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Testimony of the Department of Commerce and Consumer Affairs

**Before the
Senate Committee on Water, Land, Culture and the Arts
Wednesday, April 8, 2026
1:05 p.m.
Via Videoconference
Conference Room 224**

**On the following measure:
S.C.R. 173, Proposed S.D. 1, CONVENING A TASK FORCE TO ADDRESS EVENT
TICKET SCALPING IN THE STATE**

Chair Lee and Members of the Committee:

My name is Emma Olsen, and I am an Enforcement Attorney for the Department of Commerce and Consumer Affairs' (Department) Office of Consumer Protection (OCP). The Department offers comments.

The purpose of the resolution is to convene a task force to address issues in live event ticket sales, including fair access to tickets and inflated resale prices. The Department supports the intent of this resolution to examine and recommend solutions for improving consumer protections in the live event ticket marketplace.

The proposed task force will be co-chaired by the Chairs of the standing committees with primary jurisdiction over culture and the arts and will include stakeholders such as event producers and promoters, venue owners, patrons, and government agencies in jurisdictions with ticket scalping legislation. OCP is not currently a member of the task force, even though it is the State's primary enforcement authority

for unfair and deceptive practices and would likely be responsible for enforcing any recommended legislation proposed by the task force and later enacted into law.

Issues in the primary and secondary ticket sales markets are consumer issues. Consumer aggravation is understandable when tickets to their favorite artists sell out immediately after they go on sale. Consumer apprehension can be triggered by reports that live event tickets are available, but only at a steep mark-up from the sales price of the initial release. Consumer concerns about unclear fees rankled consumers so much that the Federal Trade Commission adopted a nationwide rule, effective in 2025, mandating price transparency and up-front pricing.

In 1999 and again in 2016, the New York State Attorney General issued reports on ticketing practices that continue to ring true today. In 1999, the New York State Attorney General found that:

- Tickets to popular events are systematically diverted to ticket brokers by box office employees, venue managers, and promoters;
- The best seats for events are often withheld from the public; and
- Ticket speculation is a huge business producing gross revenues of millions of dollars a year for certain premium ticket brokers.¹

In 2016, the New York State Attorney General found that:

- Holds and presales reduce the number of tickets reserved for the general public;
- Brokers use inside knowledge and illegal bots to edge out fans;
- High fees for unclear purposes raise concerns; and
- Restraints of trade exist.²

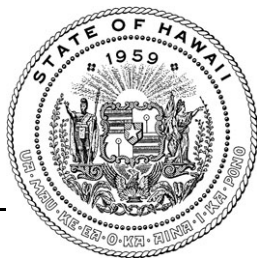
OCP can provide insight unlike any other current task force member. The Department is particularly interested in the role of ticket brokers in the live event tickets ecosystem.

¹ "Spitzer Issues Report on Ticket Sales," Archived Press Release by the New York State Office of the Attorney General (May 27, 1999) available at ag.ny.gov/press-release/1999/spitzer-issues-report-ticket-sales (last accessed April 6, 2026).

² New York State Attorney General, "Obstructed View: What's Blocking New Yorkers from Getting Tickets" available at ag.ny.gov/sites/default/files/reports/Ticket_Sales_Report.pdf (last accessed April 6, 2026).

We respectfully request that the Director of the Office of Consumer Protection, or the Director's designee, be added as a member of the task force created by this resolution.

Thank you for the opportunity to testify on this measure.



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**
KA 'OIHANA HO'OMOHALA PĀ'OIHANA, 'IMI WAIWAI
A HO'OMĀKA'IKĀ'I

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LATE

Statement of
JAMES KUNANE TOKIOKA
Director

Department of Business, Economic Development, and Tourism
before the

SENATE COMMITTEE ON WATER, LAND, CULTURE AND THE ARTS

Wednesday, April 8, 2026
1:05 PM

State Capitol, Conference Room 224

In consideration of
SCR173, Proposed SD1
**CONVENING A TASK FORCE TO ADDRESS EVENT TICKET SCALPING
IN THE STATE**

Chair Lee, Vice Chair Inouye, and Members of the Committee:

The Department of Business, Economic Development & Tourism (DBEDT) **supports** the intent of **SCR 173, Proposed SD1**, which seeks to convene a task force to evaluate and address ticket scalping practices in Hawai'i.

