



Do Not Pass Go, Do Not Collect \$200 – Rein in the Monopoly

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When the 118th session of the U.S. Congress gaveled in, I testified on behalf of The James Madison Institute (JMI) at the first Senate hearing of the year, where the topic was the Taylor Swift ticketing meltdown and the Live Nation/Ticketmaster monopoly. A year later, I provided testimony to the U.S. House Committee on Energy and Commerce related to

H.R. 3950, the TICKET Act, as a critical chance for impactful change in the ticketing ecosystem. The Department of Justice (DOJ) later sued Live Nation/Ticketmaster in May, with the backing of 40 Republican and Democrat state attorneys general, to bust up the monopoly. As the year comes to an end, Congress has an opportunity to gavel out of this session by passing a new

ticketing transparency and anti-deception law that will offer a real improvement to fans.

While each corner of the industry has its own preferred legislation, HR 3950 surprisingly earned the endorsement of almost all corners of the industry – artists, venues, consumer protection defenders, fan advocates, promoters, managers, producers, and ticketing companies. Appreciating that there are no opportunity guarantees for the next session, Congress should take this win now and score some points for millions of American consumers who are also fans of live events.

Ticketmaster controls the vast majority of the so-called “primary ticketing market”, which handles the initial sale of the ticket. When one company controls so much of ticketing, it allows it to exert control over the supply of tickets, service fees on those tickets, and the exclusive contracts it has with venues that would like to work with artists that are promoted by Live Nation. It can also abuse technology purportedly intended to combat fraud to instead invalidate and otherwise make worthless tickets to Live Nation or Ticketmaster-ticketed events sold by its competitors like StubHub, Vivid Seats, Seat Geek, and Tick Pick.

As the company is under the greatest legal scrutiny in its existence, it has surprisingly continued some of its traditional blocking and tackling in state capitals to protect and even widen its impenetrable moat. The company has managed to thwart every proposal that would require ticket sellers to report suspected bot attacks to federal law enforcement, so the BOTS Act of 2016 can be more effectively enforced.

Meanwhile, when its popular concerts appear to sell out in minutes or crash its site, the company blames its common scapegoats — ticket brokers and bots. But at the Senate Judiciary hearing where I testified alongside the Ticketmaster CEO, the company fell short of supporting requirements to say something if it sees something with regard to bots. And, with Ticketmaster being the largest ticketing company in the country, the BOTS Act will go on with meager enforcement as a result.

Ticketmaster also blocks any state legislation that would outlaw its secretive and deceptive ticket holdbacks scheme that misleads, confuses, and abuses fans every day. By holding back up to half the tickets to an event when tickets go on sale, the company can employ slow ticketing to create fake scarcity. This way, when fans get through its frustrating special access systems, if they see any tickets available at all they are more likely compelled to make the purchase, even if they cannot afford what’s available. And if they are angry, they are encouraged to blame the same ticket broker and bot scapegoats. But if fake scarcity through deceptive ticket holdbacks is outlawed and inventory disclosures are required, fans could comparison shop and decide whether to buy now or wait based on knowing what percentage of tickets to the event have been sold and how many more will go on sale in the future.

Ticketmaster most certainly will not willingly allow any additional states beyond the current six to pass protections for the tickets fans purchase as their own property, to freely use, resell, or give away without any incumbrance from the prior or original

seller of that ticket. Tickets go on sale six to twelve months in advance these days. Life happens. If you can't make the game or show, you should be able to do what you want with your tickets, and [polling](#) shows 87% of fans agree. Purchasing a ticket should guarantee the purchaser the right to do what they please with it. Restricting transfer only benefits one company while undermining basic components of our economic system. While the popular sell-outs drive headlines, out of the tens of thousands of live events each year, [data](#) show that more than half offer lower cost comparable tickets on the secondary resale market compared to the box office or its primary ticketer. Last year alone this resulted in [\\$440 million](#) in savings for fans compared to the original cost of those tickets when sold by the venues or Ticketmaster.

In 2024, even as 40 state attorneys general and the U.S. Department of Justice filed a massive monopoly lawsuit against the company for its repeated misconduct, aiming to bust the company up into smaller and less abusive parts, Ticketmaster was still up to its self-preferencing shenanigans in state capitals.

In JMI's home state of Florida, the monopolist killed bicameral bills (H.R. 177 & S.B. 204) that would have allowed venues to choose a ticketing partner other than Ticketmaster when seeking to book a Live Nation touring artist (the company is accused of forcing a Ticketmaster bundle when venues see Live Nation tours). Ticketmaster also pushed legislation in California (S.B. 785) that would have disproportionately addressed the secondary ticket resale marketplace, potentially further empowering

the Ticketmaster monopoly given its vast market share of ticketing in California. Selma City Councilmember Blanca Mendoza-Navarro and Parlier City Councilmember Diego Garza even [co-wrote an op-ed](#) reiterating this point, saying that the bill "will grow the Ticketmaster monopoly and make it even less affordable for our constituents to see their favorite teams and artists in person."

The company was active across many states this year, protecting its walled garden while pointing to bots and ticket brokers as the supposed problem for all things in ticketing. Several years ago, in a terrible move for consumer protection, Live Nation/Ticketmaster successfully [worked](#) in Trenton, New Jersey to roll-back a ticketing transparency law that banned venues, artists, and ticketing companies from secretly holding back more than five percent of tickets from the public in ways that created fake scarcity.

Recent action on HR 3950, The TICKET Act, shows that legislators agree that more needs to be done to protect fans of live events. The bill passed unanimously out of committee and then passed the full House of Representatives in a 388 to 24 bipartisan vote.

Introduced by Representatives Gus Bilirakis (R-FL) and Jan Schakowsky (D-IL), the TICKET Act would require simple and clear all-in pricing, so fans know what they are paying right from the jump. It will also ban deceptive, undisclosed, and speculative tickets where fans are purchasing the promise of a ticket but the seller doesn't actually have the tickets at the time of their offering. In the interest of transparency, such sales would be banned, though fans

will fortunately still have access to ticket procurement services that enable them to avoid the disarray of Ticketmaster's frenetic on-sales, which have seen tech issues, cancelations, and excruciating wait times. With these "pay now, procure and deliver later" services, fans can easily find a price that suits them along with a money-back guarantee.

Finally, the legislation includes refund guarantees if an event is canceled. This is another common sense and entirely pro-consumer provision in this non-controversial legislation.

The James Madison Institute [expressed](#) its support of the bipartisan House TICKET Act earlier this year. While the Senate passed its own slimmed-down version of

the Ticket Act (S.1303), which is a price transparency proposal, the broad left-right support for its H.R.3950 companion hopefully will convince Committee and Party Leadership in the U.S. Senate to advance the Bilirakis-Schakowsky bill before the end of the year.

Both versions of the TICKET Act do good and helpful things for consumers in the market, though HR3950 offers greater transparency, enhanced protections, and less deception that, when combined, will be a terrific boost of improvement to the ticketing market for which the entire Congress can take credit in a bipartisan manner.

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