

SENATE BILL NO. 465

BY SENATOR TALBOT AND REPRESENTATIVES ADAMS, BAYHAM, BILLINGS, BROWN, CARVER, CHASSION, COX, GREEN, JORDAN, LACOMBE, LAFLEUR, JACOB LANDRY, MCMAKIN, MELERINE, MENA, NEWELL, STAGNI, TAYLOR, WYBLE AND KNOX

1 AN ACT

2 To amend and reenact R.S. 17:3703(A), (D), (H)(1), (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), (H)(1), (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**  
18 **following:** ~~Compensation shall be commensurate with the market value of the~~  
19 ~~authorized use of the athlete's name, image, or likeness.~~

20 (2)(1) To preserve the integrity, quality, character, and amateur nature of  
21 intercollegiate athletics and ~~to maintain a clear separation between amateur~~  
22 ~~intercollegiate athletics and professional sports~~ **to the extent prohibited by the**  
23 **rules of athletics governing associations**, a postsecondary education institution or  
24 an officer, director, employee, or agent of such institution shall not provide a current  
25 or prospective athlete with compensation for the use of the student athlete's name,

1 image, or likeness: unless authorized by one of the following:

2 (a) A court order nullifying or declaring unlawful current restrictions on  
 3 player compensation.

4 (b) The bylaws or regulations of the athletics governing organization for  
 5 the postsecondary educational institution.

6 (c) A settlement agreement or consent decree which has the same effect  
 7 as a change in bylaws or regulations of an athletics governing organization.

8 (2) Notwithstanding any other provision of law, a postsecondary  
 9 institution or an officer, director, employee, or agent of the institution may  
 10 participate in name, image, and likeness endeavors directly and in support of  
 11 intercollegiate athletes pursuant to Paragraph (1) of this Subsection.

12 \* \* \*

13 D.~~(†)~~ A postsecondary education institution shall not prevent or unduly  
 14 restrict an intercollegiate athlete from obtaining professional representation by an  
 15 athlete agent, marketing representative, or an attorney engaged for the purpose of  
 16 securing compensation for the use of the athlete's name, image, or likeness: provided  
 17 that:

18 ~~(2)~~ (1) Professional representation obtained by an intercollegiate athlete shall  
 19 be from persons registered with or licensed for such activity by the state as follows:

20 (a)(i) Representation provided by an athlete agent shall be by persons  
 21 registered with the state in accordance with, and in compliance with, the provisions  
 22 of Chapter 7 of Title 4 of the Louisiana Revised Statutes of 1950. However, the  
 23 notification provisions of R.S. 4:424(D)(3) shall not apply to an athlete agent who  
 24 contacts an intercollegiate athlete for the sole purpose of representing the athlete in  
 25 matters pertaining to the use of the athlete's name, image, or likeness.

26 (ii) An athlete agent, or marketing representative, representing an  
 27 intercollegiate athlete shall comply with the federal Sports Agent Responsibility and  
 28 Trust Act, 15 U.S.C. 7801 through 7807, in his relationship with the intercollegiate  
 29 athlete.

30 (b) An attorney representing an intercollegiate athlete shall be duly licensed

1 to practice law.

2 \* \* \*

3 H.(1) An intercollegiate athlete shall not enter into a contract for  
 4 compensation for the use of the athlete's name, image, or likeness if a term of the  
 5 contract conflicts with a term of the intercollegiate athlete's athletic program's team  
 6 contract **without the written approval of the institution's athletic department.**

7 I. An intercollegiate athlete who enters into a contract for compensation for  
 8 the use of the athlete's name, image, or likeness **with a value of six hundred dollars**  
 9 **or more** shall disclose the contract to the postsecondary education institution in  
 10 which the athlete is enrolled, in the manner designated by the institution.

11 \* \* \*

12 K.(1) A postsecondary education institution shall ~~conduct a~~ **provide annual**  
 13 financial literacy and life skills ~~workshop~~ **training** for a minimum of ~~five~~ **two and**  
 14 **one half** hours ~~at the beginning of an intercollegiate athlete's first and third academic~~  
 15 years.

16 (2)(a) \* \* \*

17 **(c) The postsecondary education institution may provide resources in the**  
 18 **areas of financial responsibility, business formation, and marketing to support**  
 19 **an intercollegiate athlete's participation in name, image, and likeness endeavors.**

20 \* \* \*

21 L. No postsecondary institution's **officers, directors, or** employees, including  
 22 athletics coaching staff, **educators, administrators, health care professionals,**  
 23 **consultants, other staff and agents, whether paid, volunteer, or compensated**  
 24 **through third parties,** shall be liable for any damages to an intercollegiate athlete's  
 25 ability to earn compensation for the use of the athlete's name, image, or likeness  
 26 resulting from decisions and actions routinely taken in the course of intercollegiate  
 27 athletics **or other matters relating directly or indirectly to an athlete's eligibility**  
 28 **to participate in intercollegiate athletics or profit from the use of the athlete's**  
 29 **name, image, and likeness, including but not limited to the administration of an**  
 30 **institutions's policies, procedures, codes of conduct, academic standards, health**

1           and safety protocols, and related matters. No postsecondary institutions,  
2           nonprofit organization, including its subsidiaries and affiliates, whether  
3           nonprofit or otherwise, formally recognized by a postsecondary institution, and  
4           no officer, director, employee, other staff member or agent of the institution or  
5           organization, shall be liable in any manner, whether directly or indirectly,  
6           under any theory of law or in equity, to current, former, or prospective  
7           intercollegiate athlete based upon the performance, nonperformance, breach,  
8           or termination of an agreement between the current, former, or prospective  
9           intercollegiate athlete and a third party involving the payment of compensation  
10           for name, image, or likeness. However, nothing in this Subsection shall protect the  
11           postsecondary institution or its employees from acts of gross negligence or wanton,  
12           willful, malicious, or intentional misconduct.

\* \* \*

14           Section 2. This Act shall become effective upon signature by the governor or, if not  
15           signed by the governor, upon expiration of the time for bills to become law without signature  
16           by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
17           vetoed by the governor and subsequently approved by the legislature, this Act shall become  
18           effective on the day following such approval.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_