

## HOUSE BILL No. 2355

By Committee on Commerce, Labor and Economic Development

2-13

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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.