**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑102‑145 SO AS TO PROVIDE THAT STUDENT‑ATHLETES WHO PARTICIPATE IN INTERCOLLEGIATE ATHLETICS MAY RECEIVE REMUNERATION FOR THEIR ENDORSEMENT OF COMMERCIAL VENTURES AND FROM THE SALE OF MERCHANDISE OR MEMORABILIA USING HIS APPEARANCE AND BEARING HIS NAME AND IMAGE; AND TO AMEND SECTION 59‑102‑150, RELATING TO VIOLATIONS AND PENALTIES OF THE UNIFORM ATHLETE AGENTS ACT OF 2004, SO AS TO MAKE A CONFORMING CHANGE.

Whereas, the General Assembly recognizes the tremendous value that student‑athletes who participate in intercollegiate sports often bring to the college and universities they attend; and

Whereas, the General Assembly finds that these colleges and universities, and the athletic staffs they employ, enjoy substantial financial benefits from the success their programs enjoy due in substantial part to the efforts of student‑athletes; and

Whereas, the General Assembly finds that intercollegiate athletics sanctioning organizations unjustly prohibit the student‑athletes to share in these financial benefits; and

Whereas, the General Assembly finds that while student athletes receive generous scholarships to fund their college studies, their other financial needs often remain unmet because of the demands placed on their time by the intercollegiate sports they play and their academic studies; and

Whereas, the General Assembly finds that student‑athletes who participate in intercollegiate athletics should be able to meet their financial needs and promote their financial security as the marketplace provides, just as do the college and university athletics departments that are enriched by their success. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 102, Title 59 of the 1976 Code is amended by adding:

“Section 59‑102‑145. (A) A student‑athlete may sign an endorsement contract or otherwise derive a financial benefit from the use of his name, picture, or appearance to sponsor, cosponsor, advertise, or otherwise promote the legal commercial ventures of a not‑for‑profit enterprise or a for‑profit enterprise if the:

(1) student‑athlete does not miss practice or an athletic event for participation in a sport for which his scholarship is given;

(2) purpose of the commercial venture does not conflict with the mission and values of the college or university that the student‑athlete attends; and

(3) student‑athlete does not enter the agreement with the assistance of an athlete agent or if an athlete agent is involved in the facilitation of the agreement in any manner.

(B)(1) A student‑athlete has a right of action against the college or university he attends, a national association for the promotion and regulation of athletics, and an athletic conference that penalizes him in any way for availing himself of his rights under this section.

(2) In an action pursuant to this section, a court may award actual damages and punitive damages. The court also may award costs, and reasonable attorney’s fees to the prevailing party.

(3) Damages available to a student‑athlete pursuant to this subsection include, without limitation, economic losses and expenses incurred as a result of a violation of this chapter.

(4) There is a three year statute of limitations for an action brought pursuant to this subsection.

(C) This section does not restrict other rights, remedies, or defenses of a person under law or equity.”

SECTION 2. Section 59‑102‑150 of the 1976 Code, as added by Act 300 of 2004, is amended to read:

“Section 59‑102‑150. An athlete agent who violates Section 59‑102‑140 or Section 59‑102‑145 is guilty of a misdemeanor and, upon conviction, may be fined not more than ten thousand dollars or imprisoned for not more than three years, or both.”

SECTION 3. This act takes effect upon approval by the Governor.

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