

HOUSE BILL No. 2355

By Committee on Commerce, Labor and Economic Development

2-13

1 AN ACT concerning motion picture distribution and exhibition; relating to
2 drive-in theaters.

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4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) A license agreement created or renewed after the
6 effective date of this act which provides for a fee or other payment to a
7 distributor based in whole or in part on the attendance at a theater or the
8 box office receipts of a theater may not contain or be conditioned upon a
9 guarantee of a minimum payment by an exhibitor to the distributor.

10 (b) A license agreement created or renewed after the effective date of
11 this act shall not contain or be conditioned upon a provision, agreement or
12 understanding that the exhibitor shall advance any funds prior to the
13 exhibition of the motion picture as security for the exhibitor's performance
14 of the license agreement or to be applied to any payments that the
15 exhibitor is required by the license agreement to make to the distributor.

16 (c) Any provision of a license agreement created or renewed after the
17 effective date of this act that waives any of the prohibitions of, or fails to
18 comply with, this section is void and unenforceable.

19 (d) A person aggrieved by a violation of this section may bring a civil
20 action to enjoin further or continuing violations or to recover actual
21 damages sustained as a result of a violation, together with costs of the
22 action. In an action under this subsection, the court shall award reasonable
23 attorney fees to a party who obtains injunctive relief or an award of
24 damages.

25 (e) Subsections (a) through (d) shall only apply to license agreements
26 between distributors and independently owned drive-in movie theaters. For
27 purposes of this section, a drive-in movie theater means an establishment
28 designed to permit customers to remain in their motor vehicles while
29 viewing a motion picture and primarily consisting of one or more of the
30 following: A large outdoor screen, projection booth, concession stand and
31 parking area for automobiles.

32 Sec. 2. This act shall take effect and be in force from and after its
33 publication in the statute book.