

1 **College Student Athlete Name, Image, and Likeness Act (updated 5/3)**

2 **Section 1. Title**

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

4 **Section 2. Definitions**

5 In this [act]:

6 (1) “Athletic association” means a national nonprofit collegiate athletics governance
7 association that:

8 ~~(A) has member institutions located in at least 2 states;~~

9 ~~(AB) conducts athletic competition among its member institutions;~~

10 ~~(BC) sets playing rules for the competition;~~

11 ~~(CD) regulates the eligibility of players and institutions to compete; and~~

12 ~~(E) determines an annual national champion in a sport in a competitive division or~~
13 ~~subdivision either by conducting a national championship it wholly owns or recognizing a~~
14 ~~collegiate national championship conducted by a United States national sport governing body.~~
15 ~~The term includes the National Collegiate Athletic Association, National Association of~~
16 ~~Interecollegiate Athletics, and any successor organization.~~

17 (2) “Booster” means a representative of an institution’s athletic program, including an
18 ~~individual person~~ that:

19 (A) provides a donation to obtain a season ticket for a sport at the institution;

20 (B) participates in, is a member of, or makes a financial contribution to the
21 institution’s athletic program or to an organization promoting the institution’s athletic program;

22 (C) assists or is requested by the institution’s staff to assist in inducement;

23 (D) assists in providing a benefit, other than name, image and likeness

1 compensation, to an athlete or the athlete’s family; ~~or~~

2 (E) arranged for or provided employment for enrolled student-athletes; or

3 (F) is otherwise involved in promoting the institution’s athletic program.

4 The term includes a person that has engaged in any of these activities in the past.

5 (3) “College student athlete” means an individual who is eligible to attend an institution
6 and engages in, is eligible to engage in, or may be eligible in the future to engage in an
7 intercollegiate sport. The term does not include an individual in elementary or secondary school
8 from kindergarten to grade twelve or an individual permanently ineligible to participate in a
9 particular intercollegiate sport.

10 (4) “Conference” means a person, other than an association, that governs the athletic
11 programs of ~~a collection of more than one institutions from more than one state. The term~~
12 ~~includes an employee, agent, or independent contractor of the person.~~

13 (5) “Group license” means an agreement in which the name, image, and likeness of ~~a~~
14 ~~specified minimum number of more than one~~ college student athletes is used.

15 (6) “Inducement” means an attempt to influence the decision of a college student athlete
16 to attend, continue attending, or transfer to an institution or conference.

17 (7) “Institution” means a public or private institution of higher education within this state,
18 including a community college, college, and university.

19 (8) “Intercollegiate sport” means a sport played at the collegiate level for which
20 eligibility requirements for participation by a college student athlete are established by an
21 athletic association. The term does not include intramural or club sports.

22 (9) “Name, image, and likeness” means the name, image, or likeness or any combination
23 thereof of a college student athlete. The term includes the athlete’s nickname, signature, social

1 media account, and any other ~~readily identifiable personal characteristic~~ symbol, name, or design
2 that readily identifies the college athlete.

3 (10) “Name, image and likeness activity” means licensing or other use of a name, image,
4 and likeness ~~for a commercial purpose.~~

5 (11) “Name, image, and likeness agent” means an individual who directly or indirectly
6 recruits or solicits a college student athlete, or, if the athlete is a minor, the college student
7 athlete’s parent or guardian, to enter into an agency contract for name, image, and likeness
8 compensation, enters into an agency contract with a college student athlete for name, image, and
9 likeness compensation, or offers, promises, attempts, or negotiates to obtain a name, image, and
10 likeness agreement.

