

**SENATE PRIVACY, DIGITAL TECHNOLOGIES, AND CONSUMER PROTECTION COMMITTEE**  
**Senator Christopher Cabaldon, Chair**  
**2025-2026 Regular Session**

AB 1349 (Bryan)  
Version: May 5, 2025  
Hearing Date: June 29, 2026  
Fiscal: Yes  
Urgency: No  
BD

**SUBJECT**

Consumer protection: ticket sellers

**DIGEST**

This bill prohibits speculative ticketing and makes various enhancements to address harmful ticketing practices, including white-labeling and the use of bots.

**EXECUTIVE SUMMARY**

As explained by journalist Andy Cush, “[the] tension between Ticketmaster and secondary sellers is like a King Kong vs. Godzilla scenario: [just] because the two monsters are fighting doesn’t mean one of them is the good guy.” This analogy has appeared in numerous Committee analyses and not without cause. The ticketing industry is primarily split between the primary and secondary markets. Each has flaws and nefarious practices that culminate in poor consumer experiences. One of these practices, speculative ticketing, is the act of an individual or entity selling a ticket that they do not own, possess, or have any rights to. Speculative ticketing is exacerbated by the fact that, oftentimes, a consumer is wholly unaware that the ticket they are buying is speculative. In the worst-case scenario, the speculative ticket seller may not be able to secure a ticket, leaving a consumer hanging out to dry.

Acknowledging the predatory practice of speculative ticketing, this bill seeks to outlaw the sale of speculative tickets. The bill prohibits ticket sellers from selling a ticket that they do not have actual or constructive possession of. This bill also takes aim at other predatory practices in ticket markets by providing updates to existing law regarding the use of bots and white labeling. It also recasts several definitions to allow for targeted regulation and additional certainty. Lastly, the bill adds various transferability requirements surrounding the transfer or resale of tickets by specialized ticket program holders. This bill is sponsored by the National Independent Venue Association and the Music Artist Coalition. It is supported by numerous venues and artist advocacy groups. The bill is opposed by a wide range of consumer groups, industry groups, and

secondary market platforms. This bill passed out of the Senate Business, Professions, and Economic Development Committee on a vote of 7 to 0. It will next be heard by the Senate Judiciary Committee.<sup>1</sup>

### **PROPOSED CHANGES TO THE LAW**

Existing law:

- 1) Establishes the Better Online Ticket Sales (BOTS) Act, which prohibits the use of automated bots to circumvent ticket purchase limits set by ticket sellers. (15 U.S.C. § 45c.)
- 2) Prohibits selling or offering to sell an event ticket obtained using an automated bot if the seller participated in, had the ability to control, or should have known about the violation. (15 U.S.C. § 45c.)
- 3) Prohibits any person who does not have the written permission of the owner or operator of the property on which an entertainment event is to be held or is being held, from selling tickets to the entertainment event, which were obtained for the purpose of resale, at any price which is in excess of the price that is printed or endorsed upon the ticket, while on the grounds of or in the stadium, arena, theater, or other place where an event for which admission tickets are sold is to be held or is being held. A violation of this law constitutes a misdemeanor. (Pen. Code § 346.)
- 4) Declares it unlawful for a person to intentionally use or sell software or services to circumvent a security measure, access control system, or other control or measure (including limits on the number of tickets a person can purchase) that is used to ensure an equitable ticket buying process for event attendees. (Bus. & Prof. Code § 22502.5.)
- 5) 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. (Bus. & Prof. Code § 22503.)
- 6) Clarifies that the following are not ticket sellers for purposes of existing law:
  - 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.
  - b) Any person who sells six tickets or less to any one single event, provided the tickets are sold off the event premises, including, but not limited to, designated parking areas and points of entry to the event.

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<sup>1</sup> Amendments were agreed to by the author in the Senate Business, Professions, and Economic Development Committee. Those official amendments will go into print on June 26, 2026. This analysis is of the bill with those amendments.