Ticket scalping affects the affordability and accessibility of entertainment, cultural, and community events that are important to residents statewide. Families often cannot attend events due to inflated resale prices driven by automated mass purchases, unregulated resale channels, and limited consumer protections. These challenges affect not only consumers, but also local venues, promoters, and community organizations striving to provide inclusive and reasonably priced experiences.

Establishing a task force will enable State agencies, industry stakeholders, and community partners to work collaboratively to identify practical solutions. Areas such as bot purchase prevention, verified resale platforms, consumer protections and best practices from other jurisdictions, and consumer education represent promising pathways for improving fairness in the ticket marketplace.

DBEDT Testimony
SCR173, Proposed SD1
April 8, 2026
Page 2 of 2

DBEDT appreciates the Legislature's attention to this matter and supports efforts to ensure that Hawai'i residents have equitable access to the events that enrich our communities, strengthen our cultural life, and support local economic activity.

Thank you for the opportunity to testify.



www.ticketpolicyforum.org

Senator Chris Lee, Chair
Senator Lorraine R. Inouye, Vice Chair
Senate Committee on Water, Land, Culture and the Arts

Wednesday, April 8, 2026
1:05 PM, Conference Room 224 and Videoconference

RE: SCR 173 Proposed SD1 – Comments, Requesting Amendments

Chair Lee, Vice Chair Inouye, and Members of the Committee,

My name is Ian Lee, and I am writing on behalf of the Ticket Policy Forum offering comments on and requesting amendments to Senate Concurrent Resolution 173, Proposed Senate Draft 1.

Ticket Policy Forum (“**TPF**”) is a coalition of America’s leading online ticket marketplaces working together to ensure fans have real choices, fair prices, and a safe, transparent way to buy and sell tickets. Our members include StubHub, SeatGeek, Vivid Seats, TickPick, GameTime, and Events Ticket Center.

The proposed SD1 would convene a task force to address event ticket resale (referred to by the senate as “scalping”) in the State and requires its members to evaluate the impact of ticket resale; examine and recommend solutions to prevent unfair ticketing affordability and availability; and submit a report of its findings to the Legislature prior to the convening of the Regular Sessions of 2027 and 2028.

TPF understands the Legislature’s commitment to ensure that local fans are treated fairly, as ticket prices for very popular events can be very high and would be willing to serve on the Task Force.

To ensure a comprehensive and balanced evaluation, TPF requests the following amendments:

- Include the Ticket Policy Forum as a member of the Task Force;
- Include of the Office of Consumer Protection as a member;
- Require the Task Force to expand its aperture to include the problems consumers face on the primary market, including transferability restrictions, dynamic pricing, and other practices.

The Ticket Policy Forum stands ready to work with the Committee and the Legislature on more effective consumer protection solutions that preserve safe, transparent ticket resale and promote real competition on ticketing.

For these reasons, TPF requests your favorable consideration of our proposed amendments.

Thank you,
Ian Lee



April 7, 2026

Senator Chris Lee, Chair
Senator Lorraine R. Inoyue, Vice Chair
House State Senate Committee on Water, Land, Culture, and the Arts
415 South Beretania St.
Honolulu, HI 96813

RE: Senate Concurrent Resolution No. 173 Proposed S.D. 1
Comments & Requested Amendment

Chair Lee, Vice Chair Inoyue, & Honorable Members of the Committee:

SeatGeek is proud to be the Official Ticket Marketplace of University of Hawaii Rainbow Warriors athletics. In that capacity, we have supported Rainbow Warriors athletics since 2024 and enabled many thousands of Rainbow Warriors fans to buy and sell tickets through our University-affiliated ticket resale platform.

SeatGeek is somewhat unique in that, in addition to hosting a leading resale platform, we also compete directly with Ticketmaster for primary, enterprise-level ticketing contracts. We are proud to feature leading professional sports teams and their home venues across North America as primary ticketing clients, including the NFL Dallas Cowboys, NHL back-to-back Stanley Cup Champion Florida Panthers, NBA Cleveland Cavaliers, and multiple leading professional soccer clubs across the U.S. as well as in the UK Premier League.

We very much appreciate and support the proposed convening of the task force as set forth in S.D. 1. This is a further step towards improving the live event ticket purchasing experience for the people of Hawaii.

In addition to welcoming the evaluation of the impact of ticket resale, **we urge you to also include all live event ticketing practices as falling within the scope of the proposed task force's efforts** - with a focus on all possible measures to prevent unfair ticketing practices emanating from either primary or secondary ticketing sources.



