§ 1031. Definitions. As used in this article:

1. "Client" means a person or entity that contracts for and manages the performance of modeling services from a model or model management company, directly or through intermediaries.

2. "Model" means an individual who, in the course of such individual's trade, occupation or profession, performs modeling services, regardless of the individual's status as an employee or independent contractor.

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

(i) is in the business of managing models participating in entertainments, exhibitions or performances;

(ii) procures or attempts to procure, for a fee, employment or engagements for persons seeking employment or engagements as models; or

(iii) renders vocational guidance or counseling services to models for a fee.

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

4. "Model management group" means two or more model management companies that are majority owned by the same ultimate parent, entity or persons. A model management group may satisfy any reporting and financial requirements of this article on a consolidated basis. As a condition of registration as a model management group, each company that is a member of the group shall guarantee payment of all financial obligations of each other member.

5. "Modeling services" means the appearance by a model in photographic sessions or the engagement of a model in live runway, live, filmed, or taped performances, including on social media platforms, requiring the model to pose, provide an example or standard of artistic expression or to be a representation to show the construction or appearance of some thing or place for purposes of display or advertising, including the

provisions of castings, fittings, photoshoots, showroom, parts or fit modeling services. "Modeling services" includes the use of a digital replica.

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

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

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