

ASSEMBLY THIRD READING

AB 1364 (Campos)

As Amended April 4, 2011

Majority vote

LABOR & EMPLOYMENT 5-0ARTS, ENTERTAINMENT, SPORTS 8-0Ayes: Swanson, Alejo, Allen, Furutani,
YamadaAyes: Campos, Achadjian, Butler, Carter,
Gatto, Furutani, Monning, SilvaAPPROPRIATIONS 12-5Ayes: Fuentes, Blumenfield, Bradford,
Charles Calderon, Campos, Davis,
Gatto, Hall, Hill, Lara, Mitchell,
SolorioNays: Harkey, Donnelly, Nielsen, Smyth,
Wagner

SUMMARY: Prohibits any talent agency licensee to refuse to represent any artist because of that artist's sex, race, color, religion, ancestry, national origin, disability, marital status, or sexual orientation.

EXISTING LAW:

- 1) States that all persons within the jurisdiction of this state are free and equal and no matter what their sex, race, color, religion, ancestry, national origin, disability, or medical condition are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever [Civil Code Section 51(b)].
- 2) Provides that no person shall engage in or carry on the occupation of a talent agent or agency without first obtaining a license from the Labor Commissioner (LC).
- 3) States it is unlawful for any talent agency licensee to refuse to represent any artist on account of the artist's race, color, creed, sex, national origin, religion or handicap [Labor Code Section 1700.47].

FISCAL EFFECT: According to the Assembly Appropriations Committee, minor, absorbable costs to enforce this bill.

COMMENTS: According to the author, in Hollywood, talent agents act as the intermediaries between the buyers and sellers of talent, they are not employers. Legally talent agents licensed by the LC are the only persons who can procure employment for an artist. The California Talent Agency Act (TAA) was designed for the benefit and protection of artists because of this strong reliance upon their agents for employment.

One example of the protections for artists contained in the TAA is Labor Code Section 1700.47 which establishes "It shall be unlawful for any licensee to refuse to represent any artists on

account of that artist's race, color, creed, sex, national origin, religion, or handicap." This section was added to "provide protection to the artist against breaches of these fundamental civil rights," according to the 1986 Report of the California Entertainment Commission.

Recently, a group of TV writers over the age of 40 settled an age discrimination lawsuit, which was originally filed in 2000, against 24 networks, production studios and talent agencies. The writers alleged they were victims of systematic age discrimination by talent agents who aided and abetted networks and studios by refusing to represent and refer older writers for work at the studios. The lawsuit was settled for \$70 million in favor of the writers.

Finally, the author believes that in order to prevent future lawsuits this bill would provide clarity by updating the TAA to expressly include certain categories of discrimination protections under the Unruh Civil Rights Act in the anti-discrimination provisions of the TAA.

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