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Tickets for Live Entertainment Events

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Tickets for Live Entertainment Events

Each year, millions of Americans purchase tickets for live entertainment events, such as concerts, theatrical performances, and sporting events. Tickets for live events initially are sold in the primary market, in which firms that provide ticketing services (i.e., ticketers) work directly with venues, promoters, producers, sports teams, and other entities to sell tickets to consumers. Tickets for some live events also are available in the secondary market, in which individuals who purchased tickets in the primary market can resell their tickets instead of using them. Individuals selling tickets in the secondary market can include consumers who cannot or no longer wish to attend the event, as well as ticket brokers who purchase tickets in the primary market with the intention of reselling them in the secondary market for a profit. Although tickets in the primary market are often priced to maximize revenue based on supply and anticipated demand, tickets for some events are purposefully set below the market-clearing price, allowing individuals to resell them with a significant markup.

For some events, ticketers might provide the ticket price, without fees and taxes, at the beginning of the transaction and in advertisements, noting that fees and taxes may apply. These ticketers may have a competitive advantage if they are perceived to offer tickets at a lower price than a competitor providing the total ticket price, including fees (i.e., all-in pricing). Some ticketers operate in both the primary and secondary markets, and some are vertically integrated (i.e., operate in multiple components of the supply chain) in other ways, such as operating as a ticketer while providing promotion services for artists or owning a sports franchise. Some ticketers have multiyear exclusive contracts with venues, promoters, sport franchises, and other entities in the supply chain.

Federal oversight of tickets for live events involves executive actions that result in voluntary commitments from companies and enforcement of legislation specific to event ticketing. For example, on June 15, 2023, President Biden met with several ticketing companies (including Live Nation Entertainment, SeatGeek, and others); those that did not provide all-in pricing at the time of that meeting made voluntary commitments to do so. The Better Online Ticket Sales Act of 2016 (BOTS Act; P.L. 114-274) prohibits individuals from circumventing a ticketer’s system to purchase more tickets than permitted by the ticketer. The BOTS Act is enforced by state attorneys general (AGs) and the Federal Trade Commission (FTC). The FTC brought its first cases against three ticket brokers for violating the act in 2021.

Federal agencies enforce legislation that is applicable to various industries including event ticketing. For example, the FTC protects consumers by prohibiting “unfair or deceptive acts or practices in or affecting commerce” for certain sectors, and the FTC and the Antitrust Division of the Department of Justice (DOJ) enforce antitrust laws. The FTC has taken action against ticketers for engaging in deceptive tactics and issued a trade regulation rule on December 17, 2024, which “specifies that it is an unfair and deceptive practice for businesses to offer, display, or advertise any price of live-event tickets or short-term lodging without clearly, conspicuously, and prominently disclosing the total price.” Additionally, on May 23, 2024, DOJ and 30 AGs from states and the District of Columbia filed a lawsuit against Live Nation Entertainment and its subsidiary Ticketmaster for violating federal and state antitrust laws. When Live Nation and Ticketmaster merged in 2010 to create Live Nation Entertainment, both companies entered a consent decree with DOJ in which they agreed to certain requirements to address concerns about the effect of the merger on competition. The consent decree was modified in 2020. In the May 2024 lawsuit, the plaintiffs allege that Live Nation Entertainment and Ticketmaster have engaged in anticompetitive conduct that violates the 2020 revised consent decree in addition to engaging in anticompetitive conduct unrelated to the consent decree.

Congress has held hearings, debated bills, and passed legislation related to tickets for live events. Some Members of the 118th Congress introduced bills related to event ticketing, some of which included the following provisions: (1) require all-in pricing; (2) implement requirements related to the supply chain; and (3) implement requirements for tickets, such as prohibiting the sale of speculative tickets (i.e., tickets that the seller has not purchased or obtained), prohibiting the sale of nontransferable tickets, and requiring ticketers to provide a full refund for a cancelled or postponed event, with exceptions.

Each of these provisions might have different effects on event ticketing. As Congress considers whether to pursue legislation related to event ticketing, it might consider whether legislation is needed, whether actions by federal agencies would address some congressional concerns, and what changes Congress might implement in event ticketing—which could range from increasing transparency to implementing broader structural changes to the industry (e.g., requiring tickets to be refundable)—and the potential effects.

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Each year, millions of Americans purchase tickets for live entertainment events, such as concerts, theatrical performances, and sporting events. In 2023, about 81 million fans in North America and 145 million fans across the world attended events that were produced by Live Nation Entertainment—a firm that promotes events, owns venues, and provides ticketing services through its subsidiary, Ticketmaster.¹ IBISWorld, a market research firm, projected that revenue for online ticket sales in the United States in 2024 would be \$12.7 billion, with \$4.2 billion (33.3%) spent on sporting events; \$3.9 billion (30.7%) on concerts; and \$1.5 billion (11.8%) on dance, opera, and theatrical performances.²

Congress has held hearings,³ debated bills, and passed legislation⁴ related to tickets for live events (**Appendix**). Some Members of Congress have called attention to event ticketing issues, such as rising ticket prices (potentially due to higher ticketing service fees), and efforts to increase consumer protection (e.g., by requiring full price disclosure for tickets from the beginning of a transaction).⁵ Some states have enacted legislation related to event ticketing, including legislation that seeks to address these same or related concerns.⁶

This report provides an overview of event ticketing and actions taken by the federal government related to event ticketing. It also discusses some potential legislative options.

Overview of Event Ticketing and Selected Issues

Tickets for live events initially are sold in the primary market. In the primary market, firms that provide ticketing services (i.e., ticketers) work directly with venues, promoters, producers, sports teams, and other entities to sell tickets to consumers (see **Figure 1**). Most tickets in the primary market are sold online,⁷ although some tickets may be available through other outlets, such as a local box office or call center.⁸ Events typically have one primary ticketer selling tickets online. For example, the primary ticketer for most Major League Baseball (MLB) teams is Tickets.com

¹ Live Nation Entertainment, Inc., Securities and Exchange Commission (SEC) Form 10-K for the year ending December 31, 2023, pp. 30, 36.

² IBISWorld, *Online Event Ticket Sales in the U.S.*, April 2024, pp. 8-9 (hereinafter IBISWorld, *Online Event Ticket Sales in the U.S.*).

³ For example, see U.S. Congress, Senate Committee on the Judiciary, *That's the Ticket: Promoting Competition and Protecting Consumers in Live Entertainment*, hearing, 118th Cong., 1st sess., January 24, 2023, S.Hrg. 118-31 (Washington, DC: GPO, 2023), <https://www.govinfo.gov/content/pkg/CHRG-118shrg52250/pdf/CHRG-118shrg52250.pdf> (hereinafter Senate Judiciary hearing, *That's the Ticket*), and U.S. Congress, House Energy and Commerce Committee, Subcommittee on Oversight and Investigations, *In the Dark: Lack of Transparency in the Live Event Ticketing Industry*, hearing, 116th Cong., 2nd sess., February 26, 2020, <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventId=110588>.

⁴ The 114th Congress passed the Better Online Ticket Sales Act of 2016 (BOTS Act; P.L. 114-274). For more information about the BOTS Act, see “Federal Oversight of Event Ticketing.”

⁵ Senate Judiciary hearing, *That's the Ticket*.

⁶ For example, some states require the total price of a ticket, including any taxes and fees, to be provided when the price is initially displayed (e.g., Connecticut General Statute §53-289a, Georgia Code Annotated §43-4B-28(a)(3), and New York Arts and Cultural Affairs Law §25.23).

