

D R A F T

FOR ~~DISCUSSION ONLY~~ APPROVAL

**Uniform College Athlete Name, Image, ~~and Likeness~~  
Issues ~~Act~~**

~~{Tentative new name: Uniform College Athlete Name,  
Image, or Likeness Act}~~

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Uniform Law Commission

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*June 7*  
MEETING IN ITS ONE-HUNDRED-AND-THIRTIETH YEAR  
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June 4 29, 2021

**Uniform College Athlete Name, Image, ~~and or~~ Likeness ~~Issues~~ Act**

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**Uniform College Athlete Name, Image, ~~and or~~ Likeness ~~Issues~~ Act**

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1 **Uniform College Athlete Name, Image, ~~and or~~ Likeness ~~Issues~~ Act**

2  
3 **Prefatory Note**

4 Intercollegiate sports have grown into a billion dollar industry, with massive television  
5 deals, multi-million dollar coaching contracts, extravagant facilities, and lucrative commercial  
6 licensing agreements. At the same time, there has been massive growth over the last several  
7 years in the opportunities for individuals to monetize the use of their name, image, or likeness.  
8 Although the traditional models of licensing name, image, or likeness through broadcast and  
9 media are still lucrative options for high-end celebrities and athletes, social media channels have  
10 created potential opportunities for a much broader set of individuals and created “social  
11 influencers” who are able to effectively reach mobile and social media audiences. Many of these  
12 influencers are college or high school students. Studies estimate that within five years—as key  
13 demographics continue to consume more of their content through social media channels rather  
14 than television—brands will spend between \$5 and \$10 billion globally on social influencer  
15 marketing per year. <sup>†</sup> [See mediakix.com/blog/influencer-marketing-industry-ad-spend-chart](https://mediakix.com/blog/influencer-marketing-industry-ad-spend-chart).

16  
17 Despite the rapid escalation of the commercialization of intercollegiate sports and the  
18 increased opportunities for monetization of celebrity name, image, or likeness, the benefits  
19 provided to college athletes remain relatively limited and restricted by National College Athletic  
20 Association and other governing body rules. In an attempt to modernize the rules and provide  
21 greater rights for college athletes, ~~37~~ **more than 40** states have introduced or enacted legislation  
22 that would permit college athletes to received compensation from third parties for the use of their  
23 name, image, or likeness. Several members of Congress have also introduced federal name,  
24 image or likeness legislation. As of June ~~1~~ **18**, 2021, ~~18~~ **19** states have enacted name, image, or  
25 likeness laws and 6 of those laws will take effect July 1, 2021, or sooner. Several additional  
26 states are expected to enact similar laws that will take effect in 2021. In April 2020, the National  
27 College Athletic Association (NCAA) Board of Governors approved a framework that would  
28 permit college athletes to receive compensation for their name, image, or likeness from third  
29 parties.

30  
31 The lack of uniformity in the state laws presents significant challenges for the NCAA and  
32 other athletic associations. The importance of having a uniform set of rules governing  
33 intercollegiate athletic competitions is well established, as is the notion that intercollegiate  
34 athletic associations cannot effectively function as a national association of college sports if it is  
35 required to adopt conflicting or inconsistent rules from different states. The proliferation of  
36 inconsistent state laws also highlighted the risk of instability for the NCAA and other  
37 intercollegiate governing bodies. Even if the NCAA were to modify its rules to conform with the  
38 most permissive state law, a modification to an existing state law or the enactment of a new state  
39 law could dramatically change the name, image, or likeness rules by which institutions can  
40 compete and operate. Given the interdependence of the institutions across the country, the impact  
41 of a change in one state’s laws could have a ripple effect on schools in other states and the entire  
42 NCAA or intercollegiate athletic association. A uniform law across all states would prevent this  
43 instability and ensure that schools in each state are playing under the same general rules.

