



Model Release

Be More Profitable • Be More Knowledgeable • Be More Secured • Be More Covered • **Be More** • Be More Protected • Be More Informed • Be More Creative • Be More Enlightened • Be More Advised • Be More Confident • Be More Composed • Be More Self-Assured • Be More Daring • Be More Successful • Be More Influential • Be More



When should I use a model release?

Great question! One that a lot of photographers ask as well. The easiest answer, of course, is always, but there's more to it than that.

What if one of your images from a shoot is so outstanding that you want to use it for your marketing or advertising? No matter how great your relationship with a client might be, consider using a written model release, even if you already used a general release. The positive results are twofold: Good protection for you and good customer relations with your client.

This way, you won't have a client change their mind, or come back and say, "I know I said you could use the photo, but I didn't know you were going to plaster it all over the internet! I'm calling my lawyer!" The written agreement will protect you from any such situation. PPA's comprehensive model release names all of the specific purposes the image might be used for, so you have all your bases covered!

It's also important to understand whether or not your state requires, by law, written model releases. Check the information below, is your state on the list? Trick question: ALL 50 ARE! But not all require explicit, written model releases. Make sure you understand the laws in your state.

This document is provided to members of Professional Photographers of America for general information purposes and shall not be considered legal advice. PPA strongly recommends that photographers contact local counsel to determine whether a model release has been properly worded to meet the statutory requirements of the state.

States Requiring Written Releases*

*As of October 2013



How many times has it happened? You're putting together your marketing for the next year and find a great image that you want to use—but for some reason, you don't have a model release in the file. No problem, you think to yourself, this is a good client; I'll just call her and ask if it's okay to use the image in my advertising.

Even if she says yes, it may not be enough. In at least nine different states, an oral model release is invalid. Failure to follow model release laws may cost you in the form of civil penalties and even misdemeanor criminal sanctions.

As part of PPA's continuing effort to make sure members like you have the best possible information—and to keep you from unknowingly being hit with this type of lawsuit—PPA has reviewed the right-to-publicity statutes from across the country. We have found ten states that have laws on the books explicitly requiring a written model release:

- Illinois
- Massachusetts
- New York
- Pennsylvania
- Virginia
- Indiana
- Nevada
- Ohio
- Rhode Island
- Wisconsin

We also found three other states (California, Kentucky and Texas) that explicitly require a written release from the heirs of someone who is deceased, while other states require model releases under very narrow circumstances. No matter what the law stipulates, chances are the code implies model written releases are required:

- Arizona
- Delaware
- Louisiana
- New Mexico
- California
- Kentucky
- New Jersey
- Texas

States Requiring Written Releases (cont.)

Other states have statutes that appear to allow consent to be obtained orally or in writing. Despite this, our recommendation would be to get a signed written release whenever possible. These states are:

- Florida
- Nebraska
- Oklahoma
- Tennessee
- Utah
- Washington

No matter what your state laws require, Professional Photographers of America recommends that members get a signed model release and keep it on file. Chances are good that you'll never need to show the release to anyone; but if you do end up in court, you will have much better luck defending yourself against allegations of wrongdoing with that written proof of permission.

State-by-State Statutes

Know the laws for your state? Below is the model release information for all 50 states as of 2010. Remember that state legislatures can change laws from year to year, so you will want to ensure that you or your attorney consults state laws at least once every year.

State Codes Requiring Written Model Releases

- Illinois: 765 ILCS Ann. 1075
- Indiana: Indiana Code 32-36
- Massachusetts: Mass. General Laws 214-3a
- Nevada: N.R.S. 597.720
- New York: N.Y. Civil Rights Law Sections 50 and 51
- Ohio: O.R.S. 2741.02
- Pennsylvania: 42 Pa.C.S.A Ch. 83a §8316
- Rhode Island: RIGL 9-1-28
- Virginia: Va. Code Ann. 8.01-40
- Wisconsin: Wis. Stat. 995.50(2)(b)

State Codes with Implied Model Release Laws

Arizona: Arizona Revised Stat. 12-761

- Written model releases required from the solidier or heirs of a solidier when their likeness is used for commercial purposes.

California: California Codes, Civil Code, Section 3344-3344.1

- Written model releases required from heirs of person with celebrity at their time of death.

Delaware: Delaware Code, Title 11, Ch. 180 §1335(a)6

- Permission is required when photographing a person who is "getting dressed or undressed" and may otherwise have an expectation of privacy.

Kentucky: Ky. Rev. Stat. 391.170

- Written model releases required from heirs of deceased persons.

Louisiana: La. Rev. Stat. 14 §102.21

- Written model releases required from the heirs of a deceased solidier when their likeness is used for commercial purposes.

New Mexico: New Mexico State Stat, 57-22-6.3

- Written model releases required when likeness is used for fundraising purposes.

New Jersey: New Jersey Permanent Stat. 2A:58D-1

- Permission is required when photographing "intimate parts under circumstances in which a reasonable person would not expect to be observed."

State-by-State Statutes (cont.)

Texas: Texas Property Code 26.002

- Written model releases required from heirs of deceased persons.

State Codes Allowing Verbal or Written Model Releases

- Florida: Florida Stat. 540.08
- Nebraska: Revised Statute 202-202
- Oklahoma: Okla. Stat. Title 12, §1448 and 1449.
However 21, § 839.1A – Explicitly requires a release from heirs of a deceased solidor.
- Tennessee: Tennessee Code 47-25-1102
- Utah: Utah Code Ann. 45-3-1 et seq.
- Washington: Wash. Rev. Code 63.60.010

States that Recognize Need for Model Release by Common Law

These states do not have explicit model release laws in their state code however, through case law and other judicial opinions a common law “right of publicity” has been established.

- Alabama
- Arkansas
- Connecticut
- Georgia
- Hawaii
- Maine
- Michigan*
- Minnesota
- Missouri
- New Hampshire
- South Carolina
- West Virginia

*PPA recommends Michigan photographers consult an attorney concerning the viability of model releases used with minors as a result of the State Supreme Court decision in Woodman vs. Kera, LLC.

State Codes without Expressed Model Release Laws

- Alaska
- Colorado
- Idaho
- Iowa
- Kansas
- Maryland
- Mississippi
- Montana
- North Carolina
- North Dakota
- Oregon
- South Dakota
- Vermont
- Wyoming

Sample Model Release

I, _____ [print name of person giving the release] for good and valuable consideration, the receipt of which is hereby acknowledged, hereby irrevocably authorize [name of photographer or studio including location] to use photographs of me and or my property and authorize [choose one: him/her/their] and [choose one: his/her/their] assignees, licensees, legal representatives and transferees to use and publish (with or without my name, company name, or with a fictitious name) photographs, pictures, portraits or images herein described in any and all forms and media and in all manners including composite images or distorted representations, and the purposes of publicity, illustration, commercial art, advertising, publishing (including publishing in electronic form on CDs or internet websites), for any product or services, or other lawful uses as may be determined by the photographer or studio name here. I further waive any and all rights to review or approve any uses of the images, any written copy or finished product. I am of full legal age and (delete the bold copy if this is for a minor) have read and fully understand the terms of this release.

Description of images

Signed _____ Witness _____ Date _____

I am the parent or legal guardian of the above mentioned minor and have the legal right and authority to execute the above release on behalf of the minor.

Signed _____ Witness _____ Date _____