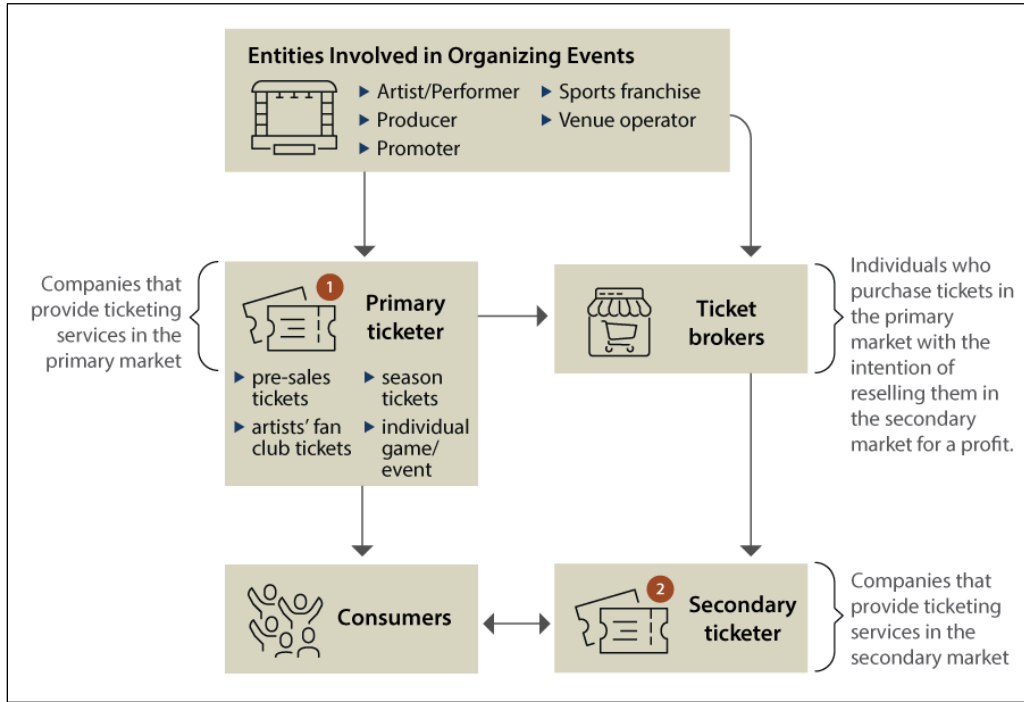
⁷ For example, in 2022, Live Nation estimated that it sold 56%, 42%, and 2% of its tickets through mobile apps, websites, and ticket outlets, respectively. Live Nation Entertainment, Inc., SEC Form 10-K for the year ending December 31, 2022, p. 11.

⁸ IBISWorld, *Online Event Ticket Sales in the U.S.*, p. 12; and U.S. Government Accountability Office (GAO), *Event Ticket Sales: Market Characteristics and Consumer Protection Issues*, April 2018, pp. 4-5, <https://www.gao.gov/assets/700/691247.pdf> (hereinafter GAO, *Event Ticket Sales*).

(a subsidiary of MLB Advanced Media),⁹ and the primary ticketer for most National Football League (NFL) teams is Ticketmaster.¹⁰ A portion of tickets might be sold through presales (e.g., an artist’s fan club or season tickets), bundled together as a package (e.g., group tickets), or held for certain individuals (e.g., sponsors, media, high-profile guests).¹¹ Some live event tickets might be nontransferable—consumers might be required to show the credit or debit card that was used to make the purchase and a matching photo ID to enter the event.¹²

Tickets for some live events also are available in the secondary market. In the secondary market, individuals who purchased tickets in the primary market can resell their tickets, typically using ticketers that operate in the secondary market. Individuals selling tickets in the secondary market can include consumers who cannot or no longer wish to attend the event, as well as ticket brokers who purchase tickets in the primary market with the intention of reselling them in the secondary market for a profit. Some event organizers provide tickets directly to ticket brokers.¹³ Thus, an event can have multiple individuals using different secondary ticketers.

Figure 1. Ticket Sales for Live Events



Source: CRS using information from U.S. Government Accountability Office (GAO), *Event Ticket Sales: Market Characteristics and Consumer Protection Issues*, April 2018, and other sources.

⁹ Ticketmaster was the primary ticketer for home games of 8 Major League Baseball (MLB) teams (Arizona Diamondbacks, Atlanta Braves, Chicago White Sox, Colorado Rockies, New York Yankees, San Diego Padres, Seattle Mariners, and Toronto Blue Jays), and Tickets.com was the primary ticketer for the remaining 22 MLB teams based on the ticketing platform associated with each franchise in June 2024.

¹⁰ SeatGeek was the primary ticketer for home games of 6 National Football League (NFL) teams (Arizona Cardinals, Baltimore Ravens, Dallas Cowboys, New Orleans Saints, Washington Commanders, and Tennessee Titans), and Ticketmaster was the primary ticketer for the remaining 26 NFL teams based on the ticketing platform associated with each franchise in June 2024.

¹¹ GAO, *Event Ticket Sales*, pp. 6-11.

¹² *Ibid.*, pp. 37-40.

¹³ *Ibid.*, p. 11.

Ticketers in the primary and secondary markets obtain revenue from fees that are paid by consumers. For example, in 2023, Ticketmaster averaged about \$8.99 in revenue for each fee-bearing ticket sold, and Eventbrite reported its net revenue per paid ticket was \$3.49.¹⁴ These fees are often labelled as “service,” “order processing,” “delivery,” or “convenience” fees.¹⁵ The fees can be a fixed amount, a percentage of the ticket price, or other variations. In the primary market, some of the revenue obtained from these fees is shared with other entities, such as venues; some of these fees provide revenue only for these other entities (e.g., venues typically receive the entire “facility” fee).

Fees can represent a significant portion of the final ticket price. One study found that the fees for 31 events across five primary ticketers ranged from 13% to 58% of the base ticket price, with an average of 27%, and that fees for 11 secondary ticketers ranged from 20% to 56% of the ticket price, with an average of 31%.¹⁶ Another study found that Ticketmaster, TicketWeb,¹⁷ and Tickets.com set fees that, on average, were about 21% of the base ticket price (or almost \$8) at 150 New York venues.¹⁸

Policymakers and commentators have raised concerns about the transparency of the total ticket price, among other concerns.¹⁹ For some events, ticketers provide the ticket price without fees and taxes at the beginning of the transaction and in advertisements, noting that fees and taxes may apply. These ticketers may have a competitive advantage if they are perceived to offer tickets at a lower price than a competitor providing the total ticket price, including fees and taxes (i.e., all-in pricing).²⁰ Some ticketers allow consumers to adjust settings to view all-in pricing from the beginning of the transaction for certain events,²¹ potentially in response to state laws and federal actions (discussed below under “Federal Oversight of Event Ticketing”). Live Nation’s CEO

¹⁴ CRS calculated the average revenue for each fee-bearing ticket sold by dividing the ticketing revenue (\$2,959,477) by the number of fee-bearing tickets sold (329,116); both estimates are reported in thousands. Live Nation Entertainment, Inc., SEC Form 10-K for the year ending December 31, 2023, pp. 36, 38; and Eventbrite, Inc., SEC Form 10-K for the year ending December 31, 2023, p. 43.

¹⁵ For more information about the fees charged, see Ticketmaster, “How Are Ticket Prices and Fees Determined?,” Ticketmaster Help Center, <https://help.ticketmaster.com/hc/en-us/articles/9663528775313-How-are-ticket-prices-and-fees-determined>, and AXS, “What Fees Are There When Buying Tickets?,” AXS Help Center, <https://support.axs.com/hc/en-us/articles/201083104-What-fees-are-there-when-buying-tickets>.

¹⁶ GAO, *Event Ticket Sales*, pp.16-17.

¹⁷ Ticketmaster acquired TicketWeb in 2000 (see Bruce Orwall, “Ticketmaster Buys TicketWeb in Bid to Diversify Offerings,” *Wall Street Journal*, May 30, 2000, <https://www.wsj.com/articles/SB959636314630051866>).

¹⁸ Office of New York State Attorney General Eric T. Schneiderman, *Obstructed View: What’s Blocking New Yorkers from Getting Tickets*, January 2016, p. 29, https://ag.ny.gov/pdfs/Ticket_Sales_Report.pdf (hereinafter NY State AG, *Obstructed View*).

¹⁹ For example, see Senate Judiciary hearing, *That’s the Ticket*, and Committee on Investigations and Government Operations, New York State Senate, *Final Investigative Report: Live Event Ticketing Practices*, May 18, 2021 (hereinafter NY State Senate, *Final Investigative Report*).

²⁰ GAO, *Event Ticket Sales*, pp. 42-45, and Hannah Karp, “StubHub Sings the Blues After Shifting Fees,” *Wall Street Journal*, updated March 26, 2014, <https://www.wsj.com/articles/SB10001424052702303949704579459902559659002>. Some definitions of *all-in pricing* include taxes, while others do not. In this report, references to all-in pricing do not include taxes, unless noted otherwise.

²¹ For example, see Ticketmaster, “All-In Pricing: What It Means,” December 19, 2024, <https://blog.ticketmaster.com/all-in-pricing-explained/> (hereinafter Ticketmaster, “All-In Pricing”), and SeatGeek, “Other FAQs: Does SeatGeek Charge a Fee to Buy Tickets?,” <https://support.seatgeek.com/hc/en-us/articles/360036685293-Does-SeatGeek-charge-a-fee-to-buy-tickets> (hereinafter SeatGeek, “Other FAQs”).

stated that the decision to provide all-in pricing is made by other entities, such as venues, artists, and sports teams.²² No federal law currently requires ticketers to provide all-in pricing.

