

**45-3-5 Action against publisher -- Grounds -- Remedies.**

- (1) An individual whose personal identity has been abused under Section 45-3-3 of this act may bring an action against a person who published the advertisement:
  - (a) if the advertisement, on its face is such that a reasonable person would conclude that it is unlikely that an individual would consent to such use; and
  - (b) the publisher did not take reasonable steps to assure that consent was obtained.
- (2) In an action under this section, the plaintiff shall be entitled to injunctive relief, damages alleged and proved, exemplary damages, and reasonable attorney's fees and costs.

Enacted by Chapter 95, 1981 General Session