- c) The person or organization responsible for the event for which tickets are being sold, or a seller of tickets operating under a written contract with this person or organization.
  - d) Any nonprofit charitable tax-exempt organization selling tickets to an event sponsored by the organization. (Bus. & Prof. Code §§ 22503.5, 22503.6, 22504, 22511.)
- 7) Requires a ticket seller to have a permanent business address from which tickets may only be sold and that the address be included in any advertisement or solicitation. Makes a violation of this requirement a misdemeanor punishable by imprisonment or a fine not exceeding \$2,500 or by both and provides for civil penalties of up to \$2,500 for violations. (Bus. & Prof. Code § 22500.)
- 8) Requires ticket sellers:
  - a) Maintain records of ticket sales, deposits, and refunds. (Bus. & Prof. Code § 22501.)
  - b) 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. (Bus. & Prof. Code § 22502.)
  - c) Make any partial or full deposit refundable if received on a future event for which tickets are not available, except for a service charge of not more than 10 percent, until such time as tickets for the event are actually available. (Bus. & Prof. Code § 22506.)
  - d) Provide a refund within 30 days for the ticket price of an event that is canceled. (Bus. & Prof. Code § 22507(a).)
  - e) 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. (Bus. & Prof. Code § 22507(b).)
  - f) Provide that a local jurisdiction may require a bond of not more than \$50,000 to cover required refunds. (Bus. & Prof. Code § 22507(d).)
  - g) 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. (Bus. & Prof. Code § 22508.)
- 9) Prohibits a ticket seller from contracting to sell or accepting payment for tickets unless the ticket seller:
  - a) Has lawful possession of the ticket;
  - b) Has a contractual right to obtain the ticket; or
  - c) Informs the purchaser, in a specified manner, that it does not have possession of the ticket, has no contract to obtain the offered ticket, and may not be able to supply the ticket at the contracted price. (Bus. & Prof. Code § 22502.1.)

- 10) Deems a violation of the chapter of the Business and Professions Code containing the provisions related to ticket sellers to be a misdemeanor. (Bus. & Prof. Code § 22505.)

This bill:

- 1) Defines the following terms:
  - a) "Consumer" means a natural person who purchases a ticket with the reasonable expectation of attending an event.
  - b) "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.
  - c) "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.
  - d) "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.
  - e) "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.
  - f) "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:
    - i. Actual or constructive possession of the ticket. 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.
    - ii. Authorization by the event presenter or venue operator to sell the ticket.
- 2) Prohibits a ticket resale marketplace from knowingly processing payment, collecting a fee, or facilitating the completion of a speculative ticket sale.

- 3) Requires a ticket resale marketplace to implement reasonable measures designed to prevent speculative ticket sales on its platform.
- 4) Eliminates the exemption in current law that allows a ticket seller to market, advertise, or sell a ticket if they inform the purchaser orally at the time of contract or receipt of consideration, and within two business days, that the seller does not have possession of the ticket, a contract to obtain the ticket, and may not be able to obtain the ticket.
- 5) Prohibits 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, except as otherwise required by law or reasonably necessary to address fraud, theft, unauthorized account access, violations of this chapter, or the administration of season ticket membership, premium seat license, fan club membership, loyalty program, or similar ticketing program.
- 6) Provides that nothing in the provision in 5) prohibits reasonable measures to prevent fraud, enforce ticket purchasing limits, investigate violations of law, protect the security of ticketing systems and consumer accounts, or administer season ticket memberships, premium seat licenses, fan club memberships, loyalty programs, or other similar ticketing programs.
- 7) Provides that the above provisions in 5) and 6) 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.
- 8) Prohibits a person from knowingly using, causing to be used, or selling software or services to do any of the following:
  - a) Purchasing tickets in excess of posted limits for an online event ticket sale.
  - b) Circumventing or evading an electronic queue, waiting period, presale restriction, presale code, ticket purchasing limit, account limitation, or other ticket distribution control established and disclosed by the event presenter, rights holder, ticket seller, or venue operator.
  - c) Circumventing or disabling a security measure, access control system, or other control or measure used to facilitate authorized ticket sales or authorized entry into an event.
  - d) Utilizing multiple Internet Protocol addresses, multiple accounts, multiple email addresses, or other technological means to purchase tickets in excess of posted limits or evade ticket purchasing restrictions.
  - e) Using software, services, automated means, or other technological methods to automate, coordinate, facilitate, or otherwise enable conduct prohibited by this section.

