

HOUSE BILL 1707

By Curtiss

AN ACT to amend Tennessee Code Annotated, Title 47,
Chapter 25, Part 11, relative to protection of
personal rights.

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

SECTION 1. Tennessee Code Annotated, Section 47-25-1105(a), is amended by deleting the language "as an item of commerce for purposes of" and by substituting instead the language:

as an item of commerce on or in products, merchandise, or goods or for purposes of

SECTION 2. Tennessee Code Annotated, Section 47-25-1107, is amended by deleting the section in its entirety and by substituting instead the following:

§ 45-25-1107.

(a) It is deemed a fair use, and no violation of an individual's rights shall be found, for purposes of this part if the publication, printing, display, or use of the name, photograph, or likeness in any newspaper, magazine, book, news broadcast or telecast, or other medium or publication is in connection with any news, public affairs, or sports broadcast or account having a current and legitimate public interest and where such name or likeness is not used for advertising purposes.

(b) The use of a name, photograph, or likeness in a commercial medium does not constitute a use for which consent is required under § 47-25-1105(a) solely because the material containing such use is commercially sponsored or contains paid advertising. Rather it shall be a question of fact whether or not the use of the complainant individual's name, photograph, or likeness was so directly connected with the commercial

sponsorship or with the paid advertising as to constitute a use for which consent is required under § 47-25-1105(a).

(c) Nothing in this part applies to the owners or employees of any medium used for advertising, including, but not limited to, newspapers, magazines, radio and television stations, billboards, and transit ads, who have published or disseminated any advertisement or solicitation in violation of this part, unless it is established that such owners or employees had knowledge of the unauthorized use of the individual's name, photograph, or likeness as prohibited by this section.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.