

HOUSE . . . . . No. 2910

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**The Commonwealth of Massachusetts**

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HOUSE OF REPRESENTATIVES, March 21, 1960.

The committee on Bills in the Third Reading, to whom was referred the Bill relative to the licensing of theatrical booking agents, personal agents and managers (House, No. 1097), report recommending that the same be amended by the substitution of the accompanying bill (House, No. 2910).

For the committee,

JAMES R. LAWTON.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty.

### AN ACT RELATIVE TO THE LICENSING OF THEATRICAL BOOKING AGENTS, PERSONAL AGENTS AND MANAGERS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 140 of the General Laws is hereby amended by  
2 striking out sections 180A to 180D, inclusive, and inserting  
3 in place thereof the following seven sections:—

4 *Section 180A.* The following words, as used in sections one  
5 hundred and eighty A to one hundred and eighty F, shall,  
6 unless the context otherwise requires, have the following  
7 meanings:—

8 “Theatrical engagement”, any engagement or employment  
9 of a person as an actor, performer or entertainer in a circus,  
10 agricultural fair, vaudeville, banquet and other stage perform-  
11 ances, stage productions in theaters, including floor shows, so  
12 called, in restaurants, clubs, beer gardens, tents, arenas, halls  
13 and similar places of amusement.

14 “Booking agent, personal agent or actor’s manager”, any  
15 person who holds himself out as an agent of a person who is  
16 seeking employment or who is available for a theatrical en-  
17 gagement, including actors, actresses, chorus girls or chorus  
18 boys, musicians and entertainers of all descriptions.

19 *Section 180B.* The commissioner of public safety shall es-  
20 tablish a theatrical licensing authority within the department,  
21 and shall make such rules and regulations for the proper en-  
22 forcement of sections one hundred and eighty A to one hun-  
23 dred and eighty G, inclusive. No person shall act as a booking  
24 agent, personal agent or actor’s manager, or engage, directly  
25 or indirectly, in the business of acting as an agent in the em-  
26 ployment of persons for a theatrical engagement in the com-  
27 monwealth unless he has obtained a license from said authority.  
28 Any person so licensed shall maintain one or more offices in the  
29 commonwealth.

30 *Section 180C.* Any person wishing to obtain such a license

31 shall apply in writing to the commissioner and in the form  
32 prescribed by said commissioner; stating, under the penalties  
33 of perjury, the name and address of the applicant; the name  
34 under which said applicant is to operate his business if it is  
35 other than his true name; the street and number of the build-  
36 ing or place where the business is to be conducted; the name  
37 and address of the individual who will actually direct and op-  
38 erate the placement activities of the agency; the length of time  
39 such individual has spent in the business of operating an agency  
40 for theatrical engagements. If such applicant is to engage in  
41 representing a booking agent, personal manager, or actor's  
42 manager outside the commonwealth, he shall give the name  
43 and address of any such individual or outside agency. Such  
44 application shall be accompanied by the affidavits of at least  
45 two reputable residents of the commonwealth, to the effect that  
46 the applicant is a person of good moral character.

47 No application for a new license shall be granted except  
48 after publication of a notice thereof at the expense of the ap-  
49 plicant in a daily or weekly newspaper having circulation in  
50 the town or city in which the applicant's office is located, at  
51 least ten days prior to the granting thereof, and after a public  
52 hearing before the licensing authority. The commissioner  
53 shall post a list of such applicants in a public place at the  
54 headquarters of the department of public safety for the ten  
55 days preceding such public hearing. A license may be revoked  
56 or refused at any time by the commissioner for good cause  
57 shown; provided, that due notice to any applicant or licensee  
58 shall have been given to appear before the commissioner to  
59 show cause why the license shall not be revoked or refused.

60 The said license shall be for a period of two years, and the  
61 fee therefor shall be two hundred dollars. No new license, or  
62 renewal shall be granted unless the applicant or licensee shall  
63 have complied with sections one hundred and eighty A to one  
64 hundred and eighty G, inclusive.

65 *Section 180D.* Every licensee who shall procure for, or  
66 offer to an applicant, a theatrical engagement, shall execute  
67 in triplicate and deliver to the parties a contract containing  
68 the name and address of the applicant; the name and address  
69 of the employer of the applicant and the person acting for such  
70 employer; the time and duration of such engagement; the  
71 amount to be paid of such applicant; the character of enter-

72 tainment to be given or services to be rendered; the number  
73 of performances per day or per week that are to be given by  
74 said applicant; if a vaudeville engagement, the name of the  
75 person by whom the transportation is to be paid, and the cost  
76 of transportation; and the gross commission or fees to be paid  
77 by said applicant and to whom. Such contracts or statements  
78 shall contain no other conditions and provisions except such as  
79 are equitable between the parties thereto and do not constitute  
80 an unreasonable restriction of business. Forms of such con-  
81 tracts and statement in blank shall be first approved by the  
82 commissioner of public safety. The licensee procuring such  
83 engagement for such applicant shall keep on file or enter in a  
84 book provided for that purpose a copy of such contract or  
85 statement.

86 *Section 180E.* No license under section one hundred and  
87 eighty B shall be issued unless and until the applicant therefor  
88 deposits with the licensing authority a surety bond for the  
89 faithful compliance by such applicant, as licensee, during the  
90 term of the license, with the provisions of sections one hundred  
91 and eighty A to one hundred and eighty G, inclusive, such  
92 bond to be in the sum of one thousand dollars, and to be in  
93 force during the term of the license. At the option of such au-  
94 thority, a personal bond with two or more individuals as sure-  
95 ties, or a surety company bond, may be posted.

96 *Section 180F.* Any person from whom any licensee under  
97 section one hundred and eighty B has withheld any sum in  
98 excess of the amount permitted under any agreement between  
99 the licensee and such person may, without expense to the com-  
100 monwealth, bring an action in the name of the state treasurer  
101 upon the bond of such licensee, and may recover upon such  
102 bond for his own benefit all sums, up to the sum of such bond,  
103 or the amount improperly withheld from him by such licensee.

104 *Section 180G.* Whoever violates the provisions of section  
105 one hundred and eighty B shall be punished by a fine of not  
106 more than five hundred dollars or by imprisonment for not  
107 more than one year, or both.