

# As Introduced

129th General Assembly  
Regular Session  
2011-2012

H. B. No. 404

Representative Goyal

Cosponsors: Representatives Murray, Antonio, Ruhl, Ramos

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## A BILL

To amend section 4771.20 of the Revised Code to  
expand the right of an institution of higher  
education to bring a civil action for damages  
caused by violations of athletic association or  
conference regulations.

### BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

**Section 1.** That section 4771.20 of the Revised Code be  
amended to read as follows:

**Sec. 4771.20.** (A) An institution of higher education may  
bring a civil action ~~against an athlete agent who violates this~~  
~~chapter~~ for compensatory damages, punitive or exemplary damages,  
and equitable relief as the court finds appropriate. A as follows:

(1) Against an athlete agent who violates this chapter;

(2) Against any person who intentionally induces or otherwise  
purposely causes an athlete to violate the regulations of an  
intercollegiate athletic association or conference;

(3) Against a staff person or former staff person of the  
institution who intentionally violates the regulations of an  
intercollegiate athletic association or conference.

A court may grant equitable relief to a plaintiff under this section to prevent harm that could result from the acts or omissions of an athlete ~~or~~, athlete agent, or other person if the court finds a reasonable likelihood that a violation occurred.

(B) For purposes of this section, an institution of higher education suffers harm when, as the result of any of the acts ~~of~~ described in divisions (A)(1) to (3) of this section by an athlete agent ~~or an~~, athlete, ~~both~~ or other person, either of the following ~~occur~~ occurs:

(1) The institution or ~~an~~ athlete ~~enrolled at the institution~~ is penalized ~~or~~, is declared ineligible to compete in intercollegiate athletics, or is placed on probationary status by ~~a national association that promotes or regulates intercollegiate athletics or by~~ an intercollegiate athletic association or conference.

(2) ~~As a result of the penalty or declaration of ineligibility, the~~ The institution of higher education experiences any of the following:

(a) A loss of the ability to grant an athletic scholarship;

(b) A loss of the ability to recruit an athlete;

(c) A loss of eligibility to participate in intercollegiate competition;

(d) A loss of eligibility to participate in post-season athletic competition;

(e) A forfeiture of any athletic contest;

(f) An adverse financial impact including, but not limited to, lost revenue from media coverage of athletic competition or lost ticket sales.

(C) An institution of higher education that prevails in an action brought under this section may recover compensatory and

punitive or exemplary damages. <u>A court may award punitive or</u>	49
<u>exemplary damages even if it does not award compensatory damages.</u>	50
A court also may award court costs and reasonable attorney's fees	51
to a prevailing plaintiff.	52
(D) In a civil action brought under this section, a court	53
shall not award punitive or exemplary damages against a surety.	54
<b>Section 2.</b> That existing section 4771.20 of the Revised Code	55
is hereby repealed.	56