- 9) Prohibits 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.
- 10) Prohibits a person from using 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 that of an event presenter, venue operator, rights holder, original seller, or authorized agent, if displayed with an intent to confuse or deceive consumers. Provides that a violation of this provision constitutes false or misleading advertising.
- 11) Prohibits a person from representing or implying that:
  - a) A ticket is available from an authorized source when it is actually offered through resale.
  - b) A live entertainment event is sold out when tickets remain available from the original or authorized seller.
  - c) 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 resale marketplace.
  - d) A ticket listing reflects a specific seat, section, row, or location if the seller does not have a reasonable basis to make that representation.
- 12) Provides that a violation of the above provisions in 2), 3), 4), 9), 10), and 11) constitutes an unlawful business practice.

### COMMENTS

#### 1. Welcome to ticket land

The digital age has had profound impacts on many industries and aspects of life; this includes the ticketing world. Long gone are the days of camping out overnight to secure a ticket to see one's favorite artist, sports team, or performer. Nowadays, the battle at the box office begins online, and warfare can continue far after a ticket is initially sold. This is largely due to the current dynamics and methodology of ticket buying, which can be split into two categories: the primary market and secondary market.

Whenever someone purchases a ticket directly from a venue, event organizer, or their online ticket platform, they are buying from the primary market. These types of ticket sellers are generally referred to as original sellers. Many venues elect to use a third party to facilitate their online ticket sales. The prices of the primary market heavily impact availability and the prices on the secondary market, but generally, the primary

market may sell tickets below market value. This is done to ensure a full show and to maximize venue and event expenses, such as merchandise, food, and drink.

The secondary market refers to ticket resellers. Platforms like StubHub, SeatGeek, TickPick, Vivid Seats, and others are all marketplaces that facilitate transactions between a potential consumer and a ticket reseller, who initially purchased the ticket from the primary market. Resellers, who are generally not associated with these platforms, use the secondary marketplace to secure valid, authentic transactions between themselves and consumers. They also provide consumers who, for various reasons, may no longer be able to attend the event with a way to recoup some of their money.

Further complicating this landscape is the fact that there can be overlap between the primary and secondary markets. For instance, Ticketmaster, which facilitates primary market sales, also has a resale platform.

Tickets listed on the secondary market can often be much more expensive than those on the primary market. Tickets sold out on the primary market are often subject to even higher markups. In 2023, the National Independent Talent Organization conducted a study on ticket resales and found that buyers were charged an average markup of 203% of the ticket's face value on the secondary market. Similarly, the average face value price of a ticket was \$67.47, while the average resale cost was \$129.22.<sup>2</sup>

Due to these resale opportunities, there exists an entire world of professional ticket brokers who purchase tickets from the primary market with the express intent of reselling them on the secondary market. Inherently, ticket brokers have a competitive edge over the average consumer:

Brokers whose business is to purchase and resell tickets have a competitive advantage over individual consumers because they have the technology and resources to purchase large numbers of tickets as soon as they go on sale. Some consumer advocates, state officials, and event organizers believe that brokers unfairly use this advantage to obtain tickets from the primary market, which restricts ordinary consumers from buying tickets at face value. As a result, consumers may pay higher prices than they would if tickets were available on the primary market. In addition, some event organizers and primary ticket sellers have expressed frustration that the profits from the higher resale price accrue to brokers who have not played a role in creating or producing the event.<sup>3</sup>

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<sup>2</sup> NITO Ticket Study (2023) National Independent Talent Organization, <https://nitolive.org/wp-content/uploads/2024/10/NITO-Ticket-Resale-Study.pdf>. All internet citations are current as of June 23, 2026.

