

**HOUSE . . . . . No. 3248**

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**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:

DISTRICT/ADDRESS:

*Tackey Chan*

*2nd Norfolk*

*Rebecca L. Rausch*

*Norfolk, Bristol and Middlesex*

**HOUSE . . . . . No. 3248**

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By Mr. Chan of Quincy, a petition (accompanied by bill, House, No. 3248) of Tackey Chan and Rebecca L. Rausch for legislation to prohibit fraudulent representation of businesses against performing artists. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 743 OF 2017-2018.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

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 or  
6 employee thereof, holding itself out to the public by any designation indicating a connection with  
7 the arts and entertainment industry, including, but not limited to, talent agent, talent scout,  
8 personal manager, artist manager, impresario, casting director, public relations advisor or  
9 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.