

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.)

1 Section 1. [*Short Title.*] This Act may be cited as “An Act to Regulate Recruiting
2 Student-Athletes.”
3

4 Section 2. [*Definitions.*] As used in this Act:

5 “Immediate family” shall mean a student-athlete’s spouse, child, parent, stepparent,
6 grandparent, grandchild, brother, sister, mother-in-law, father-in-law, sister-in-law, brother-in-
7 law, nephew, niece, aunt, uncle, first cousin, and the spouses and guardians of any such people.

8 “Person” shall mean an individual, corporation, business trust, estate, trust, partnership,
9 limited liability company, association, joint venture, firm, or any other legal or commercial
10 entity.

11 “Student-athlete” shall mean a student at any public or private institution of
12 postsecondary education in this state or a student residing in this state who has applied, is
13 eligible to apply, or may be eligible to apply in the future to a public or private institution of
14 postsecondary education who engages in, is eligible to engage in, or may be eligible to engage
15 in any intercollegiate sporting event, contest, exhibition, or program.
16

17 Section 3. [*Prohibitions and Exceptions Concerning Gifts to Student-Athletes.*]

18 (a) Except as provided in subsection (b) of this section, no person shall give, offer,
19 promise, or attempt to give any money or other thing of value to a student-athlete or member of
20 a student-athlete’s immediate family:

21 (1) To induce, encourage, or reward the student-athlete’s application, enrollment,
22 or attendance at a public or private institution of postsecondary education in order to have the
23 athlete participate in intercollegiate sporting events, contests, exhibitions, or programs at that
24 institution; or

25 (2) To induce, encourage, or reward the student-athlete’s participation in an
26 intercollegiate sporting event, contest, exhibition, or program.

27 (b) This section shall not apply to:

28 (1) Any public or private institution of postsecondary education or to any officer
29 or employee of such institution when the institution or officer or employee of such institution is

30 acting in accordance with an official written policy of such institution which is in compliance
31 with the bylaws of the National Collegiate Athletic Association;

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

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

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

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

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

42

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

49

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

71

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

73

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

75

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