44 The ULC agreed to draft a uniform act regarding college athlete name, image, or likeness  
45 compensation issues. The Drafting Committee met several times ~~over a period of a years~~ and

1 received valuable input from athlete agents, current and former college athletes, coaches, college  
2 athletic department administrators, representatives of the players associations of the National  
3 Football League, the National Hockey League, the NCAA, the National Federation of High  
4 Schools, the NAIA, and other stakeholders.

5 Many of the provisions in the Uniform College Athlete Name, Image, or Likeness Act  
6 are similar to provisions found in existing state name, image, or likeness laws. Like many of the  
7 individual state laws, the act creates a set of rules and restrictions to ensure that college athletes  
8 can benefit from the use of their name, image, or likeness without hurting their eligibility to  
9 compete as a college athlete and strikes a balance between providing more rights to college  
10 athletes while maintaining the integrity of intercollegiate sports. The Uniform Act provides (1) a  
11 mechanism for permitting college athletes to receive compensation for their NIL rights; (2)  
12 parameters on the types of activity athletes can engage in to protect institutions; (3) parameters  
13 on the compensation athletes can receive to protect college athletes and institutions from misuse  
14 or abuse of NIL deals; (4) limitations on institution, conference, and athletic association  
15 involvement; (5) a disclosure requirement for college athletes; (6) a mechanism for certifying  
16 and regulating agents; (7) a mechanism for certifying and regulating third parties who provide  
17 compensation to college athletes for the use of their name, image, or likeness; (8) a right of  
18 action for college athletes if their NIL rights are violated; (9) civil penalties for violations of the  
19 act.

1 **Uniform College Athlete Name, Image, ~~and or~~ Likeness ~~Issues~~ Act**

2 **Section 1. Title**

3 This [act] may be cited as the Uniform College Athlete Name, Image, or Likeness Act.

4 **Section 2. Definitions**

5 In this [act]:

6 (1) “Athletic association” means a ~~national~~ nonprofit intercollegiate sport  
7 governance association that:

8 ~~(A) conducts athletic competition among its member institutions;~~

9 ~~(B) sets playing rules for the competition; and~~

10 ~~(C)~~ regulates the eligibility of players and institutions to compete.

11 (2) “College athlete” means an individual who is eligible to attend an institution  
12 and engages in, or is eligible to engage in, ~~or may be eligible in the future to engage in~~ an  
13 intercollegiate sport. The term does not include an individual in school from kindergarten to  
14 grade 12 or an individual permanently ineligible to participate in a particular intercollegiate sport  
15 for that sport.

16 (3) “Conference” means a person, other than an athletic association, that governs  
17 the athletic programs of more than one institution.

18 (4) “Group license” means a name, image, or likeness agreement that includes the  
19 name, image, or likeness of more than one college athlete.

20 (5) “Inducement” means attempt to influence the decision of a college athlete to  
21 attend, continue attending, or transfer to an institution or conference.

22 (6) “Institution” means a public or private institution of higher education in this  
23 state, including a community college, junior college, college, and university.

1 (7) “Intercollegiate sport” means a sport played at the collegiate level for which  
2 eligibility requirements for participation by a college athlete are established by an athletic  
3 association. The term does not include a recreational, intramural, or club sport.

4 (8) “Name, image, or likeness” includes the college athlete’s nickname, signature,  
5 social media account, and any other symbol, name, or design that readily identifies the athlete.

6 (9) “Name, image, or likeness activity” means licensing or other commercial use  
7 of a name, image, or likeness.

8 (10) “Name, image, or likeness agent” means an individual who:

9 (A) directly or indirectly recruits or solicits a college athlete or, if the  
10 athlete is a minor, the athlete’s parent or [guardian], to enter into an agency contract or name,  
11 image, or likeness agreement;

12 (B) enters into an agency contract with an athlete or, if the athlete is a  
13 minor, the athlete’s parent or [guardian]; or

14 (C) directly or indirectly offers, promises, attempts, or negotiates to obtain  
15 name, image, or likeness compensation or a name, image, or likeness agreement.

