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SEATGEEK  
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ECONOMIC MATTER COMMITTEE  
HOUSE BILL 77**

Chair Valderrama, Vice Chair Charkoudian and Members of the Economic Matters Committee: My name is Joe Freeman and I am the Vice President of Government Relations for SeatGeek. We greatly appreciate the Committee's and Delegate Wood's interest in strengthening consumer protection in live event ticketing, as well as the opportunity to offer testimony today. We hereby submit our testimony in respectful opposition to HB 77.

**1. INTRO TO SEATGEEK**

SeatGeek is deeply committed to a consumer-friendly ticketing industry, and we ardently support and urge Members of the Committee, as took place in 2024, to adopt well-informed policies that help fans, embrace consumer choice and fair competition, and reflect modern technology and market realities. We also want local venues of all sizes to flourish: smaller independent venues and the artists they host are a critical and cherished part of the live entertainment ecosystem.

SeatGeek was founded in 2009 by a few friends frustrated by the lack of innovation in ticketing and the challenges of purchasing a ticket to live events. They still run the company, and our mission remains building the most consumer-friendly ticketing platform on earth. SeatGeek started as a ticketing search engine and then evolved into a resale ticketing marketplace. By 2016, SeatGeek's founders recognized that it was not possible to impact the ticketing experience the way they had hoped without working directly with teams and venues as their primary ticketing platform. As a result, the company decided to move into primary ticketing, attempting to compete directly with the dominant incumbent, Live Nation-Ticketmaster, for relationships with major venues in the US market.

Today, SeatGeek offers both primary ticketing (direct sales from teams and venues) and secondary ticketing (resale) services. We serve as the ticketing partner for six National Football League (NFL) teams, including the Baltimore Ravens and Washington Commanders, as well as three NBA teams, two NHL teams and nine Major League Soccer clubs. We are also the Official Ticket Marketplace of Major League Baseball (MLB), providing season ticket holders for all 30 MLB teams, including the Orioles and Nationals, with a convenient and safe way to resell their tickets for games they cannot attend. And we are the official ticket marketplace for the University of Maryland Terrapins.

Through our various industry partnerships, we are deeply invested in the health, vitality and growth of the live entertainment industry in Maryland.



## **2. PRIMARY TICKETING ACROSS THE U.S. IS ANTI-COMPETITIVE AND DOMINATED BY TICKETMASTER**

While we are thankful our product- and technology-driven approach has resonated with venues, teams, and fans, especially here in Maryland, we continue to witness firsthand the chilling effects of Live Nation-Ticketmaster's anticompetitive behavior across the entire live entertainment industry, including at leading concert amphitheaters and arenas here in Maryland.

We were therefore deeply grateful in 2024 when the Maryland Attorney General's office, along with 39 other Attorneys General and the Biden Administration United States Department of Justice, filed a civil antitrust case against Live Nation-Ticketmaster, alleging a broad pattern of unfair and anticompetitive conduct across not just live event ticketing but virtually every aspect of the live entertainment industry. We respectfully urge the Committee members to review the allegations brought by AG Brown, USDOJ and the other AG plaintiffs to understand more fully the broad and systemic issues facing our industry and that we wish were underlying the bill before you today. The Live Nation-Ticketmaster antitrust case is set to go to trial on March 2, and I want to thank AG Brown and his office for their leadership in that matter and beyond in working to protect fans looking to purchase tickets to live events in Maryland.

Also, in September the FTC and a bipartisan group of seven state AGs brought a far reaching lawsuit focused on Ticketmaster's historic deceptive pricing practices, violations of the federal BOTS Act, and apparent collusion with ticket brokers despite protestations to the contrary.

That Live Nation-Ticketmaster now supports price controls and resale price caps across the country should tell you a lot - they know full well the furtherance of such misguided policies will further entrench their dominance of live event ticketing.

## **3. HB 77 IS WELL-INTENTIONED BUT MISGUIDED**

The Legislature studied price control proposals and related issues closely in 2024 and, after close consideration, enacted prudent and thoughtful reforms. We urge the Committee to continue to follow that example. We respectfully submit that while the HB 77 is undoubtedly well-intentioned, its current draft includes provisions that if enacted will be extremely harmful to the public, the industry and to fair competition. Its provisions will reduce if not eliminate consumer choice, shatter competition, and harm fans by precluding access to lower-priced tickets. Cases of fraud will spike dramatically. If the Bill passes in anything resembling its current form, fans will lose and Ticketmaster will score a huge win.

