

45-2-1.5 Actual damages -- Broadcast in good faith -- Retraction -- Time -- Candidate for public office.

- (1) If it shall appear on the trial of any action brought for any alleged libel or slander on any radio or television broadcast originating in this state that the alleged libel or slander was broadcast in good faith, the broadcast thereof was due to mistake or misapprehension of the facts, and that a full and fair retraction of any statement therein alleged to be erroneous was broadcast on the same station and approximately the same time of day as was the alleged libel or slander, within three days after learning of the mistake or within three days after service upon the person broadcasting that libel or slander, by the party aggrieved, of a written notice specifying the statement alleged to be erroneous or, in case such notice is not served, in the manner and within the time above specified after the filing of the complaint and service of the summons in said action, then the plaintiff shall recover only actual damages.
- (2) This section shall not apply in the case of any libel or slander against any candidate for a public office at any general or primary election, or any avowed candidate for nomination to any office before any political convention, unless the retraction of the charge was made in the same manner as provided for other retractions under this section within 24 hours of the time the person broadcasting that libel or slander became aware of the mistake, but in no case later than three days before the holding of such general or primary election or political convention. A written text of the retraction shall be made available to the candidate immediately after it has been broadcast. This retraction shall be in lieu of any other retraction herein provided for.

Enacted by Chapter 134, 1975 General Session