

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2023-2024 Regular Session

AB 8 (Friedman)
Version: June 19, 2023
Hearing Date: July 11, 2023
Fiscal: Yes
Urgency: No
CK

SUBJECT

Ticket sellers

DIGEST

This bill reworks and bolsters the laws governing ticket sellers, including expanding the definition of who is covered and requiring clear pricing transparency.

EXECUTIVE SUMMARY

In addition to more infamous ticket buying debacles such as the roll out of tickets for Taylor Swift's Eras Tour and the fees charged for tickets to Beyoncé's most recent tour, most consumers have faced the well-documented issues with purchasing tickets to sporting events, concerts, and other live entertainment. This includes exorbitant and hidden fees, nearly instantaneous ticket sellouts followed by price gouging on the secondary market, and other unethical industry practices. Fingers are pointed in all different directions as to who or what is responsible.

This bill attempts to address the consumer protection issues in this arena by amending the chapter of law governing ticket sellers. The bill revises and recasts these provisions, expanding the scope of who it applies to and establishing new protections. The new law will cover primary contractors, those that put on the event, and platform operators who operate marketplaces for selling and reselling tickets. The bill requires pricing transparency with inclusion of all fees that must be paid in the advertised or listed price.

The bill is supported by CALPIRG and the Economic Security Project Action. It is opposed by sports teams and other industry players, including the Oakland Athletics. The bill passed out of the Senate Business, Professions, and Economic Development Committee on an 11 to 0 vote.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes the Unfair Competition Law (UCL), which provides a statutory cause of action for any unlawful, unfair, or fraudulent business act or practice and unfair, deceptive, untrue, or misleading advertising, including over the internet. (Bus. & Prof. Code § 17200 et seq.)
- 2) Establishes the False Advertising Law (FAL), which proscribes making or disseminating any statement that is known or should be known to be untrue or misleading with intent to directly or indirectly dispose of real or personal property. (Bus. & Prof. Code § 17500 et seq.)
- 3) Regulates “ticket sellers” in Chapter 21 of Division 8 of the Business and Professions Code (Chapter 21). (Bus. & Prof. Code § 22500 et seq.)
- 4) 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 ticket sellers subject to various sections of the bill:
 - 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 their 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 (defined 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. (Bus. & Prof. Code §§ 22503.6, 22504, 22511.)
- 5) Imposes various requirements on ticket sellers. A violation of any of these provisions constitutes a misdemeanor and may subject the ticket seller to civil liability. These requirements include that tickets sellers:
 - 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; and
 - i) disclose in any advertisement or promotion for any event that a service charge is imposed and added to the actual ticket price. (Bus. & Prof. Code §§ 22500-22511.)
- 6) 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. (Bus. & Prof. Code § 22502.1.)
- 7) 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. (Bus. & Prof. Code § 22502.2.)
- 8) 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. (Bus. & Prof. Code § 22502.3.)

This bill:

- 1) Repeals Chapter 21 to revise and recast its provisions.
- 2) Expands the definition of "ticket seller" to include primary contractors and platform operators. Defines "platform operator" as a person that is responsible for operating a marketplace that enables consumers to purchase, sell, or resell tickets. "Primary contractor" means the person or organization that is responsible for the event for which tickets are being sold or an agent of that person or organization. The definition is also expanded to include resales and clarifies that it covers selling or reselling for any consideration or thing of value.
- 3) Requires a ticket seller who is selling tickets to a cellular telephone-free event, an event where cell phones are prohibited, to provide a printed ticket for sale and prohibits that ticket seller from charging more for a printed ticket, or imposing a fee that is more than the fee for a mobile or electronic ticket.
- 4) Prohibits a ticket seller from advertising, displaying, or offering a ticket for sale without including all fees that must be paid in order to purchase the ticket, other than government taxes imposed on the transaction. Permits any fees or charges included within the price to be separately stated only if the disclosure is not false or misleading or made with an intent to deceive, including by bundling government taxes or fees with any component of the price and is not presented prominently or in the same or larger size as the price of the ticket.
- 5) Prohibits the price of a ticket from increasing during the purchase process at any point after the ticket has been selected by the purchaser, including increasing the total amount due by adding mandatory fees or charges after ticket selection other than government taxes or fees.
- 6) Requires a ticket seller to provide a link to a website that includes the refund requirements for ticket sellers established hereto. Amends one of the existing refund requirements to require the primary contractor to refund the ticket price of an event that is postponed, rescheduled, or replaced with another event at the same date and time.
- 7) Makes it unlawful for any person to knowingly resell or offer to resell a ticket that the person knows was obtained using software or services that circumvent a security measure, access control system, or other control or measure that is used to ensure an equitable ticket buying process for event attendees, and that was not

obtained for the person's own use or the use of their invitees, employees, or agents.