<sup>3</sup> *Event Ticket Sales: Market Characteristics and Consumer Protection Issues* (April 2018) United States Government Accountability Office. <https://www.gao.gov/assets/gao-18-347.pdf>.

## 2. 'Cause I've got a golden ticket... just not yet

One of the practices employed by opportunistic resellers is known as speculative ticketing. Speculative ticketing is when a seller offers a ticket on the secondary market before they even possess the ticket itself. The process works as follows:

The way speculative ticketing works is that sellers list tickets on secondary platforms such as StubHub, SeatGeek, and Vivid Seats that they don't *actually* have in their possession. In fact, speculative tickets can wind up listed online before any real tickets are even on sale. Most of the time, the rope-a-dope goes unnoticed by buyers because the seller eventually gets tickets and hands them over, even if they're not the exact ones advertised. The seller makes money off the price differential at which they got the tickets, taking advantage of the fact that ticket prices often drop in the days leading up to an event. Other times, however, unsuspecting buyers find out at the last minute that the tickets they thought they'd secured weeks or months before aren't going to come through. Sure, they get a refund, but they've missed out on other opportunities to gain entry to an event. And if fans have traveled to see a show or game, the thousands of dollars spent on flights, hotels, etc., aren't coming back.<sup>4</sup>

As alluded to in the above statement, these sellers will often sell speculative tickets before tickets are even available to the general public. This is exacerbated by the fact that it is challenging for consumers to tell if the ticket they purchased is speculative.

## 3. Bots, bots, baby

In addition to speculative tickets, another practice employed by scalpers is the use of software programs to acquire a large volume of tickets in an automated fashion. This is commonly known as the use of bots. Bots are not exclusive to ticket buying, as they are simply a technology. However, their prevalence online is staggering. In 2024, bots accounted for nearly 50 percent of all global internet traffic, with “bad bots” making up a third of that traffic.<sup>5</sup> In the context of ticketing, bots are deployed in the following manner:

When tickets first go on sale, bots can complete multiple simultaneous searches of the primary ticket seller's website and reserve or purchase

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<sup>4</sup> Emily Stewart, *The 'ghost tickets' flooding StubHub and SeatGeek* (September 18, 2025) Business Insider, <https://www.businessinsider.com/world-cup-ghost-tickets-speculative-fake-scalpers-stubhub-seatgeek-ticketmaster-2025-9>.

<sup>5</sup> Emma Woollacott, *Yes, The Bots Really Are Taking Over the Internet* (April 16, 2024) Forbes, <https://www.forbes.com/sites/emmawoollacott/2024/04/16/yes-the-bots-really-are-taking-over-the-internet/>.

hundreds of tickets, according to the 2016 report by the New York State Office of the Attorney General. Seats reserved by a bot – even if ultimately not purchased – appear online to a consumer as unavailable. This, in turn, can make inventory appear artificially low during the first minutes of the sale and lead consumers to the secondary market to seek available seats, according to event organizers we interviewed. Bots can also automate the ticket-buying process, as well as identify when additional tickets are released and available for purchase. During its investigation of the ticketing industry, the New York State Office of the Attorney General identified an instance in which a bot bought more than 1,000 tickets to a single event in 1 minute.<sup>6</sup>

As alluded to, bots can exacerbate the issue of ticket availability. For instance, in the context of Taylor Swift’s Eras Tour:

Ticketmaster, the platform responsible for selling most of the Swift tour tickets, blamed the massive bot attack for crashing its website when the Eras Tour ticket presale launched on Nov. 15, 2022. The site received 3.5 billion requests that day, which caused the company to temporarily suspend sales and made it harder for fans to acquire face-value tickets.

