

# MODERN RENAISSANCE LEGAL

## Massachusetts Artist Legal One-Sheet

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### Record Keeping

When you deliver artwork to a gallery for sale on consignment, you must include a written statement with:

- your name;
- the title, medium, dimensions, date of completion, and date of delivery of the work; and,
- the anticipated fair market value of the work.

The gallery must:

- maintain a copy of the statement;
- record the date of sale, name and contact information of the purchaser; and,
- report the name and contact information of the purchaser to you.

The gallery's records must be maintained for four years after sale or return of the work. You are allowed to inspect the records and may request copies from the gallery.

### Gallery as Trustee

Once the work is delivered, the gallery holds that art in trust for you. While the work is in the gallery's possession, it is responsible for any loss or damage.

Similarly, the gallery holds your share of the funds from sale of the work in trust until you are paid.

You must keep your contact information current with the gallery. Artwork is considered forfeit if the gallery cannot locate you after one year of trying to return your work.

### Timely Payment

State law requires the gallery to pay artists within 90 days of receipt of payment for the work. Beyond 90 days, you are entitled to 5% annual interest and attorneys fees and costs to recover the money.

If the gallery holds payment beyond 180 days, you are entitled to triple the amount owed plus interest, attorneys fees and costs to recover the money.

If the gallery cannot locate you, payments due are forfeit after 4 years.

### Further Questions?

The information presented here is based on Massachusetts General Laws Chapter 104A, and is only applicable to artists with work on consignment in galleries in Massachusetts.

If you have questions about how the information here applies to you, please call us at 617-299-6852.

The law governing artist-gallery relationships vary across the United States. If you are represented in multiple states, ask us about what other obligations you may have, and how to protect your work.

Modern Renaissance Legal is happy to help you comply with the law, and set up contracts with your galleries to protect both parties.