

HOUSE No. 1237

The Commonwealth of Massachusetts

PRESENTED BY:

Tackey Chan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to stop fraudulent representation of business against performers.

PETITION OF:

NAME:

Tackey Chan

Steven S. Howitt

DISTRICT/ADDRESS:

2nd Norfolk

4th Bristol

HOUSE No. 1237

By Mr. Chan of Quincy, a petition (accompanied by bill, House, No. 1237) of Tackey Chan and Steven S. Howitt relative to stop fraudulent representation of business against performing artists. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to stop fraudulent representation of business against performers.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 The General Laws is hereby amended by inserting after Chapter 93K the following new
2 Chapter.

3 Chapter 93L. FRAUDULENT REPRESENTATION OF BUSINESS AGAINST
4 PERFORMING ARTISTS

5 Section 1. It shall be unlawful for any person, firm, corporation, association, or agent
6 or employee thereof, holding itself out to the public by any designation indicating a
7 connection with the arts and entertainment industry, including, but not limited to, talent agent,
8 talent scout, personal manager, artist manager, impresario, casting director, public relations
9 advisor or consultant, promotion advisor or consultant, to:

10 (a) make, publish, disseminate, circulate or place before the public or cause directly or
11 indirectly to be made, published, disseminated, circulated or placed before the public in this state

12 an advertisement, solicitation, announcement, notice or statement which represents that such
13 person, firm, corporation or association has employment available or is able to secure any
14 employment in the field of show business, including, but not limited to, theatre, motion pictures,
15 radio, television, phonograph records, commercials, opera, concerts, dance, modeling,
16 productions disseminated over the Internet or through telecommunication or any other
17 entertainments, exhibitions or performances when an advance fee of any nature is a condition to
18 such employment; or

19 (b) Accept from a member of the public any fee, retainer, salary, advance payment or
20 other compensation of any nature in return for services or otherwise, other than (i) repayment for
21 advances or expenses actually incurred for or on behalf of such member of the public, or (ii)
22 agreed commissions, royalties or similar compensation based upon payments received by or on
23 behalf of such member of the public as a result of his employment in the field of arts and
24 entertainment.

25 Section 2. Whenever there shall be a violation of this section, an application may be
26 made by the Attorney General and upon notice to the Attorney General, the Attorney General
27 shall not have less than five days, to enjoin and restrain the continuance of such violations.
28 Should the court find it satisfactory that the entity has violated this Chapter, an injunction may be
29 issued by the court enjoining and restraining any further violation, without requiring proof that
30 any person has, in fact, been injured or damaged thereby. The Attorney General may pursue
31 additional criminal action beyond this Chapter if its seemed warranted.

32 Section 3. Individuals who are subject to said unlawful action shall have the ability to
33 seek recourse against the individual pursuant to Chapter 93A. Any contact between parties

34 created under the conditions of this section shall be unenforceable, except as it applies to
35 individuals seeking recourse under Chapter 93A.

36 Section 4. The Attorney General shall establish rules and regulations on the
37 implementation of this Chapter, which shall include, but is not limited to, a method to
38 disseminate information about entities involved in such fraudulent activities to the public, a
39 method for complaints of this type to be received, publishing safety guidelines and legal rights
40 for individuals seeking engage in this profession.