

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: S3/21/13 H4/6/13
A Bill

SENATE BILL 1037

By: Senators K. Ingram, D. Sanders
By: Representative J. Edwards

For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS LAW CONCERNING VIOLATIONS OF
ATHLETIC ASSOCIATION OR CONFERENCE REGULATIONS; AND
FOR OTHER PURPOSES.

Subtitle

TO AMEND ARKANSAS LAW CONCERNING
VIOLATIONS OF ATHLETIC ASSOCIATION OR
CONFERENCE REGULATIONS.

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

SECTION 1. Legislative intent.

The General Assembly finds:

(1) Violations of athletic association or conference regulations impact the competitiveness and viability of intercollegiate athletic programs, negatively affecting the student athletes involved in the program, the students of the institution of higher education affected, the institution of higher education itself, and the community as a whole;

(2) Violations of athletic association or conference regulations often occur due to the outside influence of persons unassociated with the institution of higher education, and these situations are often outside of the control of the institution of higher education; and

(3) This act is necessary to deter conduct by persons seeking to violate athletic association or conference regulations or persons seeking to induce a student athlete to violate athletic association or conference regulations.



SECTION 2. Arkansas Code Title 16, Chapter 118 is amended to add an additional section to read as follows:

16-118-109. Civil action for damages caused by violations of athletic association or conference regulations.

(a) As used in this section:

(1) "Athlete agent" means the same as defined at § 17-16-102;

(2) "Damages caused by violations of athletic association or conference regulations" means:

(A) Either:

(i) An institution of higher education or a *student-athlete* enrolled at the institution of higher education is declared ineligible to compete in intercollegiate athletics by a national association that promotes or regulates intercollegiate athletics or by an intercollegiate athletic association or conference; or

(ii) An institution of higher education is placed on probationary status by a national association that promotes or regulates intercollegiate athletics or by an intercollegiate athletic association or conference; and

(B) As a result of the action under subdivision (a)(2)(A) of this section, the institution of higher education:

(i) Loses the ability to grant an athletic scholarship;

(ii) Loses the ability to recruit a *student-athlete*;

(iii) Loses eligibility to participate in intercollegiate competition;

(iv) Loses eligibility to participate in post-season intercollegiate competition;

(v) Forfeits an athletic contest; or

(vi) Suffers an adverse financial impact, including without limitation lost revenue from media coverage of athletic events or lost revenue from ticket sales; and

(3) "Student-athlete" means an individual who engages in, is eligible to engage in, or may be eligible in the future to engage in an intercollegiate sport.

(b) An institution of higher education may bring a civil action

against the following:

(1) An athlete agent violating a provision of the Uniform Athlete Agents Act, § 17-16-101 et seq., if his or her actions result in damages caused by violations of athletic association or conference regulations; or

(2) A person who knowingly induces or otherwise knowingly causes a student-athlete to take actions which result in damages caused by violations of athletic association or conference regulations.

(c)(1) An institution of higher education that prevails in a civil action under this section may recover compensatory damages, punitive damages, court costs, and reasonable attorney's fees.

(2) A court may award punitive damages even if the court does not award compensatory damages.

(d) A court may grant equitable relief to an institution of higher education to prevent harm that could result from the acts or omissions of a person under subdivisions (b)(1)-(3) of this section if the court finds a reasonable likelihood that a violation occurred.

/s/K. Ingram