

Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1284

Introduced by

Representatives Wrangham, S. Meyer

Senator Traynor

1 A BILL for an Act to create and enact a new section to chapter 51-12 of the North Dakota
2 Century Code, relating to the deceptive use of a musical performer's name.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new section to chapter 51-12 of the North Dakota Century Code is
5 created and enacted as follows:

6 **Deceptive use of a musical performer's name.**

- 7 1. A person may not advertise a live musical performance or production through the
8 use of a false, deceptive, or misleading affiliation, connection, or association
9 between the performing individual or group with a recording individual or group.
- 10 2. For the purposes of this section:
- 11 a. "Performing individual or group" means a vocal or instrumental performer
12 seeking to use the name of another individual or group that has previously
13 produced or released a commercial recording.
- 14 b. "Recording individual or group" means a vocal or instrumental performer that
15 has previously produced or released a commercial recording.
- 16 3. The advertisement of a live musical performance does not violate subsection 1 if:
- 17 a. The performing individual or at least one member of the performing group
18 was a member of the recording individual or group;
- 19 b. The live musical performance or production is identified as a "salute" or
20 "tribute" to the recording individual or group;
- 21 c. The advertising does not relate to a live musical performance taking place in
22 this state;
- 23 d. The performance is expressly authorized in the advertising by the recording
24 individual or group; or

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- 1 e. The advertising contains a disclaimer that the performing individual or group
- 2 is not the recording individual or group or is not affiliated with the recording
- 3 individual or group.