
THIRD READING

Bill No: AB 1349
Author: Bryan (D), et al.
Amended: 7/2/26 in Senate
Vote: 21

SENATE BUS., PROF. & ECON. DEV. COMMITTEE: 7-0, 6/22/26
AYES: Wahab, Archuleta, Arreguín, Caballero, Menjivar, Richardson, Strickland
NO VOTE RECORDED: Choi, Niello, Smallwood-Cuevas, Umberg

SENATE PRIV., DIGITAL TECH. & CONS. PROT. COMMITTEE: 7-0, 6/29/26
AYES: Cabaldon, Gonzalez, McNerney, Ochoa Bogh, Padilla, Reyes, Wiener
NO VOTE RECORDED: Seyarto, Umberg

SENATE JUDICIARY COMMITTEE: 13-0, 6/30/26
AYES: Umberg, Niello, Allen, Ashby, Caballero, Durazo, Laird, Reyes, Stern,
Valladares, Wahab, Weber Pierson, Wiener

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/13/26
AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 66-0, 1/26/26 - See last page for vote

SUBJECT: Consumer protection: ticket sellers

SOURCE: National Independent Venue Association, California and Music Artists Coalition

DIGEST: This bill prohibits speculative ticket sales, modernizes existing anti-bot provisions, and imposes restrictions on deceptive websites and advertising practices.

ANALYSIS:

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 various entities are not a ticket seller subject to various requirements. Establishes various requirements for ticket sellers, a violation of which constitutes a misdemeanor. (Business and Professions Code §§ 22500 – 22511)
- 2) 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)
- 3) Prohibits a ticket seller from representing that they can deliver or cause a ticket to be delivered 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)
- 4) 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) Repeals existing BPC § 22503.5 which exempts certain primary ticket sales activities from the law.
- 2) Establishes various definitions and makes various conforming changes.

- 3) Prohibits a ticket seller from engaging in a speculative ticket sale, defined as the advertisement, listing, marketing, offering for sale, contracting 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 actual or constructive possession of the ticket or authorization by the event presenter or venue operator to sell the ticket. Prohibits a ticket seller from advertising, listing, marketing, offering for sale, contracting for sale, accepting payment for, or selling 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.
- 4) Prohibits a ticket resale marketplace from knowingly or recklessly processing payment, collecting a fee, advertising, listing, marketing, offering for sale, contracting for sale, accepting payment for, or facilitating the completion of a speculative ticket sale, and requires a ticket resale marketplace to implement reasonable measures designed to prevent speculative ticket sales on its platform.
- 5) Strengthens prohibitions against the use of ticket-buying software and other technological methods to circumvent ticket purchasing restrictions, including posted ticket limits, electronic queues, presale restrictions, account limitations, and security or access controls. Prohibits providing, selling, marketing, or facilitating software or services used to engage in or enable this conduct.
- 6) Prohibits deceptive or misleading practices in the advertising, marketing, sale, or resale of event tickets, including practices that misrepresent or create consumer confusion regarding the source, authorization, affiliation, availability, price, nature, or seating location of tickets. Provides that violations constitute false or misleading advertising under existing law.

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.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Committee on Appropriations, this bill will result in unknown court cost pressures ranging from minor to significant to the extent the Attorney General (AG) brings civil actions against any person who violates the new requirements and restrictions regarding ticket resale marketplaces. Actual costs will depend on the number of actions filed and the time required to adjudicate each case. The Department of Justice (DOJ) reports that it does not anticipate a significant fiscal impact; this assessment suggests the department may not actively pursue enforcement using the authority prescribed in the bill. The bill will also result in unknown, potentially significant court cost pressures as the False Advertising Law, Unfair Competition Law, and general statutes governing ticket sellers provide a private right of action for consumers. Although trial courts are not funded based on workload, increased pressure on the Trial Court Trust Fund may create a demand for additional court resources. For context, the proposed 2026-27 Governor's Budget would provide \$70 million General Fund support to the Trial Court Trust Fund. The bill will also result in unknown local county costs to the extent that a six month misdemeanor jail sentence is imposed, though incarceration

for this offense appears unlikely. The average annual cost to incarcerate one person in county jail is approximately \$80,000. Actual county incarceration costs will depend on the number of convictions and the length of each sentence. Generally, county incarceration costs are not reimbursable state mandates pursuant to Proposition 30 (2012).