11 (12) “Name, image, and likeness agreement” means an agreement under which a ~~college~~
12 ~~student athlete~~ third party provides receives name, image, and likeness compensation ~~for use of~~
13 ~~the athlete’s name, image, and likeness.~~

14 (13) “Name, image, and likeness compensation” means money or other thing of value
15 provided ~~to a college student athlete~~ by a third ~~party~~ entity in exchange for use of a college
16 ~~student~~ the athlete’s name, image, and likeness. ~~The term does not include a scholarship, grant,~~
17 ~~fellowship, tuition assistance, or other form of financial aid from the institution at which the~~
18 ~~athlete is enrolled.~~

19 (14) “Person” means an individual, estate, business or nonprofit entity, public
20 corporation, government or governmental subdivision, agency, or instrumentality, or other legal
21 entity. ~~The term includes an employee, agent, or independent contractor of the person.~~

22 (15) “Record” means information:

23 (A) inscribed on a tangible medium; or

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

2 (16) “State” means a state of the United States, the District of Columbia, Puerto Rico, the
3 United States Virgin Islands, or any other territory or possession subject to the jurisdiction of the
4 United States.

5 (17) “Student” means an individual who is enrolled at an institution under the rules of
6 that institution.

7 (18) “Third-party ~~entity~~” means a person, other than the institution attended by the
8 college student athlete, that offers, solicits, or enters into a name, image, and likeness agreement.
9 agreement or offers or provides name, image, and likeness compensation –The term includes an
10 employee, agent, or independent contractor of the person. The term does not include an entity
11 designated by the institution, conference, or association under Section 8(a).

12 Comment: The definition of name, image, and likeness compensation does not include a
13 scholarship, grant, fellowship, tuition assistance, or other forms of financial aid related to
14 educational expenses.

15
16 **Section 3. Scope**

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

18 (b) This [act] does not apply to an individual participating in athletics at the kindergarten
19 to grade twelve high school, youth, recreation, intramural, club, or similar level.

20 [(c)This [act] does not apply to a United States service academy or another institution
21 subject to federal regulation that conflicts with this [act].]

22 (d) This [act] does not ~~affect or~~ create an employment relationship between a
23 college student athlete and the athlete’s institution with respect to the athlete’s participation in an
24 intercollegiate sport, nor can it be used as a factor in determining whether such employment
25 relationship exists.

1 *Legislative note: Section 3(c) should be included in a state that has a United States*
2 *service academy or another institution subject to federal regulation that conflicts with this act.*

3
4 **Section 4. Rulemaking Authority**

5 The ~~[the agency responsible for implementing and administering the Uniform Athlete~~
6 ~~Agents Act, Revised Uniform Athlete Agents Act, or other comparable law, or other appropriate~~
7 ~~agency~~~~Secretary of State]~~ shall implement and administer this [act] and may adopt rules under
8 [cite to state administrative procedure act] to ~~implement this [act].~~do so.

9 **Section 5. Name, Image, and Likeness Compensation; Limit on Athletic Association**
10 **and Institution**

11 (a) Except as provided in Sections ~~6 and 7 or otherwise proscribed by [state] law,~~ a
12 college student athlete may receive name, image, and likeness compensation.

13 (b) Except as provided in Section 6, an athletic association, conference, or institution may
14 not:

15 (1) adopt or enforce a rule, requirement, standard, or other limitation that prevents
16 ~~or restricts~~ a college student athlete from receiving name, image, and likeness
17 ~~compensation~~compensation, entering into a name, image and likeness agreement, engaging in
18 name, image and likeness activity or from obtaining the services of a name, image and likeness
19 agent, or an institution or a college student athlete from participating in an intercollegiate sport
20 because an athlete receives name, image, and likeness compensation, enters into a name, image
21 and likeness agreement, engages in name, image, and likeness activity, or obtains the services
22 of a name, image and likeness agent;

23 (2) consider name, image, and likeness compensation in determining a college
24 student athlete's eligibility for an athletic scholarship or the amount of the athlete's athletic
25 scholarship;

1 (3) enact or enforce a rule, requirement, standard, or other limitation, or engage in
2 conduct that prevents ~~or restricts; a college student~~ athlete from creating or participating in a
3 group license forming or recognizing, or interferes with the formation or recognition of, a
4 collective representative to facilitate a group license or provide representation for ~~a college~~
5 ~~student-an~~ athlete to negotiate a group license.

