

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 1279
HOUSE BILL 1592

AN ACT MAKING IT UNLAWFUL TO REPRODUCE FOR PROFIT RECORDED
SOUNDS WITHOUT THE CONSENT OF THE OWNER.

The General Assembly of North Carolina enacts:

Section 1. Chapter 14 of the General Statutes is hereby amended by inserting therein a new Article 56A to read as follows:

"Article 56A.

"Records, Tapes and Other Recorded Devices.

"§ 14-426.1. **'Owner' defined.** — As used in this Article 'owner' means the person who owns any master phonograph record, master disc, master tape, master film or other device used for reproducing recorded sounds on phonograph records, discs, tapes, films or other articles on which sound is recorded and from which the transferred sounds are directly or indirectly derived.

"§ 14-426.2. **Recording of live concerts or recorded sounds and distribution, etc., of such recordings unlawful in certain circumstances.** — It shall be unlawful for any person to: (1) Knowingly transfer or cause to be transferred, directly or indirectly by any means, any sounds at a live concert or any sounds recorded on a phonograph record, disc, wire, tape, film or other article on which sounds are recorded, with the intent to sell or cause to be sold, or to be used for profit through public performance, such article on which sounds are so transferred, without consent of the owner; or

(2) Manufacture, distribute or wholesale any article with the knowledge that the sounds are so transferred, without consent of the owner.

This section shall not apply to any person engaged in radio or television broadcasting who transfers, or causes to be transferred, any such sounds other than from the sound track of a motion picture intended for, or in connection with broadcast or telecast transmission or related uses, or for archival purposes.

"§ 14-426.3. **Retailing, etc., of certain recorded devices unlawful.** — It shall be unlawful for any person to knowingly retail or possess for the purpose of retailing any recorded device that has been produced, manufactured, distributed, or acquired at wholesale in violation of any provision of this Chapter.

"§ 14-426.4. **Recorded devices to show true name of manufacturer.** — Ninety days after January 1, 1975, every recorded device sold or transferred or possessed for the purpose of sale by any manufacturer, distributor, or wholesale or retail merchant shall contain on its packaging the true name of the manufacturer. The term 'manufacturer' shall not include the manufacturer of the cartridge or casing itself.

"§ 14-426.5. **Recorded devices - civil action for damages.** — Any owner of a recorded device as defined in this Chapter whose work is allegedly the subject of a violation of G.S. 14-426.2 or G.S. 14-426.3, shall have a cause of action in the courts of this State for all damages resulting therefrom, including actual, compensatory and incidental damages.

"§ 14-426.6. **Violation of Article a misdemeanor.** — Every individual manufacture, distribution, sale or transfer of such recorded devices in contravention of the provisions of this

Article shall constitute a misdemeanor punishable by six months in jail, a fine of up to five hundred dollars (\$500.00), or both."

Sec. 2. This act shall become effective January 1, 1975.

In the General Assembly read three times and ratified, this the 11th day of April, 1974.