We further respectfully request that **SeatGeek, with its unique role in the industry and in particular in the Hawaiian live event ticketing ecosystem, be considered for inclusion as a member of the proposed task force.** We would greatly appreciate the chance to contribute our perspective in helping to ensure that the proposed task force's work is sufficiently comprehensive and focused on improving the ticket purchasing experience of the people of Hawaii.

Thank you very much for your consideration of this correspondence. I welcome any additional questions or inquiries you may have.

Sincerely,

Joe Freeman
Vice President, Government Relations
jfreeman@seatgeek.com



SanHi

GOVERNMENT STRATEGIES

A LIMITED LIABILITY LAW PARTNERSHIP

DATE: April 6, 2026

TO: Senator Chris Lee
Chair, Committee on Water, Land, Culture and the Arts

Senator Lorraine Inouye
Vice Chair, Committee on Water, Land, Culture and the Arts

FROM: Tiffany Yajima

RE: **SCR 173, Proposed SD1 – CONVENING A TASK FORCE TO ADDRESS
EVENT TICKET SCALPING IN THE STATE.**

**Hearing: Wednesday, April 8, 2026, at 1:05 PM
Conference Room 224**

Aloha Chair Lee, Vice Chair Inouye and Members of the Committee:

On behalf of our client StubHub we submit these **comments** on SCR 173, Proposed SD1, Convening a Task Force to Address Event Ticket Scalping in the State.

StubHub was founded in 2000 to provide a secure, transparent marketplace to connect ticket buyers and sellers. As a marketplace, StubHub does not set ticket prices and does not own ticket inventory. Sellers determine the price of their tickets, and buyers decide what best fits their budget. Our role is to provide the technology, fraud prevention tools, and customer support to ensure fans get into the events they love. Every order on the platform is backed by our FanProtect Guarantee, ensuring that fans either gain entry to the event or receive their money back.

StubHub's goal is to help fans experience the events they love, and shares in the Legislature's goal of ensuring Hawaii residents have fair access to live entertainment. However, as drafted, SCR 173 focuses narrowly on the secondary market, which risks limiting the task force's ability to identify the primary drivers of consumer challenges when it comes to attending live events.

Resale, which this resolution solely focuses on, represents only a small portion of the ticketing ecosystem. Today, more than 90 percent of all tickets sold are on primary platforms.¹ A task force that examines only resale excludes the vast majority of transactions where pricing, availability, and consumer access are determined, making it difficult to fully achieve the resolution's stated objectives.

¹<https://www.industryresearch.biz/market-reports/secondary-tickets-market-112493#:~:text=The%20Secondary%20Tickets%20Market%20Trends,were%20resold%20through%20secondary%20channels>

Many of the challenges consumers experience originate in the primary market, particularly in how tickets are allocated. Primary ticketing companies frequently withhold tickets from the general public through holdbacks, pre-sales, and exclusive allocations. According to the New York Attorney General's Office, on average only 46 percent of tickets are made available to the general public when tickets initially go on sale, and for high-demand events the share can be significantly lower.² These practices are largely opaque to consumers and can create the appearance of immediate sellouts, shaping pricing and access outcomes before resale ever occurs.

These dynamics are also at the center of broader competition concerns in the live entertainment industry. A bipartisan coalition of over 30 state attorneys general have continued antitrust claims against the nation's largest primary ticket seller, alleging monopolization across ticketing, promotion, and venue markets after the US Department of Justice reached a settlement with the company last month.³ This ongoing litigation underscores that many of the most significant structural issues affecting consumers originate with primary ticketers who sell the initial ticket.

Without examining the market dynamics during the initial sale, the task force risks producing an incomplete picture of the marketplace and recommendations that do not fully address the Legislature's goals or the issues faced by consumers in Hawaii.

For these reasons, we respectfully request the following amendments:

- 1. Expand the Scope of the Task Force** – Examine the full ticketing ecosystem, including initial sale and secondary markets, with specific attention to ticket allocation practices, dynamic pricing, and transferability restrictions.
- 2. Ensure Balanced Representation** – Include representatives of secondary ticket marketplaces to ensure a complete and informed perspective across all segments of the industry.
- 3. Include Consumer Protection Expertise** – Include the Office of Consumer Protection and other organizations focused on protecting consumers, including experts who have studied the impact of price caps on the live events ecosystem, to help guide practical, enforceable recommendations.

