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A BILL
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 the act; 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, a mechanism for certifying and regulating agents, a mechanism for regulating third parties who provide compensation to college athletes for the use of their name, image, and likeness, a right of action for college athletes if their name, image, and likeness rights are violated, and civil penalties for violations.

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.

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

37 Sec. 102. Part E of Subchapter IV of Chapter 28 of Title 47 of the District of Columbia

38 Official Code is amended as follows:

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

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

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

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

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

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

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

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

53 “(2) “Athlete agent”:

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

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

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

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

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

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

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

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

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

75 “(B) Does not include an individual who:

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

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

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

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

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

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

89 “(4A) “Educational institution” includes a public or private elementary school,
90 secondary school, technical or vocational school, community college, college, or university.”.

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

92 “(5A) “Enrolled” or “enrolls” means registered for courses and attending athletic
93 practice or class.”.

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

95 “(6A) “Interscholastic sport” means a sport played between educational
96 institutions that are not community colleges, colleges, or universities.

97 “(6B) “Licensed, registered, or certified professional” means an individual
98 licensed, registered, or certified as an attorney, dealer in securities, financial planner, insurance
99 agent, real estate broker or sales agent, tax consultant, accountant, or member of a profession,
100 other than that of athlete agent, who is licensed, registered, or certified by the District or a
101 nationally recognized organization that licenses, registers, or certifies members of the profession
102 on the basis of experience, education, or testing.

103 “(6C) “Mayor” includes the Mayor’s delegee.”.

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

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

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

109 “(9A) “Recruit or solicit” means to attempt to influence the choice of an athlete
110 agent by a student-athlete or, if the student-athlete is a minor, the choice by a parent or guardian
111 of the student-athlete. The term does not include giving advice on the selection of a particular
112 agent in a family, coaching, or social situation unless the individual giving the advice does so
113 because of the receipt or anticipated receipt of an economic benefit, directly or indirectly, from
114 the agent.”.

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

116 “(10A) “Sign” means, with present intent to authenticate or adopt a record, to:

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

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

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

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

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

126 “§ 47-2887.04. Registration as athlete agent; application; requirements; reciprocal
127 registration.

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

132 “(1) The applicant’s

133 “(A) Legal name and other names used;

134 “(B) Date and place of birth;

- 135 “(C) Contact information, including:
- 136 “(i) Address for the applicant’s principal place of business;
- 137 “(ii) Work and mobile telephone numbers;
- 138 “(iii) Any means the applicant uses to communicate electronically,
- 139 including a facsimile number, electronic-mail address, and personal and business or employer
- 140 websites;
- 141 “(2) The name of the applicant’s business or employer, if applicable, including for
- 142 each business or employer, its mailing address, telephone number, organization form, and the
- 143 nature of the business;
- 144 “(3) Each social-media account with which the applicant or the applicant’s
- 145 business or employer is affiliated;
- 146 “(4) Each business or occupation in which the applicant engaged within the 5
- 147 years before the date of the application, including self-employment and employment by others,
- 148 and any professional or occupational license, registration, or certification held by the applicant
- 149 during that time;
- 150 “(5) A description of the applicant’s:
- 151 “(A) Formal training as an athlete agent;
- 152 “(B) Practical experience as an athlete agent; and
- 153 “(C) Educational background relating to the applicant’s activities as an
- 154 athlete agent;

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

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

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

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

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

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

174 “(A) The crime;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

233 “(2) Exchange information, including information related to actions taken against
234 registered athlete agents or their registrations, with those national organizations and State
235 agencies.”.

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

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

238 “(5A) Been refused renewal of registration as an athlete agent in any
239 State;”.

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

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

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

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

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

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

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

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

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

258 “§ 47-2887.09. Required form of agency contract.”.

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

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

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

262 “(1A) A statement that the athlete agent is registered as an athlete agent in the
263 District and a list of any other States in which the person is registered as an athlete agent;”.

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

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

267 “WARNING TO STUDENT-ATHLETE.

268 “IF YOU SIGN THIS CONTRACT:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

312 (3) Subsections (c), (d), (e), (f), (g), and (h) are added to read as follows:”

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

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

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

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

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

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

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

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

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

340 “(1) The Mayor; and

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

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

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

347 “§ 47-2887.11. Student-athlete’s right to cancel.

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

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

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

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

358 “§ 47-2887.13. Prohibited conduct.

359 “An athlete agent may not intentionally:

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

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

ENGROSSED ORIGINAL

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

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

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

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

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

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

380 “(7) Predate or postdate an agency contract;

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

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

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

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

390 “§ 47-2887.15. Civil remedies.

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

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

400 “(2) Suffers financial damage.

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

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

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

408 “§ 47-1887.16A. Rules.

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

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

412 “§ 47-2887.18. Relation to Electronic Signatures in Global and National Commerce Act.

