

HCS HB 399 -- FALSE OR DECEPTIVE BUSINESS PRACTICES

SPONSOR: Pratt (Walton)

COMMITTEE ACTION: Voted "do pass" by the Committee on Judiciary by a vote of 12 to 0.

This substitute prohibits any person from advertising or conducting a live musical performance in Missouri while using a false, deceptive, or misleading affiliation between the performing group and the original recording group. The substitute does not apply when:

- (1) One member of the performing group was a member of the original recording group and has a legal right to advertise the affiliation;
- (2) The performance is identified as a tribute or salute to the original recording group;
- (3) The advertising does not relate to a performance to be held in Missouri;
- (4) The performing group has express authorization from the original recording group to use the affiliation; or
- (5) The performing group is an authorized registrant or owner of a trademark for the original recording group name.

The Attorney General or prosecuting attorney is authorized to bring an action for a temporary or permanent injunction against any person in violation. Any person found in violation will be liable to the state for a civil penalty of \$5,000 to \$15,000 per violation and may be required to pay restitution to the original recording artist in an amount equal to the money acquired due to the false, deceptive, or misleading affiliation between the performing group and the original recording group.

FISCAL NOTE: No impact on state funds in FY 2008, FY 2009, and FY 2010.

PROPOSERS: Supporters say that the bill protects the integrity of musical performance groups and prevents music groups from advertising the group wrongfully as "original." Cover bands and tribute groups will advertise musical concerts and shows by such groups as The Supremes and The Platters as authentic when no single member was ever a member of the original group. Currently, 10 states have passed similar protections for recording acts. The bill will not affect those persons advertising as a tribute to the original singer or group.

Testifying for the bill were Representatives Walton and Wood; and Mary Wilson.

OPPONENTS: There was no opposition voiced to the committee.