- 8) Makes it unlawful to resell or offer to resell a ticket or other evidence of right of entry to any place of entertainment if the ticket was initially offered to the public at no charge and access to that ticket is not contingent upon providing a form of monetary consideration.
- 9) Clarifies that the duties and obligations imposed by it are cumulative with any other duties or obligations imposed under other law, and shall not be construed to relieve any party from any duties or obligations imposed under other law.

COMMENTS

1. Ticketing woes: anti-consumer practices and antitrust issues

Ticketing for major sports events, concerts, and other live entertainment has drawn many critics for a variety of anti-consumer practices. This includes speculative sales, where ticket sellers sell tickets they do not actually have at the time of the sale.

One practice is the use of automated software or "bots" to rapidly buy up tickets to in-demand events that the person deploying the bots then turns around and sells at a hefty markup. This 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 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 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 Automattick, 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.¹

However, as the author points out, the BOTS act lacks a consumer enforcement mechanism and is rarely enforced. In fact, this FTC enforcement action in early 2021 was the first time the FTC brought such an action.

The lack of healthy competition in the ticket selling world is also a primary concern of consumer advocates and ticket buyers. The worst culprit according to many is Live Nation Entertainment. In 2010, the company, which is a massive events promoter and venue operator, merged with Ticketmaster, a ticket sales giant. Together they control an estimated 70 percent of the ticketing and live event venues market. The merged entity was responsible for the infamous Taylor Swift ticketing debacle:

It’s no secret that Taylor Swift fans were outraged in November 2022 when millions flocked to Ticketmaster.com to grab tickets to see the heartbreak queen for the first time since 2018 and the website crashed. The long wait lines and frozen screens sparked an uproar with fans, blaming Ticketmaster for ruining their chances to see the pop star.

“As the leading player, we have an obligation to do better,” said Joe Berchtold, Live Nation Entertainment president and chief financial officer, at the hearing Tuesday.

This is not the first time consumers have called for the breakup of Ticketmaster and Live Nation. It’s also not the first time the Department of Justice has been reportedly looking into alleged misconduct by the company.

When the Live Nation and Ticketmaster merger was approved in 2010, it was under the condition of a consent decree. Among other things, the purpose of that agreement was to forbid Live Nation from retaliating against a venue for using a ticketer other than Ticketmaster. After an investigation, in 2019 the DOJ made its most significant enforcement action of an antitrust decree in 20 years when it alleged Live Nation Entertainment violated that decree. The company settled with the government.²

¹ 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>. All internet citations are current as of June 29, 2023.

² Emily Lorsch, *Why Live Nation and Ticketmaster dominate the live entertainment industry* (Jan 25, 2023) CNBC, <https://www.cnbc.com/2023/01/25/the-live-nation-and-ticketmaster-monopoly-of-live-entertainment.html>.

The near-monopoly power has created concerns among many that Live Nation will retaliate if you go with a ticketing company other than their Ticketmaster operation and in many cases exclusivity agreements require Ticketmaster to be used:

“In a world where the promoter and the venue are not affiliated with each other, we can trust that the promoter will look to get the best deal from the venue; however, in this case the promoter and the venue are part of the same corporate entity so the line items are essentially Live Nation negotiating to pay itself,” [one musician] said.

The band told CNBC if they want to play a certain size venue in a particular city, they are sometimes left no choice other than to use Live Nation because of the lack of competition in some regions. Then if they would like to use another ticketer other than Ticketmaster, they say that is not an option.

“Ticketmaster has created these exclusive contracts, once you sign that contract, a band is not allowed to come in and say, ‘we want to sell our tickets with X, Y, Z platform,’” said Jordan Cohen, one of the band’s eight members.

They even have a song with the lyric, “Live Nation is a monopoly.” “Due to Live Nation’s control across the industry, we have practically no leverage in negotiating,” Lawrence said.

