

By Mr. Koczera of New Bedford, petition of Robert M. Koczera relative to the commercial exploitation of certain privacy rights. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Seven.

AN ACT RELATIVE TO THE COMMERCIAL EXPLOITATION OF CERTAIN
PRIVACY RIGHTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 231 of the General Laws is hereby
2 amended by inserting after section 85P½ the following section:—

3 Section 85P¾. Any person whose name, portrait, picture, voice,
4 life story or any pertinent part thereof, is used or in any way
5 exploited for commercial purposes without his written consent
6 having first been obtained may bring an action against such
7 person to prevent and restrain the use thereof; and may also bring
8 an action for damages for any injuries sustained because of such
9 use. If the person against whom such action is brought knowingly
10 used such person's name, portrait, picture, voice, life story, or any
11 pertinent part thereof, then exemplary damages may be awarded
12 in addition to any other damages awarded.

1 SECTION 2. Chapter 266 of the General Laws is hereby
2 amended by inserting after section 143E the following section:—

3 Section 143F. No person shall use or in any way exploit for
4 commercial purposes the name, portrait, picture, voice, life story,
5 or any pertinent part thereof, of any person without first having
6 obtained the written consent of such person, or if a minor, of his
7 parent or guardian and subject to the provisions of section eighty-
8 five P½ of chapter two hundred and thirty-one.

9 A person who violates the provisions of this section shall be
10 punished by imprisonment for not more than one year or by a fine
11 of not more than two hundred fifty thousand dollars, or both such
12 fine and imprisonment.