

SALES OF FINE ART (EXCERPT)
Act 90 of 1970

442.311 Definitions.

Sec. 1. As used in this act:

(a) "Art dealer" means a person engaged in the business of selling works of fine art, other than a person exclusively engaged in the business of selling goods at public auction.

(b) "Artist" means the creator of a work of fine art or, if the creator is deceased, the creator's heirs or personal representatives.

(c) "Bona fide purchaser" means a person who in good faith makes a purchase without notice of any outstanding rights of others.

(d) "Commission" means the fee, compensation, or percentage of actual selling price of a work of fine art, agreed upon by the artist and art dealer, which the art dealer may retain after sale of the artist's work of fine art to a third party.

(e) "Consignor" means a person who delivers or causes to be delivered a work of fine art to an art dealer on consignment.

(f) "Fine art" means an original art or craft work which is:

(i) A visual rendition including, but not limited to, a painting, drawing, sculpture, mosaic, video tape, or photograph.

(ii) A work of calligraphy.

(iii) A work of graphic art including, but not limited to, an etching, lithograph, offset print, or silk screen.

(iv) A craft work in materials including, but not limited to, clay, textile, fiber, wood, metal, plastic, glass, stone, or leather.

(v) A work in mixed media including, but not limited to, a collage or a work consisting of any combination of subparagraphs (i) to (iv).

(g) "On consignment" means that no title to or estate in the fine art or right to possession of the fine art superior to that of the consignor vests in the consignee, except that the consignee has the power or authority to transfer and convey, to a third person, all of the right, title, and interest of the consignor, in and to the fine art.

(h) "Person" means an individual, partnership, corporation, association, or other group, however organized.

History: 1970, Act 90, Eff. Jan. 1, 1971;—Am. 1982, Act 396, Eff. Mar. 30, 1983.