Ticket Pricing

In the primary market, tickets are often priced to maximize revenue based on supply and anticipated demand. Tickets for some events, however, are purposefully underpriced (i.e., set below the market-clearing price).²³ Event organizers might underprice tickets for various reasons, such as to avoid harming the reputation of the artist, to attract fans across income levels, to ensure the event is sold out (to enhance the audience’s experience), and to increase revenue from merchandise and concession sales.²⁴ When tickets are underpriced or demand for an event is higher than anticipated, individuals who purchased tickets in the primary market can resell them, at times with a significant markup, for a profit in the secondary market. If demand for an event is lower than anticipated, individuals might resell the tickets at a price lower than the amount they paid in the primary market or might be unable to resell the tickets.

Some ticketers offer pricing tools that enable tickets for certain events to be sold using *dynamic pricing*, which automatically adjusts prices based on real-time changes in supply and demand. For example, Ticketmaster’s Official Platinum seat program enables artists and event organizers to use dynamic pricing in the primary market,²⁵ and SeatGeek allows individuals in the secondary market to resell tickets for certain events using a Smart Pricing feature that actively reprices tickets up to once every five minutes.²⁶ Studies have found that when ticket prices are set closer to the market-clearing price in the primary market, the price differential between the primary and the secondary market is smaller.²⁷

The range of prices may be more constrained in the primary market than in the secondary market, even when dynamic pricing is used. Similar to the motivation for underpricing tickets, an artist, sports team, or performer might be concerned about longer-term reputational harms if the ticket is priced too high in the primary market, even if it is set at the market-clearing level.²⁸ These concerns can discourage the use of dynamic pricing.²⁹ There also may be an incentive to maintain

²² Dylan Smith, “Live Nation CEO Responds to U.S. Senator’s Criticism, Reiterates ‘The Importance of All-In Pricing Legislation,’” *Digital Music News*, October 30, 2023, <https://www.digitalmusicnews.com/2023/10/30/live-nation-all-in-pricing-criticism-response/>.

²³ The *market-clearing price* is the price at which the number of tickets available for sale equals the number of tickets consumers are willing to buy.

²⁴ GAO, *Event Ticket Sales*, p. 8.

²⁵ Ticketmaster, “What Are Official Platinum Seats?,” Ticketmaster Help Center, <https://help.ticketmaster.com/hc/en-us/articles/9782440112017-What-are-Official-Platinum-Seats>, and Ticketmaster, “What Is Ticketmaster Platinum?,” Ticketmaster Help Center, <https://help.ticketmaster.fr/hc/en-us/articles/360007271253-What-is-Ticketmaster-Platinum>.

²⁶ SeatGeek, “Other FAQs: What Is Smart Pricing?,” Seat Geek Help Center, <https://support.seatgeek.com/hc/en-us/articles/23259561610515-What-is-Smart-Pricing>.

²⁷ For example, see Eric Budish and Aditya Bhawe, “Primary-Market Auctions for Event Tickets: Eliminating the Rents of ‘Bob the Broker?,’” *American Economic Journal: Microeconomics*, vol. 15, no. 1 (2023), pp. 142-170, <https://doi.org/10.1257/mic.20180230> (hereinafter Budish and Bhawe, “Primary-Market Auctions for Event Tickets”).

²⁸ John Drea and Andrew Nahlik, “Dynamic Pricing in Major League Baseball Tickets: Issues and Challenges,” *Atlantic Marketing Journal*, vol. 5, no. 3 (2016), pp. 59-70 (hereinafter Drea and Nahlik, “Dynamic Pricing in Major League Baseball Tickets”).

²⁹ For example, see Marco della Cava, “Springsteen Tickets for \$4,000? How Dynamic Pricing Works and How You Can Beat the System,” *USA Today*, August 17, 2022, <https://www.usatoday.com/story/entertainment/music/2022/08/17/springsteen-ticketmaster-dynamic-pricing-infuriates-music-fans/10310415002/>, and Steve Knopper, “Taylor Swift’s Ticket Strategy: Brilliant Business or Slowing Demand?,” *Rolling Stone Magazine*, April 9, 2018, (continued...)

ticket prices above a certain threshold in the primary market. For example, sports teams might want to ensure that the ticket price for an individual game remains above the season ticket price per game.³⁰ Additionally, consumers might see varying prices across secondary ticketers based on the fees charged, pricing tools offered, and other differences.

Vertical Integration and Contracts

Some ticketers operate in both the primary and secondary markets, such as Ticketmaster, SeatGeek, and AXS, a subsidiary of Anschutz Entertainment Group (AEG). Some companies are vertically integrated (i.e., operate in multiple components of the supply chain) in other ways, such as operating as a ticketer while providing promotion services for artists or owning a sports franchise. These ticketers may be able to rely on multiple sources of revenue. For example, Tickets.com may be able to rely on revenue from other components of MLB Advanced Media, such as advertising revenue from MLB.com and MLB.tv.

Vertically integrated ticketers might have a competitive advantage. A ticketer that operates in both the primary and secondary markets, for example, typically allows consumers who purchase tickets using its platform in the primary market to resell them using the same platform. This might be more convenient for consumers and might decrease the likelihood that consumers will use other secondary ticketers. Similarly, ticketers that own venues or offer promotion services might bundle their services or encourage event organizers that use one of their services to use their other services as well.

Some ticketers have multiyear, exclusive contracts with venues, promoters, sport franchises, and other entities in the supply chain. These contracts often involve a “revenue-sharing agreement,” under which a ticketer provides a percentage of the ticketing fees for an event or a fixed amount for a specified period. Ticketmaster, for example, reported that it generally enters written agreements to provide primary ticketing services, typically for three to five years.³¹ SeatGeek testified that Ticketmaster has moved to longer exclusive agreements with venues, sometimes as long as 10 years.³² SeatGeek is the official secondary ticketer for MLB,³³ reportedly through a revenue-sharing agreement that would provide MLB about \$100 million per year for the next five years; the article states that SeatGeek’s agreements with sports teams usually last five to seven years.³⁴ These agreements might make it difficult for new ticketers to enter the market.

Federal Oversight of Event Ticketing

The Biden Administration included fees charged by ticketers as a part of its broader effort to address *junk fees* (i.e., fees that are “designed either to confuse or deceive consumers or to take advantage of lock-in or other forms of situational market power,” such as mandatory fees that

<https://www.rollingstone.com/music/music-news/taylor-swifts-ticket-strategy-brilliant-business-or-slowness-demand-630218/>. A similar argument has been raised for why auction pricing is no longer used (see Budish and Bhawe, “Primary-Market Auctions for Event Tickets”).

³⁰ Drea and Nahlik, “Dynamic Pricing in Major League Baseball Tickets.”

³¹ Live Nation Entertainment, Inc., SEC Form 10-K for the year ending December 31, 2023, p. 6.

³² Senate Judiciary hearing, *That’s the Ticket*, p. 92.

³³ David Adler, “SeatGeek Named Official Ticket Marketplace for MLB,” MLB.com, February 27, 2023, <https://www.mlb.com/news/major-league-baseball-partners-with-seatgeek>.

³⁴ Jabari Young, “Exclusive: SeatGeek Wins \$100 Million Deal to Resell MLB Tickets,” *Forbes*, February 27, 2023, <https://www.forbes.com/sites/jabariyoung/2023/02/27/exclusive-seatgeek-wins-100-million-deal-to-resell-mlb-tickets/>.

often hide the full price).³⁵ On June 15, 2023, President Biden met with several ticketers, including Live Nation Entertainment, SeatGeek, xBk, Pablo Center at the Confluence, TickPick, DICE, and Newport Festivals Foundation. At the meeting, the companies that did not provide all-in pricing announced a new voluntary commitment to do so.³⁶

The 114th Congress passed a law that specifically addresses event ticket sales—the Better Online Ticket Sales Act of 2016 (BOTS Act; P.L. 114-274). The act prohibits individuals from circumventing the ticketer’s “security measure, access control system, or other technological control or measure” to purchase more tickets than the amount permitted by the ticketer.³⁷ It also prohibits the sale of any tickets obtained in this manner. The act applies to events open to the public in a venue with an attendance capacity exceeding 200 individuals. The BOTS Act is enforced by state attorneys general (AGs) and the Federal Trade Commission (FTC). The FTC brought its first cases against three ticket brokers for violating the act in January 2021.³⁸

Federal agencies enforce laws that are applicable to event ticketing and to other industries. For example, the FTC and the Antitrust Division of the Department of Justice (DOJ) enforce antitrust laws, which prohibit certain conduct to protect competition;³⁹ the agencies split enforcement depending on the industry or market.⁴⁰ The FTC also prohibits unfair methods of competition and protects consumers by prohibiting “unfair or deceptive acts or practices in or affecting commerce” for certain sectors.⁴¹

The following subsections discuss selected actions taken by the FTC and DOJ related to event ticketing. Other laws and regulations enforced by other federal agencies also can affect event ticketing. For example, the American Rescue Plan Act of 2021 (P.L. 117-2) amended certain third-party settlements that must be reported to the Internal Revenue Service (IRS)—individuals earning more than \$600 annually from ticket sales in the secondary market must report their earnings to the IRS.⁴²

³⁵ Brian Deese, Neale Mahoney, and Tim Wu, “The President’s Initiative on Junk Fees and Related Pricing Practices,” *The White House, Briefing Room* (blog), October 26, 2022, <https://www.whitehouse.gov/briefing-room/blog/2022/10/26/the-presidents-initiative-on-junk-fees-and-related-pricing-practices/>.

