
SUBSTITUTE SENATE BILL 5875

State of Washington

66th Legislature

2019 Regular Session

By Senate Higher Education & Workforce Development (originally sponsored by Senator Palumbo)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to unfair practices involving compensation of
2 athletes in higher education; adding a new section to chapter 19.86
3 RCW; creating new sections; and providing a contingent effective
4 date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that every student
7 enrolled at an institution of higher education in this state should
8 have an equal right: To earn compensation for services provided; to
9 be paid for the use of his or her name, image, and likeness; and to
10 hire agents to represent the student's interests. The legislature
11 further finds that students should not be compelled to choose between
12 forfeiting these rights and participating in intercollegiate athletic
13 competitions.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.86
15 RCW to read as follows:

16 (1) A collegiate association shall allow students to:

17 (a) Receive compensation for services actually provided,
18 including, but not limited to, the use of the student's name, image,
19 or likeness, as long as the compensation is commensurate with the
20 market value of the services provided; and

1 (b) Be represented by an agent for any purpose.

2 (2) A student may bring a cause of action against a collegiate
3 association for interference with the student's right to receive
4 compensation and be represented by an agent, as provided under
5 subsection (1) of this section, in superior court for injunctive
6 relief, damages sustained by the student, or both, together with the
7 costs of the suit, including reasonable attorneys' fees. In addition,
8 the court may, in its discretion, increase the award of damages up to
9 an amount not to exceed three times the actual damages sustained.

10 (3) An institution of higher education may bring a cause of
11 action for injunctive relief, damages, reasonable attorneys' fees,
12 and costs if a collegiate association takes adverse action or
13 otherwise retaliates against the institution of higher education for
14 a student filing a cause of action against the collegiate
15 association.

16 (4) The legislature finds that the practices covered by this
17 section are matters vitally affecting the public interest for the
18 purpose of applying this chapter. A collegiate association
19 prohibiting a student from receiving compensation or being
20 represented by an agent and retaliating against an institution of
21 higher education for a student filing a cause of action are not
22 reasonable in relation to the development and preservation of
23 business, are unfair or deceptive acts in trade or commerce, and are
24 unfair methods of competition for the purpose of applying this
25 chapter.

26 (5) For the purposes of this section:

27 (a) "Adverse action" includes, but is not limited to, terminating
28 or suspending the membership of the institution of higher education
29 in the collegiate association or prohibiting other members of the
30 collegiate association from participating in intercollegiate athletic
31 competitions with the institution of higher education;

32 (b) "Collegiate association" means any organization,
33 unincorporated association, or other entity that has institutions of
34 higher education, conferences, or other affiliated organizations as
35 members and that promotes, sponsors, or regulates intercollegiate
36 athletic competitions;

37 (c) "Damages" include, but are not limited to, compensation
38 offered to the student and permitted under subsection (1) of this
39 section, even if the student has not accepted the compensation;

1 (d) "Institution of higher education" includes any entity that is
2 an institution of higher education as defined in RCW 28B.10.016 and
3 any other degree-granting institution in this state as defined in RCW
4 28B.85.010;

5 (e) "Interference" includes, but is not limited to, prohibiting
6 the student from engaging in conduct permitted by subsection (1) of
7 this section and prohibiting the student from competing in an
8 intercollegiate athletic competition sponsored by the collegiate
9 association or otherwise penalizing the student because the student
10 engaged in conduct permitted by subsection (1) of this section; and

11 (f) "Student" means any student enrolled at an institution of
12 higher education.

13 NEW SECTION. **Sec. 3.** This act takes effect if, and on the date
14 states representing at least fifteen percent of the population of the
15 United States have enacted legislation that prohibits a collegiate
16 association from denying the eligibility of a student to compete in
17 intercollegiate athletic competitions organized or sponsored by the
18 collegiate association on the basis of such student having received
19 monetary compensation.

20 NEW SECTION. **Sec. 4.** The office of the attorney general must
21 provide written notice of the effective date of this act to affected
22 parties, the chief clerk of the house of representatives, the
23 secretary of the senate, the office of the code reviser, and others
24 as deemed appropriate by the office of the attorney general.

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