

CHAPTER 450 — H.F.No. 585

An act relating to commerce; art; regulating the sale of fine prints; providing sales and advertising disclosures; prescribing penalties; defining terms; proposing new law coded as Minnesota Statutes, chapter 324.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [324.06] DEFINITIONS.

As used in sections 1 to 5:

(1) “artist” means the person who conceived or created the master image for, or which served as model for, the print;

(2) “catalog” means an advertising medium published by a single individual or firm which solicits consumers to order fine prints through the mail or by telephone. Magazines, circulars, and newspapers are not considered catalogs;

(3) “edition” means the number of fine prints made from the plate or negative during a single run;

(4) “fine print” or “print” means the product created by an artist by a process commonly used in graphic or photographic arts, including, but not limited to, engraving, etching, woodcutting, lithography, serigraphy, or photography;

(5) “impression” means the printed image on suitable material, whether paper or any other substance, made off the plate or negative by printing, stamping, casting, developing, or any other process commonly used in the graphic or photographic arts;

(6) “plate” includes any plate, stone, block, or other material created by the artist, used for the purpose of creating the print from which the impression or impressions were taken;

(7) “negative” includes any negative, photographic plate, slide, or other material created by the artist and used for the purpose of creating the print from which the impression or impressions were taken;

(8) “reproduction” means a copy of an original or a copy of a print made by a commercial mechanical process; and

(9) “signed fine print” means a fine print autographed by the artist, irrespective of whether it was signed or unsigned in the plate or negative.

Sec. 2. [324.07] EXCEPTIONS.

Sections 1 to 5 do not apply to:

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(1) prints which are printed prior to the effective date of sections 1 to 5;
or

(2) prints which are not offered for sale by means of a catalog and which are not alleged to be numbered or limited editions and signed by the artist; or clearly and conspicuously described as reproductions; and

(3) prints which are sold or offered at a price less than \$250.

Sec. 3. [324.08] ACTS PROHIBITED; DISCLOSURE STATEMENTS.

Subdivision 1. ADVERTISING DISCLOSURES. No catalog offering fine prints for sale in this state shall be knowingly published or distributed, or both, unless it clearly and conspicuously discloses the relevant informational detail as required by section 4 concerning each edition of the prints so offered or states that the relevant information is available on request.

Subd. 2. ADVERTISING DISCLAIMER. If the person offering fine prints by means of a catalog disclaims knowledge as to any relevant detail referred to in section 4, that person shall so state the information is unknown or not available. Describing the edition as an edition of "reproductions" eliminates the need to furnish further informational details unless the edition was allegedly published in a numbered, or limited edition, and signed by the artist, in which case all of the informational details are required to be furnished.

Subd. 3. SALES DISCLOSURES. No fine print may be knowingly sold in this state by any person unless a written invoice or receipt for the purchase price or a certificate furnished to the purchaser clearly and conspicuously discloses all of the relevant informational details required under section 4; or the seller states or clearly and conspicuously posts that the relevant information is available on request.

Subd. 4. SALES DISCLAIMER. If the seller disclaims knowledge as to any relevant detail referred to in section 4, he or she shall so state the information is unknown or not available. Describing the print as a "reproduction" eliminates the need to furnish information details unless it was allegedly published in a numbered, or limited edition, and signed by the artist, in which case all of the informational details are required to be furnished.

Sec. 4. [324.09] INFORMATIONAL DETAIL.

The following informational detail is required under section 3:

- (1) the name of the artist and the year when the fine print was printed;
- (2) the authorized maximum number of artist's, publisher's, printer's, or other proofs, if any, outside of the regular edition and the total size of the edition;

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(3) whether the plate or negative has been destroyed, altered, or defaced, after the latest edition;

(4) if there were any prior fine prints of the same impression, utilizing a different process, paper, media, or color, the total number of the fine prints and designation of the fine prints;

(5) if there were any prior or later editions from the same plate or negative.

Sec. 5. [324.10] **LIABILITY.**

(a) Any person who sells a fine print and who fails to disclose the information required by section 4 is liable to the purchaser thereof in an amount equal to the purchase price of the fine print, including any sales tax paid.

(b) In addition to the liability imposed by paragraph (a), a person who sells a fine print and who wilfully provides false information required by section 4 is liable to the purchaser in the amount of \$1,000 or in an amount equal to three times the purchase price of the fine print, whichever is greater.

(c) No action can be maintained to enforce any liability under this section unless the person who is injured by the failure to disclose returns the fine print in original condition to the person violating the provisions of paragraph (a) or (b) and the action is brought within one year after discovery of the violation upon which it is based and in no event more than three years after the fine print was sold.

Approved April 23, 1984

CHAPTER 451 — H.F.No. 523

An act relating to public utilities; defining scope of independent telephone companies accountable under chapter 237; amending Minnesota Statutes 1982, section 237.01, subdivision 3.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1982, section 237.01, subdivision 3, is amended to read:

Subd. 3. **INDEPENDENT TELEPHONE COMPANY.** "Independent telephone company" means a telephone company organized and operating under chapter 301 or 302A and providing service to less fewer than 2,500 15,000 subscribers within the state.

Sec. 2. **EFFECTIVE DATE.**

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