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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 949 Session of  
2019

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INTRODUCED BY A. WILLIAMS, BROWNE, FARNESE AND HUGHES,  
NOVEMBER 15, 2019

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REFERRED TO EDUCATION, NOVEMBER 15, 2019

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AN ACT

1 Amending Title 24 (Education) of the Pennsylvania Consolidated  
2 Statutes, in higher education, providing for intercollegiate  
3 athletics.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Title 24 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 67

9 INTERCOLLEGIATE ATHLETICS

10 Sec.

11 6701. Scope of chapter.

12 6702. Legislative intent.

13 6703. Definitions.

14 6704. Compensation regarding college athlete's name, image or  
15 likeness rights or athletic reputation.

16 6705. Professional representation.

17 6706. Scholarships.

18 6707. Contracts.

1 6708. Violations and claims.

2 6709. Settlements.

3 6710. Conflicts.

4 6711. Severability.

5 § 6701. Scope of chapter.

6 This chapter relates to college athlete compensation and  
7 professional representation.

8 § 6702. Legislative intent.

9 The General Assembly finds and declares as follows:

10 (1) The Commonwealth seeks to help ensure that college  
11 athletes have equal rights and economic freedoms afforded to  
12 all students and residents in this Commonwealth.

13 (2) The Commonwealth recognizes the disproportionate  
14 negative impact that economic and legal restrictions have on  
15 African-American and female college athletes.

16 (3) College sports is a 14-billion-dollar industry with  
17 millionaire coaches and lucrative apparel deals that require  
18 college athletes to advertise for commercial interests.

19 (4) Rules prohibiting college athlete compensation for  
20 the use of name, image and likeness rights do not bring forth  
21 competitive equity and cannot justify denying college  
22 athletes equal rights and economic freedom.

23 § 6703. Definitions.

24 The following words and phrases when used in this chapter  
25 shall have the meanings given to them in this section unless the  
26 context clearly indicates otherwise:

27 "Athlete agent." As defined in 5 Pa.C.S. § 3102 (relating to  
28 definitions).

29 "College athlete." A student of an institution of higher  
30 education who participates in intercollegiate athletics.

1 "Institution of higher education." As follows:

2 (1) Any of the following:

3 (i) A university within the State System of Higher  
4 Education.

5 (ii) The Pennsylvania State University, the  
6 University of Pittsburgh, Temple University, Lincoln  
7 University or any other institution designated as State-  
8 related by the Commonwealth.

9 (iii) The Thaddeus Stevens College of Technology.

10 (iv) A college established under Article XIX-G of  
11 the act of March 10, 1949 (P.L.30, No.14), known as the  
12 Public School Code of 1949.

13 (v) An institution of higher education located in  
14 and incorporated or chartered by the Commonwealth and  
15 entitled to confer degrees as set forth in section 6505  
16 (relating to power to confer degrees) and as provided for  
17 by the standards and qualifications prescribed by the  
18 State Board of Education under Chapter 65 (relating to  
19 private colleges, universities and seminaries).

20 (vi) A private school licensed under the act of  
21 December 15, 1986 (P.L.1585, No.174), known as the  
22 Private Licensed Schools Act.

23 (vii) A foreign corporation approved to operate an  
24 educational enterprise under 22 Pa. Code Ch. 36 (relating  
25 to foreign corporation standards).

26 (2) The term shall not include a community college  
27 operating under Article XIX-A of the Public School Code of  
28 1949.

29 "NCAA." The National Collegiate Athletic Association.

30 § 6704. Compensation regarding college athlete's name, image or

1 likeness rights or athletic reputation.

2 (a) Prohibition regarding institutions of higher  
3 education.--An institution of higher education may not uphold a  
4 rule, requirement, standard or other limitation that prevents a  
5 college athlete of the institution of higher education from  
6 fully participating in intercollegiate athletics and earning  
7 compensation as a result of the use of the college athlete's  
8 name, image, likeness rights or athletic reputation.

9 (b) Prohibitions regarding intercollegiate athletic  
10 entities.--An athletic association, conference or other group or  
11 organization with authority over intercollegiate athletics,  
12 including, but not limited to, the NCAA, may not:

13 (1) Prevent a college athlete from fully participating  
14 in intercollegiate athletics without penalty and earning  
15 compensation as a result of the college athlete's name,  
16 image, likeness rights or athletic reputation.

17 (2) Prevent an institution of higher education from  
18 fully participating in intercollegiate athletics without  
19 penalty as a result of a college athlete's use of the college  
20 athlete's name, image, likeness rights or athletic  
21 reputation.