**Price controls are not the answer. The evidence is overwhelming that price controls don't work, are harmful, and will make the problems with ticketing far worse.**

Price controls are a major component of this bill. As in 2024, I reiterate that they are a misguided and damaging approach to protecting fans. You simply cannot legislate away



consumer demand to certain events or wish away the fundamental laws of supply and demand. While price controls may sound like a consumer-friendly panacea to rising costs, the evidence is overwhelming that imposing price or fee caps on ticket sales is very harmful to consumers. As in countless other industries, supply and demand determine the pricing of live event tickets. Just as seasonal fluctuations in prices for flights to popular vacation destinations vary considerably, or hotel prices here in Annapolis fluctuate depending on whether there is a big event or Naval Academy graduation taking place, live event tickets fluctuate in price depending on supply and demand. It is usually the case that consumers shopping on resale platforms have access to tickets priced below their initial face price. And when an extremely popular, high-demand artist like Bruno Mars or BTS comes to play a stadium in Maryland, you cannot simply legislate away high or even astronomical levels of consumer demand.

Resale, when done right, is part of the solution. It provides fans access to trustworthy and secure marketplaces. When fans are determined to attend an event, they will find a way to get tickets. If they have to, they will find a way to buy the tickets they want, going to unsafe sites without protections like Craigslist or Facebook Marketplace, or from someone on a street corner or back alley near the venue. Providing a reliable resale marketplace is vastly better than forcing fans back onto outdated, risky environments where ticket availability is scarce and scams and fraud are rampant.

You may be hearing from price control proponents that Maine recently enacted a resale price control law. Please be aware that they will not tell you that the Commonwealth of Massachusetts recently rescinded its 100-plus year old resale price cap law, recognizing that the law was outdated, unenforceable, and counterproductive. The Maryland live entertainment industry far more closely resembles that of Massachusetts than of Maine, and I urge you to proceed accordingly.

In our 2024 submission to General Brown's office and in other submissions we have provided an avalanche of data showing how overseas fans of high-demand events like Taylor Swift concerts are the victims of scams and ticket fraud to a shocking extent, almost entirely because they have no access to reliable platforms like SeatGeek and instead have to try and buy tickets on platforms like Craigslist or Facebook marketplace with no protections in place.

**Fee caps are another form of misguided and harmful price controls.**

Maryland enacted all-in-pricing in its 2024 ticketing reform package. Moreover, the FTC all-in-pricing rule that came into effect nationwide last May was truly bipartisan: It was championed under the Biden Administration by former FTC Chair Lina Khan, and has been launched with much fanfare and to great effect under current FTC leadership. All indications over the last nine months are that it has been a resounding success. Fans are now rightly focused on the total amount they will pay for a ticket, not on what percentage of the total price they are paying goes to the company they are considering purchasing tickets from. Live event ticketing has to get



past the toxic legacy Ticketmaster created, especially the anti-consumer model of drip pricing and junk fees it introduced a generation ago and inflicted upon fans for decades.

Our fees are legitimate and fair. They are the result of intense competition amongst multiple resale platforms. There is no similar competitive pressure on Ticketmaster's primary fees, and not surprisingly no such provision is included in the Bill.

Our fees allow us to (i) aggressively fight fraud (ii) provide an industry-leading fan [Buyer Guarantee](#), (iii) battle against bots when we launch high-demand onsales, (iv) provide superior customer service, and (v) develop more cutting-edge, fan-friendly technologies that distinguish our product and allow us to compete against Ticketmaster.

Indeed, there are few if any other industries in which prices and margins are broken down or capped as is being proposed today. It makes no sense to do so here. Costs will still be passed on to fans, and companies like ours trying to innovate and build better products will lose.

It should not surprise you that Ticketmaster has come out in support of capping resale prices. They know that if you impose price controls they still control not only the primary ticketing at the venue but also the concert promotion and very often the artist management side of the business as well. So if you impose price controls fans will lose and Ticketmaster will score a huge win.

### **Restrictions on Legitimate Ticket Resale and Transferability Will Only Further Entrench the Live Nation-Ticketmaster Monopoly, Result in Less Consumer Choice, and Fewer Opportunities to Access Less Expensive Tickets.**

It cannot be stressed enough that resale often results in lower prices for fans. [A comprehensive study published by the American Consumer Institute in June 2024](#) found that, of 80,000 live events sampled, 55% had tickets listed for below "face value." Consumers regularly benefit and save considerable sums because they have options that did not previously exist, namely the opportunity to purchase tickets at a price they are willing to pay (above or below the initial price) on a reliable and secure resale marketplace. This very often includes tickets for shows where demand fails to meet supply and resale prices fall well below the initial price of the ticket. For example, tickets for the Beyoncé Cowboy Carter tour last year could be had on the day of show in some cities for as low as \$30. You could get in to see Paul McCartney for that much in Minneapolis a few weeks ago. Similar examples abound in Maryland and across the country.

