

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; and to provide a
3 penalty.

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

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

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

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

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- 1 d. The performance is expressly authorized in the advertising by the recording
2 individual or group.