College Athlete Recruiting Rules

This Act:

• Provides a cause of action against certain people in favor of certain colleges and universities and student athletes for violations of college athletic recruitment rules and regulations;
• Provides for damages, costs, attorney’s fees, and injunctive relief; and
• Provides for certain required disclosures for all student-athletes in high schools in the state.

Submitted as:
Georgia
HB 95 (As passed House and Senate)
Status: Enacted into law in 2003.

Suggested State Legislation

(Title, enacting clause, etc.)

Section 1. [Short Title.] This Act may be cited as “An Act to Regulate Recruiting Student-Athletes.”

Section 2. [Definitions.] As used in this Act:
“Immediate family” shall mean a student-athlete’s spouse, child, parent, stepparent, grandparent, grandchild, brother, sister, mother-in-law, father-in-law, sister-in-law, brother-in-law, nephew, niece, aunt, uncle, first cousin, and the spouses and guardians of any such people.
“Person” shall mean an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, firm, or any other legal or commercial entity.
“Student-athlete” shall mean a student at any public or private institution of postsecondary education in this state or a student residing in this state who has applied, is eligible to apply, or may be eligible to apply in the future to a public or private institution of postsecondary education who engages in, is eligible to engage in, or may be eligible to engage in any intercollegiate sporting event, contest, exhibition, or program.

Section 3. [Prohibitions and Exceptions Concerning Gifts to Student-Athletes.]
(a) Except as provided in subsection (b) of this section, no person shall give, offer, promise, or attempt to give any money or other thing of value to a student-athlete or member of a student-athlete’s immediate family:
(1) To induce, encourage, or reward the student-athlete’s application, enrollment, or attendance at a public or private institution of postsecondary education in order to have the athlete participate in intercollegiate sporting events, contests, exhibitions, or programs at that institution; or
(2) To induce, encourage, or reward the student-athlete’s participation in an intercollegiate sporting event, contest, exhibition, or program.
(b) This section shall not apply to:
(1) Any public or private institution of postsecondary education or to any officer or employee of such institution when the institution or officer or employee of such institution is
acting in accordance with an official written policy of such institution which is in compliance
with the bylaws of the National Collegiate Athletic Association;

(2) Any intercollegiate athletic awards approved or administered by the student-
athlete’s institution;

(3) Grants-in-aid or other full or partial scholarships awarded to a student-athlete
or administered by an institution of postsecondary education;

(4) Members of the student-athlete’s immediate family; and

(5) Money or things of value given by a person to a student-athlete or the
immediate family of a student-athlete that do not exceed [$250.00] in value in the aggregate on
an [annual basis].

(c) Any person that violates the provisions of subsection (a) of this section shall be
guilty of a [misdemeanor of a high and aggravated nature].

Section 4. [Notification of Students.] Each public and private high school in this state
shall advise in writing at the beginning of each sports season each student who participates in
any athletic program sponsored by the school of the provisions of section 3 of this Act and shall
provide each student with information concerning the effect of receiving money or other things
of value on the student’s future eligibility to participate in intercollegiate athletics. The
provisions of this section shall not apply to intermural athletic programs at such schools.

Section 5. [Right of Action.] Each public and private institution of postsecondary
education located in this state that participates or engages in intercollegiate athletics shall have a
right of action against any person who engages in any activity concerning student-athletes that
results in the institution being penalized, disqualified, or suspended from participation in
intercollegiate athletics by a national association for the promotion and regulation of
intercollegiate athletics, by an athletic conference or other sanctioning body, or by reasonable
self-imposed disciplinary action taken by such institution to mitigate sanctions likely to be
imposed by such organizations as a result of such activity. The institution shall be entitled to
recover all damages which are directly related to or which flow from and are reasonably related
to such improper activity and to such penalties, disqualifications, and suspensions. Damages
shall include, but not be limited to, loss of scholarships, loss of television revenue, loss of bowl
revenue, and legal and other fees associated with the investigation of the activity and the
representation of the institution before the sanctioning organizations in connection with the
investigation and resolution of such activity. If the institution is the prevailing party in its cause
of action, it shall be entitled to an award of court costs, costs of litigation, and reasonable
attorney’s fees. The institution may also request and [the court] may enter an injunction against
any person found liable from having any further contact with the institution, its student-athletes,
and student-athletes who have expressed or might express an interest in attending the institution
and from attending athletic contests, exhibitions, games, or other such events in which one or
more of the institution’s student-athletes is participating. The right of action and remedies under
this section are in addition to all other rights of action that may be available to the institution.

Section 6. [Severability.] [Insert severability clause.]

Section 7. [Repealer.] [Insert repealer clause.]

Section 8. [Effective Date.] [Insert effective date.]