

SENATE BILL NO. 271

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REGIER, D. HARVEY, D. LOGE, M. REGIER, S. FITZPATRICK, K. WALSH, R. MINER, P. FLOWERS, G.
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A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS REGARDING STUDENT-
ATHLETE RIGHTS AND PROTECTIONS; ELIMINATING THE PROHIBITION ON A POSTSECONDARY
INSTITUTION OR ATHLETIC ASSOCIATION, CONFERENCE, OR ORGANIZATION WITH AUTHORITY
OVER INTERCOLLEGIATE SPORTS FROM PROVIDING A PROSPECTIVE OR CURRENT STUDENT-
ATHLETE COMPENSATION FOR USE OF THE STUDENT-ATHLETE'S NAME, IMAGE, OR LIKENESS;
AMENDING SECTION 20-1-232, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 20-1-232, MCA, is amended to read:

"20-1-232. Student-athlete rights and protections -- definitions. (1) As used in this section, the
following definitions apply:

(a) "Postsecondary institution" means a 2-year or 4-year public or private college or university
located in the state.

(b) (i) "Student-athlete rights" means the rights of a student-athlete enrolled in a postsecondary
institution to earn compensation for the use of the student-athlete's name, image, or likeness and to contract
with and retain professional representation of an athlete agent.

(ii) The term does not include a right to receive compensation from a postsecondary institution.

(2) Except as provided in subsections (3) through ~~(6)~~ (5), a postsecondary institution or an athletic
association, conference, or organization with authority over intercollegiate sports may not:

(a) prohibit, prevent, or restrict a student-athlete from exercising the student-athlete's rights;

(b) penalize or retaliate against a student-athlete for exercising the student-athlete's rights;

(c) prohibit a student-athlete from participating in an intercollegiate sport for exercising the student-

1 athlete's rights; or

2 (d) subject to subsection ~~(5)(a)~~ (4)(a), impose an eligibility requirement on a scholarship or grant
3 that requires a student-athlete to refrain from exercising the student-athlete's rights.

4 (3) (a) A student-athlete may not enter into a contract that provides compensation to the student-
5 athlete for the use of the student-athlete's name, image, or likeness if terms of the contract conflict with the
6 student-athlete's team rules or with terms of a contract entered into between the student-athlete's
7 postsecondary institution and a third party, except the team rules or a contract entered into between the
8 postsecondary institution and a third party may not prevent a student-athlete from earning compensation for the
9 use of the student-athlete's name, image, or likeness when not engaged in official team activities.

10 (b) A student-athlete who enters into a contract that provides compensation to the student-athlete
11 for the use of the student-athlete's name, image, or likeness shall disclose the contract to an official of the
12 postsecondary institution if the student-athlete is a team member or, if the student-athlete is not a team
13 member, at the time the student-athlete seeks to become a team member.

14 (c) If a postsecondary institution asserts that the terms of the contract conflict with the team rules
15 or with terms of a contract entered into between the student-athlete's postsecondary institution and a third
16 party, the unit shall disclose the specific rules or terms asserted to be in conflict to the student-athlete or to the
17 student-athlete's professional representative or athlete agent if the student-athlete is represented.

18 ~~(4) A postsecondary institution or an athletic association, conference, or organization with authority~~
19 ~~over intercollegiate sports may not provide to a prospective or current student-athlete compensation for use of~~
20 ~~the student-athlete's name, image, or likeness.~~

21 ~~(5)(4)~~ A postsecondary school may:

22 (a) include provisions in scholarship agreements allowing the postsecondary school to use the
23 athlete's name, image, and likeness;

24 (b) prohibit the use of an athlete's name, image, and likeness on school property, at school
25 functions, or in any advertising material distributed or placed on school property;

26 (c) serve as an agent for the athlete to manage any contract using an athlete's name, image, and
27 likeness; or

28 (d) do any combination of subsections ~~(5)(a)~~ (4)(a) through ~~(5)(e)~~ (4)(c).

1 ~~(6)(5)~~ Nothing in this section prohibits a postsecondary institution from establishing or enforcing a
2 conduct code that is applicable to all students enrolled at the unit."

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4 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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