³⁶ The White House, “President Biden Recognizes Actions by Private Sector Ticketing and Travel Companies to Eliminate Hidden Junk Fees and Provide Millions of Customers with Transparent Pricing,” statements and releases, June 15, 2023, <https://www.whitehouse.gov/briefing-room/statements-releases/2023/06/15/president-biden-recognizes-actions-by-private-sector-ticketing-and-travel-companies-to-eliminate-hidden-junk-fees-and-provide-millions-of-customers-with-transparent-pricing/>.

³⁷ P.L. 114-274; 15 U.S.C. §45c. The law allows the circumvention of technological controls or measures to be used to investigate an alleged violation or engage in research to identify flaws and vulnerabilities.

³⁸ Federal Trade Commission (FTC), “Just in Time Tickets, Inc.,” cases and proceedings, last updated January 22, 2021, <https://www.ftc.gov/legal-library/browse/cases-proceedings/1823115-just-time-tickets-inc>; FTC, “Concert Specials, Inc.,” cases and proceedings, last updated January 22, 2021, <https://www.ftc.gov/legal-library/browse/cases-proceedings/1923196-concert-specials-inc>; and FTC, “Cartisim Corporation,” cases and proceedings, last updated January 22, 2021, <https://www.ftc.gov/legal-library/browse/cases-proceedings/1923195-cartisim-corporation>.

³⁹ For an overview of antitrust laws, see CRS In Focus IF11234, *Antitrust Law: An Introduction*, by Jay B. Sykes.

⁴⁰ The Department of Justice (DOJ) has sole antitrust jurisdiction in certain industries, such as telecommunications, banks, railroads, and airlines. The FTC typically reviews cases that involve industries in which consumer spending is high, such as health care, pharmaceuticals, professional services, food, energy, and certain high-tech industries. For more information, see FTC, “The Enforcers,” <https://www.ftc.gov/advice-guidance/competition-guidance/guide-antitrust-laws/enforcers>.

⁴¹ 15 U.S.C. §45(a).

⁴² Individuals who resell their tickets for a profit are generally required to pay taxes on the gains. Tickets that are resold at cost or at a loss may need to be reported but are not taxed; tickets resold at a loss cannot be deducted as a loss from the individual’s income. For more information, see Internal Revenue Service (IRS), “IRS Announces Delay in Form (continued...)”

Selected Actions by the Federal Trade Commission

On December 17, 2024, the FTC issued a trade regulation rule (i.e., a rule adopted under §18 of the FTC Act⁴³) on unfair or deceptive fees that affect event ticketing and short-term lodging.⁴⁴ The rule “specifies that it is an unfair and deceptive practice for businesses to offer, display, or advertise any price of live-event tickets or short-term lodging without clearly, conspicuously and prominently disclosing the total price.”⁴⁵ It also prohibits misrepresentations about fees or charges in any offer, display, or advertisement.⁴⁶

In addition to taking the aforementioned legal action against three ticket brokers for violating the BOTS Act, the FTC has taken legal action on other event ticketers, including the following:

- In 2010, the FTC reached a settlement with Ticketmaster addressing allegations that Ticketmaster used its primary ticketing service to steer consumers to its secondary ticketing service, TicketsNow, by misleading consumers that primary tickets were sold out when tickets were, in fact, still available.⁴⁷
- In 2014, the FTC reached a settlement with TicketNetwork, Inc.—a secondary ticketer—and its marketing partners Ryadd, Inc. and SecureBoxOffice, LLCs. The settlement addressed allegations that the companies used deceptive advertisements and websites to mislead consumers into thinking they were buying tickets from the original venue at face value.⁴⁸

1099-K Reporting Threshold for Third Party Platform Payments in 2023; Plans for a Threshold of \$5,000 for 2024 to Phase in Implementation,” news release, last updated January 8, 2024, <https://www.irs.gov/newsroom/irs-announces-delay-in-form-1099-k-reporting-threshold-for-third-party-platform-payments-in-2023-plans-for-a-threshold-of-5000-for-2024-to-phase-in-implementation>; Andrew Lautz, “Navigating Tax Rules for Reselling Taylor Swift Tickets (and Other Tickets),” National Taxpayers Union Foundation, December 22, 2022, <https://www.ntu.org/foundation/detail/navigating-tax-rules-for-reselling-taylor-swift-tickets-and-other-tickets>; and Ticketmaster, “2024 U.S. Tax Law Updates You Need to Know,” January 18, 2024, <https://business.ticketmaster.com/2024-u-s-tax-law-updates-you-need-to-know/>.

⁴³ 15 U.S.C. §57a. For more information about the FTC’s authority to enact trade regulation rules, see FTC, “A Brief Overview of the Federal Trade Commission’s Investigative, Law Enforcement, and Rulemaking Authority,” revised May 2021, <https://www.ftc.gov/about-ftc/mission/enforcement-authority>; and CRS Legal Sidebar LSB10839, *FTC Considers Adopting Commercial Surveillance and Data Security Rules*, by Chris D. Linebaugh.

⁴⁴ FTC, “Trade Regulation Rule on Unfair or Deceptive Fees,” December 17, 2024, <https://www.ftc.gov/legal-library/browse/federal-register-notice/trade-regulation-rule-unfair-or-deceptive-fees>; and FTC, “Trade Regulation Rule on Unfair or Deceptive Fees,” 90 *Federal Register* 2066, January 10, 2025, <https://www.federalregister.gov/documents/2025/01/10/2024-30293/trade-regulation-rule-on-unfair-or-deceptive-fees>.

⁴⁵ *Ibid.*

⁴⁶ *Ibid.* For information on the development of this trade regulation rule, see FTC, “Trade Regulation Rule on Unfair or Deceptive Fees,” Rulemaking Docket, <https://www.regulations.gov/docket/FTC-2023-0064/unified-agenda>.

⁴⁷ FTC, “FTC v. Ticketmaster L.L.C., a Limited Liability Company, Ticketmaster Entertainment L.L.C., a Limited Liability Company, TicketsNow.com, Inc., a Corporation, and TNOW Entertainment, Inc., a Corporation,” cases and proceedings, last updated September 15, 2010, <https://www.ftc.gov/legal-library/browse/cases-proceedings/092-3091-ftc-v-ticketmaster-llc-limited-liability-company-ticketmaster-entertainment-llc-limited-liability>.

⁴⁸ FTC, “TicketNetwork, Inc.; Ryadd, Inc.; and SecureBoxOffice, LLC, et al.,” cases and proceedings, last updated July 24, 2014, <https://www.ftc.gov/news-events/news/press-releases/2014/07/ticketnetwork-marketing-partners-ryadd-secure-box-office-settle-charges-deceptively-marketing-resale>.

Department of Justice Lawsuits: Live Nation and Ticketmaster

In 2010, Live Nation and Ticketmaster merged to become Live Nation Entertainment. After reviewing the proposed merger,⁴⁹ DOJ and 17 state AGs simultaneously filed a complaint and a proposed agreement with the merging parties to resolve competition concerns raised in the complaint. According to the complaint, Ticketmaster was the largest primary ticketer and Live Nation was the world's largest promoter of live concerts, owning or operating over 75 live entertainment venues and having launched its own primary ticketing services in 2008 by licensing software from CTS Eventim AG.⁵⁰ DOJ estimated that Live Nation had obtained 16.5% of the market share in primary ticketing services, reducing Ticketmaster's market share from 82.9% to 66.4%.⁵¹ Thus, DOJ alleged that the merger would substantially lessen competition in primary ticketing services for major concert venues, violating Section 7 of the Clayton Act, which prohibits mergers and acquisitions that would substantially lessen competition or tend to create a monopoly.⁵²

To address the competition concerns raised by the proposed merger, Live Nation and Ticketmaster, in a consent decree, agreed to do the following:⁵³

- Provide AEG, the second largest promoter in the United States at the time, the option of obtaining a fully paid license to Ticketmaster Host Platform, the software used by Ticketmaster to sell primary tickets, including the source code. If AEG chose to exercise this option, Ticketmaster would be required to also provide ticketing services on a website designed and branded for AEG on which AEG would determine the final ticketing fees charged to consumers or clients, beginning six months after the merger and for no more than five years.⁵⁴ AEG chose not to exercise this option; it partnered with Outbox Technology to create its own ticketing service, Axs, in 2011.⁵⁵

⁴⁹ Live Nation Entertainment, "Live Nation and Ticketmaster Entertainment to Combine in Merger of Equals to Create World's Premier Live Entertainment Company," February 10, 2009, <https://www.livenationentertainment.com/2009/02/live-nation-and-ticketmaster-entertainment-to-combine-in-merger-of-equals-to-create-worlds-premier-live-entertainment-company/>.