While the company does have some competition, experts say no other firm currently stands a chance.³

These concerns are not just from musicians and consumer advocates. The Justice Department was reported to have opened an investigation into Live Nation, focused on whether the company has “abused its power over the multibillion-dollar live music industry”:

Members of the antitrust division’s staff at the Justice Department have in recent months contacted music venues and players in the ticket market, asking about Live Nation’s practices and the wider dynamics of the industry, said the people, who spoke on the condition of anonymity because the investigation is sensitive. The inquiry appears to be broad, looking at whether the company maintains a monopoly over the industry, one of the people said.⁴

³ *Ibid.*

⁴ David McCabe & Ben Sisario, *Justice Dept. Is Said to Investigate Ticketmaster’s Parent Company* (Jan 24, 2023) The New York Times, <https://www.nytimes.com/2022/11/18/technology/live-nation-ticketmaster-investigation-taylor-swift.html>.

This Committee’s federal counterpart felt the issue pressing enough to hold an oversight hearing to delve into the issue, “Location Change: That’s the Ticket: Promoting Competition and Protecting Consumers in Live Entertainment.”⁵ Senator Klobuchar explained the need for the hearing: “For too long, consumers have faced high fees, long waits, and website failures, and Ticketmaster’s dominant market position means the company faces inadequate pressure to innovate and improve.”⁶

The practices above leave consumers in the lurch. They are forced to pay exorbitant service fees and other charges, exacerbated by the fact that the original ticket seller faces little competition. Then, if they are not among the lucky ones who can buy quickly, they are price gouged on the secondary market. A report by the United States Government Accountability Office (GAO) confirmed these practices and outcomes:

Consumer protection issues include difficulty buying tickets at face value and the fees and marketing practices of some market participants.

- Professional resellers, or brokers, have a competitive advantage over consumers in buying tickets as soon as they are released. Brokers can use numerous staff and software (“bots”) to rapidly buy many tickets. As a result, many consumers can buy tickets only on the resale market at a substantial markup.
- Some ticket websites GAO reviewed did not clearly display fees or disclosed them only after users entered payment information.
- “White-label” resale sites, which often appear as paid results of Internet searches for venues and events, often charged higher fees than other ticket websites – sometimes in excess of 40 percent of the ticket price – and used marketing that might mislead users to think they were buying tickets from the venue.⁷

⁵ Video of the hearing available at: <https://www.judiciary.senate.gov/committee-activity/hearings/thats-the-ticket-promoting-competition-and-protecting-consumers-in-live-entertainment>.

⁶ News Releases, *Klobuchar, Lee Announce Date of Senate Judiciary Committee Hearing on Problems in America’s Ticketing Markets* (Jan. 17, 2023) Senator Amy Klobuchar website, <https://www.klobuchar.senate.gov/public/index.cfm/2023/1/klobuchar-lee-announce-date-of-senate-judiciary-committee-hearing-on-problems-in-america-s-ticketing-markets>.

⁷ *Event Ticket Sales: Market Characteristics and Consumer Protection Issues* (Apr. 2018) GAO, <https://www.gao.gov/assets/gao-18-347.pdf>.

The GAO report also discussed potential solutions:

Selected approaches GAO reviewed, such as ticket resale restrictions and disclosure requirements, would have varying effects on consumers and businesses.

- **Nontransferable tickets.** At least three states restrict nontransferable tickets – that is, tickets whose terms do not allow resale. Nontransferable tickets allow more consumers to access tickets at a face-value price. However, they also limit consumers' ability to sell tickets they cannot use, can create inconvenience by requiring identification at the venue, and according to economists, prevent efficient allocation of tickets.
- **Price caps.** Several states cap the price at which tickets can be resold. But according to some state government studies, the caps generally are not effective because they are difficult to enforce.
- **Disclosure requirements.** Stakeholders and government research GAO consulted generally supported measures to ensure clearer and earlier disclosure of ticket fees, although views varied on the best approach (for example, to include fees in an “all-in” price or disclose them separately).

Some market-based approaches are being used or explored that seek to address concerns about secondary market activity. These approaches include technological tools and ticket-buyer verification to better combat bots. In addition, a major search engine recently required enhanced disclosures from ticket resellers using its advertising platform. The disclosures are intended to protect consumers from scams and prevent potential confusion about who is selling the tickets.