413 “This part modifies, limits, or supersedes the Electronic Signatures in Global and
414 National Commerce Act, approved June 30, 2000 (114 Stat. 467; 5 U.S.C. § 7002) (“Act”), but
415 does not modify, limit, or supersede section 101(c) of that Act, 15 U.S.C. § 7001(c), or authorize
416 electronic delivery of any of the notices described in section 103(b) of that Act, 15 U.S.C. §
417 7003(b).”.

418 TITLE II. COLLEGE ATHLETE NAME, IMAGE, LIKENESS

419 Sec. 201. Short title.

420 This title may be cited as the “Uniform College Athlete Name, Image, or Likeness Act of
421 2022”.

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

423 Sec. 211. Definitions.

424 For the purposes of this subtitle, the term:

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

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

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

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

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

436 (4) "Department" means the Department of Licensing and Consumer Protection.

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

439 (6) "Institution" means a public or private institution of higher education in the
440 District, including a community college, junior college, college, and university.

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

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

446 (9) "Name, image, or likeness activity" means licensing, transferring, or other
447 commercial use of a name, image, or likeness.

448 (10) "Name, image, or likeness agent" means an individual who:

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

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

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

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

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

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

465 (14) "Record" means information:

466 "(A) Inscribed on a tangible medium; or

467 "(B) Stored in an electronic or other medium and retrievable in
468 perceivable form.

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

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

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

477 Sec. 212. Scope.

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

479 (b) This subtitle does not create an employment relationship between a college athlete
480 and the athlete's institution with respect to the athlete's participation in an intercollegiate sport.

481 This subtitle may not be used as a factor in determining whether an employment relationship
482 exists.

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

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

488 (b) Except as provided in section 214:

489 (1) An institution, conference, or athletic association may not:

490 (A) Prevent or restrict a college athlete from:

491 (i) Receiving name, image, or likeness compensation;

492 (ii) Entering into a name, image, or likeness agreement;

493 (iii) Engaging in name, image, or likeness activity;

494 (iv) Obtaining the services of a name, image, or likeness agent; or

495 (v) Creating or participating in a group license; or

496 (B) Interfere with the formation or recognition of a collective

497 representative to facilitate or provide representation to negotiate a group license.

498 (2) An athletic association may not prevent or restrict an institution or college
499 athlete from participating in an intercollegiate sport because the college athlete:

500 (A) Receives name, image, or likeness compensation;

501 (B) Enters into a name, image, or likeness agreement;

502 (C) Engages in name, image, or likeness activity; or

503 (D) Obtains the services of a name, image, or likeness agent.

504 (3) Receipt of name, image, or likeness compensation may not affect eligibility of
505 a college athlete or the duration, amount, or renewal of an athletic scholarship.

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

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

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

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

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

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

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

523 (d) An institution may adopt a policy to prevent a college athlete from engaging in name,
524 image, or likeness activity if the institution complies with the same policy with respect to the
525 institution's sponsorships and similar commercial activity, and that the institution determines has
526 an adverse impact on its reputation. An institution that adopts a policy under this subsection
527 shall disclose the policy and the institution's rationale in a record maintained on the institution's
528 website that is accessible by the public and electronically searchable.

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

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

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

540 (1) Illegal activity; or

541 (2) An endorsement or promotion of the following:

542 (A) Alcohol;

543 (B) Tobacco, or an electronic smoking device as that term is defined in
544 section 4915(1) of the Department of Health Functions Clarification Act of 2001, effective April
545 4, 2006 (D.C. Law 16-90; D.C. Official Code § 7-741.01(1));

546 (C) Other controlled substances, and marijuana;

547 (D) Anabolic steroids;

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

551 (F) Sports betting;

552 (G) Gambling;

553 (H) Firearms; or

554 (I) Adult entertainment.

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

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

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

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

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

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

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

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

571 (1) Information concerning student loan, financial aid, and debt management;

572 (2) Time management skills necessary for success as a college athlete, and an
573 overview of available academic support services;

574 (3) Budgeting based on cost of attendance, living expenses, and scholarship
575 resources;

576 (4) An explanation of services offered by and guidance for accessing banks and
577 basic banking products;

578 (5) An introduction to income taxes, including income earned as an independent
579 contractor; and

580 (6) Warnings about payday and predatory lending practices.

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

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

586 (1) Provide compensation to a college athlete for the athlete's name, image, or
587 likeness;

588 (2) Assist with selecting, arranging for, or providing payment to a name, image,
589 or likeness agent, subject to an institution's right to determine in which instances its name,
590 trademark, service mark, logo, or uniform design are used in connection with name, image, and
591 likeness activities; or

592 (3) Assist with selecting, arranging for, or collecting payment from a third party
593 engaged in specific name, image, or likeness agreements with a college athlete or athletes.

594 Sec. 216. Required disclosures.

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

597 (1) A copy of a name, image, or likeness agreement that provides name, image, or
598 likeness compensation to the athlete or the athlete's designee in an amount of more than \$300 or,

599 if a record of the agreement does not exist, the amount of name, image, or likeness compensation
600 provided or to be provided, if the amount is more than \$300;

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

605 (3) For each agreement or amount that must be provided:

606 (A) The arrangement for providing compensation;

607 (B) The amount of compensation;

608 (C) The identity of and a description of the relationship with the third
609 party;

610 (D) The activity required or authorized; and

611 (E) If the athlete is represented by a name, image, or likeness agent, the
612 name of and a description of the agreement with the agent;

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

615 (5) Other information required by the Department.

