

2A:24A-1 et seq.

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2A:24A-1 et. seq. ("Artists' Rights Act")

LAWS OF: 1986

CHAPTER 97

BILL NO: A55

Sponsor(s): Baer

Date Introduced: Pre-filed

Committee: Assembly: Judiciary

Senate: Labor, Industry and Professions

Amended during passage: Yes Substituted for S384 (not attached since identical to A55). Amendments during passage denoted by asterisks.

Date of Passage: Assembly: February 13, 1986

Senate: July 17, 1986

Date of Approval: August 27, 1986

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

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17  
8-27-86  
8-6

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ASSEMBLY, No. 55

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Assemblyman BAER

AN ACT concerning artists' rights.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. This act shall be known and may be cited as the "Artists'  
2 Rights Act."

1 2. The Legislature finds and declares that:

2 a. The physical state of a work of fine art is of enduring and  
3 crucial importance to the artists and the artist's reputation;

4 b. There have been cases where works of art have been altered,  
5 defaced, mutilated or modified, thereby destroying the integrity of  
6 the artwork and causing a loss to the artist and the artist's reputa-  
7 tion;

8 c. Alteration, defacement, mutilation or other modification of an  
9 artist's work may be prejudicial to his career and reputation; and

10 d. There are circumstances when an artist has the legal right  
11 to object to the alteration, defacement, mutilation or other modifica-  
12 tion of his work or to claim or disclaim authorship of a work of art.

1 3. As used in this act:

2 a. "Artist" means the creator of a work of fine art;

3 b. "Conservation" means acts taken to correct deterioration and  
4 alteration or acts taken to prevent, stop or retard deterioration;

5 c. "Person" means an individual, partnership, corporation, asso-  
6 ciation or other group, however organized;

7 d. "Reproduction" means a copy, in any medium, of a work of  
8 fine art that is displayed or published under circumstances which,

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in the above bill  
is not enacted and is intended to be omitted in the law.

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

\*—Assembly committee amendments adopted January 27, 1986.

9 reasonably construed, evinces an intent that it be taken as a repre-  
10 sentation of a work of fine art as created by the artist; and

11 e. "Work of fine art" means any original work of visual or  
12 graphic art of any medium, which includes, but is not limited to,  
13 paintings, drawings, prints, and photographic prints or sculptures  
14 of a limited edition of no more than three hundred copies; provided,  
15 however, that a work of fine art shall not include sequential imagery  
16 as in motion pictures.

1 4. No person other than the artist, or a person acting with the  
2 artist's consent, shall \***either**\* knowingly display in a place ac-  
3 cessible to the public \***or knowingly publish or reproduce**\* a work  
4 of fine art of that artist in an altered, defaced, mutilated or modified  
5 form if damage to the artist's reputation is reasonably likely to  
6 result and if the work is displayed\***[, published or reproduced]**\*  
7 as being the work of the artist. *\*No person other than the artist, or  
8 a person acting with the artist's consent, shall either knowingly  
9 publish or reproduce a work of fine art of that artist in an altered,  
10 defaced, mutilated or modified form if damage to the artist's  
11 reputation is reasonably likely to result and if the work is published  
12 or reproduced as being the work of the artist by use of the artist's  
13 name in conjunction with the reproduction or publication.\**

1 5. The artist shall retain at all times the right to claim author-  
2 ship or, for just and valid reason, to disclaim authorship of his  
3 work of fine art. The right to claim authorship shall include the  
4 right of the artist to have his name appear on or in connection  
5 with the work of fine art as the artist. The right to disclaim  
6 authorship shall include the right of the artist to prevent his name  
7 from appearing on, or in connection with, the work of fine art as the  
8 artist. Just and valid reason for disclaiming authorship shall  
9 include: that the work of fine art has been altered, defaced,  
10 mutilated or modified other than by the artist; that the work of fine  
11 art has been altered, defaced, mutilated or modified without the  
12 artist's consent; and that damage to the artist's reputation is  
13 reasonably likely to result or has resulted.

1 6. a. Alteration, defacement, mutilation or modification of a  
2 work of fine art resulting from the passage of time or the inherent  
3 nature of the materials shall not create a violation of this act or a  
4 right to disclaim authorship under this act, provided that the altera-  
5 tion, defacement, mutilation or modification was not the result of  
6 gross negligence in maintaining or protecting the work of fine art.

