
SUBSTITUTE HOUSE BILL 1084

State of Washington

66th Legislature

2020 Regular Session

By House College & Workforce Development (originally sponsored by Representatives Stokesbary and Young)

1 AN ACT Relating to unfair practices involving compensation of
2 athletes in higher education; adding a new section to chapter 19.86
3 RCW; creating a new section; and providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that every student
6 enrolled at an institution of higher education in this state should
7 have an equal right: To earn compensation for services provided; to
8 be paid for the use of his or her name, image, and likeness; and to
9 hire agents to represent the student's interests. The legislature
10 further finds that students should not be compelled to choose between
11 forfeiting these rights and participating in intercollegiate athletic
12 competitions. It is the intent of the legislature to ensure
13 appropriate protections are in place to avoid the exploitation of
14 student athletes, colleges, and universities.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.86
16 RCW to read as follows:

17 (1) For the purposes of this section:

18 (a) "Institution of higher education" includes public and private
19 nonprofit four-year institutions.

1 (b) "Student" means any student enrolled at an institution of
2 higher education.

3 (2)(a) An institution of higher education shall not uphold any
4 rule, requirement, standard, or other limitation that prevents a
5 student of that institution participating in intercollegiate
6 athletics from earning compensation as a result of the use of the
7 student's name, image, or likeness.

8 (b) An athletic association, conference, or other group or
9 organization with authority over intercollegiate athletics, including
10 the national collegiate athletic association, shall not prevent a
11 student of an institution of higher education participating in
12 intercollegiate athletics from earning compensation as a result of
13 the use of the student's name, image, or likeness.

14 (c) An athletic association, conference, or other group or
15 organization with authority over intercollegiate athletics, including
16 the national collegiate athletic association, shall not prevent an
17 institution of higher education from participating in intercollegiate
18 athletics as a result of the student receiving compensation for the
19 use of the student's name, image, or likeness.

20 (3) An institution of higher education, athletic association,
21 conference, or other group or organization with authority over
22 intercollegiate athletics shall not provide a prospective student
23 athlete with compensation in relation to the prospective student
24 athlete's name, image, or likeness.

25 (4)(a) An institution of higher education, athletic association,
26 conference, or other group or organization with authority over
27 intercollegiate athletics shall not prevent a student participating
28 in intercollegiate athletics from obtaining professional
29 representation in relation to contracts or legal matters, including
30 representation provided by athlete agents or legal representation
31 provided by attorneys.

32 (b) Only licensed persons shall provide professional
33 representation for student athletes. Professional representation
34 provided by athlete agents shall be by persons licensed pursuant to
35 chapter 19.225 RCW. Legal representation of student athletes shall be
36 by attorneys licensed pursuant to chapter 2.48 RCW.

37 (c) Athlete agents representing student athletes shall comply
38 with the federal sports agent responsibility and trust act, 15 U.S.C.
39 Sec. 7801 et seq., in their relationships with student athletes.

1 (5) A grant or scholarship applied toward the cost of attendance
2 from the institution of higher education in which a student is
3 enrolled is not compensation for purposes of this section, and a
4 scholarship shall not be revoked as a result of earning compensation
5 or obtaining legal representation pursuant to this section.

6 (6)(a) A student athlete shall not enter into a contract
7 providing compensation to the student athlete for use of the student
8 athlete's name, image, or likeness if a provision of the contract is
9 in conflict with a provision of the student athlete's team contract.

10 (b) A student athlete who enters into a contract providing
11 compensation to the student athlete for use of the student athlete's
12 name, image, or likeness shall disclose the contract to an official
13 of the institution of higher education, to be designated by the
14 institution.

15 (c) An institution asserting a conflict described in (a) of this
16 subsection shall disclose to the student athlete or the student
17 athlete's legal representation the relevant contractual provisions
18 that are in conflict.

19 (7) A team contract of an institution of higher education's
20 athletic program shall not prevent a student athlete from using the
21 student athlete's name, image, or likeness for a commercial purpose
22 when the student athlete is not engaged in official team activities.
23 This prohibition shall apply only to contracts entered into,
24 modified, or renewed on or after the enactment of this section.

25 NEW SECTION. **Sec. 3.** This act takes effect January 1, 2023.

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