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FOR APPROVAL

# Uniform College Athlete Name, Image or Likeness Act

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Uniform Law Commission

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

## Uniform College Athlete Name, Image or Likeness Act

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# Uniform College Athlete Name, Image or Likeness Act

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1 **Uniform College Athlete Name, Image or Likeness 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. 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, more than 40 states have introduced or enacted legislation that  
22 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 18, 2021, 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 and received valuable input

1 from athlete agents, current and former college athletes, coaches, college athletic department  
2 administrators, representatives of the players associations of the National Football League, the  
3 National Hockey League, the NCAA, the National Federation of High Schools, the NAIA, and  
4 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 or Likeness 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 nonprofit intercollegiate sport governance  
7 association that regulates the eligibility of players and institutions to compete.

8 (2) “College athlete” means an individual who is eligible to attend an institution  
9 and engages in or is eligible to engage in an intercollegiate sport. The term does not include an  
10 individual in school from kindergarten to grade 12 or an individual permanently ineligible to  
11 participate in a particular intercollegiate sport for that sport.

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

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

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

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

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

23 (8) “Name, image, or likeness” includes the college athlete’s nickname, signature,

1 social media account, and any other symbol, name, or design that readily identifies the athlete.

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

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

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

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

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

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

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

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

20 (14) “Record” means information:

21 (A) inscribed on a tangible medium; or

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

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

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

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

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

11  
12 **Comment**

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

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

20  
21 **Section 3. Scope**

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

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

26 [(c) This [act] does not apply to a United States service academy or other institution  
27 subject to similar federal regulation that prohibits name, image, or likeness compensation.]

28 (d) This [act] does not create an employment relationship between a college athlete and  
29 the athlete’s institution with respect to the athlete’s participation in an intercollegiate sport. This



1 [act] may not be used as a factor in determining whether an employment relationship exists.

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

4

5 **Section 4. Rulemaking Authority**

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

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

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

18 (b) Except as provided in Section 6:

19 (1) an institution, conference, or athletic association may not prevent or restrict a  
20 college athlete from:

21 (A) receiving name, image, or likeness compensation, entering into a name,  
22 image, or likeness agreement, engaging in name, image, or likeness activity, or obtaining the  
23 services of a name, image, or likeness agent; or

24 (B) creating or participating in a group license or interfere with the  
25 formation or recognition of a collective representative to facilitate or provide representation to

1 negotiate a group license;

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

6 (3) an institution may not consider name, image, or likeness compensation to  
7 determine a college athlete's eligibility for or amount of an athletic scholarship.

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

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

13 (b) Name, image, or likeness compensation or an offer, promise, or solicitation of  
14 compensation:

15 (1) may not be an inducement;

16 (2) must represent only consideration for use of the athlete's name, image, or  
17 likeness; and

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

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

22 (d) An institution may adopt a policy to prevent a college athlete from engaging in name,  
23 image, or likeness activity that is illegal or that is determined by the institution to have an

1 adverse impact on its reputation, if the institution complies with the same policy with respect to  
2 the institution’s sponsorships and similar commercial activity and relationships. An institution  
3 that adopts a policy under this subsection shall disclose the policy and its rationale in a record to  
4 the athlete and the athlete’s name, image, or likeness agent.

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

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

12 **Comment**

13  
14 Sections 6(a) and 6(c) are intended to be consistent with intellectual property law and do  
15 not permit an athlete to include in name, image, or likeness activity an institution, conference, or  
16 athletic association name, trademark, service mark, logo, uniform design, or other identifier of  
17 athletic performance depicted or included in a media broadcast or related game footage if the use  
18 is likely to cause confusion about the affiliation, connection, or relationship with the activity, or  
19 imply sponsorship or endorsement of the activity by, the institution, conference or association, or  
20 is otherwise prohibited under intellectual property law.

21  
22 Section 6(d) is intended to prevent an institution from prohibiting a college athlete from  
23 engaging in name, image, or likeness activity with a third party or a category of third parties  
24 (e.g., sports gambling) if the institution engages in any sponsorship or endorsement activity with  
25 that third party or category of third parties.

