

REFERENCE TITLE: **collegiate athletics; compensation; representation**

State of Arizona
House of Representatives
Fifty-fourth Legislature
Second Regular Session
2020

HB 2143

Introduced by
Representative Kern

AN ACT

AMENDING TITLE 15, CHAPTER 14, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 14; RELATING TO POSTSECONDARY INSTITUTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 14, Arizona Revised Statutes, is
3 amended by adding article 14, to read:

4 ARTICLE 14. COLLEGIATE ATHLETICS

5 15-1899. Collegiate athletics; student athletes;
6 compensation; representation; definitions

7 A. EXCEPT AS PROVIDED IN SUBSECTION C, PARAGRAPH 1 OF THIS SECTION,
8 A POSTSECONDARY EDUCATION INSTITUTION MAY NOT UPHOLD ANY RULE,
9 REQUIREMENT, STANDARD OR OTHER LIMITATION THAT PREVENTS A STUDENT ATHLETE
10 OF THAT INSTITUTION FROM EARNING COMPENSATION AS A RESULT OF THE USE OF
11 THE STUDENT ATHLETE'S NAME, IMAGE OR LIKENESS. EARNING COMPENSATION FROM
12 THE USE OF A STUDENT ATHLETE'S NAME, IMAGE OR LIKENESS DOES NOT AFFECT THE
13 STUDENT ATHLETE'S SCHOLARSHIP ELIGIBILITY.

14 B. AN ATHLETIC ASSOCIATION, ATHLETIC CONFERENCE OR OTHER GROUP OR
15 ORGANIZATION WITH AUTHORITY OVER INTERCOLLEGIATE ATHLETICS, INCLUDING A
16 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION, MAY NOT PREVENT EITHER:

17 1. A STUDENT ATHLETE OF A POSTSECONDARY EDUCATION INSTITUTION FROM
18 EARNING COMPENSATION AS A RESULT OF THE USE OF THE STUDENT ATHLETE'S NAME,
19 IMAGE OR LIKENESS.

20 2. A POSTSECONDARY EDUCATION INSTITUTION FROM PARTICIPATING IN
21 INTERCOLLEGIATE ATHLETICS AS A RESULT OF A STUDENT ATHLETE BEING
22 COMPENSATED FOR THE USE OF THE STUDENT ATHLETE'S NAME, IMAGE OR LIKENESS.

23 C. A POSTSECONDARY EDUCATION INSTITUTION, ATHLETIC ASSOCIATION,
24 ATHLETIC CONFERENCE OR OTHER GROUP OR ORGANIZATION WITH AUTHORITY OVER
25 INTERCOLLEGIATE ATHLETICS MAY NOT:

26 1. PROVIDE A PROSPECTIVE STUDENT ATHLETE WITH COMPENSATION IN
27 RELATION TO THE USE OF THE STUDENT ATHLETE'S NAME, IMAGE OR LIKENESS.

28 2. PREVENT A STUDENT ATHLETE IN THIS STATE FROM OBTAINING
29 PROFESSIONAL REPRESENTATION IN RELATION TO CONTRACTS OR LEGAL MATTERS,
30 INCLUDING REPRESENTATION BY AN ATHLETE AGENT OR LEGAL REPRESENTATION BY AN
31 ATTORNEY. PROFESSIONAL REPRESENTATION OBTAINED BY STUDENT ATHLETES SHALL
32 BE PROVIDED BY PERSONS WHO ARE LICENSED BY THIS STATE, IF APPLICABLE.

33 D. AN ATHLETE AGENT REPRESENTING A STUDENT ATHLETE SHALL COMPLY
34 WITH BOTH OF THE FOLLOWING:

35 1. THE SPORTS AGENT RESPONSIBILITY AND TRUST ACT (P.L. 108-304; 118
36 STAT. 1125).

37 2. CHAPTER 13, ARTICLE 10 OF THIS TITLE.