In response to growing concerns within the ticketing industry, a coalition of consumer groups, including the Consumer Federation of America, Consumer Action, and the National Consumers League published the “Ticket Buyer Bill of Rights,” which they describe as “a set of principles the nation’s leading consumer advocacy groups and others believe should serve as a framework for ticketing legislation that can improve the live events ticketing market that serves millions of fans each year.⁸ The Ticket Buyer Bill of Rights features five pillars:

The Right to Transferability, where ticketholders decide how to use, sell or give away their tickets if they wish and not the entity that previously sold the tickets;

⁸ *Ticket Buyer Bill of Rights*,

<https://www.ticketbuyerbillofrights.org/#:~:text=The%20Ticket%20Buyer%20Bill%20of%20Rights%20is%20a,year.%20The%20Bill%20of%20Rights%20features%20four%20pillars%3A>.

The Right to Transparency, which includes all-in pricing and disclosures of relevant information for the purchasing decision;

The Right to Set the Price, so that companies who originally sold the tickets cannot dictate to fans for what price they can or cannot resell their purchased tickets;

The Right to a Fair Marketplace, where fans compete with actual humans, not illegal software bots, for tickets, and, lastly;

The Right to Recourse, where harmed fans retain the choice to seek remedies through the public court system and are not blocked by terms and conditions that force them into private arbitration.

2. Addressing consumer protection issues in ticket sales

Chapter 21 of Division 8 of the California Business and Professions Code provides a series of regulations governing “ticket sellers,” defined as any person who for compensation, commission, or otherwise sells admission tickets to sporting, musical, theatre, or any other entertainment event. This explicitly *excludes* primary contractors, the people or organizations responsible for the event for which tickets are being sold. This bill repeals and revises and recasts this entire chapter in an attempt to address some of the consumer protection issues identified above.

Much of the chapter is maintained but the bill expands the scope of ticket sellers to which it applies and inserts a number of new protections.

First, the definition of “ticket seller” is revised to specifically include primary contractors as well as “platform operators.” This latter group are those responsible for operating a marketplace that enables consumers to purchase, sell, or resell tickets. This definition ensures that all ticket marketplaces are covered and that all industry players are held to the same standard.

Second, the bill directly addresses the issue of drip pricing and the lack of price transparency. Ticket sellers are prohibited from advertising, displaying, or offering tickets for sale without including all fees that must be paid in order to purchase the ticket, other than government taxes. Furthermore, the bills specifically prohibits the ticket price from increasing during the purchase process after the ticket is selected. The bill does allow for any fees or charges to be separately stated, but only if the disclosure is not false or misleading or made with an intent to deceive. However, the separately stated fees cannot be deceptively bundled with government taxes or fees or presented prominently or in the same or larger size as the actual price of the ticket. To ensure consumers are made fully aware of their refund rights, sellers are also required to include a link to a website listing them.

In addition, the bill addresses other problematic industry practices. For instance, some events are made to be “cellphone free” and either take possession of or simply prevent retention of attendees phones. As consumers are unable to access tickets on their phone easily, they are forced to pay higher fees for printed tickets. This bill requires printed tickets to be made available at such events and prohibits sellers from charging more for them. The bill also prohibits the practice of reselling tickets when they were initially offered to the public for free.

Finally, the bill prevents the sale or resale of tickets the seller knows were obtained using software or services that circumvent a security measure, access control system, or other control or measure that is used to ensure an equitable ticket buying process for event attendees, borrowing from the Federal BOTS Act, discussed above.

According to the author:

Average ticket prices have more than tripled since the mid-’90s, and the fees that are tacked on to each ticket can be as high as 78% of the ticket price. While consumers are certainly feeling the pinch, ticket retailers are doing fine. Just last month Ticketmaster/LiveNation announced record profits, reporting a 2022 operating income up 125 percent from pre-pandemic levels to \$732 million, and revenue up 44 percent to \$16.7 billion.

The California laws governing ticket retailers were passed before the internet even existed - a fact that's become exceedingly clear as mega ticket sellers and resellers have used those rules to rip-off consumers eager to see their favorite artists. We need to make sure artists, performers, and venues can reach fans and sell tickets in an easier and more transparent way. We also need to update the law for how tickets are sold today.

We can keep the entertainment industry thriving in California, and protect the consumers at the same time. AB 8 adds important new consumer protections and transparency in three key ways.

First, AB 8 will protect all consumers from all types of ticket brokers. Current law only regulates “secondary ticket brokers” but exempts “primary ticket brokers” and doesn’t include secondary ticket sellers or resale platforms.

