

As Introduced

**135th General Assembly
Regular Session
2023-2024**

H. B. No. 687

Representative Stewart

A BILL

To amend section 4771.12 and to enact sections 1
3376.09 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
3376.09 and 4771.021 of the Revised Code be enacted to read as 7
follows: 8

Sec. 3376.09. (A) No person shall enter into a contract 9
with a student who participates in intercollegiate athletics 10
that provides compensation to the student for use of the 11
student's name, image, or likeness if the contract does either 12
of the following: 13

(1) Remains in effect beyond the date the student is no 14
longer eligible to participate in intercollegiate athletics; 15

(2) Requires the student to provide as consideration 16
either of the following: 17

(a) Any compensation the student may earn after the 18

student is no longer eligible to participate in intercollegiate 19
athletics for use of the student's name, image, or likeness; 20

(b) Rights associated with the use of the student's name, 21
image, or likeness after the student is no longer eligible to 22
participate in intercollegiate athletics. 23

(B) A contract entered into in violation of this section 24
is void. 25

Sec. 4771.021. No athlete agent shall enter into an agent 26
contract with an athlete under which the athlete agent 27
represents the athlete in relation to contracts or legal matters 28
regarding opportunities to earn compensation for use of the 29
athlete's name, image, or likeness if the agent contract remains 30
in effect beyond the date the athlete is no longer eligible to 31
participate in intercollegiate athletics. 32

Sec. 4771.12. (A) Fees charged by an athlete agent for 33
services provided to an athlete may be negotiated between the 34
parties. 35

(B) (1) Except as provided in division (B) (2) of this 36
section, an athlete agent shall establish an interest-bearing 37
trust fund or similar account in a depository approved by the 38
Ohio athletic commission to be used for the deposit of all 39
revenues received on behalf of an athlete. An athlete agent 40
shall deposit any revenue received on behalf of an athlete in 41
the interest-bearing trust fund or account. The athlete agent 42
shall notify the commission of the address and location of the 43
trust fund or account and the depository in which it is located. 44

(2) An athlete agent who is an attorney licensed to 45
practice law in this state may deposit any revenue received on 46
behalf of an athlete in a trust account already maintained by 47

the agent attorney in a financial institution in this state for 48
the deposit of revenue received on behalf of clients. 49

(C) No athlete agent shall share fees with any person 50
other than an employee of the athlete agent. If an athlete agent 51
shares a fee with an employee, the athlete agent shall obtain 52
written consent from the athlete prior to entering a fee 53
agreement with the athlete. 54

(D) No athlete agent shall enter a fee agreement that 55
requires the athlete to provide as consideration either of the 56
following: 57

(1) Any compensation the athlete may earn after the 58
athlete is no longer eligible to participate in intercollegiate 59
athletics for use of the athlete's name, image, or likeness; 60

(2) Rights associated with the use of the athlete's name, 61
image, or likeness after the athlete is no longer eligible to 62
participate in intercollegiate athletics. 63

(E) No athlete agent shall enter fee agreements that are 64
prohibited under this chapter. 65

~~(D)~~ (F) If an athlete agent collects a fee or expense from 66
an athlete as consideration for obtaining employment for the 67
athlete, and the athlete agent fails to procure such employment, 68
the agent shall retain only the following portion of the fee or 69
expense: 70

(1) The cost of reasonable expenses incurred by the 71
athlete agent during the course of representing the athlete in 72
efforts to obtain employment for the athlete; 73

(2) A negotiated fee in connection with instances where 74
the athlete receives a bonus or some compensation for signing a 75

professional sports services contract. 76

~~(E)~~ (G) Nothing in this section shall be construed to 77
limit the authority of the Ohio supreme court to establish or 78
regulate fees for activities considered to be the practice of 79
law. 80

Section 2. That existing section 4771.12 of the Revised 81
Code is hereby repealed. 82