

STATE OF NEW YORK

2249

2025-2026 Regular Sessions

IN ASSEMBLY

January 15, 2025

Introduced by M. of A. REYES -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to model management companies and model management groups; and to amend a chapter of the laws of 2024 amending the labor law relating to enacting the New York state fashion workers act, as proposed in legislative bills numbers S. 9832 and A. 5631-E, in relation to the effectiveness thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Sections 1031, 1032, 1033, 1034, 1035, 1037 and 1038 of the
2 labor law, as added by a chapter of the laws of 2024 amending the labor
3 law relating to enacting the New York state fashion workers act, as
4 proposed in legislative bills numbers S. 9832 and A. 5631-E, is amended
5 to read as follows:

6 § 1031. Definitions. As used in this article:

7 1. "Client" means a [~~retail store, a manufacturer, a clothing design-~~
8 ~~er, an advertising agency, a photographer, a publishing company or any~~
9 ~~other such~~] person or entity that [~~receives~~] contracts for and manages
10 the performance of modeling services from a model or model management
11 company, directly or through intermediaries.

12 2. "Model" means an individual[~~, regardless of the individual's status~~
13 ~~as an independent contractor or employee,~~] who, in the course of such
14 individual's trade, occupation or profession, performs modeling services
15 [~~for a client and/or model management company or who provides showroom,~~
16 ~~parts, or fit modeling services~~], regardless of the individual's status
17 as an employee or independent contractor.

18 3. (a) "Model management company" means any person or entity, other
19 than a person or entity licensed as an employment agency under article
20 eleven of the general business law, that:

21 [~~(a)~~] (i) is in the business of managing models participating in
22 entertainments, exhibitions or performances;

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 ~~(b)~~ (ii) procures or attempts to procure, for a fee, employment or
2 engagements for persons seeking employment or engagements as models; or
3 ~~(c)~~ (iii) renders vocational guidance or counseling services to
4 models for a fee.

5 (b) Model managing shall not include direct engagement of a model who
6 is not represented by an agency or management company for use of models
7 in a campaign or shoot.

8 4. "Model management group" means two or more model management compa-
9 nies that are majority owned by the same ultimate parent, entity or
10 persons. A model management group may satisfy any reporting and finan-
11 cial requirements of this article on a consolidated basis. As a condi-
12 tion of registration as a model management group, each company that is a
13 member of the group shall guarantee payment of all financial obligations
14 of each other member.

15 5. "Modeling services" means the appearance by a model in photographic
16 sessions or the engagement of a model in live runway, live, filmed, or
17 taped performances, including on social media platforms, requiring the
18 model to pose, provide an example or standard of artistic expression or
19 to be a representation to show the construction or appearance of some
20 thing or place for purposes of display or advertising, including the
21 provisions of castings, fittings, photoshoots, showroom, parts or fit
22 modeling services. "Modeling services" includes the use of a digital
23 replica.

24 ~~5.~~ 6. "Exclusive representation" means an agreement, or a clause
25 contained in an agreement, entered into between a model management
26 company and a model that restricts such model from ~~performing work for~~
27 being represented by another party not subject to such agreement for a
28 specified period of time or in a specified geographical area, that is
29 similar to such model's work for the model management company.

30 ~~6.~~ 7. "Deal memo" means a summary written in plain language which
31 identifies the key components of any employment, engagement, enter-
32 tainment, exhibition, or performance, including but not limited to the
33 scope of work, rate of pay, payment term, usages, incurred expenses,
34 including any expenses to be initially incurred by either the model
35 management company or the model and reimbursed by the client, and other
36 expectations of the model. A deal memo shall be provided in the language
37 requested by the model.

38 ~~7.~~ 8. "Digital replica" means a significant, computer-generated or
39 artificial intelligence-enhanced representation of a model's likeness,
40 including but not limited to, their face, body, or voice, which substan-
41 tially replicates or replaces the model's appearance or performance,
42 excluding routine photographic edits such as color correction, minor
43 retouching, or other standard post-production modifications.

44 § 1032. Registration required. ~~A~~ 1. Except as otherwise provided in
45 this section, a model management company or model management group shall
46 not engage in business in this state or enter into any arrangement with
47 a client or model for the purpose of providing model management company
48 or model management group services in this state unless the model
49 management company or model management group is registered under this
50 article. A model management company or model management group that does
51 not comply with the provisions of this article shall not be a registered
52 model management company or model management group in this state.

