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PRACTICE GUIDE · ENTERTAINMENT & TALENT

The Talent Agencies Act (TAA)

Grand Park Law Group · 2026



A.

The Licensing Requirement (Lab. Code § 1700.5)

The Talent Agencies Act, codified at California Labor Code sections 1700 through 1700.47, is the foundational regulatory statute for the representation of "artists" in California. Section 1700.5 commands: "No person shall engage in or carry on the occupation of a talent agency without first procuring a license therefor from the Labor Commissioner." Cal. Lab. Code § 1700.5. The license requires bonding, fee-schedule filings, and form-contract approval.

The Act defines "artists" broadly to include actors, musicians, models, recording artists, writers, and directors. Cal. Lab. Code § 1700.4(b). A "talent agency" is one "who engages in the occupation of procuring, offering, promising, or attempting to procure employment or engagements for an artist." *Id.* § 1700.4(a). The statute carves out one narrow exception: a person may procure recording contracts without a license. *Id.*

Personal managers — who guide careers and coordinate teams — are *not* expressly licensed or regulated by the Act. That silence is the source of nearly every TAA dispute.

B.

What Constitutes "Procurement" (*Marathon v. Blasi*)

Because the Act regulates the *act of procurement* rather than the *title* of the actor, the central question in TAA litigation is whether a manager's conduct crossed the line into unlicensed agency activity. The California Supreme Court addressed this directly in *Marathon Entertainment, Inc. v. Blasi* (2008) 42 Cal.4th 974.

In *Marathon*, actress Rosa Blasi terminated her personal manager and refused to pay commissions, asserting that the manager had procured employment for her without a license. *Id.* at 981. The Supreme Court held three things of lasting importance. First, "procurement" is a fact-specific inquiry; even occasional, incidental procurement triggers the licensing requirement. *Id.* at 986. Second, the absence of any procurement carve-out for managers in the statute was a deliberate legislative choice, and courts should not invent one. *Id.* at 987. Third — and this is the doctrinal innovation — the Labor Commissioner has discretion to apply the doctrine of *severability* and to enforce the lawful portions of a management contract while voiding only those portions tainted by unlicensed procurement. *Id.* at 991–98.

Marathon therefore softened, but did not eliminate, the Act's draconian disgorgement remedy. A manager who occasionally books a job is no longer presumptively required to disgorge every dollar.

C. The California Labor Commissioner's Original Jurisdiction

Section 1700.44(a) vests the Labor Commissioner with "original jurisdiction" over controversies arising under the Act. Cal. Lab. Code § 1700.44(a). A party who files a TAA claim in superior court will face mandatory referral to the Commissioner; the Commissioner's hearing officer issues a "Determination" that is then appealable de novo to the superior court. The one-year statute of limitations runs from the date of the violation. *Id.* § 1700.44(c).

Practical implication: a manager who sues for unpaid commissions in superior court invites a TAA cross-claim that will be transferred to the Commissioner, where the burden shifts to the manager.

D. Severability and Disgorgement Remedies

Pre-*Marathon*, the Commissioner routinely voided entire management agreements upon any finding of unlicensed procurement, ordering full disgorgement. Post-*Marathon*, severance is available — but the disgorgement remedy remains where procurement is pervasive. The remedy is restitutionary and one-way: the manager returns commissions paid; the artist need not prove damages, and a manager cannot affirmatively recover unpaid commissions on a tainted contract.

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