⁵⁰ *United States of America et al. v. Ticketmaster Entertainment, Inc., and Live Nation, Inc.*, complaint, case no. 1:10-cv-00139, January 25, 2010, pp. 7-8, <https://www.justice.gov/atr/case-document/file/513381/dl> (hereinafter 2010 DOJ Complaint). In 2008, Ticketmaster also acquired a controlling interest in Front Line Management Group Inc., an artist management group. While this is mentioned in the complaint and the competitive impact statement, it is not addressed in the consent decree. Live Nation Entertainment subsequently purchased the remaining equity stake of Front Line Management group (see PR Newswire, "Live Nation Entertainment Acquires Remaining Equity Stake in Front Line Management Group," February 7, 2011, <https://www.prnewswire.com/news-releases/live-nation-entertainment-acquires-remaining-equity-stake-in-front-line-management-group-115474169.html>).

⁵¹ 2010 DOJ Complaint, pp. 10, 13.

⁵² *Major concert venues* is defined as the top 500 revenue generating venues in the United States reported by Pollstar, a third-party service that collects information on ticket sales (see 2010 DOJ Complaint, p. 10).

⁵³ For a discussion of how these consent decree provisions would address competition concerns raised by the merger, see *United States of America et al. v. Ticketmaster Entertainment, Inc., and Live Nation, Inc.*, "Competitive Impact Statement," case no. 1:10-cv-00139, January 25, 2010, pp. 13-18, <https://www.justice.gov/atr/case-document/file/513376/dl> (hereinafter 2010 DOJ Competitive Impact Statement).

⁵⁴ *United States of America et al. v. Ticketmaster Entertainment, Inc. and Live Nation, Inc.*, "Final Judgement," case no. 1:10-cv-00139, July 30, 2010, pp. 8-10, <https://www.justice.gov/atr/case-document/file/513321/dl> (hereinafter 2010 Consent Decree).

⁵⁵ John Kwoka, "Case 2: Ticketmaster-Live Nation," in *The Antitrust Revolution: Economics, Competition, and Policy*, ed. John Kwoka and Lawrence White (New York, NY: Oxford University Press, 2014), p. 88-89. AEG became the sole owner of AXS in 2019. "AEG Purchases All Outstanding Shares of AXS," AEG Press Center, September 19, 2019, <https://www.aegworldwide.com/press-center/press-releases/aeg-purchases-all-outstanding-shares-axs>.

- Divest Paciolan—a ticketing platform that Ticketmaster licensed to venues to sell tickets through the venues’ own websites—to Comcast-Spectacor within 60 days of closing the merger.⁵⁶ Comcast-Spectacor was licensing Paciolan to provide primary ticketing services to venues, owned two major U.S. concert venues, and managed 15 others.⁵⁷
- Not retaliate against venues for contracting with another company for ticketing services and not condition or threaten to condition the use of Ticketmaster’s ticketing services for events promoted by Live Nation and vice versa. The consent decree specifies that these requirements do not prevent the companies from bundling their services or products or from competing in any part of the supply chain for live events.⁵⁸

DOJ filed a motion to modify the consent decree in 2020. DOJ alleged that Live Nation and Ticketmaster had violated the consent decree by “repeatedly condition[ing] and threaten[ing] to condition Live Nation’s provision of live concerts on a venue’s purchase of Ticketmaster ticketing services, and ... retaliat[ing] against venues that opted to use competing ticketing services.”⁵⁹ The companies denied DOJ’s allegations but agreed to a revised agreement that includes an extension of certain provisions of the consent decree until December 31, 2025, independent monitoring provisions, and clarifications on prohibited conduct.⁶⁰

On May 23, 2024, DOJ and 30 AGs from states and the District of Columbia filed a separate lawsuit against Live Nation Entertainment and Ticketmaster for violating federal and state antitrust laws.⁶¹ The complaint alleges that Live Nation Entertainment has engaged in anticompetitive conduct that violates the 2020 revised consent decree (e.g., retaliating against potential entrants, threatening and retaliating against venues that work with rivals) and alleges anticompetitive conduct unrelated to the consent decree (e.g., acquiring competitors and competitive threats, locking out competition with exclusionary contracts, blocking venues from using multiple ticketers, restricting artists’ access to venues).⁶² The complaint proposes ordering the divestiture of Ticketmaster and enjoining Live Nation from continuing to engage in the anticompetitive practices discussed in the suit, in addition to other remedies.⁶³

Selected Legislative Options

Some Members of the 118th Congress introduced bills related to ticketing for live events (see **Appendix**). The provisions in some of these bills aimed to increase protections for consumers by, for example, increasing transparency about the ticket price and the ticketer; other bills might have had broader effects on market dynamics. Multiple state legislatures have introduced or enacted

⁵⁶ 2010 Consent Decree, p. 11.

⁵⁷ 2010 DOJ Competitive Impact Statement, p. 15.

⁵⁸ 2010 Consent Decree, p. 19.

⁵⁹ *United States of America et al. v. Ticketmaster Entertainment, Inc., and Live Nation, Inc.*, “Motion to Modify Final Judgement,” case no. 1:10-cv-00139-RMC, January 8, 2020, pp. 4, 9-13, <https://www.justice.gov/atr/case-document/file/1233396/dl>.

⁶⁰ *Ibid.*, pp. 5-6, 13-18.

⁶¹ *United States of America et al. v. Live Nation Entertainment, Inc. and Ticketmaster L.L.C.*, “Complaint,” case no. 1:24-cv-3973, May 23, 2024, pp. 78-102, <https://www.justice.gov/atr/media/1353101/dl>.

⁶² *Ibid.*, pp. 3-5.

⁶³ *Ibid.*, pp. 102-104.

legislation related to ticketing services, some of which require ticketers to implement the provisions in proposed federal bills.⁶⁴ This section discusses some potential legislative options.

All-In Pricing

All-in pricing can help consumers determine whether they wish to purchase the ticket before they have invested time going through the checkout process. Some studies have found that disclosing fees separately may interfere with consumers' decisionmaking process and often results in consumers underestimating the total price.⁶⁵ All-in pricing also can make it easier for consumers to compare ticket prices between a primary and secondary ticketer and across secondary ticketers, when applicable.

Some ticketers and venue managers have stated that knowing fees up front would not affect consumers' purchasing decisions in the primary market and that it is only important that the fees are disclosed before the consumer completes the purchase.⁶⁶ Additionally, one manager, one promoter, and two artist advocacy groups have raised concern that all-in pricing might give fans the incorrect impression that the artist is receiving all of the revenue from ticket sales, particularly if a breakdown of the price is not separately disclosed.⁶⁷

Requiring ticketers to provide all-in pricing would increase consumer transparency but might not affect ticket prices. Consumers typically do not have multiple ticketers to choose from in the primary market, and the ticketer determines the price with event organizers, venues, sports franchises, and other entities. All-in pricing might make it easier for consumers to compare prices, potentially influencing their purchasing behavior, which might affect prices. One study found that disclosing fees at the end of the transaction increased the likelihood that a consumer would purchase the ticket.⁶⁸ The study also found that sellers in the secondary market were more likely to advertise higher-quality tickets (i.e., tickets for better seats) when fees were disclosed at the end of the transaction.⁶⁹ Other factors, such as the reputation of the ticketer, may also affect consumers' purchasing behavior.

Several bills in the 118th Congress would have required ticketers to increase transparency about the total price of a ticket. For example, the BOSS and SWIFT Act of 2023 (H.R. 3660, S. 2957), Fans First Act (S. 3457), Junk Fee Prevention Act (H.R. 2463, S. 916), and TICKET Act (H.R. 3950, S. 1303) would have required the total ticket price, including any fees, to be provided when the price is initially displayed—such as on any advertisement, promotion, and price list—and throughout the purchasing process.⁷⁰ The BOSS and SWIFT Act of 2023, Fans First Act, and

⁶⁴ For a list of state legislation related to the ticketing industry, see “Event Ticket Sales 2024 Legislation,” National Conference of State Legislatures, updated September 20, 2024, <https://www.ncsl.org/financial-services/event-ticket-sales-2024-legislation>.

⁶⁵ For example, see Alexander Rasch, Miriam Thöne, and Tobias Wenzel, “Drip Pricing and Its Regulation: Experimental Evidence,” *Journal of Economic Behavior & Organization*, vol. 176 (August 2020), pp. 353-370, <https://doi.org/10.1016/j.jebo.2020.04.007>; and Glenn Ellison and Sara Ellison, “Search and Obfuscation in a Technologically Changing Retail Environment: Some Thoughts on Implications and Policy,” in *Innovation Policy and the Economy*, eds. Josh Lerner and Scott Sterns (Chicago: University of Chicago Press, 2018), pp. 1-25.

