account access, violations of this chapter, or the administration of a season ticket membership, premium seat license, fan club membership, loyalty program, or similar ticketing program, an event presenter, venue operator, rights holder, original seller, or ticket seller shall not revoke, cancel, invalidate, deny admission, or render unusable a ticket based solely upon the lawful transfer or resale of that ticket.

(b) Nothing in this section prohibits reasonable measures to:

(1) Prevent fraud.

(2) Enforce ticket purchasing limits.

(3) Investigate violations of law.

(4) Protect the security of ticketing systems and consumer accounts.

(5) Administer season ticket memberships, premium seat licenses, fan club memberships, loyalty programs, or other similar ticketing programs.

(c) This section shall not be construed to require an event presenter, venue operator, rights holder, original seller, or ticket seller to offer, renew, extend, transfer, or assign any season ticket membership, premium seat license, fan club membership, loyalty program benefit, or similar contractual right.

(d) The definitions contained in Section 22503 apply to this section.

Repeal BPC Section 22503.5.

Strike existing BPC 22505.5 and replace with:

22505.5.

Notwithstanding Section 22503.4, 22504, or 22511, it shall be unlawful for a person to knowingly use, cause to be used, provide, sell, offer for sale, market, or facilitate software or services to do, or otherwise engage in, any of the following:

(a) Purchase tickets in excess of posted limits for an online event ticket sale.

(b) Circumvent or evade an electronic queue, waiting period, presale restriction or presale code, ticket purchasing limit, account limitation, or other ticket distribution control established and disclosed by the event presenter, venue operator, rights holder, or ticket seller.

- (c) Circumvent or disable a security measure, access control system, or other control or measure used to facilitate authorized ticket sales or authorized entry into an event.
- (d) Utilize multiple Internet Protocol addresses, multiple purchaser accounts, multiple email addresses, or other technological means to purchase tickets in excess of posted ticket limits or otherwise evade ticket purchasing restrictions established pursuant to subdivision (b).
- (e) Use software, services, automated means, or other technological methods to automate, coordinate, facilitate, or otherwise enable conduct prohibited by this section.
- (f) The definitions contained in Section 22503 apply to this section.

Add new Section 22505.6:

22505.6.

- (a) It shall be unlawful for a person, ticket seller, original seller, ticket reseller, ticket resale marketplace, or other person acting in connection with the sale or resale of tickets to advertise, market, or offer tickets for sale in a manner that is likely to mislead a reasonable consumer regarding the source, sponsorship, authorization, availability, price, or nature of the ticket being offered.
- (b) A person shall not use an internet website, internet address, domain name, trade name, trademark, service mark, logo, design, text, image, or other identifying characteristic, or any combination thereof, that is substantially similar to, or reasonably likely to be confused with, that of an event presenter, venue operator, rights holder, original seller, or authorized agent, if displayed with an intent to confuse or deceive consumers or where such display is reasonably likely to confuse or deceive consumers regarding the source, sponsorship, authorization, or affiliation of the website or advertisement.
- (c) A person shall not represent or imply that:
 - (1) A ticket is available from an authorized source when the ticket is being offered through resale.
 - (2) A live entertainment event is sold out when tickets remain available from the original seller or an authorized seller.
 - (3) A consumer is purchasing a ticket from an event presenter, venue operator, rights holder, original seller, or authorized agent when the consumer is purchasing from a reseller or ticket resale marketplace.
 - (4) A ticket listing reflects a specific seat, section, row, or location if the seller does not have a reasonable basis to make that representation.
- (d) The definitions contained in Section 22503 apply to this section.
- (e) A violation of this section constitutes false or misleading advertising for purposes of Chapter 1 (commencing with Section 17500) of Part 3 of Division 7 and an unlawful business practice for purposes of Chapter 5 (commencing with Section 17200) of Part 2 of Division 7.

SUPPORT AND OPPOSITION:

Support:

American Association of Independent Music
American Federation of Musicians
Artist Rights Alliance
Black Music Action Coalition
Bottlerock
Bright Light Strategies
California Arts Advocates
Fan Alliance
Folk Alliance International
Future of Music Coalition
Live Nation Entertainment, INC.
Music Artists Coalition
Music Managers Forum - US
National Independent Talent Organization
National Independent Venue Association of California
Recording Academy
Recording Industry Association of America
Sag-aftra
Songwriters of North America
Venue Pilot

Opposition:

California Black Chamber of Commerce
California Hispanic Chambers of Commerce
California League of United Latin American Citizens
California Live Events Equity Alliance
California Multicultural Business Alliance
Cambodia Chamber of Commerce Representative Office in California
Central Valley Latino Mayors and Elected Officials Coalition
Central Valley Yemen Society
Coalition for Ticket Fairness
Consumer Federation of California
Hispanic 100
Hispanic Chambers of Commerce of San Francisco
Latin Business Association
National Action Network Sacramento
National Baptist Convention Usa, INC
Pantone 294
Seatgeek, INC.
Si Se Puede Fresno, Tulare, Kings & Kern
Sports Fans Coalition
Stubhub, INC.
Technet
Ticket Policy Forum

Tickpick, LLC
Valley Industry and Commerce Association

-- END --