StubHub stands ready to work with the Committee and other stakeholders to support a comprehensive, balanced review that promotes transparency, competition, and consumer protection for Hawaii residents.

For these reasons, we respectfully request your consideration of these amendments to SCR 173, SD1. Thank you for the opportunity to provide this testimony.

² https://ag.ny.gov/sites/default/files/reports/Ticket_Sales_Report.pdf

³ <https://oag.ca.gov/news/press-releases/attorney-general-bonta-and-states-head-back-court-continue-fighting-better>

RICK BARTALINI PRESENTS

LATE

April 8, 2026

Chair and Members of the Committee,

Mahalo for the opportunity to testify in strong support of SCR173 SD1.

As a Hawai'i-based concert promoter, I work directly with artists, venues, and local audiences to bring live entertainment to our state. I am also the party taking the financial risk to produce these events. What I am seeing in today's ticket resale marketplace is not theoretical. It is happening in real time, and it is impacting Hawai'i consumers and our local economy in a meaningful way.

This resolution is important because it creates a structured and balanced forum to examine that impact and develop informed solutions.

There is clear and consistent feedback from Hawai'i residents that the current system is not working. Consumers repeatedly experience tickets disappearing almost immediately, only to reappear at dramatically higher prices. This creates frustration, confusion, and the perception that events are unaffordable, even when that is not the case.

I experienced this firsthand in the lead-up to my recent Earth, Wind & Fire show.

As of April 2, one day before Earth, Wind & Fire tickets officially went on sale, more than 1,036 tickets were already being sold on StubHub and Vivid Seats with markups as high as 800%, even though those sellers did not own the tickets they were offering for sale. So, while we were being warned about what might happen if SB3019 passes, that very conduct is already happening right now on the platforms claiming to protect consumers. If tickets can be sold before the seller even owns them, what exactly is being protected? That is not consumer protection. That is fraud.

So, while these companies and DCCA warn this Committee and others about unsafe marketplaces, the very conduct they claim to fear is already happening on the platforms those companies represent.

I also received emails and saw social media posts from fans reacting to these prices, believing they were the actual ticket prices. They were not. Those prices were set by third-party resellers, not the artist, not the venue, and not my company. That confusion reflects poorly on the band and on my business, and it can discourage attendance and reduce demand.

At the same time, those resale markups do not benefit Hawai'i.
They do not go to the artist.
They do not go to the local workforce.
They do not stay in the state.
They are extracted from Hawai'i and leave our economy forever.

This is a key issue that deserves focused examination. The impact is not limited to a single event or venue. It extends across the Neal S. Blaisdell Arena, the Waikīkī Shell, the Blaisdell Concert Hall, Hawai'i Theatre, Maui Arts & Cultural Center, and many other events statewide. I also want to acknowledge the Legislature's efforts to improve price transparency through separate legislation. Transparency is important and I support those efforts. However, transparency alone does not address excessive resale pricing, does not prevent consumer confusion, and does not address the significant amount of revenue leaving Hawai'i through these transactions.

That is why this task force is needed.

SCR173 SD1 provides an opportunity to bring all stakeholders to the table to examine:

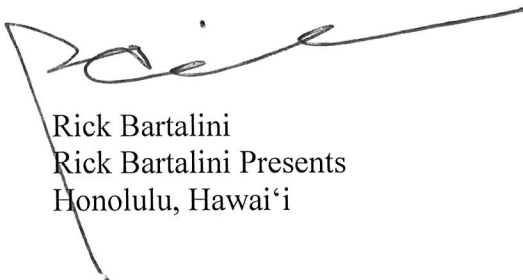
- the real-world impact of resale pricing on Hawai'i consumers
- the scale of economic leakage from our state
- consumer protection issues, including misleading pricing and marketplace practices
- and potential policy approaches that are fair, enforceable, and tailored to Hawai'i

There are differing views on how to address these issues. That is exactly why a task force is the appropriate next step. It allows for a fact-based, collaborative process rather than assumptions or incomplete information guiding policy decisions.

This is not about limiting access to tickets. It is about ensuring that Hawai'i residents have a fair opportunity to purchase tickets at the intended price, and that the economic benefits of live entertainment remain in our state.

I respectfully urge you to support SCR173 SD1 and allow this process to move forward.

Mahalo for your time and consideration.