53 2. A model management company or model management group shall be
54 exempt from the registration requirements specified in this section if
55 such model management company or model management group:

1 (a) submits a properly executed request for an exemption from registra-
2 tion to the department;

3 (b) is domiciled outside this state and is licensed or registered as a
4 model management company in another state that has requirements at least
5 as strict as this article; and

6 (c) does not maintain an office in this state or solicit in any manner
7 clients located or domiciled within this state.

8 § 1033. Registration process. 1. Except as otherwise provided in this
9 section, a model management company or model management group required
10 to be registered under this article shall provide the department with
11 information required by the department on forms that the department
12 specifies.

13 2. [~~Two or more model management companies that are majority owned by~~
14 ~~the same ultimate parent, entity or persons may be registered as a model~~
15 ~~management group. A model management group may satisfy any reporting and~~
16 ~~financial requirements of this article on a consolidated basis. As a~~
17 ~~condition of registration as a model management group, each company that~~
18 ~~is a member of the group shall guarantee payment of all financial obli-~~
19 ~~gations of each other member.~~] At a minimum, a model management company
20 or model management group shall provide the following information:

21 (a) all names under which it conducts business;

22 (b) the address of the principal place of business of the model
23 management company or model management group and the address of each
24 office it maintains in New York state;

25 (c) the model management company or model management group's taxpayer
26 or employer identification number;

27 (d) a list by jurisdiction of each name under which the model manage-
28 ment company or model management group has operated in the preceding
29 five years, including any alternative names, names of predecessors and,
30 if known, successor business entities; and

31 (e) in the event the model management company or the ultimate parent
32 of a model management group is a privately or closely held company, the
33 model management company or model management group shall file a list of
34 all persons or entities that beneficially own a five percent or greater
35 interest in the model management company at the time of application and
36 a list of persons who formerly beneficially owned a five percent or
37 greater interest in the model management company or its predecessors in
38 the preceding five years. In the event the model management company or
39 the ultimate parent of a model management group is a publicly traded
40 company, the model management company or model management group shall
41 file a list of all persons or entities that beneficially own a fifty
42 percent or greater interest in the model management company or the ulti-
43 mate parent of the model management group at the time of application.

44 3. Each model management company or model management group operating
45 within this state shall [~~complete~~] submit its initial registration to
46 the department within one year after the effective date of this article.

47 4. Upon application for registration, a model management company or
48 model management group with more than five employees that either work
49 from a location in this state or perform work relating to models in this
50 state shall deposit with the department a surety bond in the sum of
51 fifty thousand dollars.

52 5. Every model management company or model management group registered
53 pursuant to the provisions of this article shall pay to the commissioner
54 a registration fee before the certificate of registration is issued. The
55 registration fee for a model management company or model management
56 group operating with five or less employees shall be five hundred

1 dollars, and for a model management company or model management group
 2 operating with more than five employees, the registration fee shall be
 3 seven hundred dollars. If the application for registration is denied or
 4 withdrawn, one-half of the registration fee provided herein shall be
 5 returned to the applicant.

6 ~~6. [A model management company shall be exempt from the registration~~
 7 ~~requirements specified in this section if such model management company:~~

8 ~~(a) submits a properly executed request for an exemption from registra-~~
 9 ~~tion on a form provided by the department;~~

10 ~~(b) is domiciled outside this state and is licensed or registered as a~~
 11 ~~model management company in another state that has the same or greater~~
 12 ~~requirements as this article; and~~

13 ~~(c) does not maintain an office in this state or solicit in any manner~~
 14 ~~clients located or domiciled within this state.~~

15 ~~7. The~~ A registration or exemption from registration of a model
 16 management company or model management group shall be valid for two
 17 calendar years~~[, the department shall also establish a registration~~
 18 ~~renewal process]~~ from the date of registration or exemption. Registra-
 19 tions or exemptions may be renewed not less than ninety days before the
 20 expiration date of the immediately preceding registration.

21 ~~[8-]~~ 7. The department shall maintain a list of model management
 22 companies and model management groups registered under this article and
 23 shall issue a certificate of registration or a certificate of exemption
 24 to each model management company or model management group duly regis-
 25 tered.

26 ~~[9-]~~ 8. The department shall prescribe forms necessary to promote the
 27 efficient administration of this section.

