

1998 PUBLIC AND LOCAL ACTS

[No. 432]

(HB 5511)

AN ACT to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act," (MCL 600.101 to 600.9948) by adding section 2968.

The People of the State of Michigan enact:

600.2968 Improper gift or service to student athlete as interference; liability to institution of higher education; definitions.

[M.S.A. 27A.2968]

Sec. 2968. (1) If a person interferes with the prospective advantage accorded an institution of higher education by virtue of its relationship with an intercollegiate athletics governing organization by promising or providing any improper gift or service to a student athlete, a prospective student athlete, or the immediate family of a student athlete or of a prospective student athlete, and if that interference results in an injury to the institution of higher education, the person who engaged in the interference is liable to the institution of higher education for \$10,000.00 or the actual damages incurred, whichever is higher. In addition, the institution of higher education may recover actual attorney fees and actual costs incurred in bringing the action.

(2) As used in this section:

(a) "Immediate family" means that term as defined in section 411e of the Michigan penal code, 1931 PA 328, MCL 750.411e.

(b) "Improper gift or service" means any gift or service that a student athlete is prohibited from accepting according to the rules of the institution of higher education.

(c) "Institution of higher education" means a public university, college, or community college located in this state.

(d) "Prospective student athlete" means an individual who is being recruited to be a student athlete at an institution of higher education.

(e) "Student athlete" means that term as defined in section 411e of the Michigan penal code, 1931 PA 328, MCL 750.411e.

Approved December 29, 1998.

Filed with Secretary of State December 30, 1998.
