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SENATE BILL DRS35370-NHa-195

Short Title: Real Tickets, Real Fans Act. (Public)

Sponsors: Senators Moffitt, Sawyer, and Chaudhuri (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED
AN ACT TO PROHIBIT SPECULATIVE SALES, DECEPTIVE PROMOTION, AND THE
USE OF BOTS IN ENTERTAINMENT EVENT TICKET SALES.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Chapter 75 of the General Statutes is amended by adding a new
Article to read:

"Article 9.

"Entertainment Event Ticket Sales and Resales."

SECTION 1.(b) The following provisions are to be located in Article 9 of Chapter
75 of the General Statutes, as established by subsection (a) of this section:

- (1) Subsection (a) of G.S. 75-44 is recodified as G.S. 75-151, to be titled
"Definitions."
- (2) Subsection (b) of G.S. 75-44 is recodified as G.S. 75-152, to be titled "Ticket
price transparency."
- (3) Subsection (c) of G.S. 75-44 is recodified as G.S. 75-157, to be titled
"Enforcement."

SECTION 2. Article 9 of Chapter 75 of the General Statutes, as established by
Section 1 of this act, reads as rewritten:

"Article 9.

"Entertainment Event Ticket Sales and Resales.

"§ 75-151. Definitions.

As used in this ~~section~~ Article, the following definitions apply:

- (1) Bot. – Any machine, device, computer program, or computer software used to purchase tickets that, on its own or with human assistance, bypasses security measures or access control systems on a retail ticket purchasing platform or other controls or measures on a retail ticket purchasing platform that assist in implementing a limit on the number of tickets that can be purchased for an entertainment event.
- (2) Clearly and conspicuously disclose. – To present information in a manner that is difficult to miss and easily understandable, including by meeting the following standards:
 - a. In the case of a visual disclosure, its size, contrast, location, the length of time it appears, and other characteristics stand out from and are equal to or greater in size than any accompanying text or other visual elements so that it is easily noticed, read, and understood.
 - b. It is unavoidable.



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- c. It uses diction and syntax understandable to ordinary consumers and appears in each language in which the representation that requires the disclosure appears.
- d. It is not contradicted, mitigated by, or inconsistent with any other communication made to a consumer.
- (3) Entertainer. – An individual, group, or team that performs at an entertainment event.
- ~~(4)~~(4) Entertainment event. – A sporting game or contest, concert, or other entertainment performance with a live presentation element in this State for which attendance is available to the public through the purchase of a ticket.
- (5) Fan club. – A membership-based program, established by an entertainer, venue, or event organizer, or an agent or affiliate of such, that offers members the opportunity to purchase tickets for an entertainment event prior to the tickets being offered for sale to the general public.
- ~~(2)~~(6) Mandatory fee. – Any fee or surcharge that a consumer must pay in order to purchase a ticket to an entertainment event.
- ~~(3)~~(7) Resale. – The second or subsequent sale of a ticket ~~through a website or other electronic means~~ by any method, including in-person transactions, telephone, mail, email, facsimile, or electronic means through websites or mobile applications.
- ~~(4)~~(8) Reseller. – A person engaged in the resale of tickets. This term includes agents and affiliates of a reseller.
- ~~(5)~~(9) Secondary ticket exchange. – An electronic marketplace that enables persons to sell, purchase, and resell tickets. This term includes agents and affiliates of a secondary ticket exchange.
- (10) Speculative ticket. – A ticket not in the actual or constructive possession of a reseller at the time of listing, sale, or advertisement, including tickets not owned by the reseller or under contract to be transferred to the reseller at the time of sale.
- ~~(6)~~(11) Ticket issuer. – The person that is the first seller of tickets for an entertainment event, including a musician or musical group, an operator of a venue, sponsor or a promoter of an entertainment event, a sports team participating in an entertainment event, a sports league whose teams are participating in an entertainment event, a theater company, a marketplace or service operated for consumers to make an initial purchase of tickets, or an agent of any of the persons listed in this subdivision.
- ~~(7)~~(12) Ticketing link website. – A website that purports to sell entertainment event tickets when no transactions occur on the website but instead links or redirects to a reseller or secondary ticket exchange website.
- (13) Ticketing session. – The period of time beginning when the price of a ticket to an entertainment event is first displayed to a person through a website or application and ending when the person has not purchased the ticket within the time period prescribed by the secondary ticket exchange, ticket issuer, or reseller.

"§ 75-152. Ticket price transparency.

A secondary ticket exchange, ticket issuer, or reseller shall meet the following requirements when listing a ticket for sale or resale:

- (1) At any time the price of the ticket is displayed to the purchaser, the listing shall clearly and conspicuously disclose the total price of the ticket, including all mandatory fees and the maximum order processing fee, if any.

