

AN ACT

24-455

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend of Part E of Subchapter IV of Chapter 28 of Title 47 of the District of Columbia Official Code to adopt the provisions of the Revised Uniform Athletes Agents Act, to expand the definition of athlete agent, to provide for reciprocal registration of athlete agents licensed in other states, to enhance the requirements for an athlete agent’s signing of an agency contract to require an athlete agent to notify the educational institution at which a student-athlete is enrolled before contacting a student-athlete, to prohibit an athlete agent from encouraging another individual to take an action on behalf of the agent that the agent is prohibited from taking, to accommodate recent amendments to National Collegiate Athletic Association bylaws that provide more freedom and flexibility to student-athletes considering a professional career, to give a student-athlete a right of action against an athlete agent for conduct in violation of Title I; to adopt the Uniform College Athlete Name, Image, or Likeness Act of 2022 by establishing a legal framework for permitting college athletes to receive compensation for their name, image, and likeness, to provide parameters on the types of activity the athletes may engage in, and on the compensation the athletes may receive, to establish limitations on institution, conference, and athletic association involvement, to establish a disclosure requirement for college athletes, and to provide for civil remedies and enforcement by the Attorney General; and to add a new Part G to Subchapter IV of Chapter 28 of Title 47 of the District of Columbia Official Code to provide a mechanism for certifying and regulating name, image, or likeness agents, a mechanism for regulating third parties who provide compensation to college athletes for the use of their name, image, or likeness, a right of action for college athletes if their name, image, and likeness rights are violated, and civil remedies and for enforcement by the Attorney General.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Omnibus Uniform Athlete Agent and College Athlete Name, Image, or Likeness Amendment Act of 2022”.

TITLE. I. ATHLETE AGENTS.

Sec. 101. Short title.

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This subtitle may be cited as the “Uniform Athlete Agents Amendment Act of 2022”.

Sec. 102. Part E of Subchapter IV of Chapter 28 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended as follows:

(1) The section designation for § 47-2887.04 is amended by striking the phrase “form; requirements.” and inserting the phrase “application; requirements; reciprocal registration.” in its place.

(2) The section designation for § 47-2887.09 is amended by striking the phrase “of contract” and inserting the phrase “of agency contract” in its place.

(3) The section designation for § 47-2887.16 is amended by striking the word “Administrative” and inserting the word “Civil” in its place.

(4) Add a new section designation “§ 47-2887.16A. Rules.” after the section designation for § 47-2887.16.

(5) The section designation for § 47-2887.18 is amended by striking the word “Electronic” and inserting the phrase “Relation to Electronic” in its place.

(b) Section 47-2887.01 is amended as follows:

(1) Paragraph (2) is amended to read as follows:

“(2) “Athlete agent”:

“(A) Means an individual, whether or not registered under this part, who:

“(i) Directly or indirectly recruits or solicits a student-athlete to enter into an agency contract or, for compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for a student-athlete as a professional athlete or member of a professional sports team or organization;

“(ii) For compensation or in anticipation of compensation related to a student-athlete’s participation in athletics:

“(I) Serves the athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions, unless the individual is an employee of an educational institution acting exclusively as an employee of the institution for the benefit of the institution; or

“(II) Manages the business affairs of the athlete by providing assistance with bills, payments, contracts, or taxes; or

“(iii) In anticipation of representing a student-athlete for a purpose related to the athlete’s participation in athletics:

“(I) Gives consideration to the student-athlete or another person;

“(II) Serves the student-athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions; or

“(III) Manages the business affairs of the student-athlete by providing assistance with bills, payments, contracts, or taxes.

“(B) Does not include an individual who:

“(i) Acts solely on behalf of a professional sports team or organization; or

“(ii) Is a licensed, registered, or certified professional and offers or provides services to a student-athlete customarily provided by members of the profession, unless the individual:

“(I) Recruits or solicits the student-athlete to enter into an agency contract;

“(II) For compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for the student-athlete as a professional athlete or member of a professional sports team or organization; or

“(III) Receives consideration for providing the services calculated using a different method than for an individual who is not a student-athlete.”.

(2) A new paragraph (4A) is added to read as follows:

“(4A) “Educational institution” includes a public or private elementary school, secondary school, technical or vocational school, community college, college, or university.”.

(3) A new paragraph (5A) is added to read as follows:

“(5A) “Enrolled” or “enrolls” means registered for courses and attending athletic practice or class.”.

(4) New paragraphs (6A), (6B), and (6C) are added to read as follows:

“(6A) “Interscholastic sport” means a sport played between educational institutions that are not community colleges, colleges, or universities.

