



AiA Art News-service



## **North Country Sen. Little's bill to improve legal protections for art authenticators clears Senate**

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State Sen. Betty Little says legislation she sponsored that would provide improved legal protection for art authenticators has passed the Senate.

Little, who represents the 45th senate District, which includes the St. Lawrence County towns of Piercefield, Colton, Hopkinton, Clare, Parishville and Lawrence, and the entire counties of Franklin, Clinton, Essex, Warren and Washington, says an increase of frivolous and costly lawsuits has discouraged art authenticators from appraising artwork, negatively impacting the industry.

"We need art authenticators to prevent art forgery, identify fraud and avoid costly mistakes," said Little. "However, expensive litigation has dissuaded experts from rendering opinions to the point of disrupting commerce. This legislation seeks to create protections under the law so only valid, verifiable claims against authenticators could proceed in civil court."

The bill creates the legal definition of an art authenticator as "a person or entity recognized in the visual arts community as having expertise regarding the artist, work of fine art, or visual art multiple, or a person or entity recognized in the visual arts or scientific community as having expertise in uncovering facts that serve as a direct basis, in whole or in part, for an opinion as to the authenticity, attribution or authorship of a work of fine art or visual art multiple."

The definition also includes authors of catalogues raisonné or other scholarly texts in which an opinion as to the authenticity, attribution or authorship of a work of fine art or visual art multiple is expressed or implied. It also expressly excludes anyone with a financial interest in the work of fine art or visual art multiple that is being evaluated, other than to be compensated for services in providing an opinion of authenticity.

Little said, due to litigation, the well-known Pollock-Kranser Foundation and Andy Warhol Foundation art authentication boards have stopped providing certificates or opinions on authenticity. The Museum of

Modern Art (MOMA), Guggenheim, International Society of Appraisers, New York City Bar Association and the "Entertainment, Arts and Sports Law Section" of the New York State Bar Association support passage of the legislation.

The bill was forwarded to the State Assembly where companion legislation is sponsored by Assemblywoman Linda Rosenthal.