

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.2953a Motion picture recording violation.

Sec. 2953a.

(1) A person who commits an act that constitutes a motion picture recording violation is liable to a person injured by the violation for 1 or more of the following:

- (a) Actual damages.
- (b) Exemplary damages of not more than \$1,000.00.
- (c) If the person who committed the violation was acting for direct or indirect commercial advantage or financial gain, exemplary damages of not more than \$50,000.00.
- (d) Reasonable attorney fees and costs.

(2) If a person who commits an act that constitutes a motion picture recording violation is an unemancipated minor who lives with his or her parent or parents, the parent or parents are also liable to a person injured by the violation for damages allowable under this section.

(3) A person injured by a motion picture recording violation may recover damages described in subsection (1) only if a formal incident report that contains factual allegations that the defendant committed a motion picture recording violation is filed with a local law enforcement agency with jurisdiction over the location where the violation took place. However, recovery under this section is not dependent on the outcome of a criminal prosecution.

(4) A person injured by a motion picture recording violation may bring an action to enjoin a person from the unauthorized recording, receipt, or transmission of a recording or transmission of a motion picture or a part of a motion picture obtained or made by a motion picture recording violation or from committing a motion picture recording violation. A person may bring an action under this subsection regardless of whether the person has suffered or will suffer actual damages.

(5) An action under this section is in addition to any other criminal or civil penalties or remedies provided by law.

(6) As used in this section:

(a) "Motion picture recording violation" means a violation of section 465a of the Michigan penal code, 1931 PA 328, MCL 750.465a.

(b) "A person injured by a motion picture recording violation" includes, but is not limited to, the owner or lessee of the theatrical facility where the motion picture that is the subject of the violation was being shown.

History: Add. 2004, Act 450, Eff. Mar. 28, 2005