26  
27 **Section 7. Institution, Conference, and Athletic Association Involvement**

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

29 (1) assist a college athlete:

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

1 (B) with the disclosure requirements of Section 8; and  
2 (C) in providing a good-faith evaluation of a name, image, or likeness

3 agent or third party; and

4 (2) educate a college athlete about name, image, or likeness compensation,  
5 agreements, and activity.

6 (b) An institution may permit a college athlete to use the institution’s facilities for name,  
7 image, or likeness activity under the same terms and conditions as other students at the  
8 institution.

9 (c) Except as provided in subsection (a), an institution or conference and its employees,  
10 agents, and independent contractors may not:

11 (1) provide compensation to a college athlete for the athlete’s name, image, or  
12 likeness;

13 (2) assist, identify, arrange, facilitate, develop, operate, secure, or promote name,  
14 image, or likeness activity;

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

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

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

21 (6) use, license, or otherwise convey a college athlete’s name, image, or likeness  
22 for a commercial purpose except as provided in Section 6(c) or permitted by other law.

23 **Section 8. Required Disclosures**

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

2 (b):

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

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

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

11 (A) the arrangement for providing compensation;

12 (B) the amount of compensation;

13 (C) the identity of and a description of the relationship with the third  
14 party;

15 (D) the activity required or authorized; and

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

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

20 (5) other information required by the [agency designated in Section 4].

21 (b) An institution shall designate an individual or office to receive the information  
22 required by subsections (a) and (e).

23 (c) A college athlete shall provide:

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

2 (A) receiving name, image, or likeness compensation required to be  
3 disclosed; or

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

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

9 (d) If an institution, conference, or athletic association voluntarily or as required by this  
10 [act] adopts a limitation affecting a college athlete's ability to engage in name, image, or likeness  
11 activity, the institution shall provide in a record a copy of the limitation to each athlete by the  
12 time an offer of admission or financial aid is made, whichever is earlier, or, if the limitation is  
13 not adopted until after the athlete is a student at the institution, as soon as practicable after  
14 adoption.

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

18 (1) the college athlete, or, if the athlete is a minor, the parent or [guardian] of the  
19 minor:

20 (2) the third party; and

21 (3) if a name, image, or likeness agent assisted with the agreement, the agent.

22 **Comment**

23  
24 A college athlete would be required to disclose to a designated third party under Section  
25 8(a) if a third party is designated by the institution, conference, association, or pursuant to federal

1 law. Disclosures made under this section must be made available to the Secretary of State or  
2 designated state agency or representative for inspection or review.

3  
4 **Section 9. Name, Image, or Likeness Agent; Duties; Registration**

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

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

10 [(c) An agreement between a college athlete and a name, image, or likeness agent must  
11 have a fee arrangement consistent with the customary practice of the agent’s industry and  
12 otherwise in compliance with [cite to Uniform Athlete Agents Act or Revised Uniform Athlete  
13 Agents Act or other comparable law]].

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

16  
17 *A state should include subsection (c) if it wants to permit oversight of fee arrangements between*  
18 *college athletes and name, image, or likeness agents.*

19  
20 **Comment**

21  
22 Section 9(c) prevents a name, image, or likeness agent from charging a fee to a college  
23 athlete that is higher than the fee typically charged by agents for similar work.

24  
25 **[Section 10. Third Party; Registration; Voidable Contract**

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

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

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

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

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

6 **Legislative Note:** *A state should adopt Sections 10 through 15 if it decides to require registration*  
7 *of third parties.*

8  
9 **[Section 11. Registration as Third Party; Application**

10 (a) A person applying for registration as a third party shall submit an application for  
11 registration to the [insert name of agency designated in Section 4] in a form prescribed by the  
12 [insert name of agency designated in Section 4]. The application must be signed by an authorized  
13 representative of the applicant under penalty of perjury and include:

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

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

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

18 (4) a brief description of the type of business and business activity of the  
19 applicant;

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

23 (6) whether the applicant or a person named under paragraph (5) has been a  
24 defendant in a criminal proceeding or respondent in a civil proceeding and, if so, the date and a  
25 brief explanation of each proceeding;



1 (7) whether the applicant or a person named under paragraph (5) has been  
2 adjudicated as bankrupt or has declared bankruptcy;

3 (8) whether conduct of the applicant or a person named under paragraph (5) has  
4 caused a college athlete to be sanctioned, suspended, or declared ineligible to participate in an  
5 intercollegiate sport or an institution to be sanctioned;