Next, the bill requires transparent pricing. Don’t you hate it when you go online to buy a ticket to an event and you are told that the ticket price is \$50 each, and then you select two tickets and click over to the next page and those 2 tickets that you thought would be \$100 are now \$130 because of a \$15 per ticket “service fee”. One more click to the next page to

complete your order, and, adding insult to injury, they tack on another \$5 to the cost for an “order processing fee”. Couldn’t they have just told you upfront that the tickets would have cost \$135?

AB 8 will require that the full price of a ticket including all fees be provided to the consumer before they put their purchase in their online shopping cart for tickets sold by both primary and secondary ticket sellers. It will also require platforms, both original sale and resale, to disclose an exact location (section, row, seat number) of the tickets.

3. Stakeholder positions

CALPIRG writes in support of the bill:

Whether purchasing tickets for a concert or sporting event, more and more consumers are finding themselves misled by hidden fees and other unfair tactics that can make it hard to find the true price of a ticket. Transparency is critical to ensure a fair marketplace. Consumers need to know what they are paying for, and how much, up front in order to make informed purchases. Yet ticket sellers have gotten away with including hidden fees, unclear seat location information, and murky refund policies for many of their ticket sales. By not revealing the full price of the ticket—including fees—upfront, ticket vendors are misleading consumers and trying to make comparison shopping more difficult, frequently requiring them to pay fees that are up to 27-30% more than the advertised [price].

Consumers should know how much a ticket costs from the first, advertised listing price, not after clicking through several screens.

AB 8 would achieve a more fair and transparent ticket-buying process for consumers, where the advertised price is the final price. Additionally, AB 8’s most recent amendments will add language to better protect consumers from ‘bots’ that can quickly buy large quantities of tickets and then resell them at inflated prices, often to the detriment of real consumers.

...

While we would ultimately prefer a more robust reform of ticket sales that includes limits on ticket holdbacks and allows for the transferability of tickets after purchase, we believe that AB 8 in its current form will benefit consumers and is a step in the right direction to reform the ticket marketplace. We also think it’s important to keep moving forward to address these problems this year.

Writing in opposition, a coalition of professional baseball teams asserts that there is no problem to solve:

Based on our decades of experience providing an exceptional fan experience, we do not believe that AB 8 is necessary. In fact, in meetings that we have held with stakeholders and other interested parties, no one has referenced any issues with professional baseball. We believe that AB 8 will dramatically impact how we sell season and post season tickets, conduct marketing, hold successful promotional events, and effectively manage the distribution of our ticket supply in order to accommodate our fans.

SUPPORT

CALPIRG

Economic Security Project Action

OPPOSITION

Angels Baseball

City of Thousand Oaks

Forty Niners Football Company LLC,

Golden State Warriors

LA Rams

Los Angeles Dodgers LLC

Oakland Athletics

San Diego Padres

San Francisco Baseball Associates LLC (dba San Francisco Giants)

San Jose Sharks

RELATED LEGISLATION

Pending Legislation:

SB 478 (Dodd, 2023) makes 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 478 is currently pending in the Assembly Privacy and Consumer Protection Committee.

SB 644 (Glazer, 2023) requires a hotel, third-party booking service, hosting platform, or short-term rental to allow a reservation to be canceled without penalty if the cancellation is commenced within 24 hours of the reservation being finalized so long as the reservation is made 24 hours or more prior to the day of check-in. The bill prescribes

certain procedures for issuing the attendant refunds. It authorizes public prosecutors to bring civil actions seeking civil penalties. SB 644 is currently in the Assembly Appropriations Committee.

SB 785 (Caballero, 2023) reworks the laws governing ticket sellers, including creation of various categories of ticket sellers with different provisions applying to each. SB 785 is currently in the Assembly Arts, Entertainment, Sports, and Tourism Committee.

SB 829 (Wilk, 2023) prohibits 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 is currently in the Assembly Arts, Entertainment, Sports, and Tourism Committee.

Prior Legislation:

AB 1556 (Friedman, Ch. 180, Stats. 2021) requires 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) makes 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 provides 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:

Senate Business, Professions, and Economic Development Committee (Ayes 11, Noes 0)

Assembly Floor (Ayes 48, Noes 11)

Assembly Appropriations Committee (Ayes 11, Noes 3)

Assembly Arts, Entertainment, Sports, and Tourism Committee (Ayes 5, Noes 1)

Assembly Privacy and Consumer Protection Committee (Ayes 8, Noes 2)
