

SENATE BILL NO. 482

INTRODUCED BY E. BOLDMAN, S. FITZPATRICK

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A WRITTEN CONTRACT RELATING TO A COLLEGE ATHLETE'S STUDENT-ATHLETE RIGHTS, INCLUDING NAME, IMAGE, AND LIKENESS; AMENDING SECTIONS 20-1-232 AND 28-2-903, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-1-232, MCA, is amended to read:

"20-1-232. Student-athlete rights and protections -- definitions. (1) As used in this section, the following definitions apply:

(a) "Postsecondary institution" means a 2-year or 4-year public or private college or university located in the state.

(b) (i) "Student-athlete rights" means the rights of a student-athlete enrolled in a postsecondary institution to earn compensation for the use of the student-athlete's name, image, or likeness and to contract with and retain professional representation of an athlete agent.

(ii) The term does not include a right to receive compensation from a postsecondary institution.

(2) Except as provided in subsections (3) through ~~(6)~~ (7), a postsecondary institution or an athletic association, conference, or organization with authority over intercollegiate sports may not:

(a) prohibit, prevent, or restrict a student-athlete from exercising the student-athlete's rights;

(b) penalize or retaliate against a student-athlete for exercising the student-athlete's rights;

(c) prohibit a student-athlete from participating in an intercollegiate sport for exercising the student-athlete's rights; or

(d) subject to subsection (5)(a), impose an eligibility requirement on a scholarship or grant that requires a student-athlete to refrain from exercising the student-athlete's rights.

(3) (a) A student-athlete may not enter into a contract that provides compensation to the student-athlete for the use of the student-athlete's name, image, or likeness if terms of the contract conflict with the

1 student-athlete's team rules or with terms of a contract entered into between the student-athlete's
2 postsecondary institution and a third party, except the team rules or a contract entered into between the
3 postsecondary institution and a third party may not prevent a student-athlete from earning compensation for the
4 use of the student-athlete's name, image, or likeness when not engaged in official team activities.

5 (b) A student-athlete who enters into a contract that provides compensation to the student-athlete
6 for the use of the student-athlete's name, image, or likeness shall disclose the contract to an official of the
7 postsecondary institution if the student-athlete is a team member or, if the student-athlete is not a team
8 member, at the time the student-athlete seeks to become a team member.

9 (c) If a postsecondary institution asserts that the terms of the contract conflict with the team rules
10 or with terms of a contract entered into between the student-athlete's postsecondary institution and a third
11 party, the unit shall disclose the specific rules or terms asserted to be in conflict to the student-athlete or to the
12 student-athlete's professional representative or athlete agent if the student-athlete is represented.

13 (4) A postsecondary institution or an athletic association, conference, or organization with authority
14 over intercollegiate sports may not provide to a prospective or current student-athlete compensation for use of
15 the student-athlete's name, image, or likeness.

16 (5) A postsecondary school may:

17 (a) include provisions in scholarship agreements allowing the postsecondary school to use the
18 athlete's name, image, and likeness;

19 (b) prohibit the use of an athlete's name, image, and likeness on school property, at school
20 functions, or in any advertising material distributed or placed on school property;

21 (c) serve as an agent for the athlete to manage any contract using an athlete's name, image, and
22 likeness; or

23 (d) do any combination of subsections (5)(a) through (5)(c).

24 (6) Nothing in this section prohibits a postsecondary institution from establishing or enforcing a
25 conduct code that is applicable to all students enrolled at the unit.

26 (7) A contract made pursuant to this section must comply with the written requirements of 28-2-
27 903."

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