CONCURRENCE IN SENATE AMENDMENTS
AB 1349 (Bryan)
As Amended August 28, 2026
Majority vote

SUMMARY

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

Senate Amendments
Senate amendments restructured the code sections of the bill to create a more uniform ban on speculative ticket sales and deceptive websites for the various categories of marketplace participants within the ticket selling ecosystem. Amendments on August 28th excluded California-based professional sports teams from certain provisions of the bill regarding the management of ticket inventory for operational or business purposes. The bill does not apply to the marketing, advertising, or sale of season ticket packages, multi-game packages, or playoff ticket packages authorized before the beginning of the applicable season.

COMMENTS

Background. California's ticket seller 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 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.

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.

Speculative Tickets. A speculative ticket refers to instances in which a seller offers a ticket for sale on the secondary market before the seller has the ticket in hand. In some cases, secondary sellers may not disclose the fact that they are selling speculative tickets. These practices harm consumers who either do not receive the tickets they purchased or receive tickets that differ from the ticket or seat advertised. Even if consumers receive refunds for the ticket price, they may have already incurred nonrefundable costs to attend the event, such as air travel and hotel expenses.

Ticket brokers often refer to this practice as the equivalent of agreeing to stand in line for someone at the box office. They will buy tickets when they go on sale, so that the consumer does not have to wait in front of their computer constantly refreshing their web browser. However, the consumer is often not aware that they are buying a ticket that the seller does not possess, nor do they realize they are paying a premium price, significantly above the face value, for a ticket that they may or may not receive.

This practice can create considerable confusion for consumers who are unable to purchase tickets from the primary box office because they have not gone on sale yet, but appear to be available on a secondary market platform.

According to the Author
"Some 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."

Arguments in Support
According to a coalition of California organizations representing consumers, civil rights advocates, and community groups in support, "Earlier versions of AB 1349 contained provisions that could have limited consumer choice and unintentionally reinforced anti-competitive practices by incorporating private ticketing companies' terms and conditions into state law… 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."

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."

FISCAL COMMENTS

According to the Senate Committee on Appropriations:

1) Unknown court cost pressures ranging from minor to significant (General Fund and special funds) 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.

2) Unknown, potentially significant court cost pressures (Trial Court Trust Fund and General Fund) as the False Advertising Law (FAL), 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.

3) 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. For historical context, Los Angeles County budgeted $1.3 billion for jail costs in 2021, averaging roughly $90,000 per incarcerated person. 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).

VOTES:

ASM ARTS, ENTERTAINMENT, SPORTS, AND TOURISM: 7-0-2
YES: Ward, Elhawary, McKinnor, Ortega, Quirk-Silva, Valencia, Zbur
ABS, ABST OR NV: Lackey, Jeff Gonzalez

ASM PRIVACY AND CONSUMER PROTECTION: 11-1-3
YES: Bauer-Kahan, Dixon, Bryan, Lowenthal, McKinnor, Ortega, Patterson, Pellerin, Petrie-Norris, Ward, Wicks
NO: DeMaio
ABS, ABST OR NV: Irwin, Macedo, Wilson

ASM JUDICIARY: 10-0-2
YES: Kalra, Dixon, Bryan, Connolly, Harabedian, Pacheco, Papan, Sanchez, Stefani, Zbur
ABS, ABST OR NV: Bauer-Kahan, Macedo

ASM APPROPRIATIONS: 11-1-3
YES: Wicks, Stefani, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Bauer-Kahan, Pellerin, Solache
NO: Ta
ABS, ABST OR NV: Hoover, Pacheco, Tangipa

ASSEMBLY FLOOR: 66-0-14
YES: 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
ABS, ABST OR NV: Arambula, DeMaio, Flora, Garcia, Gipson, Hadwick, Johnson, Papan, Celeste Rodriguez, Schultz, Ta, Tangipa, Wicks, Wilson

UPDATED

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