“(6B) “Licensed, registered, or certified professional” means an individual licensed, registered, or certified as an attorney, dealer in securities, financial planner, insurance agent, real estate broker or sales agent, tax consultant, accountant, or member of a profession, other than that of athlete agent, who is licensed, registered, or certified by the District or a nationally recognized organization that licenses, registers, or certifies members of the profession on the basis of experience, education, or testing.

“(6C) “Mayor” includes the Mayor’s delegee.”.

(5) Paragraph (8) is amended to read as follows:

“(8) Professional-sports-services-contract” means an agreement under which an individual is employed as a professional athlete or agrees to render services as a player on a professional sports team or with a professional sports organization.”.

(6) A new paragraph (9A) is added to read as follows:

“(9A) “Recruit or solicit” means to attempt to influence the choice of an athlete agent by a student-athlete or, if the student-athlete is a minor, the choice by a parent or guardian of the student-athlete. The term does not include giving advice on the selection of a particular

agent in a family, coaching, or social situation unless the individual giving the advice does so because of the receipt or anticipated receipt of an economic benefit, directly or indirectly, from the agent.”.

(7) A new paragraph (10A) is added to read as follows:

“(10A) “Sign” means, with present intent to authenticate or adopt a record, to:

“(A) Execute or adopt a tangible symbol; or

“(B) Attach to or logically associate with the record an electronic symbol, sound, or process.”.

(8) Paragraph (12) is amended to read as follows:

“(12) “Student-athlete” means an individual who is eligible to attend an educational institution and engages in, is eligible to engage in, or may be eligible in the future to engage in, any interscholastic or intercollegiate sport. The term does not include an individual permanently ineligible to participate in a particular interscholastic or intercollegiate sport for that sport.”.

(c) Section 47-2887.04 is amended to read as follows:

“§ 47-2887.04. Registration as athlete agent; application; requirements; reciprocal registration.

“(a) An applicant for registration as an athlete agent shall submit an application for registration to the Mayor in a form prescribed by the Mayor. The applicant must be an individual, and the application shall be signed by the applicant under penalty of perjury. The application must contain at least the following:

“(1) The applicant’s:

“(A) Legal name and other names used;

“(B) Date and place of birth;

“(C) Contact information, including:

“(i) Address for the applicant’s principal place of business;

“(ii) Work and mobile telephone numbers;

“(iii) Any means the applicant uses to communicate electronically, including a facsimile number, electronic-mail address, and personal and business or employer websites;

“(2) The name of the applicant’s business or employer, if applicable, including for each business or employer, its mailing address, telephone number, organizational form, and the nature of the business;

“(3) Each social-media account with which the applicant or the applicant’s business or employer is affiliated;

“(4) Each business or occupation in which the applicant engaged within the 5 years before the date of the application, including self-employment and employment by others, and any professional or occupational license, registration, or certification held by the applicant during that time;

“(5) A description of the applicant’s:

“(A) Formal training as an athlete agent;

“(B) Practical experience as an athlete agent; and

“(C) Educational background relating to the applicant’s activities as an athlete agent;

“(6) The name of each student-athlete for whom the applicant acted as an athlete agent within 5 years before the date of the application or, if the individual is a minor, the name of the parent or guardian of the minor, together with the student-athlete’s sport and last-known team;

“(7) The name and address of each person that:

“(A) Is a partner, member, officer, manager, associate, or profit sharer or directly or indirectly holds an equity interest of 5% or greater of the athlete agent’s business if it is not a corporation; and

“(B) Is an officer or director of a corporation employing the athlete agent or a shareholder having an interest of 5% percent or greater in the corporation;

“(8) A description of the status of any application by the applicant, or any person named under paragraph (7) of this subsection, for a State or federal business, professional, or occupational license, other than as an athlete-agent, including any denial, refusal to renew, suspension, withdrawal, or termination of the license and any reprimand or censure related to the license;

“(9) Whether the applicant, or any person named under paragraph (7) of this subsection, has pleaded guilty or no contest to, has been convicted of, or has charges pending for, a crime that would involve moral turpitude or be a felony if committed in the District and, if so, identification of:

“(A) The crime;

“(B) The law-enforcement agency involved; and

“(C) If applicable, the date of the conviction and the fine or penalty imposed;

“(10) Whether, within 15 years before the date of application, the applicant, or any person named under paragraph (7) of this subsection, has been a defendant or respondent in a civil proceeding, including a proceeding seeking an adjudication of legal incompetence and, if so, the date and a full explanation of each proceeding;

“(11) Whether the applicant, or any person named under paragraph (7) of this subsection, has an unsatisfied judgment or a judgment of continuing effect, including alimony or a domestic order in the nature of child support, which is not current at the date of the application;

“(12) Whether, within 10 years before the date of application, the applicant, or any person named under paragraph (7) of this subsection, was adjudicated bankrupt or was an owner of a business that was adjudicated bankrupt;