Countless fans who had registered to receive presale codes struggled to buy tickets. Almost immediately, Swift tickets popped up on the secondary market. Some Taylor Swift fans paid as much as 70 times the original selling price for seats; many were unable to get tickets at all.<sup>7</sup>

#### 4. White labeling

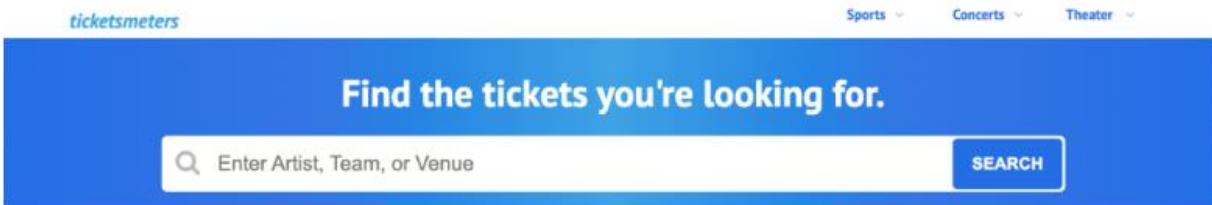
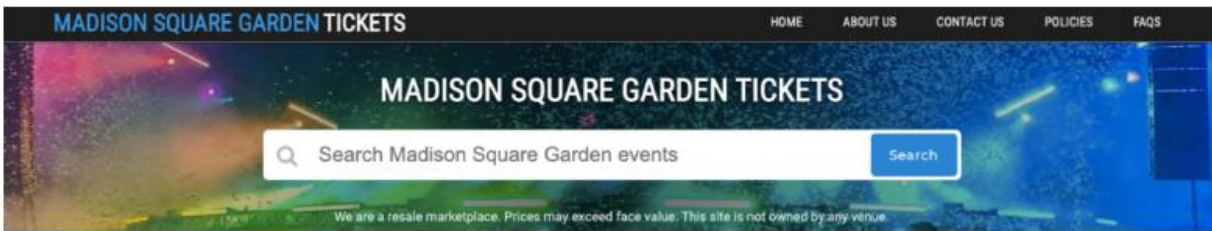
Consistent with the technological advances in bots, another nefarious practice used in the ticketing world is white labeling. White labeling is the creation of a fake website designed to look like an official venue’s website to mislead consumers into purchasing tickets from ticket resellers rather than the primary market.<sup>8</sup> These websites will often attempt to mimic a venue or primary market’s website by designing similar interfaces or even using similar URLs. The website design can be quite comprehensive, putting forth a convincing performance to consumers. As provided by The Center for Investigative Reporting:

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<sup>6</sup> *Event Ticket Sales: Market Characteristics and Consumer Protection Issues* (April 2018) United States Government Accountability Office. <https://www.gao.gov/assets/gao-18-347.pdf>.

<sup>7</sup> Ash-har Quraishi et al., *Frustrated Taylor Swift fans battle ticket bots and Ticketmaster* (February 9, 2024) CBS News, <https://www.cbsnews.com/news/taylor-swift-fans-battle-ticket-bots-and-ticketmaster/>.

<sup>8</sup> Byard Duncan, *Planning to buy tickets to a live event? Read this first*. (June 21, 2021), The Center for Investigative Reporting, <https://revealnews.org/article/planning-to-buy-tickets-to-a-live-event-read-this-first/>.



Resale ticket websites – such as [madisonsquare.garden-ny.org](http://madisonsquare.garden-ny.org), [ticketsmeters.com](http://ticketsmeters.com) and [FooFightersTour.com](http://FooFightersTour.com) – are often confused for official sites for venues, primary ticket vendors and artists. Credit: [Madisonsquare.garden-ny.org](http://Madisonsquare.garden-ny.org); [ticketsmeters.com](http://ticketsmeters.com); [FooFightersTour.com](http://FooFightersTour.com)

All of the above websites are, in fact, resale websites.<sup>9</sup> While some include fine print specifying such, it is not readily apparent to the average consumer and is arguably easy to overlook.