28 § 1034. Duties of model management companies. A model management
 29 company shall:

30 1. be deemed to have a fiduciary duty to the models they represent and
 31 shall be required to act in good faith, with the utmost honesty and
 32 integrity, in the best interests of the models. This fiduciary duty
 33 shall encompass all aspects of the model management company's represen-
 34 tation, including, but not limited to, negotiations, contracts, finan-
 35 cial management, and the protection of the models' legal and financial
 36 rights;

37 2. conduct due diligence to ensure that any employment or engagement
 38 procured through the model management company does not pose an unreason-
 39 able risk of danger to the model. An unreasonable risk of danger shall
 40 include, but not be limited to, failing to establish and communicate a
 41 ~~[zero tolerance]~~ company policy [for] that equals or exceeds the minimum
 42 standards provided for by existing laws that address abuse, harassment,
 43 or any other form of inappropriate behavior towards models represented
 44 by the model management company or model management group;

45 3. use its best efforts to procure employment, engagements, enter-
 46 tainments, exhibitions or performances for remuneration for the models
 47 signed to the model management company or model management group;

48 4. ensure that any employment, engagement, entertainment, exhibition
 49 or performance which requires nudity or other sexually explicit material
 50 shall comply with the requirements of subdivision three of section
 51 fifty-two-c of the civil rights law, as added by chapter three hundred
 52 four of the laws of two thousand twenty;

53 5. provide models with written physical or digital copies of ~~[the~~
 54 ~~final agreements the model management company has negotiated with~~
 55 ~~clients and any]:~~ (a) a deal [memos] memo memorializing [such] agree-
 56 ments [at least twenty-four hours], which includes the remuneration and

1 compensation such model shall be owed upon conclusion of services that
2 the model accepts, as soon as reasonably practical prior to the
3 commencement of a model's services [~~pertaining to each agreement~~], and
4 (b) the final agreement negotiated with clients in relation to such
5 booking in the language requested by the model making best efforts to
6 sign the contract ahead of booking, provided that the final agreement
7 shall be provided to the model within seven calendar days of the conclu-
8 sion of the model's services;

9 6. clearly specify and seek prior written approval from the model of
10 all items that may be initially paid for by the model management company
11 but will ultimately be deducted from the compensation due to the model
12 at the time of payment or settlement, together with an itemized recita-
13 tion as to how each item is to be computed, provided such charges are
14 not otherwise prohibited by this article. On a quarterly basis, a model
15 shall also be given copies of any and all documentation held by or
16 available to the model management company necessary to determine the
17 validity of each charge;

18 7. disclose any financial relationship, contractual or otherwise,
19 that may exist between the model management company and the client,
20 other than the agreement relating specifically to modeling services;

21 8. notify former models in writing, including electronic notification,
22 if the model management company collects royalties due to a model whom
23 the management company no longer represents;

24 9. post a physical copy of the model management company's certificate
25 of registration in a conspicuous place in the office of the model
26 management company and a digital copy on the model management company's
27 website;

28 10. include, in clear and legible type, the registration number of the
29 model management company in any advertisement, including social media
30 profiles for the model management company, for the purpose of the solici-
31 tation of models for the model management company and in any contract
32 with a model or client; and

33 11. obtain clear written consent from the model for [~~the~~] any creation
34 or use of a model's digital replica, detailing the scope, purpose, rate
35 of pay, and duration of such use. This consent must be obtained sepa-
36 rately from the representation agreement.

37 § 1035. Prohibitions on model management companies. A model management
38 company shall not:

39 1. require or collect any fee or deposit from a model upon the signing
40 of, or as a condition to entering into, any contract or agreement
41 between the model management company and the model;

42 2. procure any accommodation for which payment shall be provided or
43 reimbursed by the model in any way, without providing a written disclo-
44 sure of the rate charged for the accommodation to the model in advance
45 of such model's stay at the accommodation;

46 3. deduct or offset from a model's payment or compensation any fee or
47 expense, including interest, other than the agreed upon commission as
48 set forth in the contract and any items advanced pursuant to subdivision
49 six of section one thousand thirty-four of this article [~~Such prohib-~~
50 ~~ited fees and expenses include but are not limited to website fees,~~
51 ~~accommodation fees, delivery fees, and interest on payment of the~~
52 ~~model's earnings~~];

53 4. advance the cost of travel or visa-related costs without informed
54 written consent from the model;

55 5. require a model to sign a model management company contract that
56 contains a term greater than three years;

1 6. require a model to sign a model management company contract that
2 renews without the model's affirmative written consent;

3 7. impose a commission fee greater than twenty percent of the model's
4 payment or compensation;

5 8. [~~take any retaliatory action against any model who files or~~
6 ~~attempts to file a complaint pursuant to this article or declines or~~
7 ~~discontinues participation in any casting or booking on account of~~
8 ~~reasonable, good faith concerns regarding an actual or potential~~
9 ~~violation of this article;~~

10 9.] engage in discrimination or harassment of any kind against a model
11 because of any protected status covered under paragraph (a) of subdivi-
12 sion one of section two hundred ninety-six of the executive law; or

13 10. create, alter, or manipulate a model's digital replica using arti-
14 ficial intelligence without clear, conspicuous and separate written
15 consent from the model.