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“(13) Whether there has been any administrative or judicial determination that the applicant, or any person named under paragraph (7) of this subsection, made a false, misleading, deceptive, or fraudulent representation;

“(14) Each instance in which conduct of the applicant, or any person named under paragraph (7) of this subsection, resulted in the imposition of a sanction, suspension, or declaration of ineligibility to participate in an interscholastic, intercollegiate, or professional athletic event on a student-athlete or a sanction on an educational institution;

“(15) Each sanction, suspension, or disciplinary action taken against the applicant, or any person named under paragraph (7) of this subsection, arising out of occupational or professional conduct;

“(16) Whether there has been a denial of an application for, suspension or revocation of, refusal to renew, or abandonment of, the registration of the applicant, or any person named under paragraph (7) of this subsection, as an athlete agent in any State;

“(17) Each State in which the applicant currently is registered as an athlete agent or has applied to be registered as an athlete agent;

“(18) If the applicant is certified or registered by a professional league or players association:

“(A) The name of the league or association;

“(B) The date of certification or registration, and the date of expiration of the certification or registration, if any; and

“(C) If applicable, the date of any denial of an application for, suspension or revocation of, refusal to renew, withdrawal of, or termination of, the certification or registration or any reprimand or censure related to the certification or registration; and

“(19) Any additional information required by the Mayor.

“(b) Instead of proceeding under subsection (a) of this section, an individual registered as an athlete agent in another State may apply for registration as an athlete agent in the District by submitting to the Mayor:

“(1) A copy of the application for registration in the other State;

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

“(3) A copy of the certificate of registration from the other State.

“(c) Except as provided in § 47-2887.05(b), the Mayor shall issue a certificate of registration to an individual who applies for registration under subsection (b) of this section if the Mayor determines:

“(1) The application and registration requirements of the other State are substantially similar to or more restrictive than this part; and

“(2) The applicant’s registration in another State has not been revoked or suspended and no action involving the individual’s conduct as an athlete agent is pending against the individual or the individual’s registration in any other State.

“(d) For purposes of implementing subsection (c) of this section, the Mayor shall:

“(1) Cooperate with national organizations concerned with athlete agent issues and agencies in other States that register athlete agents to develop a common registration form and determine which States have laws that are substantially similar to or more restrictive than this part; and

“(2) Exchange information, including information related to actions taken against registered athlete agents or their registrations, with the national organizations and State agencies identified in paragraph (1) of this subsection.”.

(d) Section 47-2887.05 is amended to read as follows:

(1) Subsection (b) is amended by adding a new paragraph (5A) to read as follows:

“(5A) Been refused renewal of registration as an athlete agent in any State;”.

(2) Subsection (e) is amended to read as follows:

“(e) An athlete agent registered under § 47-2887.04(c) may renew the registration by proceeding under subsection (d) of this section or, if the registration in the other State has been renewed, by submitting to the Mayor copies of the application for renewal in the other State and the renewed registration from the other State. The Mayor shall renew the registration if the Mayor determines:

“(1) The registration requirements of the other State are substantially similar to or more restrictive than this part; and

“(2) The renewed registration has not been suspended or revoked and no action involving the individual’s conduct as an athlete agent is pending against the individual or the individual’s registration in any State.”.

(e) Section 48-2887.06 is amended as follows:

(1) Subsection (a) is amended by striking the phrase “may suspend” and inserting the phrase “may limit, suspend” in its place.

(2) Subsection (b) is amended by striking the phrase “may deny” and inserting the phrase “may limit, deny” in its place.

(f) Section 47-2887.09 is amended as follows:

(1) The section heading is amended to read as follows:

“§ 47-2887.09. Required form of agency contract.”.

(2) Subsection (a) is amended to read as follows:

“(a) An agency contract must be in a record signed by the parties.”.

(3) Subsection (b) is amended by adding a new paragraph (1A) to read as follows:

“(1A) A statement that the athlete agent is registered as an athlete agent in the District and a list of any other States in which the person is registered as an athlete agent;”.

(4) Subsection (c) is amended to read as follows:

“(c) Subject to subsection (f) of this section, an agency contract must contain a conspicuous notice in boldface type and in substantially the following form:

“WARNING TO STUDENT-ATHLETE.

“IF YOU SIGN THIS CONTRACT:

“(1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT-ATHLETE IN YOUR SPORT;

“(2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER SIGNING THIS CONTRACT OR BEFORE THE NEXT SCHEDULED ATHLETIC EVENT IN WHICH YOU PARTICIPATE, WHICHEVER OCCURS FIRST, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR THAT YOU HAVE ENTERED INTO THIS CONTRACT AND PROVIDE THE NAME AND CONTACT INFORMATION OF THE ATHLETE AGENT; AND

“(3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY AS A STUDENT-ATHLETE IN YOUR SPORT.”.