## 5. Existing protections and the legal landscape

The use of bots in ticketing has been such a nefarious process that the federal government passed a law in 2016 to stop people from employing this scheme, the Better Online Ticket Sales Act (BOTS Act). The BOTS Act prohibits the circumvention of a security measure, access control system, or other technological control measure used online by a ticket issuer. The Act also prohibits selling or offering to sell an event ticket

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<sup>9</sup> *Ibid.*

obtained through such a circumvention violation if the seller participated in, had the ability to control, or should have known about the violation. The Act applies to event tickets for public concerts, theater performances, sporting events, and similar activities at venues with a seating capacity of over 200.

The FTC enforced the act against three New Yorkers that collectively made over \$26 million in revenue over the matter of a few years:

The defendants pulled off the scheme by using bots on the Ticketmaster website. The programs – which went by the names Automatick, Tixman and Tixdrop – were capable of repeatedly searching web pages for available tickets and then automatically reserving them.

In addition, the defendants used hundreds of credit cards belonging to fake people, and routed their internet activity to the Ticketmaster page through spoofed IP addresses. “In many instances, Defendants also did not use their address as the primary address, shipping address, or billing address for their Ticketmaster accounts. Instead, they used over 550 addresses that were either fake or unrelated to their business,” the FTC alleged in a court complaint.<sup>10</sup>

However, the BOTS Act lacks a consumer enforcement mechanism and has historically not been enforced. In fact, this FTC enforcement action in early 2021 was the first time the FTC brought such an action. Nevertheless, perhaps spurred by the exorbitant prices of Taylor Swift concerts, in 2025, the President passed an executive order calling for more comprehensive enforcement of the BOTS Act.

Additionally, California law prohibits a person from intentionally using or selling software to circumvent a security measure, access control system, or other control or measure on a ticket seller’s website that is used to ensure an equitable ticket-buying process. However, this measure was passed in 2013 and briefly updated in 2019, leaving many stakeholders to consider whether this law requires an update.

While there are certainly predatory practices on the secondary market, that does not mean the primary market is a bastion of tolerance. The primary market is dominated by Live Nation, which owns Ticketmaster, the main primary ticket vendor. In 2024, the United States Department of Justice joined multiple state and district attorneys to file an antitrust lawsuit against Live Nation. As explained by the initial filing:

Live Nation directly manages more than 400 musical artists and, in total, controls around 60% of concert promotions at major concert venues across

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<sup>10</sup> Michael Kan, *3 Scalpers Fined for Using Bots to Scoop Up Tickets on Ticketmaster* (Jan. 22, 2021) PCMag, <https://www.pcmag.com/news/3-scalpers-fined-for-using-bots-to-scoop-up-tickets-on-ticketmaster>.

the country. Live Nation also owns or controls more than 265 concert venues in North America, including more than 60 of the top 100 amphitheaters in the United States. For comparison, its closest rival owns no more than a handful of top amphitheaters. And, of course, through Ticketmaster, Live Nation controls roughly 80% or more of major concert venues' primary ticketing for concerts and a growing share of ticket resales in the secondary market.<sup>11</sup>

Among other anticompetitive conduct, the complaint accused Live Nation of retaliation, acquiring competitors, locking out competition, and restricting artist access to venues.<sup>12</sup> In early 2026, the United States Department of Justice announced a settlement agreement, which, among other items, placed limits on long-term exclusivity contracts, required a 50-50 split on exclusivity agreements, and required partial divestment. However, this settlement was rejected by numerous state attorneys general out of concern that the settlement was too lenient and did not break up Live Nation's monopoly. The remaining attorneys general proceeded with the antitrust suit, leading to a jury finding Live Nation liable for harming consumers through anticompetitive conduct. Following this verdict, various remedies have been sought. As explained by a press release for California Attorney General Rob Bonta:

"A jury found Live Nation manipulated the market, hurt artists, fans, and businesses nationwide, all while getting richer — not because it is better, but because it acted illegally. Now, it's time to ensure they can't hurt consumers or the live ticketing industry again," said Attorney General Bonta. "Today, alongside a bipartisan coalition, I asked the court to break up Live Nation and Ticketmaster. It is vital that we secure strong structural remedies that prevent Live Nation's anticompetitive conduct from continuing. As evidence in our trial clearly showed, we cannot trust this behemoth of a company to do the right thing by consumers."<sup>13</sup>

Currently, the public is waiting to see what the exact remedies from this verdict will be.

