

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A WRITTEN CONTRACT RELATING TO A
5 COLLEGE ATHLETE'S STUDENT-ATHLETE RIGHTS, INCLUDING NAME, IMAGE, AND LIKENESS;
6 AMENDING SECTIONS 20-1-232 AND 28-2-903, MCA; AND PROVIDING AN EFFECTIVE DATE."

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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9
10 **Section 1.** Section 20-1-232, MCA, is amended to read:

11 **"20-1-232. Student-athlete rights and protections -- definitions.** (1) As used in this section, the
12 following definitions apply:

13 (a) "Postsecondary institution" means a 2-year or 4-year public or private college or university
14 located in the state.

15 (b) (i) "Student-athlete rights" means the rights of a student-athlete enrolled in a postsecondary
16 institution to earn compensation for the use of the student-athlete's name, image, or likeness and to contract
17 with and retain professional representation of an athlete agent.

18 (ii) The term does not include a right to receive compensation from a postsecondary institution.

19 (2) Except as provided in subsections (3) through ~~(6)~~ (7), a postsecondary institution or an athletic
20 association, conference, or organization with authority over intercollegiate sports may not:

21 (a) prohibit, prevent, or restrict a student-athlete from exercising the student-athlete's rights;

22 (b) penalize or retaliate against a student-athlete for exercising the student-athlete's rights;

23 (c) prohibit a student-athlete from participating in an intercollegiate sport for exercising the student-
24 athlete's rights; or

25 (d) subject to subsection (5)(a), impose an eligibility requirement on a scholarship or grant that
26 requires a student-athlete to refrain from exercising the student-athlete's rights.

27 (3) (a) A student-athlete may not enter into a contract that provides compensation to the student-
28 athlete for the use of the student-athlete's name, image, or likeness if terms of the contract conflict with the

1 student-athlete's team rules or with terms of a contract entered into between the student-athlete's
2 postsecondary institution and a third party, except the team rules or a contract entered into between the
3 postsecondary institution and a third party may not prevent a student-athlete from earning compensation for the
4 use of the student-athlete's name, image, or likeness when not engaged in official team activities.

5 (b) A student-athlete who enters into a contract that provides compensation to the student-athlete
6 for the use of the student-athlete's name, image, or likeness shall disclose the contract to an official of the
7 postsecondary institution if the student-athlete is a team member or, if the student-athlete is not a team
8 member, at the time the student-athlete seeks to become a team member.

9 (c) If a postsecondary institution asserts that the terms of the contract conflict with the team rules
10 or with terms of a contract entered into between the student-athlete's postsecondary institution and a third
11 party, the unit shall disclose the specific rules or terms asserted to be in conflict to the student-athlete or to the
12 student-athlete's professional representative or athlete agent if the student-athlete is represented.

13 (4) A postsecondary institution or an athletic association, conference, or organization with authority
14 over intercollegiate sports may not provide to a prospective or current student-athlete compensation for use of
15 the student-athlete's name, image, or likeness.

16 (5) A postsecondary school may:

17 (a) include provisions in scholarship agreements allowing the postsecondary school to use the
18 athlete's name, image, and likeness;

19 (b) prohibit the use of an athlete's name, image, and likeness on school property, at school
20 functions, or in any advertising material distributed or placed on school property;

21 (c) serve as an agent for the athlete to manage any contract using an athlete's name, image, and
22 likeness; or

23 (d) do any combination of subsections (5)(a) through (5)(c).

24 (6) Nothing in this section prohibits a postsecondary institution from establishing or enforcing a
25 conduct code that is applicable to all students enrolled at the unit.

26 (7) A contract made pursuant to this section must comply with the written requirements of 28-2-
27 903."

1 **Section 2.** Section 28-2-903, MCA, is amended to read:

2 **"28-2-903. What contracts must be in writing.** (1) The following agreements are invalid unless the
3 agreement or some note or memorandum of the agreement is in writing and subscribed by the party to be
4 charged or the party's agent:

5 (a) an agreement that by its terms is not to be performed within a year from the making of the
6 agreement;

7 (b) a special promise to answer for the debt, default, or miscarriage of another, except in the cases
8 provided for in 28-11-105;

9 (c) an agreement made upon consideration of marriage other than a mutual promise to marry;

10 (d) an agreement for the leasing for a longer period than 1 year or for the sale of real property or of
11 an interest in real property. The agreement, if made by an agent of the party sought to be charged, is invalid
12 unless the authority of the agent is in writing and subscribed by the party sought to be charged.

13 (e) an agreement authorizing or employing an agent or broker to purchase or sell real estate for
14 compensation or a commission; or

15 (f) an agreement relating to a college athlete's student-athlete rights, as defined in 20-1-232,
16 including but not limited to a student's name, image, and likeness.

17 (2) Evidence of an agreement described in subsections (1)(a) through ~~(1)(d)~~ (1)(f) is not admissible
18 without the writing or secondary evidence of the writing's contents.

19 (3) Evidence is not admissible to charge a person upon a representation as to the credit of a third
20 person unless the representation or some memorandum of the representation is in writing and either
21 subscribed by or in the handwriting of the party to be charged.

22 (4) Subsections (1) and (2) do not apply to agreements subject to the Uniform Commercial Code."
23

24 NEW SECTION. **Section 3. Effective date.** [This act] is effective June 1, 2025.

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