Rick Bartalini
Rick Bartalini Presents
Honolulu, Hawai'i

Chair Lee and Members of the Committee,

My name is Kendall Gilvar, and I am writing on behalf of the [National Independent Venue Association](#) (NIVA), representing independently owned and operated venues, promoters, and festivals across the country, including those serving communities across Hawaii.

Hawaii fans are increasingly being priced out and misled in the live event ticketing market. Tickets sell out in seconds, only to reappear immediately at significantly higher prices on the secondary ticketing market, where fans pay two, five, or even ten times face value. In many cases, these resold tickets are fake, duplicated, or were never delivered. The overwhelming fan response in support of HI SB1160, which would place price limitations on resold tickets, made clear that **constituents across Hawaii are experiencing this firsthand and are calling for action.**

This distorted market is driven by a highly professionalized resale industry made up of large, out-of-state, multi-billion dollar companies and their resellers that use bots, bulk purchasing, and speculative listings to control supply and drive up prices. These companies profit more every time a Hawaii fan is price gouged, and they are actively lobbying to protect that system.

The financial harm to Hawaii is significant and uniquely extractive. Every marked-up ticket sends money out of the state. **When a \$100 ticket is resold for \$400, that additional \$300 leaves a Hawaii household and does not support local venues, workers, or small businesses.** For many fans, that inflated ticket cost becomes their entire entertainment budget, leaving little to spend at local restaurants, bars, or surrounding businesses. Instead of circulating locally, that money is captured by out-of-state resale platforms.

Establishing a task force through HI SCR173 to investigate predatory ticket resale practices is a critical step. It will allow Hawaii to assess the scale of the problem, identify bad actors, and develop comprehensive reforms that protect consumers, prevent deceptive and speculative listings, ensure fair access for fans, and keep more revenue within Hawaii's economy.

Without action, these problems will persist. Hawaii fans will continue to overpay, local businesses will continue to absorb the damage, and more money will continue to leave the state.

Hawaii fans have already made their voices heard and are asking for the Hawaii legislature to act. A task force is a strong and necessary step toward meaningful, comprehensive reform that protects consumers, supports local businesses, and strengthens Hawaii's live entertainment ecosystem.

Thank you for your time and leadership,

Kendall Gilvar

SCR-173

Submitted on: 4/6/2026 9:55:33 AM

Testimony for WLA on 4/8/2026 1:05:00 PM

Submitted By	Organization	Testifier Position	Testify
Frederick Smith	Individual	Support	Written Testimony Only

Comments:

**TESTIMONY IN SUPPORT OF S.C.R. 173
RELATING TO JUG LINE FISHING**

Water, Land, and Agriculture Committee (WLA)

Aloha Chair, Vice Chair, and Members of the Committee,

My name is Frederick Smith, and I live in the Kealakekua ahupua‘a in the Kona moku. I am a graduate student at the University of Hawai‘i at Hilo focused on marine science and policy. I testify in support of S.C.R. 173.

This measure takes a necessary step by urging the Department of Land and Natural Resources (DLNR) to assess the impacts of jug line fishing and, if warranted, to adopt rules under Chapter 91 of the Hawai‘i Revised Statutes.

Jug line fishing presents concerns that distinguish it from more selective, actively managed fishing methods. Because jug lines are often deployed and left unattended, they function as a form of passive fishing gear that can cover large areas with minimal oversight. This increases the likelihood of bycatch and other negative interactions with non-target species, including sharks, sea turtles, and marine mammals, including protected and endangered species.

The documented death of a juvenile Hawaiian monk seal (RS34, “Moana”), linked to fishing gear consistent with jug line methods, underscores the real and immediate risks posed by this practice. This is not a hypothetical concern. It demonstrates how this gear can result in fatal outcomes for species that the State has a clear obligation to protect.

I also want to note that more direct efforts to prohibit this destructive practice during this legislative session did not advance. Given the documented risks to protected and endangered species, including the death of a Hawaiian monk seal, that outcome is deeply concerning. The ecological impacts of this practice are not speculative. Given the death of an endangered species, it is concerning that this issue still requires further study rather than immediate action.

While this resolution does not itself impose protections, it is critical that DLNR move quickly to assess and address this issue through rulemaking. Continued inaction risks further harm to marine life and further loss of public trust in the State's ability to effectively manage and protect nearshore resources.

Mahalo for the opportunity to testify.

Frederick Smith

Captain Cook, Hawai'i