

DRAFT
FOR DISCUSSION ONLY

Uniform College Athlete Name, Image, and Likeness Issues Act

**[Tentative new name: Uniform College Athlete Name,
Image, or Likeness Act]**

Uniform Law Commission

June 7, 2021 Informal Session



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June 1, 2021

Uniform College Athlete Name, Image, and Likeness Issues Act

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

2 **Prefatory Note**

3 Intercollegiate sports have grown into a billion dollar industry, with massive television
4 deals, multi-million dollar coaching contracts, extravagant facilities, and lucrative commercial
5 licensing agreements. At the same time, there has been massive growth over the last several
6 years in the opportunities for individuals to monetize the use of their name, image, or likeness.
7 Although the traditional models of licensing name, image, or likeness through broadcast and
8 media are still lucrative options for high-end celebrities and athletes, social media channels have
9 created potential opportunities for a much broader set of individuals and created “social
10 influencers” who are able to effectively reach mobile and social media audiences. Many of these
11 influencers are college or high school students. Studies estimate that within five years—as key
12 demographics continue to consume more of their content through social media channels rather
13 than television—brands will spend between \$5 and \$10 billion globally on social influencer
14 marketing per year.¹

15
16 Despite the rapid escalation of the commercialization of intercollegiate sports and the
17 increased opportunities for monetization of celebrity name, image, or likeness, the benefits
18 provided to college athletes remain relatively limited and restricted by National College Athletic
19 Association and other governing body rules. In an attempt to modernize the rules and provide
20 greater rights for college athletes, 37 states have introduced or enacted legislation that would
21 permit college athletes to received compensation from third parties for the use of their name,
22 image, or likeness. Several members of Congress have also introduced federal name, image or
23 likeness legislation. As of June 1, 2021, 18 states have enacted name, image, or likeness laws
24 and 6 of those laws will take effect July 1, 2021, or sooner. Several additional states are expected
25 to enact similar laws that will take effect in 2021. In April 2020, the National College Athletic
26 Association (NCAA) Board of Governors approved a framework that would permit college
27 athletes to receive compensation for their name, image, or likeness from third parties.

28
29 The lack of uniformity in the state laws presents significant challenges for the NCAA and
30 other athletic associations. The importance of having a uniform set of rules governing
31 intercollegiate athletic competitions is well established, as is the notion that intercollegiate
32 athletic associations cannot effectively function as a national association of college sports if it is
33 required to adopt conflicting or inconsistent rules from different states. The proliferation of
34 inconsistent state laws also highlighted the risk of instability for the NCAA and other
35 intercollegiate governing bodies. Even if the NCAA were to modify its rules to conform with the
36 most permissive state law, a modification to an existing state law or the enactment of a new state
37 law could dramatically change the name, image, or likeness rules by which institutions can
38 compete and operate. Given the interdependence of the institutions across the country, the impact
39 of a change in one state’s laws could have a ripple effect on schools in other states and the entire
40 NCAA or intercollegiate athletic association. A uniform law across all states would prevent this
41 instability and ensure that schools in each state are playing under the same general rules.

42 The ULC agreed to draft a uniform act regarding college athlete name, image, or likeness
43 compensation issues. The Drafting Committee met several times over a period of a years and
44 received valuable input from athlete agents, current and former college athletes, coaches, college

1 athletic department administrators, representatives of the players associations of the National
2 Football League, the National Hockey League, the NCAA, the National Federation of High
3 Schools, the NAIA, and other stakeholders.

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

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

2 **Section 1. Title**

3 This [act] may be cited as the 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, 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 agreement under which a
17 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 **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 federal regulation that conflicts with this [act].]

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

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

6
7 **Section 4. Rulemaking Authority**

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

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

14 (a) Except as provided in Section 6, a college athlete may receive name, image, or
15 likeness compensation to the extent permitted under other law of this state. This [act] does not
16 diminish, enlarge, or modify the right of publicity or related rights provided by other law of this
17 state.