(5) A new subsection (c-1) is added to read as follows:

“(c-1) An agency contract must be accompanied by a separate record signed by the student-athlete or, if the student-athlete is a minor, the parent or guardian of the student-athlete, acknowledging that signing the contract may result in the loss of the student-athlete’s eligibility to participate in the student-athlete’s sport.”.

(6) Subsections (d) and (e) are amended to read as follows:

“(d) A student-athlete or, if the student-athlete is a minor, the parent or guardian of the student-athlete may void an agency contract that does not conform to this section. If the contract is voided, any consideration received from the athlete agent under the contract to induce entering into the contract is not required to be returned.

“(e) At the time an agency contract is executed, the athlete agent shall give the student-athlete or, if the student-athlete is a minor, the parent or guardian of the student-athlete a copy in a record of the contract and the separate acknowledgement required by subsection (c-1) of this section.”.

(7) A new subsection (f) is added to read as follows:

“(f) If a student-athlete is a minor, an agency contract must be signed by the parent or guardian of the minor and the notice required by subsection (c) of this section must be revised accordingly.”.

(g) Section 47-2887.10 is amended as follows:

(1) Subsection (a) is amended as follows:

(A) Strike the phrase “Within 72 hours” and insert the phrase “Not later than 72 hours” in its place.

(B) Strike the phrase “enrolled or the athlete agent” and insert the phrase “enrolled or at which the athlete agent” in its place.

(2) Subsection (b) is amended as follows:

(A) Strike the phrase “Within 72 hours” and insert the phrase “Not later than 72 hours” in its place.

(B) Strike the phrase “athletic event” and insert the phrase “scheduled athletic event” in its place.

(C) Strike the phrase “he or she has entered into an agency contract” and insert the phrase “the student-athlete has entered into an agency contract and the name and contact information of the athlete agent” in its place.

(3) New subsections (c), (d), (e), (f), (g), and (h) are added to read as follows:

“(c) If an athlete agent enters into an agency contract with a student-athlete and the student-athlete subsequently enrolls at an educational institution, the agent shall notify the athletic director of the institution of the existence of the contract not later than 72 hours after the agent knew or should have known that the student-athlete enrolled in the educational institution.

“(d) If an athlete agent has a relationship with a student-athlete before the student-athlete enrolls in an educational institution and receives an athletic scholarship from the institution, the agent shall notify the institution of the relationship not later than 10 days after the enrollment if the agent knows or should have known of the enrollment and:

“(1) The relationship was motivated in whole or part by the intention of the agent to recruit or solicit the student-athlete to enter an agency contract in the future; or

“(2) The agent directly or indirectly recruited or solicited the student-athlete to enter an agency contract before the enrollment.

“(e) An athlete agent shall give notice in a record to the athletic director of any educational institution at which a student-athlete is enrolled before the agent communicates or attempts to communicate with:

“(1) The student-athlete or, if the student-athlete is a minor, a parent or guardian of the student-athlete, to influence the student-athlete or parent or guardian of the student-athlete to enter into an agency contract; or

“(2) Another individual to have that individual influence the student-athlete or, if the student-athlete is a minor, the parent or guardian of the student-athlete, to enter into an agency contract.

“(f) If a communication or attempt to communicate with an athlete agent is initiated by a student-athlete or another individual on behalf of the student-athlete, the agent shall notify, in a record, the athletic director of any educational institution at which the student-athlete is enrolled. The notification must be made not later than 10 days after the communication or attempt.

“(g) An educational institution that becomes aware of a violation of this part by an athlete agent shall notify the following entities of the violation:

“(1) The Mayor; and

“(2) Any professional league or players association with which the athlete agent is licensed or registered, to the extent the educational institution is aware of such affiliations.

“(h) For the purposes of this section, the term “communicates or attempts” to communicate” means contacting or attempting to contact by an in-person meeting, a record, or any other method that conveys or attempts to convey a message.”.

(h) Section 47-2887.11 is amended to read as follows:

“§ 47-2887.11. Student-athlete’s right to cancel.

“(a) A student-athlete or, if the student-athlete is a minor, the parent or guardian of the student-athlete may cancel an agency contract by giving notice in a record of cancellation to the athlete agent within 14 days after the contract is signed.

“(b) A student-athlete or, if the student-athlete is a minor, the parent or guardian of the athlete, may not waive the right to cancel an agency contract.

“(c) If a student-athlete, parent, or guardian cancels an agency contract, the student-athlete, parent, or guardian is not required to pay any consideration under the contract or return any consideration received from the athlete agent to influence the student-athlete, parent, or guardian to enter into the contract.”.

