

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 5178**

By Delegates Lewis and Hamilton

[Introduced February 04, 2026; referred to the

Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,  
2 designated §21-6A-1, §21-6A-2, §21-6A-3, §21-6A-4, §21-6A-5, §21-6A-6, §21-6A-7,  
3 §21-6A-8, and §21-6A-9, all relating to the protection of earnings of minors engaged in  
4 certain artistic or athletic activities; defining terms; requiring deposits of a portion of minors'  
5 gross earnings into trust accounts; providing for preserving a percentage of minor athletes  
6 income from the their name, image or likeness; establishing recordkeeping and reporting;  
7 providing for court petition process relating to minors' entertainment contracts; creating  
8 enforcement mechanisms and remedies; and providing effective date.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 6A. PROTECTION OF MINORS ASSETS WHEN ENGAGED IN ARTISTIC  
EMPLOYMENT, ONLINE CONTENT CREATION, OR USE OF NAME, IMAGE,  
OR LIKENESS.**

**§21-6A-1. Definitions.**

1 (1) "Artistic or creative services" includes services as an actor, actress, dancer, musician,  
2 comedian, singer, stunt performer, voice-over artist, content creator, or other performer or  
3 entertainer; and services as a songwriter, musical producer or arranger, writer, director, producer,  
4 production executive, choreographer, composer, conductor, or designee;  
5 (2) "Content creator" means an individual who creates, posts, shares, or otherwise  
6 interacts with digital content on an online platform and engages in a direct contractual relationship  
7 with third parties for compensation;  
8 (3) "Employer" means any person, business or other entity that enters into a contract with a  
9 minor pursuant to the provisions of this article.  
10 (4) "Gross earnings" means the total compensation payable for the minor's services, or  
11 payable to a business entity through which the minor renders such services;  
12 (5) "Minor" means an individual under 18 years of age;

13       (6) "Name, image or likeness" or "NIL" means earnings paid to a athlete regardless of  
14 source for the use of his or her name, image or likeness that is derived from participation or  
15 anticipated participation in athletic events;

16       (7) "Online platform" means any public-facing internet website, web application, or digital  
17 application, including social networks, advertising networks, mobile applications, and search  
18 engines; and

19       (8) "Vlog," "vlogger," and "vlogging" mean any audio or visual content produced for public  
20 dissemination by means of an online platform;

**§21-6A-2. Trust account for artistic employment, including content creators.**

1       (a) For any contract under which a minor renders artistic or creative services, the employer  
2 shall withhold and deposit 15 percent of the minor's gross earnings into a blocked trust account  
3 established for the benefit of the minor under §21-6A-5 of this code. The deposit shall be made  
4 within 15 business days after payment of earnings to the minor or to any entity on the minor's  
5 behalf.

6       (b) An employer that deposits the required percentage of the minor's gross earnings into  
7 the trust account is not responsible for further administration of those funds after deposit.

8       (c) This section does not apply to background performers or extras unless otherwise  
9 provided by rule.

**§21-6A-3. Vlogging and content featuring minors; proportional deposits and records.**

1       (a) A minor is engaged in vlogging for purposes of this section if, within any 12-month  
2 period, at least 30 percent of the vlogger's compensated video or image content produced within  
3 any 30-day period includes the minor's likeness, name, or photograph, and the vlogger receives  
4 compensation for that content.

5       (b) For qualifying content, the employer shall deposit into the minor's trust account a  
6 percentage of total gross earnings proportional to the minor's appearance in each compensated  
7 segment. If multiple minors qualify, the earnings shall be divided equally among them.

8       (c) The employer shall establish the trust account within seven business days after the  
9 minor first meets the threshold in subsection (a) of this section and shall provide a written  
10 statement identifying the account within 10 business days of opening.

11       (d) Each month, the employer shall provide to the minor's parent or guardian a written  
12 record showing: the number of compensated vlogs produced; the total compensated minutes; the  
13 minor's appearance minutes; the total compensation received; and the amounts deposited.

14       (e) This section does not apply where a minor independently produces and monetizes his  
15 or her own content.

**§21-6A-4. Athletes name, Image or likeness income.**

1       (a) For any contract that with a minor student-athlete which pays the for use of his or her  
2 name, image or likeness, the employer shall withhold and deposit 15 percent of the minor's gross  
3 earnings into a blocked trust account established for the benefit of the minor under §21-6A-5 of  
4 this code.

5       (b) Any college or university that enters or facilitates any contract under which a student-  
6 athlete earns compensation for use of their name, image, or likeness, if the student-athlete is a  
7 minor, and the provisions of subsection (a) of this section do not apply, shall establish a blocked  
8 trust account consistent with this article; and deposit at least 15 percent of the minor athlete's  
9 gross NIL compensation into that account. The institution shall hold fiduciary responsibility for  
10 ensuring compliance with this section and shall provide monthly accounting statements to the  
11 minor and their parent or guardian.

12       (c) Upon the athlete's 18th birthday, control of the account shall transfer to the athlete.

**§21-6A-5. Minor's trust account.**

1       A trust account established pursuant to this article shall be established in the name of the  
2 minor in a financial institution insured by the Federal Deposit Insurance Corporation or National  
3 Credit Union Share Insurance Fund, or in a registered investment company organized under 15  
4 U.S.C. § 80a-1 through 64, the Investment Company Act of 1940, as amended. The funds shall be

5 blocked and unavailable for withdrawal until the minor attains the age of 18 years or is otherwise  
6 emancipated, except by court order.

**§21-6A-6. Court approval of minors' contracts.**

1 Any party to a contract with a minor pursuant to this article may petition the circuit court of  
2 the county in which the minor resides or performs the services for approval of the contract.  
3 Upon approval by the court, the minor may not disaffirm the contract on the grounds of minority.  
4 The court may condition approval upon proof of compliance with this article and upon other  
5 protective terms as the court considers necessary.

**§21-6A-7. Enforcement and remedies.**

1 A minor whose rights under this article are violated may bring a civil action to recover  
2 actual damages, punitive damages, and reasonable attorney's fees and costs. The Attorney  
3 General or Commissioner of Labor may investigate complaints, seek injunctive relief, and impose  
4 civil penalties for violations of this article. Any waiver of the provisions of this article is void and  
5 unenforceable as against public policy.

**§21-6A-8. Rulemaking authority.**

1 The Division of Labor may propose legislative rules necessary to implement this article,  
2 including but not limited to procedures for employer compliance, trust verification, and  
3 enforcement.

**§21-6A-9. Effective date; transitional provisions.**

1 (a) This article applies to contracts executed and compensated content created on or after  
2 July 1, 2026.  
3 (b) Persons already engaged in activities covered by this article shall establish the required  
4 trust account and make the initial deposit within 90 days after the effective date, calculated only on  
5 compensation earned thereafter.

NOTE: The purpose of this bill is to provide asset preservation for minors who earn income from artistic or creative services for use of their name, image, or likeness.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.