16 § 1037. Duties of clients. A client shall:

17 1. compensate models at an hourly rate at least fifty percent higher
18 than the contracted hourly rate for any employment, engagement, enter-
19 tainment, exhibition or performance that exceeds eight hours in any
20 twenty-four hour period;

21 2. provide at least one thirty minute meal break for any employment,
22 engagement, entertainment, exhibition or performance that exceeds eight
23 hours in any twenty-four hour period;

24 3. only offer an employment or engagement to a model that does not
25 pose an unreasonable risk of danger to the model. An unreasonable risk
26 of danger shall include, but not be limited to, failure to establish and
27 communicate a [~~zero tolerance~~] company policy [~~for~~] that equals or
28 exceeds the minimum standards provided for by existing law that
29 addresses abuse, harassment, or any other form of inappropriate behav-
30 ior;

31 4. ensure that any employment, engagement, entertainment, exhibition
32 or performance which requires nudity or other sexually explicit material
33 shall comply with the requirements of subdivision three of section
34 fifty-two-c of the civil rights law, as added by chapter three hundred
35 four of the laws of two thousand twenty;

36 5. allow the model to be accompanied by their agent, manager, chaper-
37 one, or other representative to any employment, engagement, enter-
38 tainment, exhibition or performance;

39 6. provide [~~adequate levels of~~] liability insurance to cover and safe-
40 guard the health and safety of models; and

41 7. obtain clear and conspicuous prior written consent from the model
42 for any creation or use of a model's digital replica, detailing the
43 scope, purpose, rate of pay, and duration of such use.

44 § 1038. Violations, penalties and procedures. 1. Any model management
45 company or model management group that has failed to comply with the
46 registration requirements of section one thousand thirty-two of this
47 article shall be deemed to have violated this article.

48 2. Any model management company or model management group that has
49 failed to comply within the time specified by law with an order issued
50 by the commissioner to comply with the registration requirements of
51 section one thousand thirty-two of this article shall be deemed to have
52 violated this article.

53 3. (a) The commissioner may impose a civil penalty upon a model
54 management company, model management group, or client that has been
55 deemed to have violated this article, for [~~no more than~~] three thousand

1 dollars for the initial violation, and for [~~no more than~~] five thousand
2 dollars for a second or subsequent violation.

3 (b) The order imposing such civil penalty may be served personally or
4 by certified mail [~~at the last known mailing address of the person being~~
5 ~~served~~] in accordance with section thirty-three of this chapter. Such
6 order shall be in writing and shall describe the nature of the
7 violation, including reference to the provisions of subdivisions one,
8 two and three of this section alleged to have been violated.

9 4. An order issued under this section shall be final and not subject
10 to review by any court or agency unless a review is had pursuant to
11 section one hundred one of this chapter. Provided that no proceeding for
12 administrative or judicial review as provided in this chapter shall then
13 be pending and the time for initiation of such proceeding shall have
14 expired, the commissioner may file with the county clerk of the county
15 where the person against whom the penalty has been imposed has a place
16 of business the order of the commissioner or the decision of the indus-
17 trial board of appeals containing the amount of the civil penalty. The
18 filing of such order or decision shall have the full force and effect of
19 a judgment duly docketed in the office of such clerk. The order or deci-
20 sion may be enforced by and in the name of the commissioner in the same
21 manner, and with like effect, as that prescribed by the civil practice
22 law and rules for the enforcement of a money judgment.

23 5. If any model management company has failed to comply within twenty
24 days of an order by the commissioner to register or renew registration,
25 the commissioner may seek to enjoin such unlawful activity, pursuant to
26 the civil practice law and rules.

27 6. The attorney general may bring and maintain an action in a court of
28 competent jurisdiction to enforce the provisions of this article when
29 the attorney general has determined there is reasonable cause to believe
30 that a model management company, model management group, or client has
31 engaged in repeated fraudulent or illegal acts or otherwise demonstrates
32 persistent fraud or illegality in the carrying on, conducting, or trans-
33 acting of business.

