

REGULATION OF TALENT AGENCIES
Occupations Code, Chapter 2105
Title 13. Sports, Amusements, and Entertainment
Subtitle C. Arts and Music
Administered by the Texas Department of Licensing and Regulation
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TABLE OF CONTENTS

SUBCHAPTER A. GENERAL PROVISIONS	2
SEC. 2105.001. DEFINITIONS.....	2
SEC. 2105.002. POWERS AND DUTIES.....	2
SEC. 2105.003. APPLICABILITY OF OTHER LAW.....	2
SUBCHAPTER B. REGISTRATION REQUIREMENTS	3
SEC. 2105.051. REGISTRATION REQUIRED.....	3
SEC. 2105.052. REGISTRATION STATEMENT.....	3
SEC. 2105.053. REGISTRATION FEE.....	3
SEC. 2105.054. CERTIFICATE ISSUANCE.....	3
SEC. 2105.055. TERM; RENEWAL.....	4
SEC. 2105.056. DISCIPLINARY ACTION.....	4
SUBCHAPTER C. DUTIES OF TALENT AGENCIES	4
SEC. 2105.101. REGISTRATION STATEMENT; COPY, INSPECTION, AND UPDATE.....	4
SEC. 2105.102. DISPLAY OF CERTIFICATE.....	4
SEC. 2105.103. CONSUMER INFORMATION.....	4
SEC. 2105.104. AGENCY RECORDS.....	4
SEC. 2105.105. ARTIST FUNDS.....	5
SEC. 2105.106. MAINTENANCE OF BOND.....	5
SEC. 2105.107. NOTIFICATION OF LEGAL ACTION.....	5
SUBCHAPTER D. CONTRACTS WITH ARTISTS	5
SEC. 2105.151. GENERAL REQUIREMENTS.....	5
SEC. 2105.152. CONTRACT CANCELLATION; REFUND.....	5
SEC. 2105.153. VOID CONTRACT.....	6
SUBCHAPTER E. PROHIBITED PRACTICES	6
SEC. 2105.201. ADVANCE FEES; SPLITTING FEES.....	6
SEC. 2105.202. REQUIREMENT TO USE CERTAIN SERVICES PROHIBITED.....	6
SUBCHAPTER F. ENFORCEMENT	6
SEC. 2105.251. DECEPTIVE TRADE PRACTICE.....	6
SEC. 2105.253. CRIMINAL OFFENSE.....	7

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 2105.001. Definitions.

In this chapter:

- (1) "Artist" means:
 - (A) an actor who performs in a motion picture, radio, or television production; or
 - (B) a model.
- (2) "Commission" means the Texas Commission of Licensing and Regulation.
- (3) "Department" means the Texas Department of Licensing and Regulation.
- (3-a) "Executive director" means the executive director of the department.
- (4) "Model" means an individual who performs professional services as a:
 - (A) fashion model;
 - (B) model for commercial photography or demonstration of products for advertising purposes; or
 - (C) host for a convention or other special event.
- (5) "Person" means an individual, corporation, organization, business trust, estate, trust, partnership, association, or any other private legal entity.
- (6) "Talent agency" means a person engaged in the business of obtaining or attempting to obtain employment for artists, including a person that counsels or directs an artist in the development of the artist's professional career.

Sec. 2105.002. Powers and Duties.

- (a) The executive director shall prescribe application forms for original and renewal certificates of registration.
- (b) The commission shall:
 - (1) set application and registration fees in amounts that are reasonable and necessary to defray the costs of administering this chapter; and
 - (2) adopt rules as necessary to implement this chapter.
- (c) The commission may adopt rules as necessary to administer the registration program created under this chapter.
- (d) The department may take other action as necessary to enforce this chapter.

Sec. 2105.003. Applicability of Other Law.

Section 51.405 does not apply to this chapter.

SUBCHAPTER B. REGISTRATION REQUIREMENTS

Sec. 2105.051. Registration Required.

A person may not operate a talent agency in this state unless the person holds a certificate of registration issued by the department under this chapter for each location at which the person operates a talent agency.

Sec. 2105.052. Registration Statement.

- (a) An applicant for a certificate of registration must file a registration statement with the department.
- (b) The registration statement must contain:
 - (1) the name and address of the talent agency;
 - (2) the address of each location at which the applicant proposes to operate a talent agency;
 - (3) the name and address of each person who directly or indirectly owns or controls 10 percent or more of the outstanding shares of stock of the talent agency;
 - (4) a description of the type of services offered by the talent agency; and
 - (5) a full and complete disclosure of any litigation relating to the operation of a talent agency brought against the talent agency or an owner, officer, or director of the talent agency if the litigation:
 - (A) was completed not later than three years before the date the registration statement is filed;
or
 - (B) is pending on the filing date.
- (c) A registration statement must be accompanied by a surety bond in the amount of \$10,000 that is:
 - (1) payable to the state; and
 - (2) conditioned on faithful compliance with this chapter.

Sec. 2105.053. Registration Fee.

The department may charge a talent agency a reasonable fee to cover the cost of filing a registration statement or an update of a registration statement.

Sec. 2105.054. Certificate Issuance.