16 (11) “Name, image, or likeness agreement” means ~~an~~ written, oral, express, or  
17 implied agreement under which a third party provides name, image, or likeness compensation.

18 (12) “Name, image, or likeness compensation” means money or other thing of  
19 value provided by a third party in exchange for use of a college athlete’s name, image, or  
20 likeness.

21 (13) “Person” means an individual, estate, business or nonprofit entity, public  
22 corporation, government or governmental subdivision, agency, or instrumentality, or other legal  
23 entity.

1 (14) “Record” means information:

2 (A) inscribed on a tangible medium; or

3 (B) stored in an electronic or other medium and retrievable in perceivable  
4 form.

5 (15) “State” means a state of the United States, the District of Columbia, Puerto  
6 Rico, the United States Virgin Islands, or any other territory or possession subject to the  
7 jurisdiction of the United States.

8 (16) “Student” means an individual enrolled at an institution under the rules of the  
9 institution.

10 (17) “Third party” means a person, other than an institution, that offers, solicits,  
11 or enters into a name, image, or likeness agreement or offers or provides name, image, or  
12 likeness compensation.

13 *Legislative Note: If a state uses a different term to describe the relationship of guardian, the*  
14 *bracketed term “guardian” in paragraph (10) should be changed to the term used.*

15  
16 **Comment**

17 The definition of name, image, or likeness compensation does not include a scholarship,  
18 grant, fellowship, tuition assistance, or other forms of financial aid related to educational  
19 expenses.

20  
21 The definition of name, image, or likeness agent in Section 2(10)(c) does not include a  
22 college athlete who directly or indirectly offers, promises, attempts, or negotiates to obtain name,  
23 image, or likeness compensation or a name, image, or likeness agreement for or on behalf of  
24 themselves.

25  
26 **Section 3. Scope**

27 (a) This [act] applies only to college athletes and intercollegiate sports.

28 (b) This [act] does not apply to an individual participating in a sport in grades  
29 kindergarten to grade 12 or at a youth, preparatory school, recreation, intramural, club, or similar



1 level.

2 [(c) This [act] does not apply to a United States service academy or other institution  
3 subject to similar federal regulation that ~~conflicts with this [act].~~ prohibits name, image, or  
4 likeness compensation.

5 (d) This [act] does not create an employment relationship between a college athlete and  
6 the athlete’s institution with respect to the athlete’s participation in an intercollegiate sport. This  
7 [act] may not be used as a factor in determining whether an employment relationship exists.

8 *Legislative Note: Subsection (c) should be included in a state that has a United States service*  
9 *academy or ~~another~~ other institution subject to federal regulation that conflicts with this act.*

10

11 **Section 4. Rulemaking Authority**

12 The [agency responsible for implementing and administering the Uniform Athlete Agents  
13 Act, Revised Uniform Athlete Agents Act, or comparable law, or other appropriate agency] may  
14 adopt rules under [cite to state administrative procedure act] to implement and administer this  
15 [act].

16 **Section 5. Name, Image, or Likeness Compensation; Limit on Institution,**  
17 **Conference, and Athletic Association**

18 (a) Except as provided in Section 6, a college athlete may receive name, image, or  
19 likeness compensation, or transfer the authority to use the athlete’s name, image, or likeness  
20 commercially, to the extent permitted under other law of this state. This [act] applies to a person  
21 who has received the authority to use an athlete’s name, image, or likeness commercially to the  
22 same extent as it applies to the athlete. This [act] does not diminish, enlarge, or modify the right  
23 of publicity or related rights provided by other law of this state.