6 ~~(e)~~
7 ~~This section does not apply to the use of name, image, and likeness in the broadcast or~~
8 ~~rebroadcast of an intercollegiate athletic event.~~

9 Comment: Section 5(a) is not intended to diminish, enlarge, or otherwise modify the right
10 of publicity or related rights provided by individual states.

11 **Section 6. Restrictions on Name, Image, and Likeness Activity**

13 (a) A college student athlete may only include in name, image, and likeness activity an
14 institution, ~~or~~ conference, or association's name, trademark, service mark, logo, uniform design,
15 or other identifier of athletic performance depicted or included in any form of media broadcast or
16 related game footage if the use is not likely to cause confusion about the affiliation, connection,
17 or association of the institution, ~~or~~ conference, or association to the activity or otherwise imply
18 sponsorship or endorsement by the institution, ~~or~~ conference or association.

19 (b) Name, image, and likeness compensation, or offers, promises, or solicitations of
20 compensation, must not be an inducement, ~~and~~ must represent only consideration for use of
21 name, image, and likeness. ~~A college student athlete may not, and must not include receive~~
22 compensation for performance, participation, or service in an intercollegiate sport.

23 (c) A college student athlete may not ~~make an~~ express or implied that an institution,
24 conference, or association endorsement on behalf of an institution, conference, or athletic
25 endorses or is otherwise affiliated association for name, image, and likeness compensation or

1 ~~with the athlete's as part of a~~ name, image, and likeness activity.

2 (d) A college student athlete may not engage in a name, image, and likeness activity that
3 is illegal.

4 (e) An institution may prohibit name, image, and likeness activity that is determined by
5 the institution to be immoral, in conflict with the institution's values, unsafe, or to adversely
6 affect the reputation of the institution, if the institution does not engage in the same commercial
7 activity. An institution making such a determination shall disclose to the college student athlete
8 or the athlete's name, image, and likeness agent the basis for that determination.

9 (f) An institution may adopt and enforce rules of conduct relating to ~~prevent a college~~
10 ~~student athlete from engaging in a~~ name, image, and likeness activity when the athlete is engaged
11 in an official team activity, including a competition, practice, supervised workout, ~~and~~
12 community service, or other activity that involves an athlete and is at the direction of, or
13 supervised by, a member of the institution's coaching or athletic department staff.

14 (g) An institution, conference, or association may require a college student athlete to
15 waive any name, image, or likeness rights associated with the promotion, display, broadcast, or
16 rebroadcast of an intercollegiate sport.

17 *Comment:* Section 6(a) and 6(c) are ~~is~~ intended to be consistent with federal intellectual
18 property law.

19
20 **Section 7. Institution, ~~and~~ Conference, and Association Involvement**

21 (a) An institution shall adopt a policy describing permissible and impermissible name,
22 image, and likeness activity.—

23 (ba) An institution, ~~or~~ conference or association may:

24 (1) assist a college student athlete:

25 (i) in evaluating the permissibility of name, image, and likeness activity,

1 including compliance with law and institution, conference, and athletic association rules;

2 (ii) with the disclosure requirements of Section 11; and

3 (iii) in providing a good-faith evaluation of a name, image, and likeness

4 agent or a ~~third-party entity~~third party;

5 (2) provide education to a college student athlete about name, image, and likeness

6 compensation, agreements, and activity; and

7 (3) permit a college student athlete to use the institution's facilities for name,

8 image, and likeness activity under the same terms and conditions as other students at the

9 institution.