6 (9) whether an application to be a third party by the applicant or a person named  
7 under paragraph (5) has been denied, suspended, abandoned, or not renewed;

8 (10) each state in which the applicant is currently registered or has applied to be  
9 registered as a third party; and

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

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

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

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

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

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

23 (1) the application and registration requirements of the other state are

1 substantially similar to or more restrictive than this [act]; and

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

5 (d) In implementing subsection (c), the [insert name of agency designated in Section 4]  
6 shall:

7 (1) cooperate with agencies in other states that register third parties to develop a  
8 common registration form;

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

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

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

14 (a) Except as provided in subsection (b), the [insert name of agency designated in Section  
15 4] shall issue a certificate of registration to a person that applies for registration under and  
16 complies with Section 11.

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

23 (1) pleaded guilty or no contest to, has been convicted of, or has charges pending

1 for a crime that, if committed in this state, would involve moral turpitude or be a felony;

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

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

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

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

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

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

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

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

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

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

2           (a) An application for registration or renewal of registration as a third party must be  
3 accompanied by a fee of:

4                   (1) \$[200] for an initial application for registration;

5                   (2) \$[100] for registration based on a certificate of registration issued by another  
6 state;

7                   (3) \$[50] for an application for renewal of registration; or

8                   (4) \$[25] for renewal of registration based on a renewal of registration in another  
9 state.]

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

12           **Section 16. Third Party Prohibited Conduct**

13           A third party may not intentionally:

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

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

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

22                   [(4) unless registered under this [act], initiate contact, directly or indirectly, with a  
23 college athlete or, if the athlete is a minor, a parent [or guardian] of the athlete, to recruit or

1 solicit the athlete, parent, or [guardian] to enter a name, image, or likeness agreement, receive  
2 name, image, or likeness compensation, or engage in name, image, or likeness activity;  
3 (5) fail to apply for registration under Section 11; or  
4 (6) provide materially false or misleading information in an application for  
5 registration or renewal of registration.]

6 **Legislative Note:** *A state should include the bracketed language in paragraphs paragraphs (4)*  
7 *through (6) only if the state includes optional Sections 11 through 15 that provide for third-party*  
8 *registration.*

9

10 **Section 17. Civil Remedy**

11 (a) An institution or college athlete has a cause of action for damages against a name,  
12 image, or likeness agent or third party if the institution or athlete is adversely affected by an act  
13 or omission of the agent or third party in violation of this [act]. An institution or athlete is  
14 adversely affected by an act or omission of the agent or third party only if, because of the act or  
15 omission, the institution or athlete:

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

17 (2) suffers financial damage.

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

20 (c) In an action under this section, a prevailing plaintiff may recover [actual] [treble]  
21 damages[, punitive damages,] and reasonable attorney’s fees, court costs, and other reasonable  
22 litigation expenses.

23 [(d) A violation of this [act] is a violation of and enforceable under [cite to state  
24 consumer protection or unfair trade practice law].]

25 **Legislative Note:** *A state that permits amendment by reference and has an unfair trade practice*  
26 *or consumer protection law that provides for civil enforcement by a state agency or person,*

1 *including a competitor, should replace the bracketed language in subsection (d) with the name of*  
2 *the state agency or person. A state that has an unfair trade practice or consumer protection law*  
3 *but does not permit amendment by reference should delete subsection (d) and make appropriate*  
4 *amendments to its unfair trade practice or consumer protection law. A state that does not have*  
5 *an unfair trade practice or consumer protection law should delete subsection (d) and substitute*  
6 *language providing for civil enforcement by a state agency, affected member of the public, or a*  
7 *competitor.*

8  
9 **Comment**

10  
11 This Section does not preclude an individual from bringing other causes of action that might  
12 arise independently from this [act], including, but not limited to, a claim for breach of contract or  
13 a violation of intellectual property rights.

14  
15 **Section 18. Civil Penalty**

16 The [Attorney General] [and] [insert name of the agency designated in Section 4] may  
17 assess a civil penalty against a name, image, or likeness agent or third party not to exceed  
18 \$[50,000] for a violation of this [act].

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

21  
22 **Section 19. 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 20. 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).

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

1           **[Section 21. Severability**

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

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

7  
8           **Section 22. Effective Date**

9           This [act] takes effect . . .