24 (b) Except as provided in Section 6, ~~an institution, conference, or athletic association,~~  
25 ~~may not:~~

1 (1) an institution, conference, or athletic association may not prevent or restrict:

2 ~~(A)~~ a college athlete from:

3 (A) receiving name, image, or likeness compensation, entering into a name,  
4 image, or likeness agreement, engaging in name, image, or likeness activity, or obtaining the  
5 services of a name, image, or likeness agent; or

6 ~~(B)~~ ~~a college athlete from~~ creating or participating in a group license or  
7 interfere with the formation or recognition of a collective representative to facilitate or provide  
8 representation to negotiate a group license; ~~or~~

9 ~~(2)~~ an athletic association may not prevent or restrict an institution or ~~a~~ college  
10 athlete from participating in an intercollegiate sport because ~~an~~the athlete receives name, image,  
11 or likeness compensation, enters into a name, image or likeness agreement, engages in name,  
12 image, or likeness activity, or obtains the services of a name, image, or likeness agent; and

13 ~~(2)~~3) an institution may not consider name, image, or likeness compensation ~~in~~  
14 ~~determining to determine~~ a college athlete's eligibility for or amount of an athletic scholarship.

### 15 **Section 6. Limit on Name, Image, or Likeness Compensation and Activity**

16 (a) A college athlete may not include in name, image, or likeness activity an institution,  
17 conference, or athletic association name, trademark, service mark, logo, uniform design, or other  
18 identifier of athletic performance depicted or included in a media broadcast or related game  
19 footage ~~only if~~ unless the use is permitted under intellectual property law.

20 (b) Name, image, or likeness compensation or an offer, promise, or solicitation of  
21 compensation:

22 (1) may not be an inducement;

23 (2) must represent only consideration for use of the athlete's name, image, or

1 likeness; and

2 (3) may not include compensation for performance, participation, or service in an  
3 intercollegiate sport.

4 (c) A college athlete may not express or imply that an institution, conference, or athletic  
5 association endorses or is otherwise affiliated with the athlete's name, image, or likeness activity.

6 (d) An institution may adopt a policy to ~~prohibit prevent a college athlete from engaging~~  
7 ~~in~~ name, image, or likeness activity ~~by a college athlete~~ that is illegal or that ~~is determined by~~ the  
8 institution ~~determines~~ to have an adverse impact on ~~the its~~ reputation ~~of the institution~~, if the  
9 institution ~~does not engage in complies with~~ the same ~~policy with respect to the institution's~~  
10 ~~sponsorships and similar commercial activity; and relationships~~. An institution that ~~prohibits~~  
11 ~~name, image, and likeness activity through~~ ~~adopts~~ a policy ~~adopted~~ under this subsection shall  
12 disclose ~~the policy and its rationale~~ in a record to the athlete and the athlete's name, image, or  
13 likeness agent ~~the prohibition and the basis for the prohibition~~.

14 (e) An institution may adopt and enforce rules of conduct relating to name, image, or  
15 likeness activity that apply when the college athlete is engaged in an official team activity,  
16 including a competition, practice, supervised workout, community service, or other activity, at  
17 the direction of, or supervised by, a member of the institution's coaching or sport staff.

18 (f) An institution, conference, or athletic association may require a college athlete to  
19 waive a name, image, or likeness right associated with promotion, display, broadcast, or  
20 rebroadcast of an intercollegiate sport.

21 **Comment**

22  
23 ~~Sections 6(a) and 6(c) are intended to be consistent with intellectual property law.~~

24  
25 Sections 6(a) and 6(c) are intended to be consistent with intellectual property law and do  
26 not permit an athlete to include in name, image, or likeness activity an institution, conference, or

1 athletic association name, trademark, service mark, logo, uniform design, or other identifier of  
2 athletic performance depicted or included in a media broadcast or related game footage if the use  
3 is likely to cause confusion about the affiliation, connection, or relationship with the activity, or  
4 imply sponsorship or endorsement of the activity by, the institution, conference or association, or  
5 is otherwise prohibited under intellectual property law.  
6

7 Section 6(~~ed~~) is intended to prevent an institution from prohibiting a college athlete from  
8 engaging in name, image, or likeness activity with a third party or a category of third parties  
9 (e.g., sports gambling) if the institution engages in any sponsorship or endorsement activity with  
10 that third party or category of third parties.  
11

## 12 **Section 7. Institution, Conference, and Athletic Association Involvement**

13 (a) An institution, conference, or athletic association may:

