

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2633 Session of 2022

INTRODUCED BY TOPPER, MAY 31, 2022

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 7, 2022

AN ACT

1 Amending Title 5 (Athletics and Sports) of the Pennsylvania
2 Consolidated Statutes, extensively revising the Uniform
3 Athlete Agents Act; making repeals; and making an editorial
4 change.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. The heading of Part II of Title 5 of the
8 Pennsylvania Consolidated Statutes is amended to read:

PART II

[ATHLETE AGENTS] ATHLETES

11 Section 2. Subparts A and B of Part II of Title 5 are
12 repealed:

[SUBPART A

GENERAL PROVISIONS

Chapter

31. Preliminary Provisions

CHAPTER 31

PRELIMINARY PROVISIONS

19 Sec.

1 3101. Short title of part.

2 3102. Definitions.

3 3103. Administration.

4 3104. Service of process.

5 3105. Subpoenas.

6 3106. Rules and regulations.

7 § 3101. Short title of part.

8 This part shall be known and may be cited as the Uniform
9 Athlete Agents Act.

10 § 3102. Definitions.

11 The following words and phrases when used in this part shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Agency contract." Any contract or agreement in which an
15 individual or a student athlete authorizes or empowers a person
16 to negotiate or solicit on behalf of the individual or the
17 student athlete one or more professional sports services
18 contracts.

19 "Athlete agent." A person who enters into an agency contract
20 with an individual or a student athlete or directly or
21 indirectly recruits or solicits an individual or a student
22 athlete to enter into an agency contract. The term does not
23 include a spouse, parent, sibling, son, daughter or grandparent
24 of the individual or student athlete, an individual acting
25 solely on behalf of a professional sports team or a coach,
26 trainer or other employee of a secondary or postsecondary school
27 who is acting on behalf of a student athlete of the same
28 secondary or postsecondary school, provided that such activities
29 are within the scope of employment of the coach, trainer or
30 other employee. The term includes a person who represents to the

1 public that the person is an athlete agent.

2 "Athletic director." An individual responsible for
3 administering the overall athletic program of an educational
4 institution or, if an educational institution has separately
5 administered athletic programs for male students and female
6 students, the athletic program for males or the athletic program
7 for females.

8 "Commission." The State Athletic Commission.

9 "Contact." A communication, direct or indirect, between an
10 athlete agent and an individual or a student athlete to recruit
11 or solicit the individual or student athlete to enter into an
12 agency contract, including by telephonic, facsimile or other
13 electronic method, mail, electronic mail or personal means.

14 "Conviction." A finding of guilt by a judge, jury, a plea of
15 guilty or a plea of nolo contendere.

16 "Department." The Department of State of the Commonwealth.

17 "Institution of higher education." A public or private
18 college or university, including a community college.

19 "Intercollegiate sport." A sport played at the collegiate
20 level for which eligibility requirements for participation by a
21 student athlete are established by a national association for
22 the promotion or regulation of collegiate athletics.

23 "Person." An individual, corporation, partnership, limited
24 liability company, association, joint venture, public
25 corporation or any other legal or commercial entity.

26 "Professional sports services contract." A contract or
27 agreement under which an individual is employed or agrees to
28 render services as a player on a professional sports team, with
29 a professional sports organization or as a professional athlete.

30 "Record." Information that is inscribed on a tangible medium

1 or that is stored in an electronic or other medium and is
2 retrievable in perceivable form.

3 "Registration." Registration as an athlete agent pursuant to
4 Chapter 33 (relating to registration).

5 "State." A state of the United States, the District of
6 Columbia, Puerto Rico, the United States Virgin Islands or any
7 territory or insular possession subject to the jurisdiction of
8 the United States.

9 "Student athlete." An individual who engages in, is eligible
10 to engage in or may be eligible in the future to engage in any
11 intercollegiate sport. If an individual is permanently
12 ineligible to participate in a particular intercollegiate sport,
13 the individual is not a student athlete for purposes of that
14 sport.

15 § 3103. Administration.

16 The commission shall administer this part.

17 § 3104. Service of process.

18 By engaging in the business of an athlete agent in this
19 Commonwealth, a nonresident individual appoints the Secretary of
20 the Commonwealth as the individual's agent to accept service of
21 process in any civil action related to the individual's business
22 as an athlete agent in this Commonwealth.

