

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 1994

By: Caldwell (Trey)

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6 AS INTRODUCED

7 An Act relating to student athletes; prohibiting
8 certain entities from preventing student athletes
9 from receiving compensation for use of the student's
10 name, image or likeness; prohibiting certain other
11 acts relating to compensation of student athletes for
12 the use of the student's name, image or likeness;
13 providing requirements for professional
14 representation of student athletes; declaring that
15 scholarships are not compensation; providing
16 limitations on contracts; providing for codification;
17 and providing an effective date.

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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 823 of Title 70, unless there is
created a duplication in numbering, reads as follows:

A. An institution within The Oklahoma State System of Higher
Education or a private educational institution, as defined by
Section 3102 of Title 70 of the Oklahoma Statutes, shall not uphold
any rule, requirement, standard or other limitation that prevents a
student of that institution who is participating in intercollegiate
athletics from earning compensation as a result of the use of the

1 student's name, image or likeness. Earning compensation from the
2 use of a student's name, image or likeness shall not affect the
3 student's scholarship eligibility.

4 B. An athletic association, conference or other group or
5 organization with authority over intercollegiate athletics,
6 including, but not limited to, the National Collegiate Athletic
7 Association, shall not prevent:

8 1. A student of an institution within The Oklahoma State System
9 of Higher Education or private educational institution who is
10 participating in intercollegiate athletics from earning compensation
11 as a result of the use of the student's name, image or likeness; or

12 2. An institution within The Oklahoma State System of Higher
13 Education or private educational institution from participating in
14 intercollegiate athletics as a result of the compensation of a
15 student athlete for the use of the student's name, image or
16 likeness.

17 C. An institution within The Oklahoma State System of Higher
18 Education, private educational institution, athletic association,
19 conference or other group or organization with authority over
20 intercollegiate athletics shall not:

21 1. Provide a prospective student athlete with compensation in
22 relation to the athlete's name, image or likeness; or

23 2. Prevent a student participating in intercollegiate athletics
24 from obtaining professional representation in relation to contracts

1 or legal matters, including, but not limited to, representation
2 provided by athlete agents or legal representation provided by
3 attorneys.

4 D. Professional representation provided by athlete agents shall
5 be by persons licensed pursuant to the Uniform Athlete Agents Act or
6 superseding law. Athlete agents representing student athletes also
7 shall comply with the federal Sports Agent Responsibility and Trust
8 Act, established in Chapter 104, Section 7801 et seq. of Title 15 of
9 the United States Code, in their relationships with student
10 athletes.

11 E. Legal representation of student athletes shall be by
12 attorneys licensed to practice law in this state.

13 F. A scholarship from an institution within The Oklahoma State
14 System of Higher Education or private educational institution in
15 which a student is enrolled that provides the student with the cost
16 of attendance at that institution is not compensation for purposes
17 of this section, and a scholarship shall not be revoked as a result
18 of earning compensation or obtaining legal representation pursuant
19 to this section.

20 G. 1. A student athlete shall not enter into a contract
21 providing compensation to the athlete for use of the athlete's name,
22 image or likeness if a provision of the contract is in conflict with
23 a provision of the athlete's team contract.

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1 2. A student athlete who enters into a contract providing
2 compensation to the athlete for use of the athlete's name, image or
3 likeness shall disclose the contract to an official of the
4 institution of higher education in which the athlete is enrolled, to
5 be designated by the institution.

6 3. An institution asserting a conflict described in paragraph 1
7 of this subsection shall disclose to the athlete or the athlete's
8 agent or legal representation the relevant contractual provisions
9 that are in conflict.

10 H. Any athletic program team contract of an institution within
11 The Oklahoma State System of Higher Education or private educational
12 institution entered into, modified or renewed on or after January 1,
13 2022, shall not prevent a student athlete from using the athlete's
14 name, image or likeness for a commercial purpose when the athlete is
15 not engaged in official team activities.

16 SECTION 2. This act shall become effective January 1, 2022.

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18 58-1-6385 EK 12/28/20

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