The department shall issue a certificate of registration to a talent agency that:

- (1) files a complete registration statement;
- (2) posts the required surety bond; and

- (3) pays the required registration fee.

Sec. 2105.055. Term; Renewal.

A certificate of registration is valid for one year after the date of issuance.

Sec. 2105.056. Disciplinary Action.

A person whose certificate of registration has been revoked may not apply for a new certificate of registration before the first anniversary of the date of the revocation.

[Sections 2105.057-2105.100 reserved for expansion]

SUBCHAPTER C. DUTIES OF TALENT AGENCIES

Sec. 2105.101. Registration Statement; Copy, Inspection, and Update.

- (a) A talent agency shall maintain a copy of the registration statement filed under Section 2105.052 in the agency's records.
- (b) The talent agency shall permit an artist, on request, to inspect the agency's registration statement if the artist uses or proposes to use the services of the agency.
- (c) A talent agency shall update the registration statement if a material change occurs in the information contained in the statement.

Sec. 2105.102. Display of Certificate.

A certificate holder shall display the holder's certificate of registration in a conspicuous place in the holder's principal office.

Sec. 2105.103. Consumer Information.

A certificate holder shall display, in the holder's principal office, a sign provided by the department that contains:

- (1) the department's name;
- (2) the mailing address and telephone number of the department's main office; and
- (3) a statement informing consumers that a complaint against a talent agency registered under this chapter may be directed to the department.

Sec. 2105.104. Agency Records.

A certificate holder shall maintain records relating to the operation of the talent agency as required by commission rule.

Sec. 2105.105. Artist Funds.

- (a) A certificate holder receiving funds on behalf of an artist shall deposit those funds in an account maintained in a financial institution covered by federal deposit insurance.
- (b) Funds deposited under this section may be disbursed only as prescribed by commission rule.

Sec. 2105.106. Maintenance of Bond.

- (a) A certificate holder shall maintain the bond required by Section 2105.052 until the second anniversary of the date the certificate holder ceases to operate as a talent agency in this state.
- (b) The requirements of Section 2105.052(c) and this section do not limit the recovery of damages to the amount of the surety bond.

Sec. 2105.107. Notification of Legal Action.

If a legal action relating to the operation of a talent agency is brought against the agency or an owner, officer, or director of the agency, the agency shall notify the department, in writing, not later than the 10th day after the date the agency receives notice of the action.

[Sections 2105.108-2105.150 reserved for expansion]

SUBCHAPTER D. CONTRACTS WITH ARTISTS

Sec. 2105.151. General Requirements.

- (a) A contract entered into between a talent agency and an artist for the purchase of services from the agency must:
 - (1) be in writing; and
 - (2) be signed by the artist.
- (b) The contract constitutes the entire agreement between the talent agency and the artist.
- (c) A talent agency must deliver a fully completed copy of a contract to an artist who purchases services from the agency before the contract is signed.

Sec. 2105.152. Contract Cancellation; Refund.

- (a) An artist who purchases services from a talent agency may cancel the contract before the fourth business day after the date the contract is signed by notifying the agency in writing of the cancellation.
- (b) Written notification is considered given if the notification is mailed by certified mail to the principal office of the talent agency not later than midnight of the third business day.
- (c) If an artist cancels a contract as provided by this section, the talent agency shall refund to the artist any money received from the artist under the contract.

Sec. 2105.153. Void Contract.

A contract covered by Section 2105.151 is void if the contract:

- (1) does not comply with this chapter; or
- (2) is entered into in reliance on a fraudulent or misleading representation, notice, or advertisement of the talent agency.

[Sections 2105.154-2105.200 reserved for expansion]

SUBCHAPTER E. PROHIBITED PRACTICES

Sec. 2105.201. Advance Fees; Splitting Fees.

(a) In this section, "fee" includes:

- (1) money or other valuable consideration paid or promised to be paid for a service rendered by a person operating as a talent agency;
- (2) money received by a talent agency in excess of the amount paid by the agency for transportation, transfer of baggage, or board and lodging for an applicant for employment as an artist; or
- (3) the difference between the amount received by a talent agency for furnishing an artist for an entertainment production, exhibition, or performance and the amount the talent agency pays to the artist.

(b) A talent agency may not:

- (1) charge, as a condition of registering an applicant or representing an artist, a registration or advance fee; or
- (2) split or share fees with a person who is not registered under this chapter.

Sec. 2105.202. Requirement to Use Certain Services Prohibited.

A talent agency may not require an applicant or artist to subscribe to or use a specific publication, video or audio tape, postcard service, advertisement service, resume service, photographer, or acting or modeling school or workshop.

[Sections 2105.203-2105.250 reserved for expansion]

SUBCHAPTER F. ENFORCEMENT

Sec. 2105.251. Deceptive Trade Practice.

- (a) A violation of this chapter is a false, misleading, or deceptive act or practice within the meaning of Section 17.46, Business & Commerce Code.
- (b) A public or private right or remedy prescribed by Chapter 17, Business & Commerce Code, may be used to enforce this section.

Sec. 2105.253. Criminal Offense.

- (a) A person commits an offense if the person knowingly violates this chapter or a rule adopted under this chapter.
- (b) An offense under this section is a Class A misdemeanor.