23 § 3105. Subpoenas.

24 The commission may issue subpoenas for any relevant material
25 under this part.

26 § 3106. Rules and regulations.

27 The commission shall have the power and duty to adopt and
28 revise regulations in accordance with the act of June 25, 1982
29 (P.L.633, No.181), known as the Regulatory Review Act, as are
30 reasonably necessary to administer and effectuate the purposes

1 of this part.

2 SUBPART B

3 REGISTRATION OF ATHLETE AGENTS

4 Chapter

5 33. Registration

6 CHAPTER 33

7 REGISTRATION

8 Sec.

9 3301. Athlete agent registration.

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26 3317. Exemption from registration and bonding requirement.

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28 3319. Records.

29 3320. Transferability of registration.

30 § 3301. Athlete agent registration.

1 (a) Certificate of registration required.--Except as
2 otherwise provided in subsection (b), a person shall not
3 directly or indirectly serve or offer to serve as an athlete
4 agent in this Commonwealth before being issued a certificate of
5 registration under section 3303 (relating to issuance of
6 registration). An out-of-State agent must register if the agent
7 through direct or indirect contact recruits or solicits an
8 individual or student athlete to enter into an agency contract
9 or procures, offers, promises or attempts to obtain employment
10 for an individual or student athlete with a Pennsylvania
11 professional sports team as a professional athlete in this
12 Commonwealth where any one or more of the following conditions
13 apply:

14 (1) The athlete agent is a resident of this
15 Commonwealth.

16 (2) The athlete is a resident of this Commonwealth or is
17 attending an institution of higher education in this
18 Commonwealth.

19 (3) The professional sports team has its home field or
20 its corporate headquarters in this Commonwealth.

21 (b) Exception.--An unregistered out-of-State agent or person
22 may act as an athlete agent in this Commonwealth before being
23 issued a certificate of registration for all purposes except
24 signing an agency contract if the following conditions are met:

25 (1) A student athlete or another acting on behalf of the
26 student athlete initiates contact with the person.

27 (2) Within seven days after an initial act as an athlete
28 agent, the person submits an application to register as an
29 athlete agent in this Commonwealth.

30 (3) The unregistered out-of-State agent or person has

1 never had registration issued under this chapter or a
2 predecessor statute revoked by the commission.

3 (c) Certain contracts void.--An agency contract resulting
4 from conduct in violation of this section is void. The athlete
5 agent shall return any consideration received under the
6 contract.

7 § 3302. Application for registration.

8 (a) Procedure.--An applicant for registration shall submit
9 an application for registration to the commission in writing on
10 a form supplied by the commission and approved by the
11 department. Except as otherwise provided in subsection (b), the
12 application must be in the name of an individual and be verified
13 by the applicant and must state, contain or be accompanied by:

14 (1) The information required by this chapter and such
15 other information as the commission may reasonably require.

16 (2) A processing fee of \$100.

17 (3) The name of the applicant and the address of the
18 applicant's principal place of business.

19 (4) The name of the applicant's business or employer, if
20 applicable.

21 (5) Any business or occupation engaged in by the
22 applicant for the five years next preceding the date of
23 submission of the application.

24 (6) A description of the applicant's:

25 (i) Formal training as an athlete agent.

26 (ii) Practical experience as an athlete agent.

27 (iii) Educational background relating to the
28 applicant's activities as an athlete agent.

29 (7) The names and addresses of three individuals not
30 related to the applicant who are willing to serve as

1 references.

2 (8) The name, sport and last known team for each
3 individual for whom the applicant provided services as an
4 athlete agent during the five years next preceding the date
5 of submission of the application.

6 (9) The names and addresses of all persons who are:

7 (i) With respect to the athlete agent's business if
8 it is not a corporation, the partners, officers,
9 associates or profit-sharers.

10 (ii) With respect to a corporation employing the
11 athlete agent, the officers, directors and any
12 shareholder of the corporation with a 5% or greater
13 interest.

14 (10) Whether the applicant or any other person named
15 pursuant to paragraph (9) has been convicted of a crime that,
16 if committed in this Commonwealth, would be a felony or other
17 crime involving moral turpitude, and identify the crime.

