

BILL ANALYSIS

Senate Research Center

S.B. 1402
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Jurisprudence
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As Filed

DIGEST

Currently, although artists do have certain common law rights and protections guaranteed to them for works of art they create, there is no comprehensive civil penalty to protect works of art and the rights of artists. This bill will provide for the protection of works of art and provide attribution rights to an artist.

PURPOSE

As proposed, S.B. 1402 provides for the protection of works of art and provides attribution rights to an artist.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 6, Civil Practice and Remedies Code, by adding Chapter 139, as follows:

CHAPTER 139. PROTECTION AND ATTRIBUTION RIGHTS OF ARTIST

Sec. 139.001. DEFINITIONS. Defines "alteration," "artist," and "work of fine art."

Sec. 139.002. DETERMINATION OF RECOGNIZED QUALITY. Sets forth persons to whom a trier of fact shall rely for determining whether a work of fine art is of recognized quality.

Sec. 139.003. INTENTIONAL ALTERATION OR DESTRUCTION OF WORKS OF ART PROHIBITED. Prohibits a person from intentionally committing or authorizing the intentional commission of the alteration or destruction of a work of fine art. Provides that this section does not apply to the intentional alteration or destruction of a work or fine art created, owned, and possessed by the artist.

Sec. 139.004. NEGLIGENT ALTERATION OF DESTRUCTION OF WORKS OF ART PROHIBITED. Sets forth regulations regarding the negligent alteration or destruction of a work of fine art. Defines "conserve," "frame," and "restore."

Sec. 139.005. ATTRIBUTION RIGHTS. Sets forth the attribution rights retained by an artist.

Sec. 139.006. REMOVAL OF FINE ART FROM BUILDING. Sets forth regulations regarding the alteration or destruction of a work of fine art during the removal of the work from a building.

Sec. 139.007. DEMOLITION OF BUILDING HOUSING FINE ART. Sets forth regulations regarding the intentional alteration or destruction of a work of fine art resulting from the demolition of the building containing the work.

Sec. 139.008. REMEDIES. Sets forth the remedies available to an artist to enforce this chapter. Defines "artist."

Sec. 139.009. LIMITATIONS PERIOD. Sets forth the time period in which a person is required to bring suit under this chapter.

Sec. 139.010. DURATION OF RIGHT. Sets forth the duration of the rights of an artist established by this chapter.

Sec. 139.011. RIGHTS ADDITIONAL. Provides that the rights of an artist established by this chapter are in addition to any other rights the artist possesses in a work of fine art created by the artist and do not impair any common law rights or remedies that may be available to the artist.

SECTION 2. (a) Makes application of this Act prospective as to the alteration of destruction of a work of fine art.

(b) Makes application of this Act prospective as to the attribution rights in a work of fine art.

(c) Defines "alteration" and "work of fine art."

SECTION 3. Emergency clause.

Effective date: upon passage.