

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 55th Legislature (2016)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2615

By: Thomsen

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to schools; providing definitions;
10 prohibiting persons from giving money or a thing of
11 value to a student-athlete or family member for
12 certain purposes; prohibiting persons from entering
13 into or soliciting a transaction with a student-
14 athlete that would result in certain sanctions;
15 providing certain exceptions; establishing penalty;
16 requiring high schools to advise certain students of
17 the provisions of the law and to provide certain
18 information; granting a right of action by a
19 postsecondary institution against certain persons
20 engaging in activity concerning student-athletes;
21 providing for recovery of damages; specifying
22 damages; allowing additional right of action and
23 remedies; providing for codification; and providing
24 an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 822.1 of Title 70, unless there
4 is created a duplication in numbering, reads as follows:

As used in Sections 2 and 3 of this act:

1 1. "Immediate family" means a spouse, parent, legal guardian,
2 child, sibling, grandparent, domestic partner or any individual
3 whose close association with the student-athlete is the practical
4 equivalent of a family relationship;

5 2. "Person" means an individual, corporation, business trust,
6 estate, trust, partnership, limited liability company, association,
7 joint venture, firm or any other legal or commercial entity;

8 3. "Student-athlete" means a student at any public or private
9 institution of postsecondary education in this state or a student
10 residing in this state who has applied, is eligible to apply, or may
11 be eligible to apply in the future to a public or private
12 institution of postsecondary education who engages in, is eligible
13 to engage in, or may be eligible to engage in any intercollegiate
14 sporting event, contest, exhibition or program; and

15 4. "Transaction" means any action or set of actions occurring
16 between two or more persons for the sale or exchange of any property
17 or services.

18 SECTION 2. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 822.2 of Title 70, unless there
20 is created a duplication in numbering, reads as follows:

21 A. Except as provided for in subsection C of this section, no
22 person shall give, offer, promise or attempt to give any money or
23 other thing of value to a student-athlete or member of the immediate
24 family of a student-athlete:

1 1. To induce, encourage or reward the application, enrollment
2 or attendance of the student-athlete at a public or private
3 institution of postsecondary education in order to have the student-
4 athlete participate in intercollegiate sporting events, contests,
5 exhibitions or programs at that institution; or

6 2. To induce, encourage or reward the participation in an
7 intercollegiate sporting event, contest, exhibition or program by
8 the student-athlete.

9 B. No person shall enter into or solicit directly or through an
10 agent a transaction with a student-athlete if the person has, or
11 could be reasonably expected to have, knowledge that the transaction
12 would likely cause the student-athlete to permanently or temporarily
13 lose athletic scholarship eligibility, the ability to participate on
14 an intercollegiate athletic team or the ability to participate in
15 one or more intercollegiate sporting competitions as sanctioned by:

16 1. A national association for the promotion and regulation of
17 intercollegiate athletics;

18 2. An athletic conference or other sanctioning body; or

19 3. The institution of postsecondary education itself as a
20 reasonable self-imposed disciplinary action taken by the institution
21 to mitigate sanctions likely to be imposed by an organization as a
22 result of the transaction or as a violation of the rules of the
23 institution.

24 C. This section shall not apply to:

1 1. Any public or private institution of postsecondary education
2 or to any officer or employee of the institution when the
3 institution or the officer or employee of the institution is acting
4 in accordance with an official written policy of the institution
5 which is in compliance with the bylaws of the National Collegiate
6 Athletic Association;

7 2. Any intercollegiate athletic award approved or administered
8 by the public or private institution of postsecondary education;

9 3. Grants-in-aid or other full or partial scholarships awarded
10 to a student-athlete or administered by a public or private
11 institution of postsecondary education;

12 4. Members of the immediate family of the student-athlete; and

13 5. Money or things of value given by a person to a student-
14 athlete or the immediate family of a student-athlete that do not
15 exceed One Hundred Dollars (\$100.00) in value in the aggregate on an
16 annual basis.

17 D. Any person who violates the provisions of this section shall
18 be guilty of a misdemeanor and, upon conviction, shall be subject to
19 a fine of not less than One Thousand Dollars (\$1,000.00) and not
20 more than Five Thousand Dollars (\$5,000.00), or by imprisonment not
21 to exceed one (1) year, or by both such fine and imprisonment.

22 E. Each public and private high school in this state shall at
23 the beginning of each sports season advise in writing each student
24 who participates in any athletic program sponsored by the school of

1 the provisions of this section and shall provide each student with
2 information concerning the effect of receiving money or other things
3 of value on the future eligibility of the student to participate in
4 intercollegiate athletics. The provisions of this subsection shall
5 not apply to intramural athletic programs sponsored by the school.

6 SECTION 3. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 822.3 of Title 70, unless there
8 is created a duplication in numbering, reads as follows:

9 A. Each public and private institution of postsecondary
10 education located in this state that participates or engages in
11 intercollegiate athletics shall have a right of action against any
12 person who engages in any activity concerning student-athletes that
13 results in:

14 1. The institution being penalized, disqualified, or suspended
15 from participation in intercollegiate athletics by a national
16 association for the promotion and regulation of intercollegiate
17 athletics, by an athletic conference or other sanctioning body, or
18 by reasonable self-imposed disciplinary action taken by the
19 institution to mitigate sanctions likely to be imposed by the
20 organizations as a result of the activity; or

21 2. The student-athlete permanently or temporarily losing
22 athletic scholarship eligibility, the ability to participate on an
23 intercollegiate athletic team, or the ability to participate in one
24 or more intercollegiate sporting competitions as sanctioned by a

1 national association for the promotion and regulation of
2 intercollegiate athletics, by an athletic conference or other
3 sanctioning body or by the institution itself as a reasonable self-
4 imposed disciplinary action taken by the institution to mitigate
5 sanctions likely to be imposed by the organizations as a result of
6 engaging in the activity or as a violation of the rules of the
7 institution.

8 B. An institution shall be entitled to recover all damages
9 which are directly related to or which flow from and are reasonably
10 related to the improper activity as described in this section and to
11 any penalties, disqualifications and suspensions. Damages shall
12 include, but are not limited to, loss of scholarships, loss of
13 television revenue, loss of bowl revenue and legal and other fees
14 associated with the investigation of the activity and the
15 representation of the institution before the sanctioning
16 organizations in connection with the investigation and resolution of
17 the activity. If the institution is the prevailing party in its
18 cause of action, it shall be entitled to an award of court costs,
19 costs of litigation and reasonable attorney fees. The institution
20 may request and the court may enter an injunction prohibiting any
21 person found liable from having any further contact with the
22 institution, its student-athletes and student-athletes who have
23 expressed or might express an interest in attending the institution.
24 The institution may also request and the court may enter an

1 injunction prohibiting any person found liable from attending
2 athletic contests, exhibitions, games or other events in which one
3 or more student-athletes are participating.

4 C. The right of action and remedies under this section are in
5 addition to all other rights of action which may be available to the
6 institution.

7 SECTION 4. This act shall become effective November 1, 2016.

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9 COMMITTEE REPORT BY: COMMITTEE ON HIGHER EDUCATION AND CAREER TECH,
dated 02/11/2016 - DO PASS, As Amended.