18 (11) Whether there has been any administrative or
19 judicial determination that the applicant or any other person
20 named pursuant to paragraph (9) has made a false, misleading,
21 deceptive or fraudulent representation.

22 (12) Any instance in which the conduct of the applicant
23 or any other person named pursuant to paragraph (9) resulted
24 in the imposition of a sanction, suspension or declaration of
25 ineligibility to participate in an interscholastic or
26 intercollegiate athletic event on a student athlete or
27 educational institution.

28 (13) Any sanction, suspension or disciplinary action
29 taken against the applicant or any other person named
30 pursuant to paragraph (9) arising out of occupational or

1 professional conduct.

2 (14) Whether there has been any denial of an application
3 for, suspension or revocation of or refusal to renew the
4 registration or licensure of the applicant or any other
5 person named pursuant to paragraph (9) as an athlete agent in
6 any state.

7 (b) Out-of-State agents.--A person who has submitted an
8 application for and received a certificate of registration or
9 licensure as an athlete agent in another state may submit a copy
10 of the application and a valid certificate of registration or
11 licensure from the other state in lieu of submitting an
12 application in the form prescribed pursuant to subsection (a).
13 The commission shall accept the application and the certificate
14 from the other state as an application for registration in this
15 Commonwealth if the application to the other state:

16 (1) Was submitted in the other state within the six
17 months next preceding the submission of the application in
18 this Commonwealth and the applicant certifies the information
19 contained in the application is current.

20 (2) Contains information substantially similar to or
21 more comprehensive than that required in an application
22 submitted in this Commonwealth.

23 (3) Was signed by the applicant.

24 (4) The unregistered out-of-State agent has never had
25 registration issued under this chapter or a predecessor
26 statute revoked by the commission.

27 (c) Criminal background check.--Every applicant shall
28 complete an application or process as may be necessary to
29 request the Pennsylvania State Police to provide a copy of the
30 applicant's criminal history record to the commission.

1 § 3303. Issuance of registration.

2 Except as otherwise provided in section 3304 (relating to
3 denial of registration), the commission shall issue a
4 certificate of registration to a person:

5 (1) Who complies with section 3302(a) and (c) (relating
6 to application for registration).

7 (2) Whose application has been accepted under section
8 3302(b).

9 (3) Who is 21 years of age or older.

10 (4) Who possesses good moral character.

11 (5) Who neither at the time of application nor within
12 ten years prior to the time of application has been finally
13 found to have participated in any conduct that led to the
14 imposition of sanctions against an individual or student
15 athlete, institution of higher education or professional
16 sports team by any association or organization that
17 establishes rules for the conduct of amateur or professional
18 sports.

19 § 3304. Denial of registration.

20 (a) Grounds.--The commission may refuse to issue a
21 certificate of registration if the commission determines that
22 the applicant has engaged in conduct that has a significant
23 adverse effect on the applicant's fitness to serve as an athlete
24 agent. In making the determination, the commission may consider
25 whether the applicant has:

26 (1) Made a materially false, misleading, deceptive or
27 fraudulent representation as an athlete agent or in the
28 application.

29 (2) Engaged in conduct that would disqualify the
30 applicant from serving in a fiduciary capacity.

1 (3) Engaged in conduct prohibited by section 3313
2 (relating to prohibited acts).

3 (4) Had a registration or licensure as an athlete agent
4 suspended, revoked or denied or been refused renewal of
5 registration or licensure in any state.

6 (5) Engaged in conduct that significantly adversely
7 reflects on the applicant's credibility, honesty or
8 integrity.

9 (b) Additional considerations.--In making a determination
10 under subsection (a), the commission shall consider:

11 (1) How recently the conduct occurred.

12 (2) The nature of the conduct and the context in which
13 it occurred.

14 (3) Any other relevant conduct of the applicant.

15 (c) Issuance of registration prohibited.--The commission
16 shall not issue athlete agent registration to or renew the
17 athlete agent registration of a person who has been convicted of
18 any of the following offenses, or any comparable offense in
19 another jurisdiction, within ten years of the date of
20 application:

21 (1) An offense under the act of April 14, 1972 (P.L.233,
22 No.64), known as The Controlled Substance, Drug, Device and
23 Cosmetic Act.

