

HOUSE BILL 207

By Lamberth

AN ACT to amend Tennessee Code Annotated, Title 47,
relative to the True Origin of Goods Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 47-18-402(6), is amended by deleting the word "distribution" and substituting the language "distribution, display, or performance".

SECTION 2. Tennessee Code Annotated, Section 47-18-407, is amended by deleting subsection (b) and substituting:

For the purpose of application of the Tennessee Consumer Protection Act of 1977, a violation of this part constitutes an unfair or deceptive act or practice affecting trade or commerce and is subject to the penalties and remedies as provided in the Tennessee Consumer Protection Act of 1977, in addition to the penalties and remedies set forth in this part. However, no criminal penalty is incurred for violation of this part.

SECTION 3. Tennessee Code Annotated, Title 47, Chapter 18, Part 4, is amended by adding the following as a new section:

(a) An owner, assignee, authorized agent, or exclusive licensee of a commercial recording or audiovisual work electronically disseminated by a website or online service in violation of this part may bring a private cause of action to obtain a declaratory judgment that an act or practice violates this part and obtain an injunction against a person who knowingly has violated, is violating, or is otherwise likely to violate this part. As a condition precedent to filing a civil action under this section, the aggrieved party must provide written notice to an individual alleged to be in violation of this part. The

written notice must explain that the individual may be in violation of this part and that failure to cure the violation within fourteen (14) days of receipt of the written notice may result in a civil action filed in a court of competent jurisdiction.

(b) Upon motion of the party instituting the action, the court may make appropriate orders to compel compliance with this part.

(c) The prevailing party in a cause of action under this section is entitled to recover necessary expenses and reasonable attorneys' fees.

SECTION 4. This act takes effect July 1, 2021, the public welfare requiring it, and applies to violations occurring on or after that date.