

As Passed by the House

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H. B. No. 184

Representatives Stewart, Mathews, T.

Cosponsors: Representatives Deeter, Gross, Williams, Barhorst, Bird, Brennan, Brent, Brewer, Brownlee, Click, Cockley, Creech, Dovilla, Fischer, Ghanbari, Glassburn, Grim, Hall, D., Hall, T., Hiner, Jarrells, John, LaRe, Lawson-Rowe, Lorenz, Mathews, A., Mohamed, Newman, Odioso, Peterson, Piccolantonio, Plummer, Robb Blasdel, Roemer, Rogers, Russo, Salvo, Sigrist, Somani, Tims, Upchurch, Willis, Young

A BILL

To amend section 4771.12 and to enact sections 1
3376.14 and 4771.021 of the Revised Code to 2
prescribe limitations with respect to certain 3
contracts entered into with intercollegiate 4
athletes. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4771.12 be amended and sections 6
3376.14 and 4771.021 of the Revised Code be enacted to read as 7
follows: 8

Sec. 3376.14. (A) No person shall enter into a contract 9
with a student-athlete who participates in intercollegiate 10
athletics that provides compensation to the student-athlete for 11
use of the student-athlete's name, image, or likeness if the 12
contract does either of the following: 13

(1) Remains in effect beyond the date the student-athlete 14

is no longer eligible to participate in intercollegiate 15
athletics; 16

(2) Requires the student-athlete to provide as 17
consideration either of the following: 18

(a) Any compensation the student-athlete may earn after 19
the student-athlete is no longer eligible to participate in 20
intercollegiate athletics for use of the student-athlete's name, 21
image, or likeness; 22

(b) Rights associated with the use of the student- 23
athlete's name, image, or likeness after the student-athlete is 24
no longer eligible to participate in intercollegiate athletics. 25

(B) A contract entered into in violation of this section 26
is void. 27

Sec. 4771.021. No athlete agent shall enter into an agent 28
contract with an athlete under which the athlete agent 29
represents the athlete in relation to contracts or legal matters 30
regarding opportunities to earn compensation for use of the 31
athlete's name, image, or likeness if the agent contract remains 32
in effect beyond the date the athlete is no longer eligible to 33
participate in intercollegiate athletics. 34

Sec. 4771.12. (A) Fees charged by an athlete agent for 35
services provided to an athlete may be negotiated between the 36
parties. 37

(B) (1) Except as provided in division (B) (2) of this 38
section, an athlete agent shall establish an interest-bearing 39
trust fund or similar account in a depository approved by the 40
Ohio athletic commission to be used for the deposit of all 41
revenues received on behalf of an athlete. An athlete agent 42
shall deposit any revenue received on behalf of an athlete in 43

the interest-bearing trust fund or account. The athlete agent 44
shall notify the commission of the address and location of the 45
trust fund or account and the depository in which it is located. 46

(2) An athlete agent who is an attorney licensed to 47
practice law in this state may deposit any revenue received on 48
behalf of an athlete in a trust account already maintained by 49
the agent attorney in a financial institution in this state for 50
the deposit of revenue received on behalf of clients. 51

(C) No athlete agent shall share fees with any person 52
other than an employee of the athlete agent. If an athlete agent 53
shares a fee with an employee, the athlete agent shall obtain 54
written consent from the athlete prior to entering a fee 55
agreement with the athlete. 56

(D) No athlete agent shall enter a fee agreement that 57
requires the athlete to provide as consideration either of the 58
following: 59

(1) Any compensation the athlete may earn after the 60
athlete is no longer eligible to participate in intercollegiate 61
athletics for use of the athlete's name, image, or likeness; 62

(2) Rights associated with the use of the athlete's name, 63
image, or likeness after the athlete is no longer eligible to 64
participate in intercollegiate athletics. 65

(E) No athlete agent shall enter fee agreements that are 66
prohibited under this chapter. 67

~~(D)~~ (F) If an athlete agent collects a fee or expense from 68
an athlete as consideration for obtaining employment for the 69
athlete, and the athlete agent fails to procure such employment, 70
the agent shall retain only the following portion of the fee or 71
expense: 72

(1) The cost of reasonable expenses incurred by the 73
athlete agent during the course of representing the athlete in 74
efforts to obtain employment for the athlete; 75

(2) A negotiated fee in connection with instances where 76
the athlete receives a bonus or some compensation for signing a 77
professional sports services contract. 78

~~(E)~~ (G) Nothing in this section shall be construed to 79
limit the authority of the Ohio supreme court to establish or 80
regulate fees for activities considered to be the practice of 81
law. 82

Section 2. That existing section 4771.12 of the Revised 83
Code is hereby repealed. 84