

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 3347

By: Dollens and Nichols

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7 COMMITTEE SUBSTITUTE

8 An Act relating to student athletes; prohibiting  
9 certain entities from preventing student athletes  
10 from receiving compensation for use of the student's  
11 name, image or likeness; prohibiting certain other  
12 acts relating to compensation of student athletes for  
13 the use of the student's name, image or likeness;  
14 providing requirements for professional  
15 representation of student athletes; providing that  
16 scholarships are not compensation; providing  
17 limitations on contracts; providing for codification;  
18 and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 824 of Title 70, unless there is  
created a duplication in numbering, reads as follows:

A. An institution within The Oklahoma State System of Higher  
Education or a private educational institution, as defined by  
Section 3102 of Title 70 of the Oklahoma Statutes, shall not uphold  
any rule, requirement, standard or other limitation that prevents a

1 student of that institution who is participating in intercollegiate  
2 athletics from earning compensation as a result of the use of the  
3 student's name, image or likeness. Earning compensation from the  
4 use of a student's name, image or likeness shall not affect the  
5 student's scholarship eligibility.

6 B. An athletic association, conference or other group or  
7 organization with authority over intercollegiate athletics,  
8 including, but not limited to, the National Collegiate Athletic  
9 Association, shall not prevent:

10 1. A student of an institution within The Oklahoma State System  
11 of Higher Education or private educational institution who is  
12 participating in intercollegiate athletics from earning compensation  
13 as a result of the use of the student's name, image or likeness; or

14 2. An institution within The Oklahoma State System of Higher  
15 Education or private educational institution from participating in  
16 intercollegiate athletics as a result of the compensation of a  
17 student athlete for the use of the student's name, image or  
18 likeness.

19 C. An institution within The Oklahoma State System of Higher  
20 Education, private educational institution, athletic association,  
21 conference or other group or organization with authority over  
22 intercollegiate athletics shall not:

23 1. Provide a prospective student athlete with compensation in  
24 relation to the athlete's name, image or likeness; or

1        2. Prevent a student participating in intercollegiate athletics  
2 from obtaining professional representation in relation to contracts  
3 or legal matters, including, but not limited to, representation  
4 provided by athlete agents or legal representation provided by  
5 attorneys.

6        D. Professional representation provided by athlete agents shall  
7 be by persons licensed pursuant to the Uniform Athlete Agents Act or  
8 superseding law. Athlete agents representing student athletes also  
9 shall comply with the federal Sports Agent Responsibility and Trust  
10 Act, established in Chapter 104, Section 7801 et seq. of Title 15 of  
11 the United States Code, in their relationships with student  
12 athletes.

13        E. Legal representation of student athletes shall be by  
14 attorneys licensed to practice law in this state.

15        F. A scholarship from an institution within The Oklahoma State  
16 System of Higher Education or private educational institution in  
17 which a student is enrolled that provides the student with the cost  
18 of attendance at that institution is not compensation for purposes  
19 of this section, and a scholarship shall not be revoked as a result  
20 of earning compensation or obtaining legal representation pursuant  
21 to this section.

22        G. 1. A student athlete shall not enter into a contract  
23 providing compensation to the athlete for use of the athlete's name,  
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1 image or likeness if a provision of the contract is in conflict with  
2 a provision of the athlete's team contract.

3 2. A student athlete who enters into a contract providing  
4 compensation to the athlete for use of the athlete's name, image or  
5 likeness shall disclose the contract to an official of the  
6 institution of higher education in which the athlete is enrolled, to  
7 be designated by the institution.

8 3. An institution asserting a conflict described in paragraph 1  
9 of this subsection shall disclose to the athlete or the athlete's  
10 agent or legal representation the relevant contractual provisions  
11 that are in conflict.

12 H. Any athletic program team contract of an institution within  
13 The Oklahoma State System of Higher Education or private educational  
14 institution entered into, modified or renewed on or after September  
15 1, 2023, shall not prevent a student athlete from using the  
16 athlete's name, image or likeness for a commercial purpose when the  
17 athlete is not engaged in official team activities.

18 SECTION 2. This act shall become effective September 1, 2023.

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