14 (1) assist a college athlete:

15 (A) in evaluating the permissibility of name, image, or likeness activity,  
16 including compliance with law and institution, conference, and association rules;

17 (B) with the disclosure requirements of Section 8; and

18 (C) in providing a good-faith evaluation of a name, image, or likeness  
19 agent or third party; and

20 (2) educate a college athlete about name, image, or likeness compensation,  
21 agreements, and activity; ~~and.~~

22 ~~(3)(b)~~ An institution may permit a college athlete to use the institution's facilities  
23 for name, image, or likeness activity under the same terms and conditions as other students at the  
24 institution.

25 (~~bc~~) Except as provided in subsection (a), an institution or conference and its ~~respective~~  
26 employees, agents, and independent contractors may not:

27 (1) provide compensation to a college athlete for the athlete's name, image, or  
28 likeness;

29 (2) ~~play a role in assisting, identifying, arranging, facilitating, developing,~~

1 ~~operating, securing, assist, identify, arrange, facilitate, develop, operate, secure,~~ or ~~promoting~~  
2 ~~promote~~ name, image, or likeness activity;

3 (3) assist with selecting, arranging, or providing payment to a name, image, or  
4 likeness agent;

5 (4) assist with selecting, arranging, or collecting payment from a third party;

6 (5) except as provided in Section 6(a), permit a college athlete to use the  
7 intellectual property of the institution, conference, or athletic association in name, image, or  
8 likeness activity; or

9 (6) use, license, or otherwise convey a college athlete's name, image, or likeness  
10 for a commercial purpose except as provided in Section 6(gc) or permitted by other law.

#### 11 **Section 8. Required Disclosures**

12 (a) A college athlete shall provide to the individual or office designated under subsection

13 (b):

14 (1) a copy of a name, image, or likeness agreement that provides name, image, or  
15 likeness compensation in an amount more than \$[300], or, if a record of the agreement does not  
16 exist, the amount of name, image, or likeness compensation provided or to be provided if the  
17 amount is more than \$[300];

18 (2) the amount of name, image, or likeness compensation provided if the  
19 aggregate amount is more than \$[2,000] in a calendar year and a copy of each name, image, or  
20 likeness agreement if a record of the agreement exists;

21 (3) for each agreement or amount that must be provided:

22 (A) the arrangement for providing compensation;

23 (B) the amount of compensation;

1 (C) the identity of and a description of the relationship with the third  
2 party;

3 (D) the activity required or authorized; and

4 (E) if the athlete is represented by a name, image, or likeness agent, the  
5 name of and a description of the agreement with the agent;

6 ~~(4) each offer, solicitation, or promise made to the athlete by a third party;~~

7 ~~(5)(4)~~ a copy of each agreement entered into by the athlete with a name, image, or  
8 likeness agent; and

9 ~~(65)~~ other information required by the [agency designated in Section 4].

10 (b) An institution shall designate an individual or office to receive the information  
11 required by ~~subsection~~ subsections (a) and (e).

12 (c) A college athlete shall provide:

13 (1) the information required by subsection (a) before the earlier of:

14 (A) receiving name, image, or likeness compensation required to be  
15 disclosed; or

16 (B) engaging in a name, image, or likeness activity required to be  
17 disclosed; and

18 (2) an update after a change in any of the information not later than [10] days after  
19 the earlier of the change or the next scheduled athletic event in which the student athlete may  
20 participate.

21 (d) If an institution, conference, or athletic association, ~~either~~ voluntarily or as required  
22 by this [act,;] adopts a limitation affecting a college athlete's ability to engage in name, image, or  
23 likeness activity, the institution shall provide in a record a copy of the limitation to each athlete

1 by the time an offer of admission or financial aid is made, whichever is earlier, or, if the  
2 limitation is not adopted until after the athlete is a student at the institution, as soon as practicable  
3 after adoption.