(i) Section 47-2887.13 is amended to read as follows:

“§ 47-2887.13. Prohibited conduct.

“An athlete agent may not intentionally:

“(1) Give a student-athlete or, if the student-athlete is a minor, a parent or guardian of the student-athlete materially false or misleading information or make a materially false promise or representation with the intent to influence the student-athlete, parent, or guardian to enter into an agency contract;

“(2) Furnish anything of value to a student-athlete or another individual, if to do so may result in loss of the student-athlete’s eligibility to participate in the student-athlete’s sport, unless:

“(A) The agent notifies the athletic director of the educational institution at which the student-athlete is enrolled or at which the agent has reasonable grounds to believe the student-athlete intends to enroll, not later than 72 hours after giving the thing of value; and

“(B) The student-athlete or, if the student-athlete is a minor, a parent or guardian of the student-athlete acknowledges to the agent in a record that receipt of the thing of value may result in loss of the student-athlete’s eligibility to participate in the athlete’s sport;

“(3) Initiate contact, directly or indirectly, with a student-athlete or, if the student-athlete is a minor, a parent or guardian of the student-athlete to recruit or solicit the student-athlete, parent, or guardian to enter an agency contract unless the athlete agent is registered under this part;

“(4) Fail to create, retain, or permit inspection of the records required by § 47-2887.12;

“(5) Fail to register when required by § 47-2887.03;

“(6) Provide materially false or misleading information in an application for registration or renewal of registration;

“(7) Predate or postdate an agency contract;

“(8) Fail to notify a student-athlete or, if the athlete is a minor, a parent or guardian of the student-athlete before the student-athlete, parent, or guardian signs an agency contract for a particular sport that the signing may result in loss of the student-athlete’s eligibility to participate in the student-athlete’s sport;

“(9) Encourage another individual to do any of the acts described in paragraphs (1) through (8) of this subsection on behalf of the athlete agent; or

“(10) Encourage another individual to assist any other individual in doing any of the acts described in paragraphs (1) through (8) of this subsection on behalf of the athlete agent.”.

(j) Section 47-2887.15 is amended to read as follows:

“§ 47-2887.15. Civil remedies.

“(a) An educational institution or student-athlete may bring an action for damages against an athlete agent if the institution or student-athlete is adversely affected by an act or omission of the athlete agent in violation of this part. An educational institution or student-athlete is adversely affected by an act or omission of the agent only if, because of the act or omission, the institution or an individual who was a student-athlete at the time of the act or omission and enrolled in the institution:

“(1) Is suspended or disqualified from participation in an interscholastic or intercollegiate sports event by or under the rules of a State or national federation or association that promotes or regulates interscholastic or intercollegiate sports; or

“(2) Suffers financial damage.

“(b) A plaintiff that prevails in an action under this section may recover actual damages, costs, and reasonable attorney’s fees. An athlete agent found liable under this section forfeits any right of payment for anything of benefit or value provided to the student-athlete and shall refund any consideration paid to the agent by or on behalf of the student-athlete.”.

(k) Section 47-2887.16 is amended by striking the phrase “Administrative penalty” in the section heading and inserting the phrase “Civil penalty” in its place.

(l) A new section 47-2887.16A is added to read as follows:

“§ 47-1887.16A. Rules.

“The Mayor may issue rules pursuant to § 2-501 *et seq.* to carry out the provisions of this part.”.

(m) Section 47-2887.18 is amended to read as follows:

“§ 47-2887.18. Relation to Electronic Signatures in Global and National Commerce Act.

“This part modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act, approved June 30, 2000 (114 Stat. 467; 5 U.S.C. § 7002) (“Act”), but does not modify, limit, or supersede section 101(c) of that Act, 15 U.S.C. § 7001(c), or authorize

electronic delivery of any of the notices described in section 103(b) of that Act, 15 U.S.C. § 7003(b).”.

TITLE II. COLLEGE ATHLETE NAME, IMAGE, LIKENESS

Sec. 201. Short title.

This title may be cited as the “Uniform College Athlete Name, Image, or Likeness Act of 2022”.

SUBTITLE A. COLLEGE ATHLETE NAME, IMAGE, OR LIKENESS ACTIVITY

Sec. 211. Definitions.

For the purposes of this subtitle, the term:

(1) “Athletic association” means a nonprofit, intercollegiate sport governance association that regulates the eligibility of players and institutions.

(2) “College athlete” means an individual who attends or is eligible to attend an institution and engages in or is eligible to engage in an intercollegiate sport. The term does not include an individual:

(A) Participating in a sport in kindergarten through grade 12 or at a youth, preparatory school, recreation, or similar level; or

(B) Permanently ineligible to participate in a particular intercollegiate sport for that sport.

