

# MOTION PICTURES

## CHAPTER 165

H. B. No. 112—(Godwin)

### MOTION PICTURE THEATERS

An Act to prohibit the operation of motion picture theaters which are owned, controlled, managed, or operated, in whole or in part, by producers or distributors of motion picture films, or in which such producers or distributors have any interest.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. DEFINITIONS.] For the purpose of this Act, unless the context otherwise requires:

(1) The term "Motion Picture Theater" or "Theater" includes any place in which motion pictures are publicly exhibited and to which an admission price is charged.

(2) The term "Motion Picture Film" or "Film" includes all motion picture films (whether copyrighted or uncopyrighted), including positive and negative prints, and copies or reproductions of such prints, which films contain photoplays or other subjects and are produced for public exhibition.

(3) The term "Person" includes an individual, partnership, association, joint stock company, trust, or corporation.

(4) The term "Distributor" includes any person who engages or contracts to engage in the distribution of motion picture films, whether as seller, lessors, or licensor, and whether the distribution is effected by means of sale, lease, license, contract, or any other type of agreement whereby the film is supplied for public exhibition.

§ 2. EFFECTIVE DATE.] This Act shall become effective twelve months after its enactment.

§ 3. OPERATION PROHIBITED.] It shall be unlawful for any motion picture theater to be operated in this State which is owned, controlled, managed, or operated, in whole or in part, by any producer or distributor of motion picture films or in which any such producer or distributor has any interest, direct or indirect, legal or equitable, through stock ownership or otherwise.

§ 4. AFFIDAVIT TO BE FILED.] As a condition of the lawful operation of a motion picture theater in this State the person operating it shall file with the Secretary of State within thirty days after the date on which this Act becomes effective or after the date on which the operation of the theater is begun, whichever is the later, and annually thereafter on or before the fifteenth day of January an affidavit that such theater is not owned, controlled, managed, or

operated, in whole or in part, by any producer or distributor of motion picture films, and that no such producer or distributor has any interest, direct or indirect, legal or equitable, through stock ownership or otherwise, in such theater.

§ 5. CIVIL PROCEEDINGS.] The District Courts of this State shall have jurisdiction to prevent and restrain violations of this Act; and it shall be the duty of the several State's Attorneys of the State in their respective Counties, under the direction of the Attorney General, to institute proceedings to prevent and restrain such violations. Such proceedings may be by way of petition, setting forth the case and praying that such violations shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified, the Court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition, and before final decree, the Court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises. Whenever it shall appear to the Court before which any such proceeding may be pending that the ends of justice require that other parties should be brought before the Court, the Court may cause them to be summoned.

§ 6. CRIMINAL PENALTIES.] Every person who operates a motion picture theater in this State the operation of which is prohibited by Section III, or who fails to file the affidavit as and when required by Section IV, or who knowingly makes any false statement in such affidavit, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding Ten Thousand Dollars, or by imprisonment for not exceeding one year, or by both, in the discretion of the Court. In the case of a corporation, the violation of this Act shall be deemed to be also that of the individual directors, officers or agents of such corporation who have authorized, ordered, done, or had knowledge of any of the Acts or omissions constituting in whole or in part such violation, and upon conviction thereof any such director, officer, or agent shall be punished by fine or imprisonment, or both, as in this Section provided.

§ 7. SEPARABILITY.] If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and the applicability of such provision to other persons and circumstances shall not be affected thereby.

Approved March 15, 1937.