10 (b) Except as provided in subsection (a), an institution ~~or~~~~or~~ conference or its respective

11 employees, agents, and independent contractors shall not:

12 (1) provide name, image, and likeness compensation to a college student athlete;

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

14 operating, securing, or promoting name, image, and likeness activity;

15 (3) assist with selecting, arranging, or providing payment to a name, image, and

16 likeness agent;

17 (4) assist with selecting, arranging, or collecting payment from a ~~third~~-party

18 ~~entity~~;

19 (5) except as provided in Sections ~~6~~(a), permit a college student athlete to use the

20 intellectual property of the institution, ~~or~~ conference or association in name, image, and likeness

21 activity; or

22 (6) use, license, or otherwise convey a name, image, and likeness for a

23 commercial purpose except as provided in Section 5(c) or otherwise permitted by law other than

1 ~~this [act]-~~

2 **Section 8. Required Disclosures ~~By College Student Athlete and Institution~~**

3 (a) A college student athlete shall disclose to the official designated under subsection (b)
4 by the institution at which the athlete is enrolled:

5 (1) ~~a copy of any name, image, and likeness agreements the amount that provides~~
6 ~~of name, image, and likeness compensation received to be received by by the athlete is if~~ greater
7 than ~~[\$(3500)]~~, ~~or, if no such copy exists, the amount of name, image, and likeness~~
8 ~~compensation provided if greater than [\$300]~~

9 (2) ~~a copy of all name image, and likeness agreements for an individual name,~~
10 ~~image, and likeness agreement or if greater than if and when the aggregate amount of name,~~
11 ~~image, and likeness compensation exceeds [\$2,000] for the aggregate amount of the athlete's~~
12 ~~name, image, and likeness agreements in a calendar year, or, if no such copies exist, the amount~~
13 ~~of name, image, and likeness compensation provided in excess of [\$2,000] in a calendar year;~~

14 ÷

15 (2) ~~a copy of each name, image, and likeness agreement entered into by the~~
16 ~~athlete;~~

17 (3) for each agreement that must be disclosed:

18 (i) the arrangements for providing compensation;

19 (ii) the amount of compensation;

20 (iii) a description of the relationship with the ~~third party entity~~third party;

21 (iv) activities required by the agreement; and

22 (v) if a name, image, and likeness agent was used to arrange the
23 agreement, the name of and a description of the relationship with the agent.

1 (4) each offer, solicitation, or promise made to the athlete by a ~~third-party~~
2 ~~entity~~third party;

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

5 (6) other information deemed by the [agency designated in section 4] to be
6 relevant to the athlete's name, image, and likeness activity.

7 (b) An institution at which college student athletes are enrolled shall designate an official
8 to receive the information ~~under as required by~~under subsection (a).

9 (c) A college student athlete shall provide the information required by subsection (a)
10 before engaging in name, image, and likeness activity and provide an update after a change in the
11 information not later than [10] days after the earlier of the change or the next scheduled athletic
12 event in which the student athlete may participate.

13 ~~—(d) An institution shall adopt policies that describe permissible and impermissible name,~~
14 ~~image, and likeness activity, including prohibited activity under Section 6(e).~~

15 (de)) If an institution, conference, or association, either voluntarily or as required by this
16 [act], adopts a policy, rule, requirement, standard, or other limitation affecting a college student
17 athlete's ability to engage in conduct affecting the athlete's name, image, and likeness, the
18 institution shall provide in a record a copy of each such policy, rule, requirement, standard, or
19 other limitation to each of its athletes by the time an offer of admission or financial aid is made,
20 whichever is earlier, or , if the policy, rule, requirement, standard, or other limitation is not
21 adopted until after the athlete is a student at the institution, then as soon as practicable after
22 adoption~~An institution shall provide in a record a copy of the policies adopted under subsection~~
23 ~~(d) to a college student athlete by the earlier of the time an offer of admission or financial aid is~~

1 ~~made.~~

2 (f) When a name, image, and likeness agreement is entered into, the college student
3 athlete, ~~† or, if the athlete is a minor, the parent or guardian of the minor~~ ~~third party~~
4 ~~entity~~ entity, third party, and, if a name, image, and likeness agent assisted with the agreement, the
5 agent shall certify to the official designated in subsection (b) at the institution at which the
6 athlete is enrolled that the agreement contains the sole, complete and final agreement between
7 the parties. ~~athlete does not have a side agreement or understanding with the third party entity.~~