(3) “Conference” means a person, other than an athletic association, with the primary purpose of governing the athletic programs of more than one institution.

(4) “Department” means the Department of Licensing and Consumer Protection.

(5) “Group license” means a name, image, or likeness agreement that covers the name, image, or likeness of more than one college athlete.

(6) “Institution” means a public or private institution of higher education in the District, including a community college, junior college, college, or university.

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

(8) “Name, image, or likeness” includes a symbol, word, name, or design that readily identifies a college athlete.

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

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

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

(B) Enters into an agency contract with an athlete or, if the athlete is a minor, the athlete's parent or guardian; or

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

(11) "Name, image, or likeness agreement" means an express or implied agreement, oral or in a record, under which a third party provides name, image, or likeness compensation.

(12) "Name, image, or likeness compensation" means money or other thing of value provided by a third party in exchange for use of a college athlete's name, image, or likeness.

(13) "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

(14) "Record" means information:

“(A) Inscribed on a tangible medium; or

“(B) Stored in an electronic or other medium and retrievable in perceivable form.

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

(16) "Student" means an individual enrolled at an institution under the rules of the institution.

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

Sec. 212. Scope.

(a) This subtitle applies only to college athletes and intercollegiate sports.

(b) This subtitle does not create an employment relationship between a college athlete and the athlete's institution with respect to the athlete's participation in an intercollegiate sport. This subtitle may not be used as a factor in determining whether an employment relationship exists.

Sec. 213. Name, image, or likeness activity and compensation; limits on institutions, conferences, and athletic associations.

(a) Except as provided in section 214, this subtitle does not limit the ability of a college athlete to engage in name, image, or likeness activity to the extent permitted under other District law.

(b) Except as provided in section 214:

- (1) An institution, conference, or athletic association may not:
 - (A) Prevent or restrict a college athlete from:
 - (i) Receiving name, image, or likeness compensation;
 - (ii) Entering into a name, image, or likeness agreement;
 - (iii) Engaging in name, image, or likeness activity;
 - (iv) Obtaining the services of a name, image, or likeness agent; or
 - (v) Creating or participating in a group license; or
 - (B) Interfere with the formation or recognition of a collective representative to facilitate or provide representation to negotiate a group license.
- (2) An athletic association may not prevent or restrict an institution or college athlete from participating in an intercollegiate sport because the college athlete:
 - (A) Receives name, image, or likeness compensation;
 - (B) Enters into a name, image, or likeness agreement;
 - (C) Engages in name, image, or likeness activity; or
 - (D) Obtains the services of a name, image, or likeness agent.
- (3) Receipt of name, image, or likeness compensation may not affect eligibility of a college athlete or the duration, amount, or renewal of an athletic scholarship.

Sec. 214. Limit on name, image, or likeness activity and compensation.

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

(b) Name, image, or likeness compensation or an offer, promise, or solicitation of compensation, except to the extent permitted by the rules and regulations of the relevant athletic association:

(1) May not attempt to influence the decision of a college athlete to attend, continue attending, or transfer to an institution or an institution in a conference;

(2) Must represent only compensation for use of the athlete's name, image, or likeness; and

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

(c) A college athlete may not express or imply that an institution, conference, or athletic association endorses or is otherwise affiliated with the athlete's name, image, or likeness activity without the consent of the institution, conference, or athletic association.

(d) An institution may adopt a policy to prevent a college athlete from engaging in name, image, or likeness activity if the institution complies with the same policy with respect to the institution's sponsorships and similar commercial activity, and that the institution determines has an adverse impact on its reputation. An institution that adopts a policy under this subsection

shall disclose the policy and the institution's rationale in a record maintained on the institution's website that is accessible by the public and electronically searchable.

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

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

(g) A college athlete shall not enter into a name, image, or likeness agreement or receive name, image, or likeness compensation if the agreement or compensation is contingent upon:

(1) Illegal activity; or

(2) An endorsement or promotion of the following:

(A) Alcohol;

(B) Tobacco, or an electronic smoking device as that term is defined in section 4915(1) of the Department of Health Functions Clarification Act of 2001, effective April 4, 2006 (D.C. Law 16-90; D.C. Official Code § 7-741.01(1));

(C) Other controlled substances, and marijuana;

(D) Anabolic steroids;

(E) Other performance enhancing substances, the use of which is prohibited by the athletic association under which the college athlete participates in intercollegiate sports;

(F) Sports betting;

(G) Gambling;

(H) Firearms; or

(I) Adult entertainment.

(h) This section shall not be construed to prohibit a college athlete from engaging in online marketplace activities that promote, for compensation, the college athlete's name, image, or likeness in a manner consistent with this section.

