



Rep. Emanuel Chris Welch

Adopted in House Comm. on Oct 29, 2019

10100HB3904ham001

LRB101 14512 NHT 64080 a

1 AMENDMENT TO HOUSE BILL 3904

2 AMENDMENT NO. _____. Amend House Bill 3904 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Student Athlete Endorsement Act.

6 Section 5. Definitions. In this Act:

7 "Institution" means a publicly or privately operated
8 college or university located in this State that offers
9 baccalaureate degrees.

10 "Student athlete" means a student enrolled in an
11 institution and participating in intercollegiate athletics.

12 Section 10. Student athlete compensation.

13 (a) An institution may not uphold any rule, requirement,
14 standard, or other limitation that prevents a student athlete
15 of that institution from earning compensation as a result of

1 the use of the student athlete's name, image, or likeness.
2 Earning compensation from the use of a student athlete's name,
3 image, or likeness may not affect the student's scholarship
4 eligibility.

5 (b) An athletic association, conference, or other group or
6 organization with authority over intercollegiate athletics,
7 including, but not limited to, the National Collegiate Athletic
8 Association, may not prevent a student athlete of an
9 institution from earning compensation as a result of the use of
10 the student's name, image, or likeness.

11 (c) An athletic association, conference, or other group or
12 organization with authority over intercollegiate athletics,
13 including, but not limited to, the National Collegiate Athletic
14 Association, may not prevent an institution from participating
15 in intercollegiate athletics as a result of the compensation of
16 a student athlete for the use of the student's name, image, or
17 likeness.

18 Section 15. No compensation for prospective student
19 athlete. An institution, athletic association, conference, or
20 other group or organization with authority over
21 intercollegiate athletics may not provide a prospective
22 student athlete with compensation in relation to the athlete's
23 name, image, or likeness.

24 Section 20. Professional representation.

1 (a) An institution, athletic association, conference, or
2 other group or organization with authority over
3 intercollegiate athletics may not prevent a student athlete
4 from obtaining professional representation in relation to a
5 contract or legal matter, including, but not limited to,
6 representation provided by an athlete agent or legal
7 representation provided by an attorney.

8 (b) Professional representation provided by an athlete
9 agent to a student athlete shall be by a person licensed
10 pursuant to the Illinois Athlete Agents Act. An athlete agent
11 representing a student athlete shall comply with the federal
12 Sports Agent Responsibility and Trust Act in his or her
13 relationship with the student athlete.

14 Section 25. Scholarships. A scholarship from the
15 institution in which a student athlete is enrolled that
16 provides the student with the cost of attendance at that
17 institution is not compensation for purposes of this Act, and a
18 scholarship may not be revoked as a result of earning
19 compensation or obtaining legal representation pursuant to
20 this Act.

21 Section 30. Contracts.

22 (a) A student athlete may not enter into a contract
23 providing compensation to the athlete for use of the athlete's
24 name, image, or likeness if a provision of the contract is in

1 conflict with a provision of the athlete's team contract.

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

6 (c) An institution asserting a conflict described in
7 subsection (a) shall disclose to the student athlete or the
8 athlete's legal representation the relevant contractual
9 provision that is in conflict.

10 (d) A team contract of an institution's athletic program
11 may not prevent a student athlete from using the athlete's
12 name, image, or likeness for a commercial purpose when the
13 athlete is not engaged in official team activities. It is the
14 intent of the General Assembly that this prohibition shall
15 apply only to contracts entered into, modified, or renewed on
16 or after the effective date of this Act.

17 Section 99. Effective date. This Act takes effect January
18 1, 2023."