

**365.760 Bid specifications -- Notice of trade screening -- Examination of bid by another exhibitor -- Bid invitation prohibits other methods of license agreement.**

- (1) If bids are solicited from exhibitors for the purpose of entering into a license agreement, the invitation to bid shall specify:
  - (a) Whether the run for which the bid is solicited is a first, second or subsequent run; whether the run is an exclusive or nonexclusive run; and the geographic area for the run;
  - (b) The names of all exhibitors who are being solicited;
  - (c) The date and hour the invitation to bid expires; and
  - (d) The time, date and the location, including the address, where the bids will be opened, which shall be within the state.
- (2) If the motion picture that is the subject of a bid has not already been trade screened within this state, the distributor soliciting the bid shall include in the invitation to bid the date, time and location of the trade screening of the motion picture that is the subject of the invitation to bid.
- (3) Every distributor shall furnish to all exhibitors in this state reasonable and uniform notice of all trade screenings that are held within this state of motion pictures that he is distributing.
- (4) All bids shall be submitted to the distributor in written form. The distributor or his agent shall open all bids at the same time and in the presence of at least one (1) of the exhibitors, or the agent of an exhibitor, who has submitted a bid.
- (5) Any exhibitor, or the agent of an exhibitor, who submits a bid for a particular run of a motion picture may, at reasonable times within sixty (60) days after the bid is opened, examine any bid that is made for the same run of the motion picture by another exhibitor. The exhibitor may inspect the bids even if the distributor rejects all bids that are submitted. Within seven (7) business days after a bid for a particular run of a motion picture is accepted, the distributor shall notify in writing each exhibitor who submitted a bid for that run of the motion picture of the terms of the successful bidder. Any bid submitted is nonreturnable.
- (6) If a distributor issues invitations to bid for a motion picture, he shall not enter into a license agreement for the exhibition of the motion picture except by means of the bidding process specified in this section. If the distributor rejects all bids submitted pursuant to an invitation to bid, he shall notify all exhibitors who submitted bids that he rejected all bids and shall issue a new invitation to bid.

**Effective:** July 15, 1980

**History:** Created 1980 Ky. Acts ch. 63, sec. 3, effective July 15, 1980.