Sec. 215. Institution, conference, and athletic association involvement.

(a) An institution, conference, or athletic association may assist a college athlete:

(1) In evaluating the permissibility of name, image, or likeness activity, including compliance with the law and institution, conference, and association rules;

(2) With the disclosure requirements of section 216; and

(3) By providing a good-faith evaluation of a name, image, or likeness agent or third party; and

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

(c) An institution, conference, or athletic association shall educate a college athlete about name, image, or likeness compensation, agreements, and activity by offering financial literacy and life skills programming to college athletes. At a minimum, the programming should include:

- (1) Information concerning student loan, financial aid, and debt management;
- (2) Time management skills necessary for success as a college athlete and an overview of available academic support services;
- (3) Budgeting based on cost of attendance, living expenses, and scholarship resources;
- (4) An explanation of services offered by and guidance for accessing banks and basic banking products;
- (5) An introduction to income taxes, including income earned as an independent contractor; and
- (6) Warnings about payday and predatory lending practices.

(d) This subsection shall not be construed to place an obligation on an institution to provide individualized tax or legal guidance to college athletes seeking or earning name, image, or likeness compensation.

(e) Except as provided in subsection (a) of this section, an institution or conference and its employees, agents, and independent contractors may not:

- (1) Provide compensation to a college athlete for the athlete's name, image, or likeness;
- (2) Assist with selecting, arranging for, or providing payment to a name, image, or likeness agent; or
- (3) Assist with selecting, arranging for, or collecting payment from a third party engaged in specific name, image, or likeness agreements with a college athlete or athletes.

Sec. 216. Required disclosures.

(a) A college athlete shall provide or disclose to the individual or office designated under subsection (b) of this section:

(1) A copy of a name, image, or likeness agreement that provides name, image, or likeness compensation to the athlete or the athlete's designee in an amount of more than \$300 or, if a record of the agreement does not exist, the amount of name, image, or likeness compensation provided or to be provided, if the amount is more than \$300;

(2) The amount of name, image, or likeness compensation provided to the athlete or the athlete's designee if the aggregate amount is more than \$2,000 in a calendar year and a copy of each name, image, or likeness agreement under which the compensation was received, if a record of the agreement exists;

- (3) For each agreement or amount that must be provided:
- (A) The arrangement for providing compensation;
 - (B) The amount of compensation;
 - (C) The identity of and a description of the relationship with the third party;
 - (D) The activity required or authorized; and
 - (E) If the athlete is represented by a name, image, or likeness agent, the name of and a description of the agreement with the agent;
- (4) A copy of each agreement entered into by the athlete with a name, image, or likeness agent; and
- (5) Other information required by the Department.
- (b) An institution shall designate an individual or office to receive the information required by subsection (a) of this section.
- (c) A college athlete shall provide:
- (1) The information required by subsection (a) of this section before the earlier of:
 - (A) Receiving name, image, or likeness compensation required to be disclosed pursuant to this section; or
 - (B) Engaging in a name, image, or likeness activity required to be disclosed pursuant to this section; and
 - (2) An update after a change in any of the information required by subsection (a) of this section, not later than 10 days after the earlier of the change or the next scheduled athletic event in which the college athlete may participate.
- (d) If an institution, conference, or athletic association voluntarily, or as required by this subtitle, adopts a limitation affecting a college athlete's ability to engage in name, image, or likeness activity, the institution shall provide, in a record, a copy of the limitation on its website that is accessible by the public and electronically searchable and to each college athlete the institution expects to participate in an intercollegiate sport:
- (1) At or before the time an offer of admission or financial aid is made, whichever is earlier; or
 - (2) If the limitation is adopted after the college athlete is a student at the institution, as soon as practicable after adoption.
- (e) A name, image, or likeness agreement must contain a statement that the agreement is the sole, complete, and final agreement between the parties. The statement must be made by:
- (1) The college athlete or, if the athlete is a minor, the parent or guardian of the athlete;
 - (2) The third party; and
 - (3) If a name, image, or likeness agent provided service in connection with the agreement, the agent.

Sec. 217. Civil remedy.

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

(1) Is sanctioned, suspended, or declared ineligible to participate in an intercollegiate sport; or

(2) Suffers financial damage.

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

(c) In an action under this section, a prevailing plaintiff may recover actual damages, reasonable attorney's fees, and court costs.

(d) A violation of this subtitle by an athlete agent or third party is a violation of and enforceable under Chapter 39 of Title 28.

Sec. 218. Civil penalty.

The Superior Court of the District of Columbia, pursuant to an action brought by the Attorney General for the District of Columbia, may assess a civil penalty against a name, image, or likeness agent or third party not to exceed \$50,000 for a violation of this subtitle.