4 (e) When a name, image, or likeness agreement is entered into, a certification that the  
5 agreement is the sole, complete, and final agreement between the parties must be filed with the  
6 individual or office designated in subsection (b) by:

7 (1) the college athlete, or, if the athlete is a minor, the parent or [guardian] of the  
8 minor;

9 (2) the third party; and

10 (3) if a name, image, or likeness agent assisted with the agreement, the agent ~~shall~~  
11 ~~certify to the individual or office designated under subsection (b) by the institution at~~  
12 ~~which the athlete is enrolled that the agreement contains the sole, complete, and final~~  
13 ~~agreement between the parties.~~

#### 14 **Comment**

15  
16 A college athlete would be required to disclose to a designated third party under Section  
17 8(a) if a third party is designated by the institution, conference, association, or pursuant to federal  
18 law. Disclosures made under this section must be made available to the Secretary of State or  
19 designated state agency or representative for inspection or review.

#### 20 **Section 9. Name, Image, or Likeness Agent; Duties; Registration**

21  
22 (a) A name, image, or likeness agent shall register in this state as an athlete agent under  
23 [cite to Uniform Athlete Agents Act or Revised Uniform Athlete Agents Act or other comparable  
24 law] before engaging in conduct under this [act].

25 (b) An institution, conference, or athletic association may not prevent or restrict a college  
26 athlete from obtaining the services of a name, image, or likeness agent.

27 [(c) An agreement between a college athlete and a name, image, or likeness agent must

1 have a fee arrangement consistent with the customary practice of the agent’s industry and  
2 otherwise in compliance with [cite to Uniform Athlete Agents Act or Revised Uniform Athlete  
3 Agents Act or other comparable law]].

4 **Legislative Note:** *In subsections (a) and (c), cite to the state’s version of the uniform act or other*  
5 *comparable state law.*

6  
7 *A state should include subsection (c) if it wants to permit oversight of fee arrangements between*  
8 *college athletes and name, image, or likeness agents.*

9  
10 **Comment**

11  
12 Section 9(c) prevents a name, image, or likeness agent from charging a fee to a college  
13 athlete that is higher than the fee typically charged by agents for similar work.

14  
15 **[Section 10. Third Party; Registration; Voidable Contract**

16 (a) A person shall register as a third party if in a calendar year the person provides or  
17 agrees to provide:

18 (1) more than \$[300] for a name, image, or likeness agreement; or

19 (2) more than \$[2,000] in the aggregate to college athletes for name, image, and  
20 likeness agreements.

21 (b) A third party shall provide to the individual or office designated under ~~section~~Section  
22 8(b) the name, image, or likeness compensation and agreements described in subsection (a).

23 (c) A college athlete or, if the athlete is a minor, the parent or [guardian] of the athlete,  
24 may void a name, image, or likeness agreement with a third party if the party ~~failed~~ fails to  
25 comply with subsection (a) or (b).]

26 **Legislative Note:** *A state should ~~omit~~ adopt Sections 10 through 15 if it decides ~~not~~ to require*  
27 *registration of third parties.*

28  
29 **[Section 11. Registration as Third Party; Application**

30 (a) A person applying for registration as a third party shall submit an application for



1 registration to the [insert name of agency designated in Section 4] in a form prescribed by the  
2 [insert name of agency designated in Section 4]. The application must be signed by an authorized  
3 representative of the applicant under penalty of perjury and include:

4 (1) the name and contact information of the applicant, including telephone  
5 number, email address, and, if available, a website address;

6 (2) the address of the applicant's principal place of business;

7 (3) each social-media account with which the applicant is affiliated;

8 (4) a brief description of the type of business and business activity of the  
9 applicant;

10 (5) the name and address of each person that is a partner, member, officer,  
11 manager, associate, or entitled to share profits, or directly or indirectly holds an equity interest of  
12 at least [five] percent in the applicant;

13 (6) whether the applicant or a person named under paragraph (65) has been a  
14 defendant in a criminal proceeding or respondent in a civil proceeding and, if so, the date and a  
15 brief explanation of each proceeding;

