

1 State of Arkansas *As Engrossed: S3/21/13 H4/6/13*

2 89th General Assembly

A Bill

3 Regular Session, 2013

SENATE BILL 1037

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5 By: Senators K. Ingram, *D. Sanders*

6 *By: Representative J. Edwards*

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For An Act To Be Entitled

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

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Subtitle

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TO AMEND ARKANSAS LAW CONCERNING

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VIOLATIONS OF ATHLETIC ASSOCIATION OR

17

CONFERENCE REGULATIONS.

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

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22 SECTION 1. Legislative intent.

23 The General Assembly finds:

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

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

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



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

4 16-118-109. Civil action for damages caused by violations of athletic
5 association or conference regulations.

6 (a) As used in this section:

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

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

10 (A) Either:

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

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

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

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

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

25 (iii) Loses eligibility to participate in
26 intercollegiate competition;

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

29 (v) Forfeits an athletic contest; or

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

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

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

1 against the following:

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

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

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

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

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

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/s/K. Ingram

APPROVED: 04/18/2013