616 (b) An institution shall designate an individual or office to receive the information
617 required by subsection (a) of this section.

618 (c) A college athlete shall provide:

619 (1) The information required by subsection (a) of this section before the earlier of:

620 (A) Receiving name, image, or likeness compensation required to be
621 disclosed pursuant to this section; or

622 (B) Engaging in a name, image, or likeness activity required to be
623 disclosed pursuant to this section; and

624 (2) An update after a change in any of the information required by subsection (a)
625 of this section, not later than 10 days after the earlier of the change or the next scheduled athletic
626 event in which the college athlete may participate.

627 (d) If an institution, conference, or athletic association voluntarily, or as required by this
628 subtitle, adopts a limitation affecting a college athlete's ability to engage in name, image, or
629 likeness activity, the institution shall provide in a record a copy of the limitation on its website
630 that is accessible by the public and electronically searchable and to each college athlete the
631 institution expects to participate in an intercollegiate sport:

632 (1) At or before the time an offer of admission or financial aid is made, whichever
633 is earlier; or

634 (2) If the limitation is adopted after the college athlete is a student at the
635 institution, as soon as practicable after adoption.

636 (e) A name, image, or likeness agreement must contain a statement that the agreement is
637 the sole, complete, and final agreement between the parties. The statement must be made by:

638 (1) The college athlete or, if the athlete is a minor, the parent or guardian of the
639 athlete;

640 (2) The third party; and

641 (3) If a name, image, or likeness agent provided service in connection with the
642 agreement, the agent.

643 Sec. 217. Civil remedy.

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

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

651 (2) Suffers financial damage.

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

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

656 (d) A violation of this subtitle is a violation of and enforceable under Chapter 39 of Title
657 28.

658 Sec. 218. Civil penalty.

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

662 Sec. 219. Rulemaking authority.

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

666 Sec. 220. Uniformity of application and construction.

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

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

670 This subtitle modifies, limits, or supersedes the Electronic Signatures in Global and
671 National Commerce Act, approved June 30, 2000 (114 Stat. 467; 15 U.S.C. § 7001 *et seq.*)
672 (“Act”), but does not modify, limit, or supersede section 101(c) of that Act, (15 U.S.C. §
673 7001(c)), or authorize electronic delivery of any of the notices described in section 103(b) of that
674 Act, (15 U.S.C. § 7003(b)).

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

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

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

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

682 “47-2889.01. Definitions.

683 “47-2889.02. Registration as a name, image, or likeness agent; duties; fee arrangements.

684 “47-2889.03. Prohibited conduct by third party.

685 “47-2889.04. Civil remedy.

686 “47-2889.05. Civil penalty.

687 “47-2889.06. Rulemaking authority.

688 “47-2889.07. Uniformity of application and construction.

689 “47-2889.08. Relation to Electronic Signatures in Global and National Commerce Act.

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

691 “Part G. College Athlete Name, Image, or Likeness Licensing.

692 “§ 47-2889.01. Definitions.

693 “For the purposes of this part, the definitions in section 211 of the Uniform College

694 Athlete Name, Image, or Likeness Act of 2022, approved by the Committee of the Whole on

695 November 1, 2022 (Committee Print of Bill 24-455), shall apply.

696 “§ 47-2889.02. Registration as a name, image, or likeness agent; duties; fee
697 arrangements.

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

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

703 “§ 47-2889.03. Prohibited conduct by third party.

704 “A third party may not intentionally:

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

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

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

713 “§ 47-2889.04. Civil remedy.

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

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

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

721 “(2) Suffers financial damage.

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

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

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

727 “§ 47-2889.05. Civil penalty.

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

731 “§ 47-2889.06. Rulemaking authority.

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

734 “§ 47-2889.07. Uniformity of application and construction.

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

737 “§ 47-2889.08. Relation to Electronic Signatures in Global and National Commerce Act.

738 “This subtitle modifies, limits, or supersedes the Electronic Signatures in Global and
739 National Commerce Act, approved June 30, 2000 (114 Stat. 467; 15 U.S.C. § 7001 *et seq.*)
740 (“Act”), but does not modify, limit, or supersede section 101(c) of that Act, (15 U.S.C. §
741 7001(c)), or authorize electronic delivery of any of the notices described in section 103(b) of that
742 Act, (15 U.S.C. § 7003(b)).”.

743

744 **TITLE III. FISCAL IMPACT; EFFECTIVE DATE.**

745 Sec. 301. Fiscal impact statement.

746 The Council adopts the fiscal impact statement in the committee report as the fiscal
747 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
748 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

749 Sec. 302. Effective date.

750 This act shall take effect following approval by the Mayor (or in the event of veto by the
751 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
752 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
753 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
754 Columbia Register.