7 b. In the case of a reproduction, a change that is an ordinary  
8 result of the medium of reproduction shall not create a violation of  
9 this act or a right to disclaim authorship under this act.

10 c. Conservation shall not constitute an alteration, defacement,  
11 mutilation or modification within the meaning of this act, unless  
12 the conservation work is shown to have been performed in a  
13 negligent manner.

1 7. This act shall apply only to works of fine art knowingly dis-  
2 played in a place accessible to the public or published or reproduced  
3 in this State. It shall not apply to work prepared under contract  
4 for advertising or trade use unless the contract so provides.

1 8. a. An artist aggrieved under this act shall have a cause of  
2 action for legal and injunctive relief.

3 b. No action may be maintained to enforce any liability under  
4 this act unless brought within \*~~three~~\* *six*\* years of the viola-  
5 tion complained of or \*~~one year~~\* *two years*\* after the con-  
6 structive discovery of the violation, whichever is later.

1 9. This act shall take effect immediately.

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PROPERTY

“Artists Rights Act.”

Designated the “Artists Rights Act.”

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3 in this State. It shall not apply to work prepared under contract  
4 for advertising or trade use unless the contract so provides.

1 8. a. An artist aggrieved under this act shall have a cause of  
2 action for legal and injunctive relief.

3 b. No action may be maintained to enforce any liability under  
4 this act unless brought within three years of the violation com-  
5 plained of or one year after the constructive discovery of the  
6 violation, whichever is later.

1 9. This act shall take effect immediately.

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#### STATEMENT

The purpose of this bill is to protect artists' rights. It prohibits knowingly displaying or publishing an artist's work of fine art in an altered, defaced, mutilated or modified form and provides the artist with the right to claim or disclaim authorship. This bill applies only to works of fine art displayed in places accessible to the public or published or reproduced in the State and does not apply to works prepared for advertising or trade use.

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ASSEMBLY JUDICIARY COMMITTEE  
STATEMENT TO  
**ASSEMBLY, No. 55**  
**STATE OF NEW JERSEY**

DATED: JANUARY 24, 1986

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 55.

This bill prohibits knowingly displaying or publishing an artist's work of fine art in an altered, defaced, mutilated or modified form if damage to the artist's reputation is reasonably likely to result. It provides the artist with the right to claim authorship or, for a valid reason, to disclaim authorship of his work.

This bill applies only to works of fine art displayed in places accessible to the public or published or reproduced in the State, and does not apply to works prepared for advertising or trade use.

The committee amended the bill to ease somewhat the restrictions on publishing or reproducing a work of fine art so as not to conflict with rights guaranteed by the First Amendment to the U. S. Constitution.

The committee also made amendments concerning the statutes of limitation for bringing an action under the bill in order to conform them to existing statutes in this State for similar civil actions.

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SENATE LABOR, INDUSTRY AND PROFESSIONS  
COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 55**

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**STATE OF NEW JERSEY**

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DATED: JUNE 19, 1986

This bill prohibits knowingly displaying or publishing an artist's work of fine art in an altered, defaced, mutilated or modified form if damage to the artist's reputation is reasonably likely to result.

It also provides the artist with the right to claim authorship or, for a valid reason, to disclaim authorship of his work of fine art. Valid reasons to disclaim authorship are that the work of fine art has been altered, defaced, mutilated or modified other than by the artist or without the artist's consent or that damage to the artist's reputation is reasonably likely to result.

This bill applies only to works of fine art displayed in places accessible to the public or published or reproduced in this State, and does not apply to works prepared for advertising or trade use.

Alteration, defacement, mutilation or modification of a work of fine art resulting from the passage of time or the inherent nature of the materials would not constitute a violation of the bill unless it resulted from gross negligence in maintaining or protecting the work of fine art. Conservation would not constitute an alteration, defacement, mutilation or modification, unless it was done in a negligent manner.

An aggrieved artist would have a cause of action for legal and injunctive relief.

A work of fine art under the bill is an original work of visual or graphic art of any medium, including paintings, drawings, prints, and photographic prints or sculptures of a limited edition.