SUPPORT: (Verified 8/14/26)

Music Artists Coalition (co-source)
National Independent Venue Association – California (co-source)
American Association of Independent Music
American Federation of Musicians
Artist Rights Alliance
Black Music Action Coalition
California African American Chamber of Commerce
California Arts Advocates
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
Central Valley Latino Mayors & Elected Officials Coalition
Central Valley Yemen Society
City of Thousand Oaks
Fan Alliance
Folk Alliance International
Future of Music Coalition
Hispanic 100
Latin Business Association
Music Managers Forum - US
National Action Network Sacramento
National Independent Talent Organization
Recording Academy
Recording Industry Association of America
SAG-AFTRA
Si Se Puede Fresno, Tulare, Kings & Kern
Songwriters of North America
Venue Pilot

OPPOSITION: (Verified 8/14/26)

StubHub

Valley Industry and Commerce Association

ARGUMENTS IN SUPPORT: A coalition of stakeholders previously opposed to the bill writes that “The amended bill strikes the right balance between consumer protection, transparency, and competition in California's live event marketplace. We believe these changes strengthen AB 1349 and better serve fans, artists, venues, and communities across the state. California's live event ticketing marketplace has needed meaningful reform for years. Consumers deserve a system that is transparent, competitive, and fair—one that protects fans from deceptive practices while preserving consumer choice and encouraging competition. As amended, AB 1349 represents an important step toward achieving those goals and creating a marketplace that works better for fans.”

A coalition of music creators, venues, labels, workers and unions write that Most importantly, the bill prohibits speculative ticket sales—listing or selling tickets that the seller does not actually possess or have a legally enforceable right to obtain. Consumers should not unknowingly purchase what amounts to a promise that a reseller hopes to fulfill at some future date. By requiring sellers to possess or have enforceable contractual rights to the tickets they offer for sale, AB 1349 restores integrity and accountability to the marketplace while protecting consumers from fraud and last-minute cancellations... Importantly, AB 1349 does not prohibit the lawful resale of tickets. Legitimate secondary marketplaces remain free to operate and consumers will continue to have access to resale opportunities. Rather, the bill establishes reasonable guardrails to prohibit speculative ticket sales, deceptive marketing, website impersonation, and other practices that undermine consumer confidence and disadvantage both artists and fans. Honest resale continues; fraud and deception do not.”

ARGUMENTS IN OPPOSITION: Valley Industry and Commerce Association writes that “While VICA supports efforts to protect consumers from deceptive practices and ticket-buying bots, AB 1349’s approach would discourage legitimate resale, limit flexibility for fans who can no longer attend events, and tilt the playing field toward incumbents with the most data and market leverage.”

StubHub notes that “While the Department of Justice and some states settled with Live Nation and Ticketmaster, over 30 states, including California, continued in court. California and the other State AGs have since asked the court for structural remedies, including breaking up Live Nation and Ticketmaster. StubHub believes any new ticketing industry policy should take this lawsuit into account and treat the

industry holistically, ensuring it doesn't further entrench monopolistic control while the courts are still determining remedies. StubHub requests amendments to request that a marketplace be allowed to cure by refunding the buyer the full purchase price, including all fees and to update various definitions. StubHub also states that this bill introduces the undefined concept of “authorized entry” and could create a mechanism by which [LiveNation Entertainment] could potentially cancel tickets sold by competitors after deeming them ‘unauthorized’ even though they are valid tickets. AB 1349 could be strengthened by instead focusing on enforcing existing bots laws by encouraging collaboration between those breached by bots, event presenters and original ticket sellers, and those who enforce the law.” StubHub also states that the bill “includes discriminatory trademark requirements that prohibit the use of identifying graphics or those that are ‘likely to mislead a reasonable consumer.’ This vague and ambiguous standard is ripe for abuse by ticket sellers who are seeking to eliminate legitimate competitors from the marketplace. For example, a competitor may argue that a seat map is an identifying graphic and attempt to prohibit any non-affiliated entity from properly informing consumers about the seat location of a ticket being offered for sale, leading to greater confusion and difficulties for consumers. To address this opacity, we suggest aligning Sec. 22505.6 with existing trademark law pursuant to California Code Section 17200...Aligning AB 1349 with best practices from other states can ensure bad actors are prohibited from participating in the marketplaces while protecting fair competition.”

ASSEMBLY FLOOR: 66-0, 1/26/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, Dixon, Elhawary, Ellis, Fong, Gabriel, Gallagher, Jeff Gonzalez, Mark González, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Sharp-Collins, Solache, Soria, Stefani, Valencia, Wallis, Ward, Zbur, Rivas

NO VOTE RECORDED: Arambula, DeMaio, Flora, Garcia, Gipson, Hadwick, Johnson, Papan, Celeste Rodriguez, Schultz, Ta, Tangipa, Wicks, Wilson

Prepared by: Sarah Mason / B., P. & E.D. /
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