S T A T E O F N E W Y O R K

8209--A

2015-2016 Regular Sessions

I N A S S E M B L Y

June 11, 2015

Introduced by M. of A. TITONE -- read once and referred to the Committee on Consumer Affairs and Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to deceptive acts and practices, and false advertising by talent services

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The general business law is amended by adding a new section 350-f-2 to read as follows:

S 350-F-2. TALENT SERVICES. 1. DEFINITIONS. AS USED IN THIS SECTION:

(A) "ARTIST" MEANS AN ACTOR OR ACTRESS RENDERING SERVICES ON THE LEGITIMATE STAGE AND IN THE PRODUCTION OF MOTION PICTURES, RADIO ARTIST, MUSICAL ARTIST, MUSICAL ORGANIZATION, DIRECTOR OF LEGITIMATE STAGE, MOTION PICTURE OR RADIO PRODUCTIONS, MUSICAL DIRECTOR, WRITER, CINEMATOGRAPHER, COMPOSER, LYRICIST, ARRANGER, MODEL, OR OTHER ARTIST OR PERSON RENDERING PROFESSIONAL SERVICES IN MOTION PICTURE, THEATRICAL, RADIO, TELEVISION AND OTHER ENTERTAINMENT ENTERPRISES.

(B) "FEE" MEANS ANYTHING OF VALUE, INCLUDING ANY MONEY OR OTHER VALUABLE CONSIDERATION CHARGED, COLLECTED, RECEIVED, PAID OR PROMISED FOR ANY SERVICE OR ACT RENDERED OR TO BE RENDERED BY A TALENT SERVICE.

(C) "PERSON" MEANS ANY INDIVIDUAL, COMPANY, SOCIETY, ASSOCIATION, CORPORATION, MANAGER, CONTRACTOR, SUBCONTRACTOR, PARTNERSHIP, BUREAU, AGENCY, SERVICE, OFFICE, OR THE AGENT OR EMPLOYEE THEREOF; BUT SHALL NOT INCLUDE A PUBLIC EDUCATION INSTITUTION, A NONPROFIT ORGANIZATION, A LABOR ORGANIZATION, A PUBLIC INSTITUTION OR A PERSON LICENSED PURSUANT TO ARTICLE ELEVEN OF THIS CHAPTER.

(D) "TALENT SERVICE" MEANS ANY PERSON WHO, FOR A FEE FROM OR ON BEHALF OF AN ARTIST, PROVIDES, OR OFFERS TO PROVIDE AN ARTIST, DIRECTLY OR BY REFERRAL TO ANOTHER PERSON, WITH LESSONS, COACHING, SEMINARS, WORKSHOPS OR SIMILAR TRAINING AS AN ARTIST; CAREER COUNSELING, VOCATIONAL GUID-

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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ANCE, APTITUDE TESTING OR CAREER EVALUATION AS AN ARTIST; OR A LIST OF AUDITIONS, EMPLOYMENT OPPORTUNITIES, TALENT AGENTS OR TALENT MANAGERS.

2. PROHIBITED ACTS. IT SHALL BE CONSIDERED A DECEPTIVE ACT OR PRACTICE PURSUANT TO SECTION THREE HUNDRED FORTY-NINE OF THIS ARTICLE AND FALSE ADVERTISING PURSUANT TO SECTION THREE HUNDRED FIFTY OF THIS ARTICLE FOR ANY TALENT SERVICE TO MAKE ANY ORAL OR WRITTEN REPRESENTATION THAT THE TALENT SERVICE WILL OR MAY, DIRECTLY OR INDIRECTLY FOR A FEE, PROCURE OR ATTEMPT TO PROCURE FOR AN ARTIST AN EMPLOYMENT OPPORTUNITY OR ENGAGEMENT, AN AUDITION OR JOB INTERVIEW, OR A TALENT AGENT OR MANAGER. WRITTEN REPRESENTATIONS AND ADVERTISEMENTS OF TALENT SERVICES SHALL NOT INCLUDE TESTIMONIALS THAT MENTION OR IMPLY ANY SUCCESS IN PROCURING FOR AN ARTIST ANY SUCH EMPLOYMENT OPPORTUNITY OR ENGAGEMENT, AUDITION OR JOB INTERVIEW, OR TALENT AGENT OR MANAGER.

S 2. This act shall take effect immediately.