

A-Engrossed
Senate Bill 1505

Ordered by the Senate February 8
Including Senate Amendments dated February 8

Sponsored by Senators COURTNEY, MANNING JR, LIEBER (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires person that produces intercollegiate sports team jersey, video game or trading card for profit to make royalty payment to student athlete for use of student athlete's name, image or likeness.

Modifies definition of "athlete agent" to exclude individual who serves student athlete in advisory capacity on finance, business pursuit or career management decision matters and who is student of educational institution participating in clinic, studio, lab or other program created by educational institution for educational, training or support purposes.

Declares emergency, effective July 1, 2022.

A BILL FOR AN ACT

1
2 Relating to student athletes; creating new provisions; amending ORS 702.005; and declaring an
3 emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. A person that produces an intercollegiate sports team jersey, video game**
6 **or trading card for the purpose of making a profit shall make a royalty payment to each**
7 **student athlete for use of the student athlete's name, image or likeness if the person uses**
8 **the student athlete's name, image or likeness in or on the intercollegiate sports team jersey,**
9 **video game or trading card.**

10 **SECTION 2.** ORS 702.005 is amended to read:

11 702.005. As used in ORS 702.005 to 702.065, 702.200, 702.991 and 702.994 **and section 1 of this**
12 **2022 Act:**

13 (1) "Agency contract" means an agreement in which a student athlete authorizes a person to
14 negotiate or solicit on behalf of the student athlete a professional sports services contract or an
15 endorsement contract.

16 (2)(a) "Athlete agent" means an individual who:

17 (A) Directly or indirectly recruits or solicits a student athlete to enter into an agency contract;
18 or

19 (B) For compensation, procures employment or offers, promises, attempts or negotiates to obtain
20 employment for a student athlete as a professional athlete or member of a professional sports team
21 or organization;

22 (C) For compensation or in anticipation of compensation related to a student athlete's partic-
23 ipation in athletics:

24 (i) Serves the athlete in an advisory capacity on a matter related to finances, business pursuits
25 or career management decisions; or

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 (ii) Manages the business affairs of the athlete by providing assistance with bills, payments,
2 contracts or taxes;

3 (D) In anticipation of representing a student athlete for a purpose related to the athlete's par-
4 ticipation in athletics:

5 (i) Gives consideration to the athlete or another person;

6 (ii) Serves the athlete in an advisory capacity on a matter related to finances, business pursuits
7 or career management decisions; or

8 (iii) Manages the business affairs of the athlete by providing assistance with bills, payments,
9 contracts or taxes; or

10 (E) Is a licensed, registered or certified professional and offers or provides services to a student
11 athlete customarily provided by members of the profession and the individual:

12 (i) Also recruits or solicits the athlete to enter into an agency contract;

13 (ii) Also, for compensation, procures employment or offers, promises, attempts or negotiates to
14 obtain employment for the athlete as a professional athlete or member of a professional sports team
15 or organization; or

16 (iii) Receives consideration for providing the services calculated using a different method than
17 for an individual who is not a student athlete.

18 (b) "Athlete agent" does not include an individual who:

19 (A) Acts solely on behalf of a professional sports team or organization;

20 (B) Is employed by, and acts solely on behalf of, a publicly traded corporation engaged in con-
21 sumer brand marketing and seeking to negotiate an endorsement contract;

22 (C) Serves a student athlete in an advisory capacity on a matter related to finances, business
23 pursuits or career management decisions and the individual is:

24 (i) An employee of an educational institution acting exclusively as an employee of the institution
25 for the benefit of the institution; or

26 **(ii) A student of the educational institution participating in a clinic, studio, lab or other**
27 **program created by the educational institution for educational, training or support purposes;**
28 **or**

29 (D) Is a licensed, registered or certified professional and offers or provides services to a student
30 athlete customarily provided by members of the profession.

