SENATE RULES COMMITTEE AB 1349
Office of Senate Floor Analyses
(916) 651-4171

THIRD READING

Bill No: AB 1349
Author: Bryan (D), et al.
Amended: 8/28/26 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: Author

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

*Senate Floor Amendmen*ts of 8/28/26 exempt marketing, advertisement, or sale of season ticket packages, multigame packages, and inventory withheld at the sole discretion of a rights holder or venue operator, as well as playoff ticket packages by a rights holder or their authorized ticketing agent before the beginning of the applicable season, from new limitations on marketing and advertising contained in the bill. The amendments also authorize a California-based professional sports team, a sports venue operator, or an entity that is owned, directly or indirectly, by the professional sports league of which the California-based professional sports team is a member, to withhold, reserve, manage, transfer, or allocate ticket inventory for operational or business purposes without being subject to restrictions, prohibitions, or liability outlined in laws governing ticket sellers.

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 (BPC) §§ 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) Authorizes a California-based professional sports team, a sports venue operator, or an entity that is owned, directly or indirectly, by the professional sports league of which the California-based professional sports team is a member, to withhold, reserve, manage, transfer, or allocate ticket inventory for operational or business purposes without being subject to restrictions, prohibitions, or liability outlined in laws governing ticket sellers.

2) Repeals existing BPC Section 22503.5 which exempts certain primary ticket sales activities from the law.

3) Establishes various definitions and makes various conforming changes.

4) 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.

5) Exempts marketing, advertisement, or sale of season ticket packages, multigame packages, and inventory withheld at the sole discretion of a rights holder or venue operator, as well as playoff ticket packages by a rights holder or their authorized ticketing agent before the beginning of the applicable season from new limitations on marketing and advertising.

6) 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.

Comments

StubHub supports this bill if it is amended, noting that "The current language inadvertently allows sports venues, including those which contract with Ticketmaster as a retailer or operator, to continue the practice of 'Holdbacks' or deceptive ticket supply manipulation under the broad umbrella of 'operational or business purposes,' effectively permitting the deceptive holdback practices AB 1349 otherwise seeks to prohibit. This is particularly concerning at a time when California itself has been actively challenging Live Nation/Ticketmaster's conduct in the ticketing marketplace. We hope that in the future, new statutory safe harbors that counter-balance broader consumer protection objectives will not occur without a public airing. That said, while the Friday, 8/28/26, 11:45 pm amendment contains a drafting overreach, we support the important broader concepts in the bill."

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

According to the Senate Committee on Appropriations, the 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 8/31/26)

California African American Chamber of Commerce

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 and Elected Officials Coalition
Central Valley Yemen Society
Hispanic 100
Latin Business Association
National Action Network Sacramento
Si Se Puede Fresno, Kings, Kern Tulare
StubHub

OPPOSITION: (Verified 8/31/26)

Consumer Federation of California
National Independent Venue Association of California

ARGUMENTS IN SUPPORT: Supporters state that "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."

ARGUMENTS IN OPPOSITION: According to the National Independent Venue Association of California, "Unfortunately, amendments adopted as AB 1349 moved through the Legislature have fundamentally changed the bill and left its own independent-venue cosponsor and members facing potential liability. Even more concerning, California's professional sports teams have now been protected from this liability while independent music venues, promoters, and festivals remain exposed. Independent venues should not face new legal exposure while the resale marketplaces where speculative tickets are actually listed and sold remain inadequately accountable."

According to Consumer Federation of California, "AB 1349 would, as most recently amended to with an overly broad exemption for professional sports team, furthers the interests of the monopoly company that currently dominates the ticketing and live entertainment industry, Live Nation/Ticketmaster, at the expense of consumers and average fans…Overall, as currently drafted AB 1349 does little to help consumers and instead, helps the Live Nation/Ticketmaster monopoly."

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. /916-651-4104
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