

HOUSE BILL No. 1133

DIGEST OF INTRODUCED BILL

Citations Affected: IC 32-36-1-8.

Synopsis: Rights of publicity. Provides that a deceased personality's rights of publicity: (1) apply to the personality whether the personality died before, on, or after July 1, 1994 (the original effective date of the rights of publicity law); and (2) if the personality died before July 1, 1994, are considered to have existed on and after the date the personality died.

Effective: July 1, 2012.

Eberhart, Foley

January 9, 2012, read first time and referred to Committee on Judiciary.

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Second Regular Session 117th General Assembly (2012)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2011 Regular Session of the General Assembly.

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HOUSE BILL No. 1133



A BILL FOR AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 32-36-1-8 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) A person may not
3 use an aspect of a personality's right of publicity for a commercial
4 purpose during the personality's lifetime or for one hundred (100) years
5 after the date of the personality's death without having obtained
6 previous written consent from a person specified in section 17 of this
7 chapter. **If a personality is deceased, the rights described in this**
8 **subsection:**
9 (1) **apply to the personality whether the personality died**
10 **before, on, or after July 1, 1994; and**
11 (2) **if the personality died before July 1, 1994, are considered**
12 **to have existed on and after the date the personality died.**
13 (b) A written consent solicited or negotiated by an athlete agent (as
14 defined in IC 25-5.2-1-2) from a student athlete (as defined in
15 IC 25-5.2-1-2) is void if the athlete agent obtained the consent as the
16 result of an agency contract that:
17 (1) was void under IC 25-5.2-2-2 or under the law of the state



1 where the agency contract was entered into;
2 (2) was voided by the student athlete under IC 25-5.2-2-8 or a
3 similar law in the state where the agency contract was entered
4 into; or
5 (3) was entered into without the notice required under
6 IC 35-46-4-4 or a similar law in the state where the agency
7 contract was entered into.
8 (c) A written consent for an endorsement contract (as defined in
9 IC 35-46-4-1.5) is void if notice is not given as required by
10 IC 35-46-4-4 or a similar law in the state where the endorsement
11 contract is entered into.

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