

House Bill 617 (COMMITTEE SUBSTITUTE)

By: Representatives Martin of the 49th, Rhodes of the 120th, Fleming of the 121st, Smyre of the 135th, and Singleton of the 71st

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to
2 postsecondary education, so as to provide that student athletes participating in intercollegiate
3 athletic programs at postsecondary educational institutions may receive compensation for the
4 use of the student athlete's name, image, or likeness; to provide for application to
5 intercollegiate athletic associations; to allow for professional representation of such student
6 athletes participating in intercollegiate athletics; to provide for findings; to provide for
7 definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to postsecondary
11 education, is amended by adding a new article to read as follows:

H. B. 617 (SUB)

"ARTICLE 13

20-3-680.

(a) The General Assembly finds that intercollegiate athletic programs provide student athletes with significant educational opportunities. However, participation in intercollegiate athletics should not infringe upon the rights of student athletes to have control over and profit from the commercial use of their name, image, or likeness.

(b) As used in this article, the term:

(1) 'Intercollegiate athletic association' means any athletic association, athletic conference, or other similar organization which acts as an organizing, sanctioning, scheduling, or rule-making body for intercollegiate athletic events in which postsecondary educational institutions participate.

(2) 'Postsecondary educational institution' means a school which is:

(A) A unit of the University System of Georgia;

(B) A unit of the Technical College System of Georgia; or

(C) An independent or private college or university located in Georgia and eligible to be deemed an 'approved school' pursuant to paragraph (2) of Code Section 20-3-411.

(3) 'Student athlete' means a student enrolled at a postsecondary educational institution who participates in or is eligible to participate in any intercollegiate athletic program at such institution. A person who is permanently ineligible to participate in a particular intercollegiate athletic program is not a student athlete for the purposes of such athletic program.

(4) 'Team contract' means any written agreement between a student athlete and a postsecondary educational institution, or a division, department, program, or team thereof, which includes goals and objectives, standards, prohibitions, rules, or expectations applicable to the student athlete.

20-3-681.

(a) A student athlete at a postsecondary educational institution may earn compensation for the use of his or her name, image, or likeness. Such compensation must be commensurate with the market value of the authorized use of the student athlete's name, image, or likeness. Such compensation may not be provided in exchange, in whole or in part, for a current or prospective student athlete to attend, participate, or perform at a particular postsecondary educational institution.

(b) A scholarship from the postsecondary educational institution in which a student athlete is enrolled that provides such student with all or part of the cost of attendance at such institution is not compensation for purposes of this article.

(c) A student athlete's scholarship shall not be revoked, nor shall scholarship eligibility be adversely impacted, as a result of a student athlete earning compensation or obtaining representation as provided for in this article.

(d)(1) A student athlete shall not enter into a contract providing compensation to the student athlete for use of the student athlete's name, image, or likeness if a provision of such contract is in conflict with the student athlete's team contract.

(2) A student athlete who enters into a contract providing compensation to the student athlete for use of the student athlete's name, image, or likeness shall disclose such contract to an official of the student athlete's postsecondary educational institution, to be designated by such institution.

(3) A postsecondary educational institution asserting a conflict under paragraph (1) of this subsection shall disclose to the student athlete or the student athlete's representative the relevant provisions of the contract that are asserted to be in conflict.

(4) A team contract entered into on or after the effective date of this article and required by a postsecondary educational institution, or a division, department, program, or team thereof, shall not include any provision which prevents or discourages a student athlete

63 from receiving compensation for the use of his or her name, image, or likeness when the
64 student is not engaged in official activities of the intercollegiate athletic program.

65 (e) A postsecondary educational institution shall conduct a financial literacy and life skills
66 workshop for a minimum of five hours at the beginning of the student athlete's first and
67 third academic years. The workshop shall, at a minimum, include information concerning
68 financial aid, debt management, and a recommended budget for student athletes based on
69 the current academic year's cost of attendance. The workshop shall also include
70 information on time management skills necessary for success as a student athlete and
71 available academic resources. The workshop may not include any marketing, advertising,
72 referral, or solicitation by providers of financial products or services.

73 (f) A postsecondary educational institution, an entity whose purpose includes supporting
74 or benefiting such institution or its intercollegiate athletic programs, or an officer, director,
75 employee, or agent of such institution or entity shall not provide a current or prospective
76 student athlete with compensation for the use of the student athlete's name, image, or
77 likeness.

78 (g) A postsecondary educational institution shall not adopt or maintain any policy,
79 regulation, rule, standard, or other requirement that prevents a student athlete of such
80 institution from earning compensation as a result of the use of such student's name, image,
81 or likeness.

82 (h)(1) An intercollegiate athletic association shall not prevent a student athlete from
83 receiving compensation, or penalize a student athlete for earning compensation, as a
84 result of the student athlete earning compensation for the use of such student's name,
85 image, or likeness.

86 (2) An intercollegiate athletic association shall not prevent a postsecondary educational
87 institution from participating in intercollegiate athletics, or otherwise penalize a
88 postsecondary educational institution, as a result of a student athlete earning
89 compensation for the use of such student's name, image, or likeness.

90 20-3-682.

91 (a) A postsecondary educational institution or intercollegiate athletic association shall not
92 prevent a student athlete from obtaining professional representation in relation to contracts
93 or legal matters, including but not limited to representation provided by athlete agents, who
94 shall be certified as provided for under Chapter 4A of Title 43, or legal representation
95 provided by attorneys, who shall be licensed to practice law in the state.

96 (b) Athlete agents representing student athletes shall comply with the federal Sports Agent
97 Responsibility and Trust Act, established in 15 U.S.C. Section 7801, et seq., in their
98 relationships with student athletes."

99 **SECTION 2.**

100 All laws and parts of laws in conflict with this Act are repealed.