

## **BILL ANALYSIS**

H.B. 54  
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Business & Industry  
Committee Report (Amended)

### **BACKGROUND AND PURPOSE**

Currently, there are many bands that tour across the country claiming to be musical groups such as The Platters, The Drifters or other groups from the 1950s and '60s when in fact they do not have any ties to the original artists. Other states such as Pennsylvania, Connecticut, Illinois, North Dakota and South Carolina have already passed legislation similar to this.

House Bill 54 would prohibit imposter bands who perform under the name of a famous recording group without having even one original member of the group, and the legal right to that name, from performing in Texas.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

House Bill 54 amends the Business and Commerce Code to prohibit a person from advertising, promoting, or conducting a live musical performance in Texas through the use of a false, deceptive or misleading affiliation, connection, or association between a recording group and a performing musical group. The bill sets forth provisions for when an act is not a violation of the above provision. The bill sets forth circumstances under which the attorney general or district attorney is authorized to bring an action for injunctive relief against a person that is engaging in, has engaged in, or is about to engage in an act or practice that violates the provisions of the bill. The bill requires a district attorney who prosecutes for injunctive relief to make a full report to the attorney general regarding any action prosecuted by the district attorney under this provision, and the report is required to include a statement regarding the final disposition of the matter. The bill authorizes the court issuing a permanent injunction to make orders or judgments for restitution.

H.B. 54 sets forth civil penalties, and authorizes the attorney general or prosecuting attorney in the county in which the violation occurs to bring suit to recover the civil penalty.

H.B. 54 sets forth the definitions of "performing musical group", "recording group", and "sound recording"

### **EFFECTIVE DATE**

September 1, 2007.

### **EXPLANATION OF AMENDMENTS**

Committee Amendment No. 1 authorizes the prosecuting attorney in the county in which the violation occurs, rather than the district attorney, to institute and prosecute an action seeking injunctive relief under the provisions of the bill. The amendment requires the prosecuting attorney, rather than the district attorney, to make a full report to the attorney general regarding any action prosecuted by the prosecuting attorney.