⁶⁶ GAO, *Event Ticket Sales*, p. 44.

⁶⁷ GAO, *Event Ticket Sales*, p. 45.

⁶⁸ Tom Blake et al., “Product Salience and Product Choice,” *Marketing Science*, vol 40, no. 4 (July-August 2021), pp. 619-636, <https://doi.org/10.1287/mksc.2020.1261>.

⁶⁹ Ibid.

⁷⁰ The BOSS and SWIFT Act of 2023 and the Fans First Act would have excluded taxes in the total ticket price. The Junk Fee Prevention Act and the TICKET Act did not specify whether taxes would need to be included.

Ticket Act additionally would have required ticketers to provide an itemized list of the base ticket price and any ancillary charges and taxes.

The trade regulation rule on unfair or deceptive fees finalized by the FTC on December 17, 2024, requires ticketers to provide all-in pricing.⁷¹ Some ticketers provided consumers the option to view all-in pricing from the beginning of a transaction for some events prior to the FTC's release of the final rule, potentially because of state laws requiring ticketers to provide all-in pricing and the commitments made in the June 2023 meeting with President Biden.⁷² Some associations, including the National Association of Ticket Brokers, reportedly support the final rule.⁷³ The final rule might be subject to legal challenges.

Requirements Related to Supply Chain

Requiring vertically integrated ticketers to provide a separate disclosure about the different components of the supply chain in which they operate might increase transparency for consumers. Some ticketers provide this information in terms of service or other legal documentation that consumers might not read. Providing a separate disclosure might increase the likelihood that consumers would be aware that a ticketer is vertically integrated.

Knowing that a ticketer is vertically integrated might not affect a consumer's decision to purchase a ticket from the ticketer. Consumers might not have other options; a vertically integrated ticketer might be the only entity selling tickets to an event, particularly in the primary market. Additionally, consumers might find it more convenient to use a vertically integrated ticketer that provides both primary and secondary ticketing services, allowing consumers who purchased tickets in the primary market to resell them in the secondary market on the same platform.⁷⁴

It is unclear how implementing structural requirements, such as restrictions on long-term contracts between ticketers and venues, could affect ticketers. On the one hand, restrictions on long-term contracts could increase opportunities for ticketers to bid for contracts with venues, which might increase competition among ticketers. On the other hand, long-term contracts might provide ticketers assurance that they would likely obtain revenue from future events, which might help mitigate risk (e.g., event cancellations), particularly for ticketers that are unable to rely on other sources of revenue.

Regardless of the effect on competition among ticketers, it is unclear how structural requirements might affect consumers. Ticketers would be competing for bids from venues, promoters, sports franchises, or other entities involved with the event. Ticketers might, for example, offer these entities a greater share of the revenue from fees or a larger fixed payment, which ticketers might

⁷¹ FTC, "Trade Regulation Rule on Unfair or Deceptive Fees," December 17, 2024, <https://www.ftc.gov/legal-library/browse/federal-register-notice/trade-regulation-rule-unfair-or-deceptive-fees>; and FTC, "Trade Regulation Rule on Unfair or Deceptive Fees," 90 *Federal Register* 2066, January 10, 2025, <https://www.federalregister.gov/documents/2025/01/10/2024-30293/trade-regulation-rule-on-unfair-or-deceptive-fees>. For more information about the trade regulation rule, see "Selected Actions by the Federal Trade Commission."

⁷² Examples of state laws include Connecticut General Statute §53-289a, Georgia Code Annotated §43-4B-28(a)(3), and New York Arts and Cultural Affairs Law §25.23. For more about all-in pricing, see Ticketmaster, "All-In Pricing"; and SeatGeek, "Other FAQs." For more information about the meeting with President Biden, see "Federal Oversight of Event Ticketing."

⁷³ Evan Weinberger, "Biden Junk Fee Rule Holds Staying Power Under Trump Populism," *Bloomberg Law*, December 18, 2024, <https://news.bloomberglaw.com/banking-law/ftc-junk-fee-rules-survival-hinges-on-trumps-promised-populism>.

⁷⁴ For example, see Ticketmaster, "Resale," Ticketmaster Help Center, <https://help.ticketmaster.com/hc/en-us/articles/9672915828881-How-do-I-sell-tickets>. Venues, event organizers, and artists can prohibit tickets from being resold.

pass on to consumers through higher ticket fees. Ticketers also might offer to decrease fees for consumers, lowering the total ticket price.

Some bills in the 118th Congress would have created requirements related to the supply chain for event ticketing. For example, the BOSS and SWIFT Act (H.R. 3660, S. 2957) would have required a ticketer to provide a clear and conspicuous disclosure to consumers if it operates in both the primary and secondary markets. The Unlock Ticketing Markets Act of 2023 (S. 1321) would have prohibited a primary ticketer from entering an exclusive contract with a venue for an “excessive duration,” which would be determined by the FTC.

Requirements for Tickets

Speculative Tickets

Some states require ticketers to inform consumers when they are purchasing a speculative ticket (i.e., a ticket that the seller has not purchased or obtained) and provide a full refund if they are unable to provide the ticket.⁷⁵ Some secondary ticketers state in their policies that they do not allow speculative tickets to be sold on their platforms.⁷⁶ It is unclear whether secondary ticketers can easily determine that a ticket is speculative and the extent to which this prohibition is enforced.⁷⁷

Disclosure and refund requirements for the sale of speculative tickets could allow consumers to determine whether they are willing to take the risk of purchasing a speculative ticket. In addition, a refund requirement could help mitigate some of that risk. Even with disclosure and refund requirements, however, the sale of speculative tickets might harm consumers. Some participants of an FTC workshop on the online event ticket marketplace asserted that state legislation requiring disclosure when selling a speculative ticket has been ineffective; venues continue to receive consumer complaints about cancelled speculative ticket orders that consumers thought were for actual tickets.⁷⁸ Some reports have also noted that speculative tickets can drive up prices in the secondary market, mislead consumers about when tickets are available, and result in additional financial losses for consumers (e.g., travel expenses for the event), among other potential harms.⁷⁹ Allowing the sale of speculative tickets might help individuals in the secondary market better assess potential demand for tickets, which might influence the number of tickets that ticket brokers try to obtain and resell.

Some bills in the 118th Congress would have prohibited the sale of speculative tickets. For example, the Fans First Act (S. 3457), TICKET Act (H.R. 3950), and the Speculative Ticketing Oversight and Prohibition Act (STOP Act of 2023; H.R. 6568) would have prohibited a secondary ticketer from selling, offering to sell, or advertising a ticket if the ticketer does not already have the ticket. These bills would have allowed secondary ticketers to offer a service to obtain tickets on behalf of consumers if certain requirements were met, such as providing a full refund for the total cost of the service if they were unable to obtain a ticket. These bills and the BOSS and SWIFT Act (H.R. 3660, S. 2957) would have required secondary ticketers to provide a clear and

⁷⁵ For example, see Maryland Commercial Law Code §13-310.1 and New York Arts and Cultural Affairs Law §25.10.

⁷⁶ For example, see SeatGeek, “Terms of Use,” last updated May 2, 2024, <https://seatgeek.com/terms>, and StubHub, “Seller Policies,” <https://www.stubhub.com/legal?section=sp>.

⁷⁷ GAO, *Event Ticket Sales*, pp. 31-33.

⁷⁸ FTC, “*That’s the Ticket*” Workshop, pp. 5-6.

⁷⁹ NY State Senate, *Final Investigative Report*, pp. 24-26; NY State AG, *Obstructed View*, p. 26; and GAO, *Event Ticket Sales*, pp. 31-33.

conspicuous statement on the initial ticket listing if they cannot guarantee that the ticket can be obtained.