Where it can get away with it, Ticketmaster will very happily put in place a high-profile "face price only exchange" for concert tickets and preclude sales on other platforms. Pearl Jam ironically is a prime example of a band they love to do this for. But of course they not only install a price cap but also a price floor and thereby restrict fans from accessing potentially lower-cost tickets.



It must also be mentioned that Ticketmaster's goal of controlling or eliminating resale, and growing their own business, is not hypothetical. It is laid out explicitly in internal Ticketmaster emails cited in AG Brown's antitrust Complaint, where Ticketmaster has for years sought to restrict ticket transferability as a means of dominating resale just as it has primary ticketing.

By contrast, six states including Virginia have enacted laws requiring that tickets be transferable. In states where these laws do not exist, fans are susceptible to missing out on the opportunity to purchase lower-priced tickets for events where demand turns out to be less than expected. Again, the Live Nation-Ticketmaster-driven "Face Value Exchange" imposes an artificial *price floor* on resale tickets, depriving many fans of the chance to access tickets at a lower price when demand fails to meet expectations (as it regularly does for certain tickets to a very significant number of shows). In one recent example, a few days before two 2024 Pearl Jam concerts at Wrigley Field in Illinois (one of the six aforementioned states where transferability is protected), tickets were available for as little as \$40, well below their initial price. When Pearl Jam shortly thereafter came to the CFG Bank Arena in downtown Baltimore a few weeks later, where no such protections were in place, ticket supply was scarce and prices were expensive. Again, we're happy to share our 2024 written submission to the Attorney General's office setting forth these examples in further detail.

So if you take away or restrict ticket transferability, you will also be taking away fans' ability to find low-priced tickets to a significant majority of events, including concerts. Fans will lose, Ticketmaster will again score a huge win.

### **Onerous and Unnecessary Regulatory Burdens Like Those in the Bill Will Drive Reliable Resale Platforms Like SeatGeek Out of the State.**

Lastly, it is hard to consider the regulatory and registration requirements being proposed in the Bill as anything other than death by regulation. These proposals seem specifically designed to shatter all competition and put legitimate, tax-paying resale platforms like SeatGeek, who strive to provide superior value and customer service while competing to the extent possible with Live Nation-Ticketmaster, completely out of business. We want to continue serving Maryland residents' ticketing needs at the high levels we have been doing also while continuing to be a responsible part of the Maryland live entertainment ecosystem. If we cannot, it will be a big loss for fans and a huge win for Ticketmaster.

#### **4. THE PATH FORWARD**

There is a far better pro-consumer and pro-competition path forward. And Maryland in 2024 looked closely at these issues and in our view largely got it right. The bill Maryland legislators passed and Governor Moore signed into law a bill that among other things prohibits (i) speculative ticketing and (ii) misleading URLs and other practices meant to confuse purchasers into thinking they are buying directly from the venue box office when they were not, while mandating (iii) listing of tickets by seat number (where not General Admission), (iv) displaying



the full, all-in-price from the first time a price is displayed, (v) robust anti-bots protections, and (vi) reasonable refund requirements. I regularly cite Maryland in state capitals across the country as an example of a state that did very good work in seeking to protect fans and ensure fair competition.

But it is again important to note that legislators in 2024 legislators here in Annapolis looked very closely at imposing price caps and other extreme, onerous burdens almost identical to the ones being proposed in HB 77. In 2024 you stepped back from the abyss. I respectfully request that you in your consideration of these matters do the same.

## **5. CONCLUSION**

When resale is done right on trusted and reliable marketplaces like SeatGeek, it is part of the solution. This is especially the case with the recent FTC rule bringing all-in-pricing nationwide and the prospect of a transformative legal case going to trial in under five months. Resale done right gives consumers flexibility and choice and, very often, access to lower-priced tickets. Price controls that violate the elementary laws of supply and demand are simply not the answer.

Through our various partnerships and products, SeatGeek is a proud part of the Maryland live event ecosystem. We help bring significant revenue into the State that would not otherwise be captured. We want fans, venues and the artists and events they love to have a ticketing industry free of monopolies and misguided regulations that restrict choice and fail to protect fans. We sincerely appreciate the opportunity to testify in respectful opposition to HB 77 as introduced.

For further background, we are happy to provide copies of our 2024 comments submitted to General Brown's office, as well as comments submitted to the federal government in response to President Trump's March 2025 Executive Order.

Thank you again for your consideration of our perspective and for the opportunity to submit this testimony.