

1 "Department" means the department of commerce and consumer
2 affairs.

3 "Director" means the director of commerce and consumer
4 affairs.

5 "Professional model photographer" means a person skilled in
6 the knowledge and science of photography who engages in
7 photography of individuals for profit. A professional model
8 photographer does not include an amateur photographer who:

9 (1) Receives remuneration in the way of a prize or other
10 consideration for a photograph of an individual
11 submitted in a competition or contest; or

12 (2) Receives any other remuneration or compensation for
13 the sale of a photograph or photographs of an
14 individual, so long as the person does not hold
15 oneself out to the public as being a practicing
16 professional model photographer who makes pictures for
17 compensation, sale, or hire.

18 (b) Nothing in this chapter shall apply:

19 (1) To any person employed by or who makes negatives and
20 photographs for any newspaper or periodical
21 publication, provided the negatives or photographs are



- 1 not sold, offered for sale, or otherwise disposed of
2 in the State;
- 3 (2) To any person who makes negatives or photographs for
4 experimental purposes or for the person's own personal
5 use or pleasure;
- 6 (3) To any person attending or in the employ of any school
7 or institution who makes negatives or any
8 reproductions solely for the use of the school or
9 institution for educational or scientific purposes;
- 10 (4) To any duly licensed medical or dental practitioner
11 who makes negatives or photographs for clinical
12 purposes;
- 13 (5) To any apprentice who is learning the profession of
14 photography under a licensed photographer, provided
15 that all work done by the apprentice is in the
16 presence of a licensed photographer and under the
17 licensed photographer's supervision;
- 18 (6) To any person who sells negatives or photographs to
19 any newspaper for its use only;
- 20 (7) To any person who sells copyrighted negatives or
21 photographs; or
- 22 (8) To any person who makes and sells negatives for film.



1 § **-3 Powers and duties of the director.** In addition to
2 any other powers and duties authorized by law, the director
3 shall:

4 (1) Adopt rules pursuant to chapter 91 to carry out the
5 purposes of this chapter and maintain a high degree of
6 integrity among persons licensed as professional
7 photographers;

8 (2) Develop standards for licensure;

9 (3) Prepare and administer examinations;

10 (4) Issue, renew, suspend, and revoke licenses;

11 (5) Register applicants and holders of a license;

12 (6) Investigate and conduct hearings regarding any
13 violation of this chapter and any implementing rules;
14 and

15 (7) Do all things necessary to carry out the functions,
16 powers, and duties set forth in the chapter.

17 § **-4 Prerequisite for admission to examination.** (a)

18 The director shall receive applications from any person desiring
19 to engage in business within the State as a professional model
20 photographer who is over the age of eighteen years and a
21 resident of the State.



1 (b) The applicant shall provide proof of experience of a
2 year or more in photography of a kind that would enable the
3 applicant to engage in professional model photography, or proof
4 that the applicant has received a diploma from a recognized
5 school of photography.

6 (c) The applicant shall not have been convicted of a class
7 A felony or be required to register as a sex offender or other
8 covered offender under chapter 846E.

9 § -5 **Licensing; fees.** (a) The director shall issue a
10 license as professional model photographer to each applicant who
11 passes the required examination, pays all fees, and meets all
12 the other requirements of this chapter and any implementing
13 rules.

14 (b) The director shall also accept an application from,
15 and issue a license to any firm, company, partnership, or
16 corporation, hereinafter referred to as a "firm", engaged in
17 professional photography, whose owner, supervising head, or
18 principal operator is in possession of a valid individual
19 license. Except as required in the preceding sentence,
20 employees of the firm need not be licensed under this chapter.

21 (c) All licenses shall expire on December 31 of each odd-
22 numbered year.



1 (d) Every licensed professional model photographer shall
2 pay to the department by December 31 of each odd-numbered year a
3 biennial renewal fee of \$15. The payment of the renewal fee
4 shall entitle the licensee to renewal of the license.

5 (e) Failure or refusal to renew the license by December 31
6 of each odd-numbered year shall constitute a forfeiture of the
7 license. The license shall be restored upon payment of all
8 delinquent fees and a penalty fee if application is made within
9 three years after lapse.

10 § -6 Refusal to grant and revocation and suspension of

11 licenses. (a) In addition to any other actions authorized by
12 law, the director may take disciplinary action against any
13 licensee who holds a license issued under this chapter,
14 including but not limited to revocation, suspension, fine, or a
15 combination thereof, or refuse to grant or renew any license for
16 any cause authorized by law, including the licensee's:

17 (1) Procuring a license through fraud, misrepresentation,
18 or deceit;

19 (2) Professional misconduct, gross carelessness, or
20 manifest incapacity;

21 (3) Permitting an unlicensed person to perform activities
22 that require a license under this chapter;



- 1 (4) Violation of this chapter or the rules adopted
- 2 pursuant thereto;
- 3 (5) Making any false representation or promise through
- 4 advertising or otherwise;
- 5 (6) Any other conduct constituting fraudulent or dishonest
- 6 dealings;
- 7 (7) Failing to comply with any order of the director or
- 8 the department; or
- 9 (8) Making a false statement on any document submitted or
- 10 required to be filed by this chapter. The director
- 11 may revoke any license then in force if the holder is
- 12 found guilty by the board of fraudulent practices or
- 13 wilful misrepresentation in the conduct of the model
- 14 photographer's business; or
- 15 (9) Being convicted of a class A felony or as a sex
- 16 offender or other covered offender under chapter 846E.
- 17 (b) Any person or firm who violates this chapter or the
- 18 rules adopted pursuant to chapter 91 shall be fined not less
- 19 than \$100 nor more than \$1,000 for each violation."

20 SECTION 2. This Act shall take effect upon its approval.

21

INTRODUCED BY: *Richard J. Cuthbert*
By Request

Report Title:

Model Photography; Licensure

Description:

Requires model photographers to be licensed by the State.

