

Ticketing at a Crossroads: California's Renewed Push to Regulate the Resale Market

By Edward Weiss, Esq.



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As an attorney who formerly oversaw Ticketmaster litigation matters for 18 years, I am closely following a flurry of legislative activity around live event ticketing in Sacramento, including proposed Assembly Bills 1349 and 1720. AB 1349 would primarily ban speculative ticketing -- which is the practice of selling tickets a reseller does not already have in hand -- and impose other restrictions and regulations on resale in California. AB 1720 would impose a price cap of 10% on the resale of tickets for live entertainment events in California other than sports. There seems to be a growing push to regulate resale. The increased legislative activity—whether directly related or not—is unfolding against the backdrop of a potentially significant industry case set for trial next month in the United States District Court for the Southern District of New York (Case No. 1:24-cv-3973). The Department of Justice's antitrust action against Live Nation Entertainment commenced in federal court on March 2, 2026, and after the first week, those parties agreed to a settlement. Three states also settled with Live Nation and

approximately 30 states and the District of Columbia have objected to the settlement with the DOJ and are continuing their case against the company.

AB 1349 is supported by the live entertainment industry – event presenters, artists and venues. Major provisions include the following:

- Prohibition on the sale of tickets a seller does not have - an original seller or ticket reseller must have actual or constructive possession of a ticket, or a contractual right to a ticket before listing, marketing or selling tickets.
- Prevention of misleading representations—false scarcity, misleading resale designations, and listings that imply availability where none exists.

Requirement that original sellers, ticket resellers, and ticket resale marketplaces

be registered and duly licensed, as may be required by any local jurisdiction.

AB 1349 also requires disclosure of a permanent address in ads/solicitations, the right to sell the ticket, and the ability to deliver it to the consumer. The bill would also prohibit using deceptive websites, using software or selling software that can be used to acquire more tickets than allowed, specifies refunds procedures and increases civil fines from \$2,500 to \$10,000. It would provide a private right of action to allow a consumer harmed by a violation to file a civil lawsuit to recover two times the contracted price of the ticket and any non-refundable expenses for attending or attempting to attend the event.

There also is a provision that makes it clear that ticket is a license, which provides the event presenter with additional control over the ticket and to set conditions on resale and use.

The author of AB 1349, Assemblymember Isaac Bryan, describes his proposed bill as an attempt to protect consumers from an inherently unfair practice that is counter to the wishes of creatives and artists. The bill is supported by The Music Artists Coalition and is opposed by a coalition of ticket brokers and the Consumer Federation of California. The opponents of the bill argue among other things that this bill favors the interests of Live Nation and Ticketmaster.

AB 1720 would impose a resale cap of 10%, which the author of the bill, Assemblymember Matt Haney of SF, describes as a reasonable profit, while stopping “large-scale profiteering”. It would apply to events held in California and would not apply to sports.

There were a number of state and local laws restricting resale that had been on the books for many decades. During the mid-2000's, there was a push by resellers and resale platforms across the country to repeal or loosen those rules that was successful. The recent activity seems to represent a swing back of the pendulum towards more regulation of ticket resale amid frustration by fans who are not able to access the supply of tickets during the original onsale and whose only option is to buy much more expensive tickets from a reseller.

As the legislative march of these bills continues, debate persists regarding the appropriate balance between desired consumer protections against predatory ticket sales, the rights of event presenters and their agents to control how tickets are sold and transferred and arguments about competition in the high-stakes antitrust litigation joined by California Attorney General Rob Bonta.