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

20 (1) prevent or restrict:

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

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

1 representation to negotiate a group license; or

2 (C) an institution or a college athlete from participating in an intercollegiate
3 sport because an athlete receives name, image, or likeness compensation, enters into a name,
4 image or likeness agreement, engages in name, image, or likeness activity, or obtains the services
5 of a name, image, or likeness agent;

6 (2) consider name, image, or likeness compensation in determining a college
7 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 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 only if 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 name, image, or likeness; and

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

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

21 (d) An institution may adopt a policy to prohibit name, image, or likeness activity by a
22 college athlete that is illegal or that the institution determines to have an adverse impact on the
23 reputation of the institution, if the institution does not engage in the same activity. An institution

1 that prohibits name, image, and likeness activity through a policy adopted under this subsection
2 shall disclose in a record to the athlete and the athlete’s name, image, or likeness agent the
3 prohibition and the basis for the prohibition.

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

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

11 **Comment**

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

13 Section 6(e) is intended to prevent an institution from prohibiting a college athlete from
14 engaging in name, image, or likeness activity with a third party or a category of third parties
15 (e.g., sports gambling) if the institution engages in any sponsorship or endorsement activity with
16 that third party or category of third parties.
17
18

19 **Section 7. Institution, Conference, and Athletic Association Involvement**

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

21 (1) assist a college athlete:

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

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

25 (C) in providing a good-faith evaluation of a name, image, or likeness
26 agent or third party;
27

28 (2) educate a college athlete about name, image, or likeness compensation,

1 agreements, and activity; and

2 (3) permit a college athlete to use the institution’s facilities for name, image, or
3 likeness activity under the same terms and conditions as other students at the institution.

4 (b) Except as provided in subsection (a), an institution or conference and its respective
5 employees, agents, and independent contractors may not:

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

8 (2) play a role in assisting, identifying, arranging, facilitating, developing,
9 operating, securing, or promoting name, image, or likeness activity;

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

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

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

16 (6) use, license, or otherwise convey name, image, or likeness for a commercial
17 purpose except as provided in Section 6(g) or permitted by other law.

18 **Section 8. Required Disclosures**

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

20 (b):

21 (1) a copy of a name, image, or likeness agreement that provides name, image, or
22 likeness compensation in an amount more than \$[300], or, if a record of the agreement does not
23 exist, the amount of name, image, or likeness compensation provided or to be provided if the

1 amount is more than \$[300];

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

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

6 (A) the arrangement for providing compensation;

7 (B) the amount of compensation;

8 (C) the identity of and a description of the relationship with the third
9 party;

10 (D) the activity required or authorized; and

11 (E) if the athlete is represented by a name, image, or likeness agent, the
12 name of and a description of the agreement with the agent.

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

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

16 (6) other information required by the [agency designated in Section 4].

17 (b) An institution shall designate an individual or office to receive the information
18 required by subsection (a).

19 (c) A college athlete shall provide:

20 (1) the information required by subsection (a) before:

21 (A) receiving name, image, or likeness compensation required to be
22 disclosed; or

23 (B) engaging in a name, image, or likeness activity required to be

1 disclosed; and

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

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

11 (e) When a name, image, or likeness agreement is entered into, the college athlete, or, if
12 the athlete is a minor, the parent or [guardian] of the minor, third party, and, if a name, image, or
13 likeness agent assisted with the agreement, the agent shall certify to the individual or office
14 designated under subsection (b) by the institution at which the athlete is enrolled that the
15 agreement contains the sole, complete, and final agreement between the parties.

16 **Comment**

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

22
23 **Section 9. Name, Image, or Likeness Agent; Duties; Registration**

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

27 (b) An institution, conference, or athletic association may not prevent or restrict a college

1 athlete from obtaining the services of a name, image, or likeness agent.

