

## **BILL ANALYSIS**

H.B. 1315

By: Pitts

Licensing & Administrative Procedures  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

In 2002, the Texas Department of Licensing and Regulation (TDLR) initiated an investigation against Marquee Talent, Inc. of Dallas for unlicensed activity and fraudulent business practices after receiving numerous complaints from artists represented by the agency. Based on this investigation, and a referral to the Attorney General's Office of Consumer Protection, Marquee Talent, Inc. was found to have engaged in "unconscionable, false, misleading, and deceptive trade practices" in violation of the Deceptive Trade Practices-Consumer Protection Act (DTPA). Certified unpaid claims against Marquee Talent, Inc. totaled \$75,881.31 by 113 artists. However, current statute only requires a surety bond of \$10,000 for talent agencies.

HB 1315 seeks to increase the consumer protections for clients of talent agencies by increasing the amount of the surety bond required to \$100,000, and strengthening the oversight functions of TDLR.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

Amends Section 2105.002(b), Occupations Code, by adding language allowing the department to audit or examine the books and records of talent agencies registered in the state.

Amends Section 2105.052(c), Occupations Code, by deleting the \$10,000 surety bond requirement, and adding language requiring a \$100,000 surety bond.

Repeals Section 2105.055(b). This section provides for notification of the impending expiration of a certificate of registration no less than 30 days prior to the expiration. Repeal of this section allows the department a degree of consistency, in that Section 51.205(b), Occupations Code, provides the department with a universal method of notifying license and registration holders of impending expirations.

### **EFFECTIVE DATE**

September 1, 2003. The Act applies beginning with an application for a certificate of registration filed on or after September 1, 2003. Applications filed prior to this date are governed by the law in effect at that time.