22 § 6705. Professional representation.

23 (a) Prohibitions.--

24 (1) An institution of higher education, athletic  
25 association, conference or other group or organization with  
26 authority over intercollegiate athletics, including, but not  
27 limited to, the NCAA, may not interfere with or prevent a  
28 college athlete from fully participating in intercollegiate  
29 athletics for obtaining professional representation in  
30 relation to contracts or legal matters, including, but not

1 limited to, representation provided by athlete agents or  
2 financial advisors or legal representation provided by  
3 attorneys.

4 (2) An athletic association, conference or other group  
5 or organization with authority over intercollegiate  
6 athletics, including, but not limited to, the NCAA, may not  
7 prevent an institution of higher education from fully  
8 participating in intercollegiate athletics without penalty as  
9 a result of a college athlete obtaining professional  
10 representation in relation to contracts or legal matters,  
11 including, but not limited to, representation provided by  
12 athlete agents or financial advisors or legal representation  
13 provided by attorneys.

14 (b) Qualifications.--Professional representation obtained by  
15 a college athlete shall be from a person:

16 (1) acting as an athlete agent in accordance with 5  
17 Pa.C.S. Ch. 33 (relating to registration);

18 (2) acting as a financial advisor in accordance with the  
19 laws of this Commonwealth; or

20 (3) admitted to practice law by a court of record of  
21 this Commonwealth.

22 § 6706. Scholarships.

23 (a) Eligibility.--Earning compensation from the use of a  
24 college athlete's name, image, likeness rights or athletic  
25 reputation shall not affect the college athlete's scholarship  
26 eligibility or renewal.

27 (b) Compensation.--

28 (1) For purposes of this chapter, an athletics grant-in-  
29 aid or stipend scholarship from an institution of higher  
30 education in which a college athlete is enrolled is not

1 compensation for use of a college athlete's name, image,  
2 likeness rights or athletic reputation.

3 (2) An athletics grant-in-aid or stipend scholarship may  
4 not be revoked or reduced as a result of a college athlete  
5 earning compensation under this chapter.

6 § 6707. Contracts.

7 (a) Conflict with team contract.--

8 (1) A college athlete may not enter into an apparel  
9 contract providing compensation to the college athlete for  
10 use of the college athlete's name, image or likeness rights  
11 that requires the college athlete to display a sponsor's  
12 apparel or otherwise advertises for the sponsor during  
13 official team activities, if a provision of the contract is  
14 in conflict with a provision of the college athlete's team  
15 contract.

16 (2) An institution of higher education asserting a  
17 conflict described in paragraph (1) shall disclose to the  
18 college athlete or the college athlete's professional  
19 representative or other agent, if applicable, the full  
20 contract that the institution of higher education asserts to  
21 be in conflict.

22 (b) Disclosure.--A college athlete who enters into a  
23 contract providing compensation to the college athlete for use  
24 of the college athlete's name, image or likeness rights shall  
25 disclose the contract to an official of the institution of  
26 higher education, to be designated by the institution of higher  
27 education.

28 (c) Periods of official team activities.--

29 (1) Subject to paragraph (2), a team contract of an  
30 institution of higher education's athletic program shall not

1 prevent a college athlete from receiving compensation for  
2 using the college athlete's name, image or likeness rights  
3 for a commercial purpose when the college athlete is not  
4 engaged in official team activities.

5 (2) Paragraph (1) shall apply only to contracts entered  
6 into, modified or renewed on or after the effective date of  
7 this subsection.

8 § 6708. Violations and claims.

9 A college athlete, institution of higher education,  
10 conference or State or local prosecutor seeking to prosecute a  
11 person violating this chapter shall not be deprived of any  
12 protections provided under State law with respect to a  
13 controversy that arises in this Commonwealth and shall have the  
14 right to an adjudication in this Commonwealth of a claim that  
15 arises in this Commonwealth.

16 § 6709. Settlements.

17 Legal settlements made on or after the effective date of this  
18 section shall not permit noncompliance with this chapter.

19 § 6710. Conflicts.

20 Any provision of an existing statute that conflicts with a  
21 provision of this chapter shall be void.

22 § 6711. Severability.

23 The provisions of this chapter shall be severable. If any  
24 provision of this chapter or the application of any provision of  
25 this chapter is held to be invalid, that invalidity shall not  
26 affect any other provision or application of any other provision  
27 that can be given effect without the invalid provision or  
28 application.

29 Section 2. This act shall take effect July 1, 2020.