Nontransferable Tickets

Nontransferable ticket policies that prevent tickets from being resold can limit competition in the secondary market or effectively dismantle it, depending on the share of tickets that are nontransferable. Nontransferable tickets might benefit consumers by restricting the ability for ticket brokers to resell tickets for a profit in the secondary market.⁸⁰ Consumers might be more likely to obtain tickets in the primary market because they would no longer be competing with ticket brokers, particularly for high-demand events. Consumers might be harmed if, for example, they could no longer attend an event and if the tickets were nonrefundable; consumers would be unable to recoup at least some of their money by selling the ticket in the secondary market. Some consumer advocacy groups argue that nontransferable tickets impinge on consumers' property rights, arguing that consumers should be able to do whatever they would like with a ticket after purchasing it.⁸¹ Additionally, limiting transferability could impose artificial price floors for events that are less popular than anticipated; it would prevent tickets from being resold at a price lower than the price in the primary market.⁸²

Proposed legislation in the 118th Congress would have prohibited ticketers from issuing nontransferable tickets, that is, tickets that cannot be transferred to another individual. Specifically, the BOSS and SWIFT Act (H.R. 3660, S. 2957) would have prohibited primary ticketers from restricting or hindering the ability of a consumer to resell a ticket using a secondary ticketer. Some states have enacted legislation prohibiting ticketers from selling nontransferable tickets.⁸³

Refundable Tickets

Some states require tickets to be refundable in certain situations, such as cancelled events or if the ticket does not conform to the description provided by the seller.⁸⁴ Some ticketers provide refunds for events that are cancelled or postponed, subject to policies set by the event organizer, while others provide refunds only for cancelled events.⁸⁵ Refunds issued by ticketers might include some fees but not others. For example, Ticketmaster issues a refund for the ticket price paid, any services fees, and any additional add-ons (e.g., parking); it does not refund expedited shipping charges, merchandise purchases, or other charges.⁸⁶ Ticketers for some events did not provide refunds when numerous cancellations and indefinite postponements of live events occurred

⁸⁰ NY State AG, *Obstructed View*, p. 36, and GAO, *Event Ticket Sales*, p. 37.

⁸¹ GAO, *Event Ticket Sales*, p. 39.

⁸² FTC, *"That's the Ticket" Workshop*, p. 3.

⁸³ For example, see New York Arts and Cultural Affairs Law §25.30(1)(c), 2017 Connecticut Acts 17-28 (Reg. Sess.), and Virginia Code Annotated §§59.1-466.5 to 59.1-466.7.

⁸⁴ For example, Connecticut General Statute §53-289b, Florida Statute §817.36, Georgia Code §43-4B-28, New York Arts and Cultural Affairs Law §§25.01–25.35, and North Carolina General Statutes §14-344.1.

⁸⁵ Ticketmaster, "Purchase Policy," Ticketmaster Help Center, https://help.ticketmaster.com/hc/en-us/articles/10465798887953-Purchase-Policy#11._refunds,_credits,_and_exchanges, and StubHub, "Postponed, Rescheduled, or Canceled Events," StubHub Support, <https://support.stubhub.com/articles/61000276300-postponed-rescheduled-or-canceled-events>.

⁸⁶ Ticketmaster, "Purchase Policy," Ticketmaster Help Center, https://help.ticketmaster.com/hc/en-us/articles/10465798887953-Purchase-Policy#11._refunds,_credits,_and_exchanges.

because of the Coronavirus Disease 2019 (COVID-19), raising consumer protection concerns;⁸⁷ ticketers also faced unexpected revenue losses during that time.⁸⁸

A consideration may be whether the ticketer should be solely responsible for providing refunds for a cancelled or postponed event. Some ticketers have made statements that suggest other entities, such as event organizers, determine the refund policy, particularly the amount of the refund that will be covered by other entities.⁸⁹ Determining how the costs associated with a cancelled or postponed event are to be distributed may be part of negotiations between ticketers and other entities in the supply chain. If ticketers are required to provide full refunds for a cancelled or postponed event, and other entities in the supply chain are unwilling to share the costs that are incurred regardless of whether the event occurs, ticketers may face greater risks and costs. This might incentivize ticketers to increase ticket fees to try to offset the costs associated with cancelled and postponed events.

Several bills in the 118th Congress would have required ticketers to provide a full refund for a cancelled or postponed event, with some exceptions. For example, the BOSS and SWIFT Act (H.R. 3660, S. 2957), the Fans First Act (S. 3457), and the STOP Act of 2023 (H.R. 6568) would have required ticketers to provide a full refund, including any fees and taxes, if an event is cancelled or postponed, except when it is beyond the reasonable control of a ticketer, such as a natural disaster, civil disturbance, or otherwise unforeseeable impediment. The BOSS and SWIFT Act and the STOP Act of 2023 also would have allowed the ticketer to provide a replacement ticket in the same or comparable location, subject to availability and the consumer's approval.

Legislative Considerations

As Congress considers whether to pursue legislation related to event ticketing, some general considerations might include the following:

- **Whether legislation is needed.** Some ticketers have voluntarily implemented changes, such as allowing consumers to adjust settings to view all-in pricing from the beginning of the transaction for some events.⁹⁰ Ticketers might make additional changes or undo previous actions in response to various factors, such as public scrutiny, market pressure, state laws, and actions taken by the federal government.
- **Whether actions by federal agencies would address some congressional concerns.** For example, the FTC's trade regulation rule on unfair or deceptive fees that affect event ticketing and short-term lodging may address congressional concerns about all-in pricing. As another example, the lawsuit led by DOJ against Live Nation Entertainment and Ticketmaster might affect the ticketing industry, particularly if the judge rules in favor of the plaintiffs and implements the

⁸⁷ For example, see NY State Senate, *Final Investigative Report*, pp. 23-24, and Ben Sisario and Graham Bowley, "Angry Fans Say First the Concerts Were Canceled, Then the Refunds," *New York Times*, April 8, 2020, <https://www.nytimes.com/2020/04/08/arts/music/ticketmaster-refunds-coronavirus.html>.

⁸⁸ For example, Live Nation Entertainment estimates that in 2020, it had a \$1.7 billion operating loss, with a \$612 million operating loss in its ticketing services (Live Nation Entertainment, Inc., SEC Form 10-K for the year ending December 31, 2020, pp. 2, 36, 39). IBISWorld estimates that the outbreak of COVID-19 contributed to an estimated 40% drop in revenue in 2020 (IBISWorld, *Online Event Ticket Sales in the U.S.*, p. 12).

⁸⁹ For example, see Vivid Seats, Inc., SEC Form 10-K for the year ending December 31, 2023, p. 72, and Live Nation Entertainment, Inc., SEC Form 10-K for the year ending December 31, 2020, p. 3.

⁹⁰ For example, see Ticketmaster, "All-In Pricing," and SeatGeek, "Other FAQs."

suggested remedies, which include the divestiture of Ticketmaster.⁹¹ This might increase competition among primary ticketers, although increased competition in the primary market might not necessarily result in lower ticket prices for consumers if they can obtain tickets for an event from only one primary ticketer. Additionally, the lawsuit might be ongoing for several years, and the judge might rule in favor of Live Nation Entertainment and Ticketmaster.

- **What changes Congress might implement in event ticketing and the potential effects.** Congress might consider whether to increase consumer transparency, incentivize ticketers to implement changes, or implement broader structural changes to the industry, among other potential legislative options. The effect of each option on event ticketing could differ and, depending on the specifics of the legislation, might have unintended effects. For example, requiring all tickets to be nontransferable and refundable might prevent ticket brokers from selling tickets in the secondary market with a significant markup, potentially lowering ticket prices for consumers. However, it might also result in an underground secondary market, which might have less federal oversight and potentially harm consumers. It might also be more difficult for event organizers to produce sold-out shows if numerous consumers ask for last-minute refunds.

⁹¹ *United States of America et al. v. Live Nation Entertainment, Inc. and Ticketmaster L.L.C.*, “Complaint,” case no. 1:24-cv-3973, May 23, 2024, pp. 102-104, <https://www.justice.gov/atr/media/1353101/dl>.

Appendix. Live Event Ticketing Bills

Table A-1. Selected Bills Related to Event Ticketing

Introduced in the 118th Congress

Bill No.	Bill Title	Summary (only includes provisions related to event ticketing)
H.R. 2463, S. 916	Junk Fee Prevention Act	<p>This bill would have established requirements related to the fees charged by specified covered businesses, including those providing short-term lodging, ticketing services, internet service, mobile service, or video programming. It also would have required air carriers to seat each young child next to an accompany adult during flights.</p> <p>Specifically, businesses providing short-term lodging or ticketing services would have been required to display the total price (including mandatory fees) of the offered good or service in each advertisement and when the price is first shown to the consumer. Further, ticketing services would have had to (1) disclose any guarantee or refund policy for an event before the transaction is completed, and (2) disclose when they do not possess the ticket for an event at the time of sale. The bill would have also prohibited excessive or deceptive mandatory fees and provided the Federal Trade Commission (FTC) and state attorneys general (AGs) authority to enforce these requirements.</p>
H.R. 3660, S. 2957	<p>Better Oversight of Stub Sales and Strengthening Well Informed and Fair Transactions for Audiences of Concert Ticketing Act of 2023 (BOSS and SWIFT Act of 2023)</p>	<p>* This bill would have required ticket sellers in the primary and secondary markets to disclose the total cost of a ticket the first time the price is displayed (including price quotes and advertisements) and anytime thereafter. Ticket sellers would have been required to provide consumers the option to view an itemized list of the base ticket price and any ancillary charges and taxes; offer a refund or replacement ticket if the ticket is not delivered, with some exceptions; disclose whether the ticket is being offered in the primary or secondary market and the refund policy; and report activity that may violate the Better Online Ticket Sales Act of 2016 (BOTS Act; P.L. 114-274). Ticket sellers would have been prohibited from changing the total cost of a ticket during the purchasing process, unless there is clear and conspicuous notice; designing or manipulating a user interface to obscure or impair user autonomy; and knowingly selling a ticket for the same seat to more than one person.</p> <p>The bill includes separate requirements for primary ticket sellers (e.g., disclosing where the event will be held and the total number of tickets that will be offered for sale) and secondary ticket sellers (e.g., providing notification in the initial listing if the ticket sellers do not control the ticket and cannot guarantee the ticket). The bill would have been enforced by the FTC and state AGs. The bill would have required the FTC to provide a report on enforcement actions of the BOTS Act.</p>