16 (7) whether the applicant or a person named under paragraph (65) has been  
17 adjudicated as bankrupt or has declared bankruptcy;

18 (8) whether conduct of the applicant or a person named under paragraph (65) has  
19 caused a college athlete to be sanctioned, suspended, or declared ineligible to participate in an  
20 intercollegiate sport or an institution to be sanctioned;

21 (9) whether an application to be a third party by the applicant or a person named  
22 under paragraph (65) has been denied, suspended, abandoned, or not renewed;

23 (10) each state in which the applicant is currently registered or has applied to be

1 registered as a third party; and

2 (11) other information required by [insert name of agency designated in Section  
3 4].

4 (b) Instead of proceeding under subsection (a), a person registered as a third party in  
5 another state may apply for registration as a third party in this state by submitting to the [insert  
6 name of agency designated in Section 4]:

7 (1) a copy of the application for registration in the other state;

8 (2) a statement that identifies any material change in the information on the  
9 application or verifies there is no material change in the information, signed under penalty of  
10 perjury; and

11 (3) a copy of the certificate of registration from the other state.

12 (c) The [insert name of agency designated under Section 4] shall issue a certificate of  
13 registration to an individual who applies for registration under subsection (b) if the [insert name  
14 of agency designated under Section 4] determines:

15 (1) the application and registration requirements of the other state are  
16 substantially similar to or more restrictive than this [act]; and

17 (2) the registration has not been revoked or suspended and no action involving the  
18 individual's conduct as a third party is pending against the person or the person's registration in  
19 any state.

20 (d) ~~For purposes of In~~ implementing subsection (c), the [insert name of agency  
21 designated in Section 4] shall:

22 (1) cooperate with agencies in other states ~~which~~ that register third parties to  
23 develop a common registration form ~~and~~;

1                   (2) determine which states have laws that are substantially similar or more  
2 restrictive than this [act]; and

3                   (23) exchange information, including information related to actions taken against  
4 third parties or their registrations, with those agencies.]

5                   **[Section 12. Third-Party Certificate of Registration**

6                   (a) Except as provided in subsection (b), the [insert name of agency designated in Section  
7 4] shall issue a certificate of registration to a person that applies for registration under and  
8 complies with Section 11.

9                   (b) The [insert name of agency designated in Section 4] may refuse to issue a certificate  
10 of registration to an applicant under Section 11 if the [insert name of agency designated in  
11 Section 4] determines that the applicant has engaged in conduct that has a significant adverse  
12 impact on the reputation of a college athlete or the athlete’s institution, conference, or athletic  
13 association. In making the determination, the [insert name of agency designated in Section 4]  
14 shall consider whether the applicant has:

15                   (1) pleaded guilty or no contest to, has been convicted of, or has charges pending  
16 for; a crime that, if committed in this state, would involve moral turpitude or be a felony;

17                   (2) made a materially false, misleading, deceptive, or fraudulent representation in  
18 the application or as a third party;

19                   (3) engaged in conduct prohibited by Section 16;

20                   (4) engaged in conduct resulting in imposition of a sanction on an institution or a  
21 sanction, suspension, or declaration of ineligibility to participate in an intercollegiate sport on a  
22 college athlete; or

23                   (5) engaged in conduct that reflects adversely on the applicant’s credibility,

1 honesty, or integrity.

2 (c) A third party registered under subsection (a) may apply to renew the registration by  
3 submitting an application for renewal in a form prescribed by the [insert name of agency  
4 designated in Section 4]. The application must be signed by an authorized representative of the  
5 applicant under penalty of perjury and include current information on all matters required in an  
6 original application for registration.]

7 **[Section 13. Limitation, Suspension, Revocation, or Nonrenewal of Third-Party**  
8 **Registration**

9 The [insert name of agency designated in Section 4] may suspend, revoke, or refuse to  
10 renew registration of a third party registered for a reason that would justify refusal to issue a  
11 certificate of registration under Section 12(b).]