38 E. A SCHOLARSHIP FROM THE POSTSECONDARY EDUCATION INSTITUTION IN
39 WHICH A STUDENT ATHLETE IS ENROLLED THAT PROVIDES THE STUDENT ATHLETE WITH
40 THE COST ATTENDING THAT INSTITUTION IS NOT COMPENSATION FOR THE PURPOSES
41 OF THIS SECTION, AND A SCHOLARSHIP MAY NOT BE REVOKED AS A RESULT OF THE
42 STUDENT ATHLETE EARNING COMPENSATION OR OBTAINING REPRESENTATION IN
43 ACCORDANCE WITH THIS SECTION.

1 F. A STUDENT ATHLETE MAY NOT ENTER INTO A CONTRACT PROVIDING
2 COMPENSATION TO THE STUDENT ATHLETE FOR THE USE OF THE STUDENT ATHLETE'S
3 NAME, IMAGE OR LIKENESS IF A PROVISION OF THE CONTRACT CONFLICTS WITH A
4 PROVISION OF THE STUDENT ATHLETE'S TEAM CONTRACT. A STUDENT ATHLETE WHO
5 ENTERS INTO A CONTRACT PROVIDING COMPENSATION TO THE STUDENT ATHLETE FOR
6 THE USE OF THE STUDENT ATHLETE'S NAME, IMAGE OR LIKENESS SHALL DISCLOSE
7 THE CONTRACT TO AN OFFICIAL OF THE POSTSECONDARY EDUCATION INSTITUTION AT
8 WHICH THE STUDENT ATHLETE IS ENROLLED WHO IS DESIGNATED BY THE
9 POSTSECONDARY EDUCATION INSTITUTION. A POSTSECONDARY EDUCATION
10 INSTITUTION ASSERTING A CONFLICT DESCRIBED IN THIS SUBSECTION SHALL
11 DISCLOSE TO THE STUDENT ATHLETE OR THE STUDENT ATHLETE'S REPRESENTATIVE
12 THE RELEVANT CONTRACTUAL PROVISIONS THAT ARE IN CONFLICT.

13 G. A TEAM CONTRACT OF A POSTSECONDARY EDUCATION INSTITUTION'S
14 ATHLETIC PROGRAM MAY NOT PREVENT A STUDENT ATHLETE FROM USING THE STUDENT
15 ATHLETE'S NAME, IMAGE OR LIKENESS FOR A COMMERCIAL PURPOSE WHEN THE
16 ATHLETE IS NOT ENGAGED IN OFFICIAL TEAM ACTIVITIES. THIS SUBSECTION
17 APPLIES ONLY TO CONTRACTS ENTERED INTO, MODIFIED OR RENEWED ON OR AFTER
18 SEPTEMBER 1, 2021.

19 H. A PUBLIC OR PRIVATE UNIVERSITY OR COLLEGE OF ANOTHER STATE MAY
20 NOT OFFER A STUDENT OF THIS STATE AN ATHLETICS CONTRACT OR CONDUCT
21 IN-PERSON RECRUITING WITH A STUDENT ATHLETE WITHOUT FIRST DISCLOSING TO
22 THE STUDENT ATHLETE IN WRITING ALL PROHIBITIONS OF THE UNIVERSITY'S OR
23 COLLEGE'S HOME STATE REGARDING THE USE OF THE STUDENT ATHLETE'S NAME,
24 IMAGE OR LIKENESS.

25 I. FOR THE PURPOSES OF THIS SECTION:

26 1. "POSTSECONDARY EDUCATION INSTITUTION" INCLUDES A UNIVERSITY
27 UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS, A COMMUNITY
28 COLLEGE AS DEFINED IN SECTION 15-1401 AND A PRIVATE COLLEGE OR UNIVERSITY.

29 2. "STUDENT ATHLETE" MEANS A STUDENT OF A POSTSECONDARY EDUCATION
30 INSTITUTION WHO PARTICIPATES IN INTERCOLLEGIATE ATHLETICS.

31 Sec. 2. Effective date

32 This act is effective from and after August 31, 2021.