Bill No.	Bill Title	Summary (only includes provisions related to event ticketing)
H.R. 3950, S. 1303	Transparency in Charges for Key Events Ticketing Act (TICKET Act)	<p>This bill would have required ticket sellers (including sellers on the secondary market) for concerts, performances, sporting events, and similar activities to clearly and prominently disclose at the beginning of the transaction, and prior to the selection of a ticket, the total ticket price for the event and an itemized list of the base ticket price and each fee (e.g., service fee, processing fee, delivery fee, facility charge fee, tax, or other charge). The total ticket price would have also had to be disclosed in any advertisement, marketing, or price list. Ticket sellers generally disclosed fees at the checkout stage.</p> <p>Additionally, ticket sellers that are offering to sell a ticket that the seller does not have in their actual or constructive possession would have had to clearly and prominently disclose that the ticket is not in their possession before an individual selects a ticket to purchase. The FTC would have had to enforce these requirements.</p>
H.R. 6568	Speculative Ticketing Oversight and Prohibition Act (STOP Act of 2023)	<p>* This bill would have prohibited ticket issuers and secondary ticket exchanges from selling or advertising speculative tickets. In the secondary market, ticket issuers and ticket exchanges would have been able to offer a service to obtain an event ticket on behalf of a consumer if certain requirements are met, including providing a disclosure that a ticket is not guaranteed and a full refund will be issued if a ticket is not obtained. They would have been required to provide notice that a consumer is engaged in the secondary sale of tickets.</p> <p>Ticket issuers and secondary ticket exchanges would have been prohibited from stating that they are affiliated with or endorsed by a venue, team, or artist unless a partnership has been executed. They would have been required to provide a full refund or replacement ticket if an event were canceled or postponed, with some exceptions, and provide a refund policy and disclose how to obtain a refund.</p> <p>The requirements in this bill would have been enforced by the FTC. The FTC would have been required to submit a report on the enforcement of the BOTS Act, including challenges with enforcement and recommendations on how to improve enforcement and industry compliance.</p>
S. 1321	Unlock Ticketing Markets Act of 2023	<p>This bill would have required the FTC to limit the duration of an agreement that a ticket service provider may enter into with a venue for the exclusive right to conduct the initial sale of tickets to all, or substantially all, live concerts, theatrical performances, sporting events, comedy shows, or other scheduled performances held at that particular venue.</p> <p>The FTC would have had to issue regulations to define the period of time that constitutes an excessive duration for such an exclusivity agreement. However, the minimum period of time that constitutes an excessive duration would have been more than four years.</p> <p>The bill would have provided the FTC with authority to enforce this limitation.</p>

Bill No.	Bill Title	Summary (only includes provisions related to event ticketing)
S. 3191	Mitigating Automated Internet Networks for Event Ticketing Act (MAIN Event Ticketing Act)	<p>* This bill would have amended the BOTS Act to require ticket issuers to implement an access control system, security measure, or other technological control to enforce posted event ticket purchasing limits. It would have required ticket issuers to maintain reasonable safeguards to protect the security, confidentiality, or availability of such website or service and to report any incidents of circumvention within 30 days after an incident is discovered by the ticket issuer. The bill would have required the FTC to create a publicly available website to allow individuals to report violations and to provide guidance for ticket issuers on compliance with the requirements.</p>
S. 3457	Fans First Act	<p>* This bill would have prohibited a secondary ticketing exchange or reseller from using an artist’s name, venue name, or event organizer name or implying they have been endorsed by the artist, venue, or event organizer without their written consent. It would have prohibited resellers from selling, offering, or advertising an event ticket unless they have the ticket. They would have been able to offer a service to obtain an event ticket on behalf of a consumer if certain requirements are met, including providing a disclosure that a ticket is not guaranteed and a full refund if a ticket is not obtained.</p> <p>The bill would have required sellers to provide the total event ticket price, including any fees, and an itemized breakdown of the price and any applicable taxes. It would have required sellers to provide the seller’s refund policies and how to obtain a refund in certain situations (e.g., if the ticket does not match the description; if the event is canceled or postponed). It would have required sellers to provide terms and conditions and a proof of purchase within 24 hours if the ticket is electronic. A seller would have been required to provide a full refund, including any taxes paid, if an event is cancelled, with some exceptions. The bill would have created additional requirements for secondary ticketing exchanges, such as allowing the ticket purchaser the option to provide affirmative consent to provide the artist and venue the purchaser’s name, email address, and phone number for the purpose of ensuring the safety and security of individuals and property associated with the event and to provide notice about postponements and cancellations.</p> <p>All the provisions mentioned thus far would have been enforced by the FTC and state AGs. The bill would have required the Government Accountability Office to conduct a study on the event ticket market. The study would have been required to contain certain information, such as an assessment of event ticket brokers obtaining tickets through fan clubs, venue pre-sales, or credit card rewards programs.</p> <p>This bill also would have amended the BOTS Act to require ticket issuers to implement an access control system, security measure, or other technological control to enforce posted event ticket purchasing limits. It would have required ticket issuers to maintain reasonable safeguards to protect the security, confidentiality, or availability of such website or service and report any incidents of circumvention within 30 days after the incident is discovered by the ticket issuer. The bill would have required the FTC to create a publicly available website to allow individuals to report violations and to provide guidance for ticket issuers on compliance with the requirements.</p>

Source: Congress.gov.

Notes: The bills are ordered by title. CRS conducted a search of the terms *ticket* and *event* on Congress.gov. The summaries are adapted from the summaries provided on Congress.gov, specifically by changing the tense used to discuss the bill, unless there is an asterisk (*) next to the summary. * indicates the summary was written by CRS for the purpose of this report; a summary was not available on Congress.gov when this report was published.

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Meg Shorette
Portland
LD 913

Hello,

My name is Meg Shorette, and I'm a music promoter and arts administrator with 20 years of experience here in Maine. I'm writing in opposition of the proposed bill LD 913 - An Act to Prohibit Ticket Sellers from Prohibiting the Transfer of Tickets to Third Parties.

The purpose of this bill to mandate ticket transferability—a policy that benefits only resale platforms like StubHub and Vivid Seats while driving up costs for fans. It fails to ban speculative ticket sales, deceptive websites, hidden fees, or price gouging. It does not hold professional resellers accountable or guarantee refunds for invalid tickets.

As a promoter, watching fans arrive at venues with high hopes of the shows they've been looking forward to, and very often spent 3x-10x the actual ticket price on through resellers, only to learn their tickets are actually invalid, it heartbreaking. Not only that, but it reflects poorly on the venue, the promoter, the artist and the Maine arts scene itself.

Mandating ticket transferability strips us of the ability to ensure tickets go to real fans and hands control to resale platforms. Unrestricted transferability allows tickets to be flipped repeatedly, escalating prices far beyond face value. This bill also prevents venues from denying entry to an event solely because a ticket has been resold. This essentially means that your venue or organization cannot deny entry to a ticket that was resold on the secondary market multiple times.

When venues control resale, it becomes harder for scalpers to dominate the market, ensuring that more tickets go to actual attendees at fair prices. We've seen how this happens in practice first hand as I mention above. Fans who legitimately need to resell tickets can use venue-run exchanges that prevent price gouging while maintaining fair access. This has been an effort that honest venues and promoters have worked internally to manage in their own rooms for years. Think of yourself and how your experiences are when seeing live entertainment. Do you yourself want protection? I sure do. Again - this bill would mean that a venue or organization cannot deny entry to a ticket that was resold on the secondary market multiple times. I think we can all see the issues that arise from this. We need to be protecting people and not corporations now more than ever.

I earnestly hope that you will take our concerns seriously and weigh them in your decision today, and in the future. If you're so inclined to dig deeper and spend more time educating on this matter, I would urge you to give time to the National Assembly of State Arts Agencies upcoming webinar "State Ticketing Legislation" taking place March 25th at 3pm-4pm EST (<https://tinyurl.com/mr28j643>).

Regards,
Meg Shorette