

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

H

1

HOUSE BILL 1098

Short Title: Ads in Written Periodicals.

(Public)

Sponsors: Representatives Lemmond; and Bowie.

Referred to: Business and Labor.

April 19, 1993

A BILL TO BE ENTITLED

AN ACT TO REQUIRE CONTRACTS FOR THE PURCHASE OF ADVERTISING IN FOR-PROFIT WRITTEN PERIODICALS TO INCLUDE CERTAIN TERMS, INCLUDING A STATEMENT OF THE CIRCULATION OF THE PERIODICAL, AND TO PROVIDE REMEDIES FOR THE PURCHASER IN THE EVENT THE SELLER FAILS TO COMPLY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 66 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 32.

"CONTRACTS FOR THE PURCHASE OF ADVERTISING IN FOR-PROFIT WRITTEN PERIODICALS.

"§ 66-250. Contractual requirements.

(a) Every contract for the purchase of advertising in a for-profit written periodical shall be in writing, dated, signed by the purchaser, and shall include:

(1) A statement of the current circulation of the periodical.

(2) The terms and conditions of payment, including the total of all payments to be made by the purchaser.

(b) Upon the request of the purchaser, the seller shall supply the purchaser with proof of the circulation.

(c) The seller shall notify the purchaser when the circulation of the periodical decreases by ten percent (10%) or more from the circulation of the periodical at the date the contract was entered into.

1 (d) The provisions of this section may not be waived or modified by the
2 agreement of the parties.

3 **"§ 66-251. Remedies.**

4 (a) Any seller of advertising in a for-profit written periodical who violates any
5 provision of this Article is liable to the purchaser in an action brought by the purchaser
6 for liquidated damages, plus reasonable attorneys' fees. Liquidated damages shall be in
7 an amount equal to three times the value of all payments to be made by the purchaser
8 for the duration of the contract.

9 (b) A violation of G.S. 66-250 shall constitute an unfair practice under G.S. 75-
10 1.1.

11 (c) When the contract is for a duration of six months or more and the purchaser
12 receives a notice under G.S. 66-250(c), the contract is voidable or may be renegotiated,
13 at the option of the purchaser.

14 (d) The remedies provided under this section are in addition to any other
15 remedies, but the damages assessed shall not exceed the largest amount of damages
16 available by any single remedy."

17 Sec. 2. This act becomes effective October 1, 1993, and applies to any
18 contract entered into or extended or renewed on or after that date.