34 7. (a) A model who is aggrieved by a violation of this article may
35 file a complaint with the commissioner within six years after the acts
36 alleged to have violated this article occurred. The commissioner shall
37 prescribe the form of the complaint, which shall include, at a minimum:

38 (i) the name and mailing address of the model and of the person or
39 entity alleged to have violated this article;

40 (ii) a statement detailing the terms of the model's contract, includ-
41 ing a copy of such contract if available;

42 (iii) the model's occupation;

43 (iv) a statement detailing the alleged violations of this article; and

44 (v) a signed affirmation that all facts alleged in the complaint are
45 true.

46 (b) (i) [~~Within twenty days of~~] Upon receiving a complaint alleging a
47 violation of this article, the commissioner shall send the person or
48 entity named in the complaint a written notice of complaint. The
49 commissioner shall send such notice by certified mail in accordance with
50 section thirty-three of the labor law and shall bear the cost of sending
51 such notice.

52 (ii) Notice shall include:

53 (1) a copy of the complaint;

54 (2) materials of remedies available to the model for the violations of
55 said article by the person or entity named in the complaint;

1 (3) materials informing the person or entity that twenty days after
2 receiving the notice of complaint, the person or entity identified in
3 the complaint must answer; and

4 (4) materials informing the person or entity that failure to respond
5 to the complaint will create a rebuttable presumption in any civil
6 action commenced pursuant to this article that such person or entity
7 committed the violations alleged in the complaint.

8 (c) The response shall include:

9 (i) a written statement that the model has been paid in full and proof
10 of such payment; [~~ex~~]

11 (ii) a written statement that the model has not been paid in full and
12 the reasons for the failure to provide such payment; or

13 (iii) a written statement and any proof responding to the violations
14 alleged in the complaint.

15 (d) (i) [~~Within twenty days of~~] Upon receiving the written response,
16 the commissioner shall send the model a copy of:

17 (1) the response;

18 (2) any enclosures submitted to the commissioner with the response;
19 and

20 (3) any other information about the status of the complaint.

21 (ii) If the commissioner receives no response from the person or enti-
22 ty alleged to have violated this article to the notice of complaint
23 within the time provided by this subdivision, then there shall be a
24 [~~rebuttable presumption~~] determination that such person or entity
25 committed the violations alleged in the complaint. The commissioner
26 shall mail a notice of non-response to both the model and the person or
27 entity named in the complaint by regular mail and shall include with
28 such notice proof that the commissioner previously mailed the notice of
29 complaint to the person or entity named in the complaint by certified
30 mail.

31 8. An aggrieved model may bring and maintain an action in a court of
32 competent jurisdiction to enforce the provisions of sections one thou-
33 sand thirty-four and one thousand thirty-five of this article. A model
34 management company or model management group that violates these
35 sections shall be liable for actual damages to any model that has
36 suffered damages due to such violation, reasonable attorneys' fees and
37 costs, and, unless the [~~employer~~] model management company or group
38 proves a good faith basis to believe that its actions were in compliance
39 with the law, an additional amount as liquidated damages in an amount of
40 no more than one hundred percent of the total amount of actual damages,
41 except such liquidated damages may be up to three hundred percent if
42 found that the actions were willful.

43 9. No client, model management company, or model management group
44 shall be permitted to retaliate against a model for exercising any of
45 such model's rights under this article, including the right to raise
46 complaints with the client, model management company, model management
47 group, commissioner, or attorney general. Any violation of this section
48 shall be subject to enforcement in the same manner as prescribed in
49 section two hundred fifteen of this chapter.

50 § 2. Section 2 of a chapter of the laws of 2024 amending the labor law
51 relating to enacting the New York state fashion workers act, as proposed
52 in legislative bills numbers S. 9832 and A. 5631-E, is amended to read
53 as follows:

54 § 2. This act shall take effect on the one hundred eightieth day after
55 it shall have become a law; provided, however, that section 1032 of the
56 labor law as added by section one of this act shall take effect one year

1 after such effective date. Effective immediately, the addition, amend-
2 ment and/or repeal of any rule or regulation necessary for the implemen-
3 tation of this act on its effective date are authorized to be made and
4 completed on or before such effective date.

5 § 3. This act shall take effect immediately; provided, however, that
6 section one of this act shall take effect on the same date and in the
7 same manner as a chapter of the laws of 2024 amending the labor law
8 relating to enacting the New York state fashion workers act, as proposed
9 in legislative bills numbers S. 9832 and A. 5631-E, takes effect.