

ARKANSAS SENATE
90th General Assembly - Regular Session, 2015
Amendment Form

Subtitle of Senate Bill No. 79

TO ENACT THE PERSONAL RIGHTS PROTECTION ACT; AND TO PROTECT THE PROPERTY RIGHTS
OF AN INDIVIDUAL TO THE USE OF THE INDIVIDUAL'S NAME, VOICE, SIGNATURE, AND LIKENESS.

Amendment No. 2 to Senate Bill No. 79

Amend Senate Bill No. 79 as engrossed, S1/26/15 (version: 01/26/2015 9:44:12 AM):

Page 2, line 5, delete "maintaining their reputations and" and substitute "maintaining"

AND

Page 5, delete lines 1 through 3, and substitute the following:
"damages from a person or obtain any other legal or equitable remedy on the claim for a commercial use prohibited by this subchapter unless the person knew of the claim of the successor in interest before the person undertook efforts or expense to make the commercial use."

AND

Page 5, line 33, delete "(a) Subject" and substitute "Subject"

AND

Page 5, delete line 36 and substitute the following:

"(2) The"

AND

Page 6, line 2, delete "ten (10) years" and substitute "fifty (50) years"

AND

Page 6, delete lines 3 through 8

AND

Page 6, delete line 20, and substitute the following:



"(c) Unless an individual's likeness or photograph is used to represent the individual as a member of a definable group solely as a result of being present at the time the photograph was taken and does not single out the individual for a commercial use prohibited by this subchapter, the fact that an individual is shown as a member of a definable"

AND

Page 7, line 26, delete "(f)(1)(A)" and substitute "(f)(1)"

AND

Page 7, line 28, delete "(i)" and substitute "(A)"

AND

Page 7, line 30, delete "(ii)" and substitute "(B)"

AND

Page 7, line 32, delete "(B)" and substitute "(2)"

AND

Page 7, line 34, delete "(C)" and substitute "(3)"

AND

Page 8, delete lines 1 through 10

AND

Page 8, delete lines 15 through 18, and substitute the following:

"(a)(1) It is a fair use and not a violation of this subchapter if a name, voice, signature, photograph, or likeness is used:

(A) In connection with a news, public affairs, or sports broadcast or account of public interest, or a political campaign; or

(B) In:

(i) A play, book, magazine, newspaper, musical composition, audiovisual work, or radio or television program if it is fictional or nonfictional entertainment, or a dramatic, literary, or musical work;

(ii) A single and original work of art that is not a portrait, photograph, or likeness of an individual;

(iii) A work of political or newsworthy value; or

(iv) An advertisement or commercial announcement for any of the works described in this subdivision (a)(1)(B).

(2) The use of an individual's name, voice, signature, photograph, or likeness within a work that is protected under subdivision (a)(1) of this section is not a fair use protected by subdivision (a)(1) of this section if the claimant proves that the use is so directly connected with a product, article of merchandise, good, or service as to constitute an

act of advertising, selling, or soliciting purchases of the product, article of merchandise, good, or service by the individual without the prior consent required by this subchapter."

AND

Page 8, delete lines 28 through 30 and substitute the following:
"question of fact.

4-75-1011. Exclusive remedies.

(a) The remedies granted by this subchapter shall constitute the exclusive basis for asserting a claim for the unauthorized commercial use of an individual's name, voice, signature, photograph, or likeness.

(b) Except as provided in this subchapter, a right of publicity in the use of an individual's name, voice, signature, photograph, or likeness does not exist.

4-75-1012. Construction."

AND

Page 9, line 4, delete "4-7-1012" and substitute "4-75-1013"

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator J. Woods

DLP/GRW - 01-28-2015 11:04:08

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Secretary