31 (3) "Athletic director" means:

32 (a) An individual responsible for administering the overall athletic program of an educational
33 institution or, if an educational institution has separately administered athletic programs for male
34 students and female students, the athletic program for males or the athletic program for females,
35 as appropriate;

36 (b) If the educational institution is a public or private elementary school or secondary school
37 and the educational institution does not have a person responsible for administering the overall
38 athletic program:

39 (A) The principal of the educational institution; or

40 (B) If the educational institution does not have a principal, the person designated by the gov-
41 erning body of the school district, education service district or charter school to manage the edu-
42 cational institution; or

43 (c) If the educational institution is a technical or vocational school, community college or uni-
44 versity and the educational institution does not have a person responsible for administering the
45 overall athletic program:

1 (A) The president of the educational institution; or

2 (B) If the educational institution does not have a president, the person designated by the gov-
3 erning body of the educational institution to manage the educational institution.

4 (4) "Contact" means a communication, direct or indirect, between an athlete agent and a student
5 athlete, to recruit or solicit the student athlete to enter into an agency contract.

6 (5) "Educational institution" means a public or private elementary school, secondary school,
7 technical or vocational school, community college, university or other educational institution.

8 (6) "Endorsement contract" means an agreement under which a student athlete is employed or
9 receives consideration to use on behalf of the other party any value that the student athlete may
10 have because of publicity, reputation, following or fame obtained because of athletic ability or per-
11 formance.

12 (7) "Enrolled" means registered for courses and attending athletic practice or class.

13 (8) "Intercollegiate sport" means a sport played at the collegiate level for which eligibility re-
14 quirements for participation by a student athlete are established by a national association that
15 promotes or regulates collegiate athletics.

16 (9) "Interscholastic sport" means a sport played between educational institutions that are not
17 community colleges, colleges or universities.

18 (10) "Licensed, registered or certified professional" means an individual who is licensed, regis-
19 tered or certified as an attorney, dealer in securities, financial planner, insurance agent, real estate
20 broker or sales agent, tax consultant or accountant or a member of a profession, other than that
21 of athlete agent, who is licensed, registered or certified by the state or a nationally recognized or-
22 ganization that licenses, registers or certifies members of the profession on the basis of experience,
23 education or testing.

24 (11) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited
25 liability company, association, business or nonprofit entity, joint venture, public body, as defined in
26 ORS 174.109, or any other legal or commercial entity.

27 (12) "Professional sports services contract" means an agreement under which an individual is
28 employed, or agrees to render services, as a player on a professional sports team, with a professional
29 sports organization or as a professional athlete.

30 (13) "Record" means information that is inscribed on a tangible medium or that is stored in an
31 electronic or other medium and is retrievable in perceivable form.

32 (14)(a) "Recruit or solicit" means attempt to influence the choice of an athlete agent by a stu-
33 dent athlete or, if the athlete is a minor, a parent or guardian of the athlete.

34 (b) "Recruit or solicit" does not include giving advice on the selection of a particular athlete
35 agent in a family, coaching or social situation unless the individual giving the advice does so be-
36 cause of the receipt or anticipated receipt of an economic benefit, directly or indirectly, from the
37 agent.

38 (15) "Registration" means registration as an athlete agent pursuant to ORS 702.005 to 702.065,
39 702.991 and 702.994.

40 (16) "Sign" means, with present intent to authenticate or adopt a record:

41 (a) To execute or adopt a tangible symbol; or

42 (b) To attach to or logically associate with the record an electronic symbol, sound or process.

43 (17) "State" means a state of the United States, the District of Columbia, Puerto Rico, the
44 United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the
45 United States.

1 (18) "Student athlete" means an individual who is eligible to attend an educational institution
2 who engages in, is eligible to engage in or may be eligible in the future to engage in any inter-
3 scholastic sport or intercollegiate sport. If an individual is permanently ineligible to participate in
4 a particular interscholastic sport or intercollegiate sport, the individual is not a student athlete for
5 purposes of that sport.

6 **SECTION 3. This 2022 Act being necessary for the immediate preservation of the public**
7 **peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect**
8 **July 1, 2022.**

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