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

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

8

9 **[Section 10. Third Party; Registration; Voidable Contract**

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

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

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

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

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

20 *Legislative Note: A state should omit Sections 10 through 15 if it decides not to require*
21 *registration of third parties.*

22

23 **[Section 11. Registration as Third Party; Application**

24 (a) A person applying for registration as a third party shall submit an application for
25 registration to the [insert name of agency designated in Section 4] in a form prescribed by the
26 [insert name of agency designated in Section 4]. The application must be signed by an authorized

1 representative of the applicant under penalty of perjury and include:

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

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

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

6 (4) a brief description of the type of business and business activity of the
7 applicant;

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

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

14 (7) whether the applicant or a person named under paragraph (6) has been
15 adjudicated as bankrupt or has declared bankruptcy;

16 (8) whether conduct of the applicant or a person named under paragraph (6) has
17 caused a college athlete to be sanctioned, suspended, or declared ineligible to participate in an
18 intercollegiate sport or an institution to be sanctioned;

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

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

23 (11) other information required by [insert name of agency designated in Section

1 4].

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

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

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

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

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

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

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

18 (d) For purposes of implementing subsection (c), the [insert name of agency designated in
19 Section 4] shall:

20 (1) cooperate with agencies in other states which register third parties to develop a
21 common registration form and determine which states have laws that are substantially similar or
22 more restrictive than this [act]; and

23 (2) exchange information, including information related to actions taken against

1 third parties or their registrations, with those agencies.]

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

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

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

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

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

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

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

20 (5) engaged in conduct that reflects adversely on the applicant’s credibility,
21 honesty, or integrity.

22 (c) A third party registered under subsection (a) may apply to renew the registration by
23 submitting an application for renewal in a form prescribed by the [insert name of agency

1 designated in Section 4]. The application must be signed by an authorized representative of the
2 applicant under penalty of perjury and include current information on all matters required in an
3 original application for registration.]

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

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

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

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

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

14 An application for registration or renewal of registration as a third party must be
15 accompanied by a fee of:

- 16 (1) \$[200] for an initial application for registration;
17 (2) \$[100] for registration based on a certificate of registration issued by another state;
18 (3) \$[50] for an application for renewal of registration; or
19 (4) \$[25] for renewal of registration based on a renewal of registration in another state.]

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

21 A third party may not intentionally:

- 22 (1) give materially false or misleading information or make a materially false
23 promise or representation with the intent to influence a college athlete, parent, or [guardian] or

1 another person to enter into a name, image, or likeness agreement, receive name, image, or
2 likeness compensation, or engage in name, image, or likeness activity;

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

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

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

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

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

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

17

18 **Section 17. Civil Remedy**

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

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

25 (2) suffers financial damage.

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

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

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

8 **Legislative Note:** *A state that permits amendment by reference and has an unfair trade practice
9 or consumer protection law that provides for civil enforcement by a state agency or person,
10 including a competitor, should replace the bracketed language with the name of the state agency
11 or person. A state that has an unfair trade practice or consumer protection law but does not
12 permit amendment by reference should delete subsection (d) and make appropriate amendments
13 to its unfair trade practice or consumer protection law. A state that does not have an unfair trade
14 practice or consumer protection law should delete subsection (d) and substitute language
15 providing for civil enforcement by a state agency, affected member of the public, or a competitor.*
16

17 **Section 18. Civil Penalty**

18 The [Attorney General] [and] [insert name of the agency designated in Section 4] may
19 assess a civil penalty against a name, image, or likeness agent or third party not to exceed
20 \$[50,000] for a violation of this [act].

21 **Legislative Note:** *A state may authorize the Attorney General or another state official to enforce
22 this Section, or the agency designated in Section 4, or both.*
23

24 **Section 19. Uniformity of Application and Construction**

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

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

28 This [act] modifies, limits, or supersedes the Electronic Signatures in Global and National
29 Commerce Act, 15 U.S.C. Section 7001 et seq.[, as amended], but does not modify, limit, or

1 supersede 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices
2 described in 15 U.S.C. Section 7003(b).

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

8

9 **[Section 21. Severability**

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

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

15

16 **Section 22. Effective Date**

17 This [act] takes effect . . .

ⁱ <https://mediakix.com/blog/influencer-marketing-industry-ad-spend-chart/>