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 ATHLETE BILL OF RIGHTS

§ -1 Definitions. As used in this chapter, unless the
context indicates otherwise:

"Postsecondary educational institution" means any campus of
the university of Hawaii system as defined in section 305J-2 or
a private college or university as defined in section 305J-2.

§ -2 Postsecondary educational institutions; student
compensation; scholarship eligibility. No postsecondary
educational institution shall uphold any rule, requirement,
standard, or other limitation that prevents a student athlete of
the institution participating in intercollegiate athletics from
earning compensation as a result of the use of the student
athlete's name, image, or likeness. Earning compensation from
the use of a student athlete's name, image, or likeness shall not affect the student athlete's scholarship eligibility.

§ -3 Athletic associations; student compensation; school eligibility. (a) No athletic association, conference, or other group or organization with authority over intercollegiate athletics shall prevent a student athlete of a postsecondary educational institution who is participating in intercollegiate athletics from earning compensation as a result of the use of the student athlete's name, image, or likeness.

(b) No athletic association, conference, or other group or organization having authority over intercollegiate athletics shall prevent 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.

§ -4 Prospective student athletes; professional representation. (a) No postsecondary educational institution, athletic association, conference, or other group or organization having authority over intercollegiate athletics shall provide a prospective student athlete with compensation in relation to the student 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 is not
compensation for purposes of this section, and a scholarship
shall not be revoked as a result of earning compensation or
obtaining legal representation pursuant to this section.

(b) No postsecondary educational institution, athletic
association, conference, or other group or organization having
authority over intercollegiate athletics shall prevent a student
athlete participating in intercollegiate athletics from
obtaining professional representation in relation to contracts
or legal matters.

§ -5 Athletic contracts; team contracts; conflicts;
disclosure; official team activities. (a) No student athlete
shall enter into a contract providing compensation to the
student athlete for use of the student athlete's name, image, or
likeness if a provision of the contract is in conflict with a
provision of the student athlete's team contract.

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

(c) An institution asserting a conflict described in
subsection (a) shall disclose to the student athlete or the
student athlete's attorney the relevant contractual provisions
that are in conflict.

(d) No team contract of a postsecondary educational
institution's athletic program shall prevent a student athlete
from using the student athlete's name, image, or likeness for a
commercial purpose when the student athlete is not engaged in
official team activities.

§ -6 Sanction. Any person who violates this chapter
shall be deemed to have engaged in an unfair or deceptive act or
practice pursuant to section 480-2."

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 upon its approval.
Report Title:
Student Athletics; Compensation

Description:
Establishes the right of postsecondary student athletes in intercollegiate athletics to receive compensation for the use of their name, image, or likeness.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.