- (2) The total price of the ticket initially displayed at the beginning of a ticketing session shall not be increased during that ticketing session, except by the addition of the charges permitted under subdivision (4) of this ~~subsection~~ section.
- (3) The listing shall clearly and conspicuously disclose to the consumer the existence and actual dollar amount of each mandatory fee, if any, prior to the completion of the transaction. The descriptor used to identify each mandatory fee shall not be deceptive or misleading.
- (4) The following charges are not mandatory fees and may be added to the ticket price and shall be disclosed to the purchaser prior to purchase of the ticket:
- a. Actual charges required to deliver a non-electronic ticket to the address specified by the purchaser by the delivery method designated by the purchaser.
 - b. Taxes or fees imposed on the transaction by any government.
 - c. A reasonable fee for processing the order.
- (5) The listing shall clearly and conspicuously disclose to the consumer the location of the seat corresponding to the ticket, including the row and section number, or if there is no assigned seat, the general admission area.
- (6) The issuer, reseller, or secondary ticket exchange shall clearly and conspicuously disclose in the listing and at the point-of-sale whether this is an initial sale or resale of a ticket, including the following:
- a. If a ticket is being resold through a secondary ticketing exchange that is not the ticket issuer, the secondary ticketing exchange shall clearly and conspicuously disclose that it is not the ticket issuer and provide an active link and the website address of where a consumer may purchase a ticket from the ticket issuer.
 - b. If the secondary ticket exchange is also the ticket issuer, the secondary ticket exchange shall clearly and conspicuously disclose on each page or interface when a consumer is participating in the resale process.

"§ 75-153. Prohibition of speculative ticket sales.

In addition to any other restrictions imposed by a ticket issuer, a reseller or secondary ticket exchange shall not (i) sell or offer to sell speculative tickets or (ii) resell more than one copy of the same ticket to an entertainment event.

"§ 75-154. Access to presale and fan club tickets.

(a) A ticket issuer, reseller, or secondary ticket exchange shall not resell a ticket before it has been made available to the public through the ticket's initial sale, unless it is authorized by an entertainer, venue, or event organizer.

(b) A ticket reseller or secondary ticket exchange shall not purchase, sell, or resell a ticket through a fan club ticket presale or fan club program unless authorized by the fan club.

"§ 75-155. Ticketing website use of branding and intellectual property.

In any advertisements, promotional materials, or online content, including websites, website addresses, and social media, a reseller, secondary ticketing exchange, and operator of a ticketing link website shall not do any of the following:

- (1) Use the name, graphic, logo, image, trademark, trade dress, or any other intellectual property of an entertainer, venue, or event organizer without prior authorization.
- (2) Resemble the branding of or otherwise visually imply a connection to an entertainer, venue, or event organizer, even if there has not been a violation of an intellectual property right, if the resemblance was intentionally designed to create the false appearance of an agent, affiliate, or other relationship with an entertainer, venue, or event organizer, when no such relationship exists.

- (3) State or imply an affiliation with or endorsement by an entertainer, venue, or event organizer, including by using words like "official," when no such relationship or endorsement exists.

"§ 75-156. Prohibition on circumvention of internet ticket sales limitations.

A person shall not use or create a bot to perform any of the following actions:

- (1) Purchase tickets for any single internet ticket sale.
(2) Use multiple Internet Protocol (IP) addresses, purchaser accounts, or email addresses to purchase tickets for any single internet ticket sale in excess of the purchase limit imposed by the ticket issuer or eight tickets, whichever is less.
(3) Circumvent or disable an electronic queue, waiting period, presale code, or other sales volume limitation system associated with an internet ticket sale.
(4) Circumvent or disable a security measure, access control system, or any other control or measure used to facilitate authorized entry to an event.

"§ 75-157. Enforcement.

(a) A violation of this ~~section~~ Article is an unfair trade practice under G.S. 75-1.1 and is subject to all of the investigative, enforcement, and penalty provisions of an unfair trade practice under this ~~Article~~ Chapter.

(b) In addition to any other relief or penalty allowed under this Chapter or other State law, a court may issue a civil penalty of up to fifteen thousand dollars (\$15,000) per day that a violation of this Article has occurred and the greater of (i) one thousand dollars (\$1,000) or (ii) five times the total ticket price, per ticket listed, advertised, sold, or resold in violation of this Article.

(c) If a court finds that a violation of this Article was willful, the court may impose an additional civil penalty of ten thousand dollars (\$10,000) per ticket sold or resold in violation of this Article.

(d) The Attorney General shall ensure consumers are able to report violations of this Article on the Department of Justice's website and by telephone.

(e) No later than August 1 of each year, the Attorney General shall report to the Joint Legislative Oversight Committee on Justice and Public Safety on the number and types of enforcement actions taken pursuant to this Article. A copy of the report shall also be made publicly available on the Department of Justice's website."

SECTION 3. There is appropriated from the General Fund to the Department of Justice the sum of two hundred fifty thousand dollars (\$250,000) in recurring funds beginning in the 2026-2027 fiscal year to be allocated to the Office of the Attorney General to create one or more full-time equivalent (FTE) positions to support enforcement of the entertainment event ticket sale requirements of Article 9 of Chapter 75 of the General Statutes, as enacted by this act.

SECTION 4. Section 1 and Section 2 of this act become effective October 1, 2026, and apply to tickets sold on or after that date. The remainder of this act becomes effective July 1, 2026.