

2024 Regular Session

SENATE BILL NO. 465

BY SENATOR TALBOT

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

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AN ACT

To amend and reenact R.S. 17:3703(A), (D), (I), (K)(1), and (L) and to enact R.S. 17:3703(K)(2)(c), relative to intercollegiate athlete's compensation and rights; to provide for institutions to participate in name, image, and likeness under certain circumstances; to provide for a marketing representative to represent an intercollegiate athlete; to provide for disclosure of the value of the athlete's name, image and likeness contract greater than a certain amount; to provide for a financial literacy and life skills workshop; to provide for immunity from liability under certain circumstances; to provide for resources to support an intercollegiate athlete's participation in name, image, and likeness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3703(A), (D), (I), (K)(1), and (L) are hereby amended and reenacted and R.S. 17:3703(K)(2)(c) is hereby enacted to read as follows:

§3703. Intercollegiate athlete's compensation and rights; responsibilities of postsecondary education institutions

A.~~(1)~~ An intercollegiate athlete at a postsecondary education institution may earn compensation for the use of the athlete's name, image, or likeness subject to the

1 ~~**following:**~~ 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

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. No
 29 postsecondary institution, including its staff, shall be liable in any manner to an

1 **intercollegiate athlete based upon an agreement between the intercollegiate**
 2 **athlete and a third party for compensation for name, image, or likeness.**

3 However, nothing in this Subsection shall protect the postsecondary institution or its
 4 employees from acts of gross negligence or wanton, willful, malicious, or intentional
 5 misconduct.

6 * * *

7 Section 2. This Act shall become effective upon signature by the governor or, if not
 8 signed by the governor, upon expiration of the time for bills to become law without signature
 9 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 10 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 11 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

SB 465 Engrossed

2024 Regular Session

Talbot

Present law 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.

Proposed law 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.

Present law 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.

Proposed law retains present law 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.

Present law 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

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

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

Present law 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.

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

Proposed law 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.

Proposed law 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))