SLS 24RS-1396 **ORIGINAL**

2024 Regular Session

SENATE BILL NO. 465

BY SENATOR TALBOT

AMUSEMENTS/SPORTS. Provides relative to intercollegiate athletes at a postsecondary education institution. (gov sig)

1	AN ACT
2	To amend and reenact R.S. 17:3703(A), (D), (I), (K)(1), and (L) and to enact R.S.
3	17:3703(K)(2)(c), relative to intercollegiate athlete's compensation and rights; to
4	provide for institutions to participate in name, image, and likeness under certain
5	circumstances; to provide for a marketing representative to represent an
6	intercollegiate athlete; to provide for disclosure of the value of the athlete's name,
7	image and likeness contract greater than a certain amount; to provide for a financial
8	literacy and life skills workshop; to provide for immunity from liability under certain
9	circumstances; to provide for resources to support an intercollegiate athlete's
10	participation in name, image, and likeness; and to provide for related matters.
11	Be it enacted by the Legislature of Louisiana:
12	Section 1. R.S. 17:3703(A), (D), (I), (K)(1), and (L) are hereby amended and
13	reenacted and R.S. 17:3703(K)(2)(c) is hereby enacted to read as follows:
14	§3703. Intercollegiate athlete's compensation and rights; responsibilities of
15	postsecondary education institutions
16	A.(1) An intercollegiate athlete at a postsecondary education institution may
17	earn compensation for the use of the athlete's name, image, or likeness subject to the

1	ionowing. Compensation shall be commensurate with the market value of the
2	authorized use of the athlete's name, image, or likeness.
3	(2) (1) To preserve the integrity, quality, character, and amateur nature of
4	intercollegiate athletics and to maintain a clear separation between amateur
5	intercollegiate athletics and professional sports to the extent prohibited by the
6	rules of athletics governing associations, a postsecondary education institution or
7	an officer, director, employee, or agent of such institution shall not provide a current
8	or prospective athlete with compensation for the use of the student athlete's name,
9	image, or likeness: unless authorized by one of the following:
10	(a) A court order nullifying or declaring unlawful current restrictions on
11	player compensation.
12	(b) The bylaws or regulations of the athletics governing organization for
13	the postsecondary educational institution.
14	(c) A settlement agreement or consent decree which has the same effect
15	as a change in bylaws or regulations of an athletics governing organization.
16	(2) Notwithstanding any other provision of law, a postsecondary
17	institution or an officer, director, employee, or agent of the institution may
18	participate in name, image, and likeness endeavors directly and in support of
19	intercollegiate athletes pursuant to Paragraph (1) of this Subsection.
20	* * *
21	D.(1) A postsecondary education institution shall not prevent or unduly
22	restrict an intercollegiate athlete from obtaining professional representation by an
23	athlete agent, marketing representative, or an attorney engaged for the purpose of
24	securing compensation for the use of the athlete's name, image, or likeness: provided
25	that:
26	(2)(1) Professional representation obtained by an intercollegiate athlete shall
27	be from persons registered with or licensed for such activity by the state as follows:
28	(a)(i) Representation provided by an athlete agent shall be by persons
29	registered with the state in accordance with, and in compliance with, the provisions