12 **[Section 14. Temporary Registration of Third Party**

13 The [insert name of agency designated in Section 4] may issue a temporary certificate of  
14 registration as a third party while an application for registration or renewal of registration is  
15 pending.]

16 **[Section 15. Third Party Registration and Renewal Fees**

17 **(a)** An application for registration or renewal of registration as a third party must be  
18 accompanied by a fee of:

19 (1) \$[200] for an initial application for registration;

20 (2) \$[100] for registration based on a certificate of registration issued by another  
21 state;

22 (3) \$[50] for an application for renewal of registration; or

23 (4) \$[25] for renewal of registration based on a renewal of registration in another

1 state.]

2 (b) The [insert name of agency designated in Section 4] may establish or modify the fees  
3 under Section 4 of this [act].]

#### 4 **Section 16. Third Party Prohibited Conduct**

5 A third party may not intentionally:

6 (1) give materially false or misleading information or make a materially false  
7 promise or representation with the intent to influence a college athlete, parent, or [guardian], or  
8 another person to enter into a name, image, or likeness agreement, receive name, image, or  
9 likeness compensation, or engage in name, image, or likeness activity;

10 (2) provide anything of value to a college athlete or another person except as  
11 permitted under this [act], if to do so may result in loss of the athlete's eligibility to participate in  
12 the athlete's sport; [or]

13 (3) predate or postdate a name, image, or likeness agreement[.][;]

14 [(4) unless registered under this [act],], initiate contact, directly or indirectly,  
15 with a college athlete or, if the athlete is a minor, a parent [or [guardian]] of the athlete, to recruit  
16 or solicit the athlete, parent, or [guardian] to enter a name, image, or likeness agreement, receive  
17 name, image, or likeness compensation, or engage in name, image, or likeness activity; ~~or~~

18 ~~(4) predate or postdate a name, image, or likeness agreement.;~~

19 ~~[(5) fail to apply for registration under Section 11; or~~

20 (6) provide materially false or misleading information in an application for  
21 registration or renewal of registration.]

22 **Legislative Note:** A state should include the bracketed language in paragraph (3) and  
23 paragraphs (5) and paragraphs (4) through (6) only if they include the state includes optional  
24 Sections 11 through 15 that provide for third-party registration.

25



1           **Section 18. Civil Penalty**

2           The [Attorney General] [and] [insert name of the agency designated in Section 4] may  
3 assess a civil penalty against a name, image, or likeness agent or third party not to exceed  
4 \$[50,000] for a violation of this [act].

5 ***Legislative Note:** A state may authorize the Attorney General or another state official ~~to enforce~~  
6 ~~this Section~~, or the agency designated in Section 4, or both to enforce this section.*

7  
8           **Section 19. Uniformity of Application and Construction**

9           In applying and construing this uniform act, a court shall consider the promotion of  
10 uniformity of the law among jurisdictions that enact it.

11           **Section 20. Relation to Electronic Signatures in Global and National Commerce Act**

12           This [act] modifies, limits, or supersedes the Electronic Signatures in Global and National  
13 Commerce Act, 15 U.S.C. Section 7001 et seq.[, as amended], but does not modify, limit, or  
14 supersede 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices  
15 described in 15 U.S.C. Section 7003(b).

16 ***Legislative Note:** It is the intent of this act to incorporate future amendments to the cited federal  
17 law. A state in which the constitution or other law does not permit incorporation of future  
18 amendments when a federal statute is incorporated into state law should omit the phrase, “as  
19 amended”. A state in which, in the absence of a legislative declaration, future amendments are  
20 incorporated into state law also should omit the phrase.*

21           **[Section 21. Severability**

22           If a provision of this [act] or its application to a person or circumstance is held invalid,  
23 the invalidity does not affect another provision or application that can be given effect without the  
24 invalid provision.]

25 ***Legislative Note:** Include this section only if the state lacks a general severability statute  
26 or a decision by the highest court of the state adopting a general rule of severability.*

27  
28           **Section 22. Effective Date**

29           This [act] takes effect . . .

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