A BILL FOR AN ACT

RELATING TO INTERCOLLEGIATE ATHLETICS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER

STUDENT-ATHLETES

§ -1 Definitions. For purposes of this chapter:

"Intercollegiate sport" shall have the same meaning as in section 481E-1

"Postsecondary educational institution" means any institution accredited pursuant to chapter 305J.

"Student-athlete" means an individual enrolled in a postsecondary educational institution who participates in an intercollegiate sport.

§ -2 Student-athlete compensation. (a) Any student-athlete may enter into a contract providing compensation to the student-athlete for use of the student-athlete's name, image, or likeness; provided that:
(1) No provision of the contract shall conflict with a provision of the student-athlete's team contract; and

(2) The student-athlete shall disclose the contract to an official of the postsecondary educational institution who shall be designated by the postsecondary educational institution.

(b) A postsecondary educational institution asserting a conflict described in paragraph (a)(1) shall disclose the relevant contractual provisions that are in conflict to the student-athlete or the student-athlete's professional representative.

(c) A team contract of a postsecondary educational institution's athletic program shall not prohibit a student-athlete from using the student-athlete's name, image, or likeness for a commercial purpose while the student-athlete is not engaged in an official team activity. Any provision in a team contract contrary to this subsection shall be void and unenforceable.

(d) All professional representation obtained by a student-athlete related to a contract under this chapter shall be
provided by an athlete agent registered pursuant to section 481E-5 or 481E-7.

(e) All legal representation obtained by a student-athlete related to a contract under this chapter shall be provided by an attorney licensed by the supreme court pursuant to chapter 605.

§ -3 Postsecondary educational institutions, athletic associations, conferences; prohibitions. (a) A postsecondary educational institution, athletic association, conference, or other group or organization with authority over intercollegiate athletics shall not:

(1) Prohibit a student-athlete from earning compensation as a result of the use of the student-athlete's name, image, or likeness;

(2) Uphold or enforce any rule, requirement, standard, or other limitation prohibiting a student-athlete from earning compensation as a result of the use of the student-athlete's name, image, or likeness;

(3) Provide a student-athlete with compensation in relation to the athlete's name, image, or likeness; provided that a scholarship from the postsecondary educational institution in which a student-athlete is
enrolled that provides the student-athlete with the
cost of attendance at that institution shall not be
considered compensation for purposes of this chapter;
or
(4) Prohibit a student-athlete from obtaining
representation in relation to contracts or legal
matters, including, professional representation by an
athlete agent or legal representation by an attorney.
(b) Any decision by a postsecondary educational
institution, athletic association, conference, or other group or
organization having authority over intercollegiate athletics to
reduce, revoke, or otherwise amend a student-athlete's athletic
scholarship shall not consider whether the student-athlete
earned compensation from the use of the student-athlete's name,
image, or likeness or whether the student-athlete obtained
professional or legal representation.
§ 4 Athletic associations and conferences;
prohibitions. No athletic association, conference, or other
group or organization having authority over intercollegiate
athletics shall prohibit a postsecondary educational institution
from participating in intercollegiate athletics as a result of
the compensation of a student-athlete for the use of the
student-athlete's name, image, or likeness."

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 3. This Act shall take effect on January 1, 2021.

INTRODUCED BY:

[Signatures]

JAN 1 4 2020
Report Title:
University; College: Athletics; Student-Athletes; Compensation

Description:
Authorizes a student-athlete to enter into a contract providing compensation to the student-athlete for use of the student-athlete’s name, image, or likeness. Establishes various provisions prohibiting schools, athletic associations, and conferences from discriminating against student-athletes who receive compensation. Effective 1/1/2021.

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