

2020 Regular Session

HOUSE BILL NO. 441

BY REPRESENTATIVE JORDAN

ATHLETICS: Provides relative to compensation of collegiate student athletes for use of their name, image, or likeness

1 AN ACT

2 To enact R.S. 17:3383, relative to student athletes in postsecondary education institutions;
3 to provide relative to compensation of such a student athlete for use of his name,
4 image, or likeness; to prohibit limitations on such compensation because a student
5 is an athlete and to prohibit limitations on an athlete because he receives such
6 compensation; to provide for recovery of damages; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 17:3383 is hereby enacted to read as follows:

10 §3383. Student athletes; compensation for use of name, image, or likeness

11 A. It is the intent of the legislature that no postsecondary education student
12 athlete be required to forgo earning compensation for use of his name, image, or
13 likeness solely because he is a student athlete, and this Section shall be liberally
14 interpreted and applied to achieve this intent.

15 B. No postsecondary education institution, no governing authority of such
16 an institution, and no public or private entity with authority over intercollegiate
17 athletics shall:

18 (1) Prohibit a student, solely because the student is an athlete, from receiving
19 or limit a student's ability to receive compensation for use of his name, image, or
20 likeness.

1 (2) Restrict in any way a student's eligibility or opportunity to participate in
2 intercollegiate athletics due to the student's receipt of compensation for use of his
3 name, image, or likeness.

4 (3) Determine or limit a student's eligibility for an athletic scholarship due
5 to the student's receipt of compensation for use of his name, image, or likeness.

6 (4) Provide a prospective student athlete with compensation for use of his
7 name, image, or likeness.

8 (5) Prevent a student athlete from obtaining professional representation in
9 relation to contracts or legal matters regarding compensation for use of his name,
10 image, or likeness. Only a person licensed to practice law in Louisiana may provide
11 professional representation to a student athlete in such matters.

12 C. No public or private entity with authority over intercollegiate athletics
13 shall prohibit or in any way limit a postsecondary education institution's participation
14 in intercollegiate athletics because a participating student at the institution receives
15 compensation for use of his name, image, or likeness or because state and
16 institutional polices allow receipt of such compensation.

17 D.(1) If a public or private entity with authority over intercollegiate athletics
18 violates this Section, the governing authority of a postsecondary education institution
19 or a student athlete or both shall have a cause of action against the entity for
20 damages, including attorney fees and court costs, arising out of the violation. This
21 remedy is in addition to other procedures or remedies provided by law.

22 (2) If a postsecondary education institution or governing authority thereof
23 violates this Section, a student athlete shall have a cause of action against the
24 institution or governing authority or both for damages, including attorney fees and
25 court costs, arising out of the violation. This remedy is in addition to other
26 procedures or remedies provided by law.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 441 Original

2020 Regular Session

Jordan

Abstract: Prohibits restrictions on a collegiate student athlete's ability to be compensated for use of his name, image, or likeness.

Proposed law prohibits a postsecondary education institution, governing authority of such an institution, and a public or private entity with authority over intercollegiate athletics from:

- (1) Limiting a student's ability to receive, solely because the student is an athlete, compensation for use of his name, image, or likeness.
- (2) Restricting a student's opportunity to participate in intercollegiate athletics due to the student's receipt of compensation for use of his name, image, or likeness.
- (3) Determining or limiting a student's eligibility for an athletic scholarship due to the student's receipt of compensation for use of his name, image, or likeness.
- (4) Providing a prospective student athlete with compensation for use of his name, image, or likeness.
- (5) Preventing a student athlete from obtaining professional representation in relation to matters regarding compensation for use of his name, image, or likeness. Provides that only a person licensed to practice law in La. may provide such representation.

Proposed law further prohibits a public or private entity with authority over intercollegiate athletics from limiting a postsecondary education institution's participation in intercollegiate athletics because a participating student receives compensation for use of his name, image, or likeness or because state and institutional polices allow receipt of such compensation.

Proposed law establishes causes of action for damages, including attorney fees and court costs, arising out of violations of proposed law.

(Adds R.S. 17:3383)