8 *Comment:* A college student athlete would be required to disclose to a designated third
9 party under Section 8(a) if a third party is designated by the institution, conference, association,
10 or pursuant to federal law. Disclosures made under this section must be made available to the
11 Secretary of State or designated state agency or representative for inspection or review.
12

13 **Section 9. Name, Image, and Likeness Agent; Duties; Registration**

14 (a) A name, image, and likeness agent shall be registered in this state as an athlete agent
15 under [cite to Uniform Athlete Agents Act or Revised Uniform Athlete Agents Act or other
16 comparable law].

17 (b) An institution, conference, or athletic association may not prevent or deter a college
18 student athlete from obtaining representation by a name, image, and likeness agent.

19 (c) ~~[An agreement~~ A name, image, and likeness agreement between a college student
20 ~~athlete and a name, image, and likeness agent~~ must have a fee arrangement that is consistent with
21 norms for the agent's industry and otherwise comply with [cite to Uniform Athlete Agents Act or
22 Revised Uniform Athlete Agents Act]].

23 *Legislative Note:* In subsections (a) and (c), cite to the state's version of the uniform act or other
24 comparable state law
25

26 **Option 1**

27 **~~Section 10. Disclosure Requirements By Third Party Entity~~ Third Party**

1 ~~_____ (a) A third party entity~~third party shall disclose to the official designated in
2 Section 8(a) any name, image, and likeness compensation provided to a college student athlete at
3 the institution and provide a copy of each name, image, and likeness agreement with an athlete at
4 the institution. ~~_____ (b) A name, image, and likeness agreement that has not been disclosed~~
5 ~~under subsection (a) is voidable and is a violation of this [act].~~

6 **Option 2**

7 **Section 10. ~~Third-Party Entity~~Third Party; Registration; Voidable Contract**

8 ~~(a) _____ (a) A person that provides more than \$[300] for an individual name, image, and~~
9 ~~likeness agreement or more than \$[2,000] in the aggregate in a calendar year for name, image,~~
10 ~~and likeness agreements is required to register under this act as a third party.~~

11 ~~Except as provided in subsection (b), a person must be registered under this act to be a third-~~
12 ~~party entity~~third party.

13 ~~(b) A person that provides less than \$[1,000] in name, image, and likeness compensation~~
14 ~~in a calendar year does not need to register under this [act].~~

15 ~~(be) A third party shall disclose to the official designated in section 8(b) name, image,~~
16 ~~and likeness compensation and agreements as specified in subsection a.~~

17 ~~(c) A college student athlete or, if the athlete is a minor, the parent or guardian of the~~
18 ~~athlete may void a name image and likeness agreement that was required to be registered or~~
19 ~~disclosed by a third party under this section but was not properly registered or disclosed.~~

20 ~~A name, image, and likeness agreement with a person that is required to register under this~~
21 ~~section but has not registered is~~

22 ~~voidable by the college student athlete.~~Lane—voiding language to be consistent

23 **Section 11. Registration as ~~Third-Party Entity~~Third party; Application**

1 (a) An applicant for registration as a ~~third-party entity~~third party shall submit an
2 application for registration to the [~~agency designated in section 4 responsible for implementing~~
3 ~~and administering the Uniform Athlete Agents Act, Revised Uniform Athlete Agents Act, or~~
4 ~~other comparable law, or other appropriate agency~~Secretary of State] in a form prescribed by the
5 [~~agency designated in section 4 responsible for implementing and administering the Uniform~~
6 ~~Athlete Agents Act, Revised Uniform Athlete Agents Act, or other comparable law, or other~~
7 ~~appropriate agency~~Secretary of State]. The application must be signed by an authorized
8 representative of the applicant under penalty of perjury. ~~The application and~~ must include:

- 9 (1) the address of the applicant's principal place of business;
- 10 (2) if registered in another state, the state of registration;
- 11 (3) the name and contact information of the applicant seeking registration;
- 12 (4) telephone number;
- 13 (5) means of communicating electronically, including an email address and, if
14 available, a website related to the entity;
- 15 (6) each social-media account with which the applicant is affiliated;
- 16 (7) a brief description of type of business and business activity of the applicant;
- 17 (8) name and address of each person that is a partner, member, officer, manager,
18 associate, or profit sharer or directly or indirectly holds an equity interest of at least [five]
19 percent in the entity;
- 20 (9) whether the applicant or ~~an individual~~a person named under paragraph (8) has
21 been a defendant or respondent in a civil or criminal proceeding and, if so, the date and a brief
22 explanation of each proceeding;
- 23 (10) whether the applicant or ~~an individual~~a person named under paragraph (8)

1 has been adjudicated as bankrupt or has declared bankruptcy;

2 (11) whether conduct of the applicant or ~~an individual~~a person named under
3 paragraph (8) has caused a college student athlete to be sanctioned, suspended, or declared
4 ineligible to participate in an intercollegiate sport or an institution to be sanctioned;

5 (12) whether an application by the applicant or any ~~individual~~person named
6 under paragraph (8) to be a ~~third-party entity~~third party in a state has been denied, suspended,
7 abandoned, or not renewed; and

8 (13) each state in which the applicant is currently registered or has applied to be
9 registered as a ~~third-party entity~~third party.

10 (14) any other information deemed by the [agency designated in Section 4] to be
11 relevant to applications by a third party.

12 (b) The [~~Secretary of State~~agency designated in section 4] may require a booster to
13 comply with additional disclosure requirements.

14 **Section 12. ~~Third-Party Entity~~Third Party Certificate of Registration**

15 (a) Except as provided in subsection (b), the [~~agency designated in section 4~~responsible
16 for implementing and administering the Uniform Athlete Agents Act, Revised Uniform Athlete
17 Agents Act, or other comparable law, or other appropriate agency~~Secretary of State~~] shall issue a
18 certificate of registration to an applicant for registration who complies with Section 11

19 (b) The [~~agency designated in section 4~~agency responsible for implementing and
20 administering the Uniform Athlete Agents Act, Revised Uniform Athlete Agents Act, or other
21 comparable law, or other appropriate agency~~Secretary of State~~] may refuse to issue a certificate
22 of registration to an applicant for registration under Section 11 if the [~~agency responsible for~~
23 implementing and administering the Uniform Athlete Agents Act, Revised Uniform Athlete

1 ~~Agents Act, or other comparable law, or other appropriate agency~~Secretary of State] determines
2 that the applicant has engaged in conduct that significantly adversely impacts the reputation of
3 the college student athlete or the athlete's institution, conference, or athletic association. In
4 making this determination, the [~~agency responsible for implementing and administering the~~
5 ~~Uniform Athlete Agents Act, Revised Uniform Athlete Agents Act, or other comparable law, or~~
6 ~~other appropriate agency~~Secretary of State] ~~should~~ may consider whether the applicant has:

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

9 (2) made a materially false, misleading, deceptive, or fraudulent representation in
10 the application or as a ~~third party entity~~third party;

11 (3) engaged in conduct prohibited by Section 15;

12 (4) engaged in conduct resulting in imposition of a sanction, suspension, or
13 declaration of ineligibility to participate in an intercollegiate ~~event~~ sport on a college student
14 athlete or a sanction on an institution; or

15 (5) engaged in conduct that adversely reflects on the applicant's credibility,
16 honesty, or integrity.

17 (c) A ~~third party entity~~third party registered under subsection (a) may apply to renew the
18 registration by submitting an application for renewal in a form prescribed by the [~~agency~~
19 ~~responsible for implementing and administering the Uniform Athlete Agents Act, Revised~~
20 ~~Uniform Athlete Agents Act, or other comparable law, or other appropriate~~
21 ~~agency~~Secretary ~~designated in section 4 of State~~]. The application must be signed by an
22 authorized representative of the applicant under penalty of perjury and include current
23 information on all matters required in an original application for registration.

