

1983 Senate Bill 429

Date of enactment: May 10, 1984
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1983 Wisconsin Act 454

AN ACT to create 134.23 of the statutes, relating to regulating licensing practices for motion pictures.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 134.23 of the statutes is created to read:

134.23 Motion picture fair practices. (1) DEFINITIONS. As used in this section:

(a) "Blind bidding" means offering, bidding for, negotiating for or agreeing to any term for the licensing or exhibition of a motion picture in this state prior to a trade screening of the motion picture.

(b) "Distributor" means a person who rents, sells, licenses or otherwise distributes to an exhibitor a motion picture for exhibition in this state.

(c) "License agreement" means a contract, agreement, understanding or condition between a distributor and an exhibitor relating to the exhibition of a motion picture in this state.

(d) "Trade screening" means the showing of a motion picture by a distributor in one of the 3 largest cities in this state.

(2) BLIND BIDDING PROHIBITED. A person may not engage in blind bidding.

(3) TRADE SCREENING. (a) Every trade screening shall be open to any exhibitor.

(b) A distributor shall provide reasonable and uniform notice to all exhibitors of all trade screenings.

(4) GUARANTEES PROHIBITED. A license agreement created or renewed after the effective date of this subsection (1983), which provides for a fee or other payment to a distributor based in whole or in part on the attendance at a theater or the box office receipts of a theater may not contain or be conditioned upon a guarantee of a minimum payment by an exhibitor to the distributor.

(5) INJUNCTIVE RELIEF AND DAMAGES. A person aggrieved by a violation of this section may bring a civil action to enjoin further or continuing violations or to recover actual damages sustained as a result of a violation, together with costs of the action. In an action under this subsection, the court shall award reasonable attorney fees, notwithstanding s. 814.04 (1), to a party who obtains injunctive relief or an award of damages.