

March 17, 2009

**S 634. TRUTH IN MUSIC ADVERTISING ACT.** Filed 3/17/09. *TO PROHIBIT THE ADVERTISING AND CONDUCTING OF CERTAIN LIVE MUSICAL PERFORMANCES OR PRODUCTIONS, TO PROVIDE FOR ENFORCEMENT, AND TO IMPOSE A PENALTY.*

Enacts new Article 6 in GS Chapter 75, entitled Truth in Music Advertising, to provide that it is unlawful for any person to advertise or conduct a live musical performance or production in the state through the use of a false, deceptive, or misleading affiliation, connection, or association between a performing group and a recording group. Enumerates specific circumstances in which the act does not apply. Creates definitions for *performing group*, *recording group*, and *sound recording*.

Authorizes the Attorney General or district attorney to seek a temporary or permanent injunction against any person believed to be advertising, or about to advertise, or conducting, or about to conduct, a live musical performance or production in violation of proposed GS 75-126 when the proceedings are in the public interest. Allows the court, when issuing a permanent injunction, to direct the defendant to restore to any person in interest any moneys or property, real or personal, which may have been acquired by means of the violation, under terms and conditions established by the court. Establishes a civil penalty between \$5,000 and \$15,000 per violation payable to the state in addition to any other relief granted. Provides that each performance or production declared unlawful constitutes a separate violation.

**Intro. by Weinstein.**

GS 75

May 27, 2009

**S 634. TRUTH IN MUSIC ADVERTISING ACT.** Filed 3/17/09. House committee substitute makes the following changes to 1st edition. Changes the effective date to October 1, 2009 (was, when the act became law) and provides that the act applies to acts occurring on or after that date.

June 23, 2009

**S 634. TRUTH IN MUSIC ADVERTISING ACT.** Filed 3/17/09. House committee substitute makes the following changes to 2nd edition. Amends proposed Article 6, *Truth in Music Advertising Act*, of GS Chapter 75 to clarify that the prohibition against a person advertising or conducting a live musical performance or production through the use of a false, deceptive, or misleading affiliation, connection, or association between a performing group and a recording group is a civil violation (was, made the action unlawful). Provides that the Attorney General (was, the Attorney General or district attorney) may bring an action in the name of the state against any person in violation of this prohibition. Makes a violation of this proposed Article an unfair and deceptive trade practice under GS 75-1.1.

June 24, 2009

**S 634. TRUTH IN MUSIC ADVERTISING.** Filed 3/17/09. House amendment makes the following changes to 3rd edition. Deletes proposed new GS 75-127, which (1) authorized the Attorney General or district attorney to seek a temporary or permanent injunction against any person believed to be advertising, or about to advertise, or conducting, or about to conduct, a live musical performance or production in violation of proposed GS 75-126 when the proceedings would be in the public interest and (2) established specific remedies available to the court. Makes conforming and technical changes.

July 13, 2009

**SL 2009-284 (S 634). TRUTH IN MUSIC ADVERTISING ACT. AN ACT TO PROHIBIT THE ADVERTISING AND CONDUCTING OF CERTAIN LIVE MUSICAL PERFORMANCES OR PRODUCTIONS, TO PROVIDE FOR ENFORCEMENT, AND TO IMPOSE A PENALTY.**

Summarized in *Daily Bulletin* 3/17/09, 5/27/09, 6/23/09, and 6/24/09. Enacted July 10, 2009. Effective October 1, 2009.