1 eligibility to participate in the athlete’s sport;

2 (3) [unless registered under this [act], initiate contact, directly or indirectly, with a
3 college student athlete or, if the athlete is a minor, a parent or [guardian] of the athlete, to recruit
4 or solicit the athlete, parent, or [guardian] to enter a name, image, and likeness agreement,
5 receive name, image, and likeness compensation, or engage in name, image, and likeness
6 activity];

7 (4) [~~if required by Section 10,~~ fail to register under Section 11 ~~for disclosure under~~
8 ~~Section 10~~];

9 (5) provide materially false or misleading information in an application for
10 registration or renewal of registration [or disclosure]; or

11 (6) predate or postdate a name, image, and likeness agreement.

12 **Legislative Note:** If a state used a different term to describe the relationship of guardian, the
13 bracketed term “guardian” should be changed to the term used in the state.

14

15 **Section 16. Civil Remedy**

16 (a) An institution or college student athlete has a cause of action for damages against a
17 name, image, and likeness agent or ~~third party entity~~third party if the institution or athlete is
18 adversely affected by an act or omission of the agent or entity in violation of this [act]. An
19 institution or athlete is adversely affected by an act or omission of the agent or entity only if,
20 because of the act or omission, the institution or athlete:

21 (1) is suspended or disqualified from participating in an intercollegiate sport; or

22 (2) suffers financial damage.

23 (b) A college student athlete has a cause of action under this section only if the athlete
24 was enrolled in an institution at the time of the act or omission.

25 (c) In an action under this section, a prevailing plaintiff may recover [actual or treble]

1 damages, [punitive damages,] and reasonable attorney’s fees, court costs, and other reasonable
2 litigation expenses.

3 [(d) A violation of this [act] is a violation of the ~~state consumer protection,~~ unfair trade
4 or deceptive practice law]- ~~and the enforcement provisions of those laws~~ ~~state consumer~~
5 ~~protection act, unfair trade or deceptive practice law~~ apply to a violation of this [act].]

6 *Legislative Note: If a state has an unfair trade practices or consumer protection law that*
7 *provides for civil enforcement by a state agency or person, including a competitor, the*
8 *appropriate name for the practice and statutory citation to the applicable law should replace the*
9 *bracketed language in subsection (d). Some states prohibit an amendment by reference and may*
10 *require the unfair trade practices or consumer protection law to be amended. In that case, the*
11 *bill should contain an appropriate amendment of the specific law and subsection (d) should be*
12 *deleted. If a state does not have an unfair trade practices or consumer protection law, subsection*
13 *(d) should be deleted or amended to provide for civil enforcement by a state agency, an affected*
14 *member of the public, and a competitor.*

15

16 **Section 17. Civil Penalty.**

17

18 The [Attorney General or the agency designated in section 4, or both] may, pursuant to
19 [cite to the state administrative procedures act] Secretary of State] may assess a civil penalty
20 against a name, image, and likeness agent or ~~third party entity~~third party not to exceed \$[50,000]
21 for a violation of this [act].

22 **Section 18. Uniformity of Application and Construction**

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

25 **Section 19. Relation to Electronic Signatures in Global and National Commerce Act**

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

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

6

7

[Section 20. Severability

8

If a provision of this [act] or its application to a person or circumstance is held invalid,

9

the invalidity does not affect another provision or application that can be given effect without the

10

invalid provision.]

11

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

13

14

[Section 21. Repeals; Conforming Amendments

15

(a) . . .

16

(b) . . .]

17

Legislative Note: *A state should examine its statutes to determine whether conforming*
18 *revisions are required by provisions of this act relating to { }. See Section { }.*

19

20

Section 22. Effective Date

21

This [act] takes effect