Sec. 219. Rulemaking authority.

The Mayor may adopt rules pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), to administer and implement this subtitle.

Sec. 220. Uniformity of application and construction.

In applying and construing this subtitle, a court shall consider the promotion of uniformity of the law among jurisdictions that have enacted it.

Sec. 221. Relation to Electronic Signatures in Global and National Commerce Act.

This subtitle modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act, approved June 30, 2000 (114 Stat. 467; 15 U.S.C. § 7001 *et seq.*) ("Act"), but does not modify, limit, or supersede section 101(c) of that Act, (15 U.S.C. § 7001(c)), or authorize electronic delivery of any of the notices described in section 103(b) of that Act, (15 U.S.C. § 7003(b)).

SUBTITLE B. REGULATION OF COLLEGE ATHLETE NAME, IMAGE, LIKENESS AGENTS AND THIRD PARTIES

Sec. 222. Subchapter IV of Chapter 28 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding the following after “§ 47–2888.08. Rules.”:

“Part G. College Athlete Name, Image, or Likeness Registration.

“47-2889.01. Definitions.

“47-2889.02. Registration as a name, image, or likeness agent; duties; fee arrangements.

“47-2889.03. Prohibited conduct by a third party.

“47-2889.04. Civil remedy.

“47-2889.05. Civil penalty.

“47-2889.06. Rulemaking authority.

“47-2889.07. Uniformity of application and construction.

“47-2889.08. Relation to Electronic Signatures in Global and National Commerce Act.

(b) A new Part G is added to read as follows:

“Part G. College Athlete Name, Image, or Likeness Registration.

“§ 47-2889.01. Definitions.

“For the purposes of this part, the definitions in section 211 of the Uniform College Athlete Name, Image, or Likeness Act of 2022, passed on 2nd on December 6, 2022 (Enrolled version of Bill 24-455), shall apply.

“§ 47-2889.02. Registration as a name, image, or likeness agent; duties; fee arrangements.

“(a) A name, image, or likeness agent shall register in the District as an athlete agent under Part E of this subchapter before engaging in conduct under this part.

“(b) An agreement between a college athlete and a name, image, or likeness agent must have a fee arrangement consistent with the customary practice of the agent’s industry and otherwise comply with Part E of this subchapter.

“§ 47-2889.03. Prohibited conduct by a third party.

“A third party may not intentionally:

“(1) Give materially false or misleading information or make a materially false promise or representation with the intent to influence a college athlete, parent or guardian of the athlete, or another person to enter into a name, image, or likeness agreement, receive name, image, or likeness compensation, or engage in name, image, or likeness activity;

“(2) Provide anything of value to a college athlete or another person except as permitted under this part if to do so may result in loss of the college athlete’s eligibility to participate in the athlete’s sport; or

“(3) Predate or postdate a name, image, or likeness agreement.

“§ 47-2889.04. Civil remedy.

“(a) An institution or college athlete has a cause of action for damages against a name, image, or likeness agent or third party if the institution or athlete is adversely affected by an act

or omission of the agent or third party in violation of this part. An institution or college athlete is adversely affected by an act or omission of the agent or third party only if, because of the act or omission, the institution or college athlete:

“(1) Is sanctioned, suspended, or declared ineligible to participate in an intercollegiate sport; or

“(2) Suffers financial damage.

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

“(c) In an action under this section, a prevailing plaintiff may recover actual damages, reasonable attorney’s fees, and court costs.

“(d) A violation of this part is a violation of and enforceable under Chapter 39 of Title 28.

“§ 47-2889.05. Civil penalty.

“The Superior Court of the District of Columbia, pursuant to an action brought by the Attorney General for the District of Columbia, may assess a civil penalty against a name, image, or likeness agent or third party in an amount not to exceed \$50,000 for a violation of this part.

“§ 47-2889.06. Rulemaking authority.

“The Mayor may adopt rules pursuant to § 2-501 *et seq.*, to administer and implement this part.

“§ 47-2889.07. Uniformity of application and construction.

“In applying and construing this part, a court shall consider the promotion of uniformity of the law among jurisdictions that have enacted it.

“§ 47-2889.08. Relation to Electronic Signatures in Global and National Commerce Act.

“This subtitle modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act, approved June 30, 2000 (114 Stat. 467; 15 U.S.C. § 7001 *et seq.*) (“Act”), but does not modify, limit, or supersede section 101(c) of that Act, (15 U.S.C. § 7001(c)), or authorize electronic delivery of any of the notices described in section 103(b) of that Act, (15 U.S.C. § 7003(b)).”.

TITLE III. FISCAL IMPACT; EFFECTIVE DATE.

Sec. 301. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 302. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia