CHAPTER 16

Sale of Fine Prints; Disclosure Requirements

**SECTION 39‑16‑10.** Definitions.

 As used in this chapter:

 (a) "Artist" means any person who conceived or created:

 (1) the master image for a fine print; or

 (2) the master image which served as the model for a fine print.

 (b) "Fine print" means a printed image on paper or any other suitable substance which has been taken off a plate by printing, stamping, casting, or any other process commonly used in the graphic arts and includes engraving, etching, woodcut, lithograph, or serigraph.

 (c) "Reproduction" means a copy of an original print made by a commercial mechanical process which does not require the use of a plate.

 (d) "Art merchant" means a person who:

 (1) deals in fine prints to which this article is applicable; or

 (2) by his occupation holds himself out as having knowledge or skill peculiar to such works; or

 (3) to whom such knowledge or skill may be attributed by his employment of an agent or other intermediary who by his occupation holds himself out as having such knowledge or skill; or

 (4) is a professional auctioneer who holds himself out as having knowledge or skill peculiar to fine prints to which this article is applicable and who sells these works at public auctions.

 (e) "Person" means an individual, auctioneer, corporation, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity that does not have the knowledge or skill of an art merchant as described in Section 39‑16‑10(d).

 (f) "Plate" means a plate, stone, block, or other material used to create a fine print or from which a fine print is taken.

 (g) "Print" means a fine print.

 (h) "Signed print" means a fine print autographed by the artist, whether it was signed or unsigned in the plate.

HISTORY: 1986 Act No. 396, eff September 1, 1986; 1988 Act No. 506, Sections 1, 2, eff May 9, 1988.

Effect of Amendment

The 1988 amendment in item (d), subitem (4) added the language relating to holding himself out as having knowledge or skill, and in item (e) added "auctioneer".

**SECTION 39‑16‑20.** Applicability of chapter.

 This chapter does not apply to:

 (a) a fine print sold before January 1, 1987.

 (b) a fine print offered for sale or sold at retail or wholesale for:

 (1) one hundred dollars or less if unframed; or

 (2) one hundred fifty dollars or less if framed.

 (c) a migratory waterfowl stamp print issued under the auspices of the South Carolina Migratory Waterfowl Committee.

 (d) a fine print for which proof exists that the print was printed no less than one hundred years prior to the date of sale.

HISTORY: 1986 Act No. 396, eff September 1, 1986; 1988 Act No. 506, Section 4, eff May 9, 1988.

Effect of Amendment

The 1988 amendment added item (d) relating to a fine print which is one hundred years old or older.

**SECTION 39‑16‑30.** General prohibitions; applicability to "reproductions".

 (a) An art merchant or person may not knowingly publish or distribute any catalog, prospectus, or circular which offers for sale a fine print unless it clearly and conspicuously discloses all information required by Section 39‑16‑40.

 (b) An art merchant or person may not knowingly sell at retail or wholesale any fine print unless a written invoice, receipt for the purchase price, or certificate furnished to the purchaser clearly and conspicuously discloses all information required by Section 39‑16‑40.

 (c) If a print is described as a "reproduction", the information required by Section 39‑16‑40 is not required to be disclosed unless the print allegedly was published in a limited edition, an edition of numbered or signed prints, or any combination of them.

 (d) An art merchant or person offering for auction a fine print to which this article is applicable at an auction where nonart property also is sold shall provide a written invoice disclosing all information required by Section 39‑16‑40.

HISTORY: 1986 Act No. 396, eff September 1, 1986; 1988 Act No. 506, Section 3, eff May 9, 1988.

Effect of Amendment

The 1988 amendment added subsection (d).

**SECTION 39‑16‑40.** Disclosure requirements.

 (a) An art merchant or person who sells or offers to sell a fine print shall disclose the following information:

 (1) the year the plate was created.

 (2) the year when printed and the name of the artist.

 (3) the process used to create the print.

 (4) whether the print is a part of a limited edition, and if it is:

 (i) the authorized maximum number of numbered or signed prints, or both, in the edition.

 (ii) the authorized maximum number of unnumbered or unsigned prints, or both, in the edition.

 (iii) any authorized maximum number of artist's, publisher's, printer's, or other proofs, exclusive of trial proofs, outside the regular edition.

 (iv) the total size of the edition.

 (5) whether the plate has been destroyed, effaced, altered, defaced, or cancelled after the current edition.

 (6) if there were any prior plates of the same master image, the total number of plates and a designation of the plate from which the print was taken.

 (7) if there were any prior or later editions from the same plate, the series number of the edition of which the print is a part, and the aggregate size of all other editions.

 (8) if the print was reproduced as a book illustration, or in a magazine article.

 (9) whether the edition is a posthumous edition or restrike and, if it is, whether the plate has been reworked.

 (10) the name of any workshop where the edition was printed.

 (11) whether the print has been printed on acid free paper.

 (b) if the art merchant lacks knowledge as to any information required to be disclosed by this section, he shall disclaim that knowledge specifically with regard to each of these items of information so that the purchaser is able to judge the degree of uniqueness or scarcity of each print.

 (c) if the person lacks knowledge as to any information required to be disclosed by this section, he shall disclaim that knowledge specifically with regard to the overall authenticity of each print.

HISTORY: 1986 Act No. 396, eff September 1, 1986.

**SECTION 39‑16‑50.** Penalties.

 (a) An art merchant or person who sells a fine print in violation of this chapter is liable to the purchaser, on tender by the purchaser of the print, for its purchase price, with interest, at the legal rate, from the date of payment of the purchase price.

 (b) An art merchant or person who sells a fine print in wilful violation of this chapter is liable to the purchaser, on tender by the purchaser of the print, for an amount equal to three times the sum of the purchase price and interest, at the legal rate, from the date of payment of the purchase price.

HISTORY: 1986 Act No. 396, eff September 1, 1986.