BILL ANALYSIS

BACKGROUND AND PURPOSE

Currently, talent agencies must register and post bond with the Texas Department of Licensing and Regulation. Such agencies are prohibited, however, from charging a fee as a condition of representing a client; instead, an agency receives a commission paid by the production company after the client is hired. Interested parties assert that the state's licensing and bonding requirements impose an undue economic burden on talent agencies and are unnecessary because the business activities of talent agencies do not affect public safety or health. H.B. 2868 eliminates those licensing and bonding requirements and allows talent agencies to operate as independent contractors, as do the actors, artists, and models such agencies represent.

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

H.B. 2868 repeals Chapter 2105, Occupations Code, relating to the regulation of talent agencies. The bill establishes that an action, including a disciplinary or administrative proceeding, pending under those provisions of law or statutory provisions governing the Texas Department of Licensing and Regulation (TDLR) is dismissed on the effective date of the bill. The bill authorizes the collection of an administrative penalty relating to a violation of the repealed provisions as they existed immediately before the bill's effective date and assessed by the Texas Commission of Licensing and Regulation. The bill requires TDLR to return a prorated portion of the fee paid to the department for the issuance or renewal of a registration that is valid on the effective date of the bill to the person who paid the fee under the repealed provisions as those provisions existed immediately before the bill's effective date.

EFFECTIVE DATE

September 1, 2011.