## 6. What this bill does

In recognition of certain predatory practices, this bill seeks to outlaw speculative ticketing. It prohibits ticket resellers from engaging in speculative ticketing and prohibits ticket resale marketplaces from facilitating speculative ticket sales. The bill also makes a number of definitional changes to existing law.

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<sup>11</sup> <https://oag.ca.gov/system/files/attachments/press-docs/File%20stamp%20LNE%20Complaint.pdf>.

<sup>12</sup> *Ibid.*

<sup>13</sup> *Attorney General Bonta Asks Court to Break Up Live Nation/Ticketmaster* (May 21, 2026) Office of Attorney General, <https://oag.ca.gov/news/press-releases/attorney-general-bonta-asks-court-break-live-nationticketmaster>.

In addition to the prohibition of speculative ticketing, this bill provides enhancements to California's prohibition on the use of software and services to circumvent restrictions by further specifying prohibited conduct. The bill also seeks to address white labeling by specifically prohibiting deceptive conduct by all parties involved in the ticketing world. The bill provides that violations related to speculative ticketing and white labeling constitute an unfair business practice under the Unfair Competition Law, with white labeling violations also being false or misleading advertising.

Lastly, this bill prohibits various ticketing programs from invalidating, revoking, canceling, or otherwise rendering usable a ticket based solely on the lawful transfer or resale of that ticket. The bill provides that nothing in this prohibition prohibits reasonable measures to prevent fraud, enforce ticket limits, investigate violations of law, protect security, or administer various ticketing programs.

According to the author:

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.

## 7. Stakeholder positions

A large coalition of artists, venues, and talent organizations, including the Future of Music Coalition and National Independent Talent Organization, writes in support:

We write to voice our collective and vigorous support for AB 1349 (Bryan). Artists pour everything into creating live experiences that mean something to fans, in venues that are the heartbeat of their communities. They deserve a ticketing marketplace that is honest and fair. AB 1349 is an important step toward that goal, protecting artists, fans, small businesses, and nonprofits from some of the most deceptive and predatory practices in ticketing today. We are especially strong in our support for the bill's ban on speculative ticket sales.

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.

The bill's provisions on deceptive marketing matter just as much. Too often, fans are lured by websites built to look like official box offices and pushed into paying inflated prices for tickets that may still be available at face value through legitimate channels. Stopping that deception protects consumers and the artists whose names are being used to mislead them.

Simply put, we 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. We look forward to working with the Legislature to build on this progress and to keep California the national leader in protecting the cultural and economic life of live music.

The Valley Industry and Commerce Association (VICA) writes in opposition:

Rather than increasing transparency and competition, AB 1349 would consolidate market power in dominant, vertically integrated ticketing companies that already control primary sales, venue relationships, and many resale channels. The bill prohibits listings by original sellers and resellers unless they have “actual or constructive possession” of tickets or a contractual right from the presenter, restricts resale before tickets are made available to the public, and requires detailed seat and face-value disclosures that are far easier for primary platforms with automated access to original-sale data to meet. These provisions would make it harder for competing marketplaces and smaller businesses to operate, reducing consumer choice and reinforcing existing market concentration.