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1	of Chapter 7 of Title 4 of the Louisiana Revised Statutes of 1950. However, the
2	notification provisions of R.S. 4:424(D)(3) shall not apply to an athlete agent who
3	contacts an intercollegiate athlete for the sole purpose of representing the athlete in
4	matters pertaining to the use of the athlete's name, image, or likeness.
5	(ii) An athlete agent, or marketing representative, representing an
6	intercollegiate athlete shall comply with the federal Sports Agent Responsibility and
7	Trust Act, 15 U.S.C. 7801 through 7807, in his relationship with the intercollegiate
8	athlete.
9	(b) An attorney representing an intercollegiate athlete shall be duly licensed
10	to practice law.
11	* * *
12	I. An intercollegiate athlete who enters into a contract for compensation for
13	the use of the athlete's name, image, or likeness with a value of six-hundred dollars
14	or more shall disclose the contract to the postsecondary education institution in
15	which the athlete is enrolled, in the manner designated by the institution.
16	* * *
17	K.(1) A postsecondary education institution shall conduct a an annual
18	financial literacy and life skills workshop for a minimum of five hours at the
19	beginning of an intercollegiate athlete's first and third academic years.
20	(2)(a) * * *
21	(c) The postsecondary education institution may provide resources in the
22	areas of financial responsibility, business formation, and marketing to support
23	an intercollegiate athlete's participation in name, image, and likeness endeavors.
24	* * *
25	L. No postsecondary institution's employees, including athletics coaching
26	staff, shall be liable for any damages to an intercollegiate athlete's ability to earn
27	compensation for the use of the athlete's name, image, or likeness resulting from
28	decisions and actions routinely taken in the course of intercollegiate athletics. $\underline{\mathbf{No}}$

postsecondary institution, including its staff, shall be liable in any manner to an

intercollegiate athlete based upon an agreement between the intercollegiate

athlete and a third party for compensation for name, image, or likeness.

However, nothing in this Subsection shall protect the postsecondary institution or its

employees from acts of gross negligence or wanton, willful, malicious, or intentional

misconduct.

* * *

Section 2. This Act shall become effective upon signature by the governor or, if not

signed by the governor, upon expiration of the time for bills to become law without signature

signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michael Bell.

DIGEST 2024 Regular Session

Talbot

SB 465 Original

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<u>Present law</u> allows an intercollegiate athlete at a postsecondary education institution to earn compensation for the use of the athlete's name, image, or likeness and requires that compensation must be commensurate with the market value of the authorized use of the athlete's name, image, or likeness.

<u>Proposed law</u> authorizes a postsecondary institution or an officer, director, employee, or agent of the institution to participate in name, image, and likeness endeavors directly and in support of intercollegiate athletes only in accordance with one of the following:

- 1. A court order nullifying or declaring unlawful current restrictions on player compensation.
- 2. The bylaws or regulations of the athletics governing organization for the postsecondary educational institution.
- 3. A settlement agreement or consent decree which has the same effect as a change in bylaws or regulations of an athletics governing organization.

<u>Present law</u> prohibits a postsecondary education institution from preventing or unduly restricting an intercollegiate athlete from obtaining professional representation by an athlete agent or an attorney engaged for the purpose of securing compensation for the use of the athlete's name, image, or likeness.

<u>Proposed law</u> retains <u>present law</u> and adds a marketing representative as a professional representative that an athlete can obtain to secure compensation for the use of the athlete's name, image, or likeness.

<u>Present law</u> provides that an intercollegiate athlete who enters into a contract for compensation for the use of the athlete's name, image, or likeness must disclose the contract

Page 4 of 5

Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

to the postsecondary education institution in which the athlete is enrolled, in the manner designated by the institution.

<u>Proposed law</u> retains <u>present law</u> but provides for the disclosure of the contract when the amount is \$600 or more.

<u>Present law</u> provides for a postsecondary education institution to conduct a financial literacy and life skills workshop for a minimum of five hours at the beginning of an intercollegiate athlete's first and third academic years.

<u>Proposed law</u> retains <u>present law</u> but changes when the financial literacy and life skills workshop must take place <u>from</u> at the beginning of an intercollegiate athlete's first and third academic years <u>to</u> annually.

<u>Proposed law</u> provides that the postsecondary education institution may provide resources in the areas of financial responsibility, business formation, and marketing to support an intercollegiate athlete's participation in name, image, and likeness endeavors.

<u>Proposed law</u> provides for an exception to liability for a postsecondary institution, including its staff, in any manner to an intercollegiate athlete based upon an agreement between the intercollegiate athlete and a third party for compensation for name, image, or likeness.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 17:3703(A), (D), (I), (K)(1), and (L); adds R.S. 17:3703(K)(2)(c))