

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013

# A Bill

SENATE BILL 1037

4  
5 By: Senator K. Ingram

## For An Act To Be Entitled

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

## Subtitle

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

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

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21 SECTION 1. Legislative intent.

22 The General Assembly finds:

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

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

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

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

3 16-118-109. Civil action for damages caused by violations of athletic  
4 association or conference regulations.

5 (a) As used in this section:

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

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

9 (A) Either:

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

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

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

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

23 (ii) Loses the ability to recruit an athlete;

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

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

28 (v) Forfeits an athletic contest; or

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

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

35 (b) An institution of higher education may bring a civil action  
36 against the following:

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

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

8           (3) A student-athlete or former student-athlete who knowingly  
9 takes actions which result in damages caused by violations of athletic  
10 association or conference regulations.

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

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

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

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