### **SUPPORT**

National Independent Venue Association of California (NIVA-CA) (Co-sponsor)  
Music Artists Coalition (MAC) (Co-Sponsor)  
American Association of Independent Music  
American Federation of Musicians  
Artist Rights Alliance  
Black Music Action Coalition  
Bottlerock  
California Arts Advocates

Coalition for Ticket Fairness  
Fan Alliance  
Folk Alliance International  
Future of Music Coalition  
Live Nation Entertainment, INC.  
Music Managers Forum - US  
National Independent Talent Organization  
National Independent Venue Association of California (NIVA-CA)  
Recording Academy  
Recording Industry Association of America  
SAG-AFTRA  
Songwriters of North America  
Venue Pilot

### **OPPOSITION**

Consumer Federation of California  
National Baptist Convention Usa, INC  
Seatgeek, INC.  
Sports Fans Coalition  
Stubhub, INC.  
Ticket Policy Forum  
Tickpick, LLC  
Valley Industry and Commerce Association (VICA)

### **RELATED LEGISLATION**

AB 1720 (Haney, 2026) establishes a 10 percent cap on the amount above the original purchase price for live entertainment tickets occurring at independent venues that resellers can charge in the secondary ticket market. AB 1720 is set to be heard in this Committee the same day as this bill.

AB 1291 (Lee, 2025) would have required a ticket seller to immediately provide proof of purchase to a consumer and required a venue operator to honor that proof of purchase in lieu of a ticket, as specified. AB 1291 was held in the Assembly Appropriations Committee.

SB 785 (Caballero, 2024) would have prohibited the advertisement, sale, or contract for a ticket if a ticket seller did not own, possess, have constructive possession, or have the contractual right to sell a ticket and prohibited ticket sellers or ticket resale marketplaces from using an internet website with the intent to mislead. SB 785 died on the Assembly Inactive File.

AB 2808 (Wicks, 2024) would have prohibited a contract between a primary ticket seller and a venue operator from providing for the primary ticket reseller to be the exclusive ticket seller of an event and prohibited a contract between the two from being longer than three years. AB 2808 was held in the Assembly Appropriations Committee.

AB 8 (Friedman, 2023) would have required all-in ticket pricing and transparency on the fees and would have required ticket sellers to allow for the transferability of tickets.

SB 478 (Dodd, Ch. 378, Stats. 2023) made it an unlawful business practice pursuant to the Consumer Legal Remedies Act to advertise, display, or offer a price for a good or service that does not include all mandatory fees or charges other than taxes imposed by a government.

SB 829 (Wilk, 2023) would have prohibited the operator of an entertainment facility and a primary ticket seller from entering into a contract that provides for the primary ticket seller to be the exclusive ticket seller for the operator of the entertainment facility. SB 829 died in the Assembly Arts, Entertainment, Sports, and Tourism Committee.

AB 1556 (Friedman, Ch. 180, Stats. 2021) required for cancelled events, that a refund be made within 30 calendar days of the cancellation; and requires a ticket price at any event which is postponed, rescheduled, or replaced with another event at the same date and time be fully refunded to the purchaser by the ticket seller upon request within 30 calendar days of the refund request.

SB 342 (Hertzberg, Ch. 162, Stats. 2020) made it unlawful to register, traffic in, or use the name of a professional sports team or the names of professional sports leagues, among others, in a domain or subdomain name of a website to sell tickets in a fraudulent, deceptive, or misleading manner. It provided a private right of action to a person who suffers an economic injury as a result of such misconduct.

AB 329 (Pan, Ch. 325, Stats. 2013) made it a misdemeanor to intentionally use or sell software to circumvent a security measure, access control system, or other control or measure on a ticket seller's website that is used to ensure an equitable ticket buying process.

**PRIOR VOTES:**

Assembly Floor (Ayes 66, Noes 0)

Assembly Appropriations Committee (Ayes 11, Noes 1)

Assembly Judiciary Committee (Ayes 10, Noes 0)

Assembly Privacy and Consumer Protection Committee (Ayes 11, Noes 1)

Assembly Arts, Entertainment, Sports, and Tourism Committee (Ayes 7, Noes 0)

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