

ASSEMBLY BILL

No. 2068

Introduced by Assembly Member Holden

February 17, 2016

An act to amend Section 1703.4 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2068, as introduced, Holden. Talent services.

Existing law regulates the licensing and operation of talent services within the entertainment industry. Existing law prohibits specific activities or omissions by a talent service or its owners, directors, officers, agents, and employees, including the failure to remove information about, or photographs of, an artist displayed on the talent service's Internet Web site or an Internet Web site that the service has the authority to design or alter, within 10 days of delivery of a request made by telephone, mail, facsimile transmission, or electronic mail from the artist or from a parent or guardian of the artist if the artist is a minor. A willful violation of those prohibitions is a crime.

This bill would specify that an Internet Web site includes a computer application program, and would require the talent service to also remove requests made by text message. Because a violation of these provisions would be a crime under certain circumstances, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1703.4 of the Labor Code is amended to
2 read:
3 1703.4. (a) A talent service, its owners, directors, officers,
4 agents, and employees shall not do any of the following:
5 (1) Make or cause to be made any advertisement or
6 representation expressly or impliedly offering the opportunity for
7 an artist to meet with or audition before any producer, director,
8 casting director, or any associate thereof, or any other person who
9 makes, or is represented to make, decisions for the process of hiring
10 artists for employment as an artist, or any talent agent or talent
11 manager, or any associate, representative, or designee thereof,
12 unless the talent service maintains for inspection and copying
13 written evidence of the supporting facts, including the name,
14 business address, and job title of all persons conducting the meeting
15 or audition, and the title of the production and the name of the
16 production company.
17 (2) Make or cause to be made any advertisement or
18 representation that any artist, whether identified or not, has
19 obtained an audition, employment opportunity, or employment as
20 an artist in whole or in part by use of the talent service unless the
21 talent service maintains for inspection written evidence of the
22 supporting facts upon which the claim is based, including the name
23 of the artist and the approximate dates the talent service was used
24 by the artist.
25 (3) Charge or attempt to charge an artist for an audition or
26 employment opportunity.
27 (4) Require an artist, as a condition for using the talent service
28 or for obtaining an additional benefit or preferential treatment from
29 the talent service, to pay a fee for creating or providing
30 photographs, filmstrips, videotapes, audition tapes, demonstration
31 reels, or other reproductions of the artist, Internet Web sites, casting
32 or talent brochures, or other promotional materials for the artist.
33 (5) Charge or attempt to charge an artist any fee not disclosed
34 pursuant to paragraph (4) of subdivision (a) of Section 1703.

1 (6) Refer an artist to a person who charges the artist a fee for
2 any service or any product in which the talent service, its owners,
3 directors, officers, agents, or employees have a direct or indirect
4 financial interest, unless the fee and the financial interest are
5 conspicuously disclosed in a separate writing provided to the artist
6 to keep prior to his or her execution of the contract with the talent
7 service.

8 (7) Require an artist, as a condition for using a talent service or
9 for obtaining any additional benefit or preferential treatment from
10 the talent service, to pay a fee to any other talent service in which
11 the talent service, its owners, directors, officers, agents, or
12 employees have a direct or indirect financial interest.

13 (8) Accept any compensation or other consideration for referring
14 an artist to any person charging the artist a fee.

15 (9) Fail to remove information about, or photographs of, the
16 artist displayed on the talent service's Internet Web-site, *site* or a
17 *an Internet* Web site that the service has the authority to design or
18 alter, *including, but not limited to, a computer application program,*
19 within 10 days of delivery of a request made by telephone, *text*
20 *message,* mail, facsimile transmission, or electronic mail from the
21 artist or from a parent or guardian of the artist if the artist is a
22 minor.

23 (b) A talent training service and talent counseling service and
24 the owners, officers, directors, agents, and employees of the talent
25 training service or talent counseling service shall not own, operate,
26 or have a direct or indirect financial interest in a talent listing
27 service.

28 (c) A talent listing service and its owners, officers, directors,
29 agents, and employees shall not do ~~either~~ *any* of the following:

30 (1) Own, operate, or have a direct or indirect financial interest
31 in a talent training service or a talent counseling service.

32 (2) Provide a listing of an audition, job, or employment
33 opportunity without written permission for the listing. A talent
34 listing service shall keep and maintain a copy of all original
35 listings; the name, business address, and business telephone number
36 of the person granting permission to the talent listing service to
37 use the listing; and the date the permission was granted.

38 (3) Make or cause to be made an advertisement or representation
39 that includes the trademark, logo, name, word, or phrase of a
40 company or organization, including a studio, production company,

1 network, broadcaster, talent agency licensed pursuant to Section
2 1700.5, labor union, or *labor* organization as defined in Section
3 1117, in any manner that falsely or misleadingly suggests the
4 endorsement, sponsorship, approval, or affiliation of a talent
5 service.

6 SEC. 2. No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 the only costs that may be incurred by a local agency or school
9 district will be incurred because this act creates a new crime or
10 infraction, eliminates a crime or infraction, or changes the penalty
11 for a crime or infraction, within the meaning of Section 17556 of
12 the Government Code, or changes the definition of a crime within
13 the meaning of Section 6 of Article XIII B of the California
14 Constitution.