24 (2) An offense under the following provisions of 18
25 Pa.C.S. (relating to crimes and offenses):

26 Section 902 (relating to criminal solicitation).

27 Section 908 (relating to prohibited offensive
28 weapons).

29 Section 2502 (relating to murder).

30 Section 2709(a) (4), (5), (6) or (7) (relating to

1 harassment).

2 Section 2709.1 (relating to stalking).

3 Section 2901 (relating to kidnapping).

4 Section 3121 (relating to rape).

5 Section 3126 (relating to indecent assault).

6 Section 3923 (relating to theft by extortion).

7 Section 4109 (relating to rigging publicly exhibited

8 contest).

9 Section 4302 (relating to incest).

10 Section 4304 (relating to endangering welfare of

11 children).

12 Section 4305 (relating to dealing in infant

13 children).

14 Section 4701 (relating to bribery in official and

15 political matters).

16 Section 4902 (relating to perjury).

17 Section 5501 (relating to riot).

18 Section 5512 (relating to lotteries, etc.).

19 Section 5513 (relating to gambling devices, gambling,

20 etc.).

21 Section 5514 (relating to pool selling and

22 bookmaking).

23 Section 5901 (relating to open lewdness).

24 Section 5902 (relating to prostitution and related

25 offenses).

26 Section 5903 (relating to obscene and other sexual

27 materials and performances).

28 Section 5904 (relating to public exhibition of insane

29 or deformed person).

30 Section 6301 (relating to corruption of minors).

1 Section 6312 (relating to sexual abuse of children).

2 Section 7107 (relating to unlawful actions by athlete
3 agents).

4 (3) The commission shall not issue registration to any
5 person who has been found by the commission to have engaged
6 in the activities of an athlete agent in this Commonwealth
7 without acquiring registration as required by this chapter
8 within 12 months prior to the date of application.

9 § 3305. Renewal of registration.

10 (a) Procedure.--An athlete agent may apply to renew a
11 registration by submitting an application for renewal in writing
12 on a form supplied by the commission and approved by the
13 department. The application for renewal must be in the name of
14 an individual and be verified by the applicant and must state,
15 contain or be accompanied by:

16 (1) Current information on all matters required in an
17 original registration.

18 (2) Such other information as the commission may
19 reasonably require.

20 (3) A processing fee of \$100.

21 (b) Out-of-state agents.--An individual who has submitted an
22 application for renewal of registration or licensure in another
23 state, in lieu of submitting an application for renewal in the
24 form prescribed under subsection (a), may file a copy of the
25 application for renewal and a valid certificate of registration
26 from the other state. The commission shall accept the
27 application for renewal from the other state as an application
28 for renewal in this Commonwealth if the application to the other
29 state:

30 (1) Was submitted to the other state within the last six

1 months and the applicant certifies the information contained
2 in the application for renewal is current.

3 (2) Contains information substantially similar to or
4 more comprehensive than that required in an application for
5 renewal submitted in this Commonwealth.

6 (3) Was verified by the applicant.

7 (4) The unregistered out-of-State agent has never had
8 registration issued under this chapter or a predecessor
9 statute revoked by the commission.

10 § 3306. Period of registration.

11 A certificate of registration or a renewal of a registration
12 is valid for two years.

13 § 3307. Suspension, revocation, restriction or refusal to renew
14 registration.

15 (a) Investigation.--The commission or its designee may
16 review the operations of all registered athlete agents and shall
17 prepare a written report for review by the commission.

18 (b) Cease and desist order.--The commission may issue an
19 immediate cease and desist order against an athlete agent who
20 has been found preliminarily by the commission to have committed
21 a violation of 18 Pa.C.S. § 7107 (relating to unlawful actions
22 by athlete agents) or a violation of this chapter. Within 20
23 days of issuance of the cease and desist order, the commission
24 shall conduct a hearing to determine whether the cease and
25 desist order should be dissolved or made permanent.

26 (c) Registration suspension, revocation, restriction or
27 refusal to renew.--The commission may suspend, revoke, restrict
28 or otherwise limit registration or refuse to renew a
29 registration for conduct that would have justified denial of
30 registration under section 3304(a) (relating to denial of

1 registration).

2 (d) Notice and hearing.--The commission may deny, suspend,
3 revoke, restrict or otherwise limit registration or refuse to
4 renew a registration only after proper notice and an opportunity
5 for a hearing in accordance with 2 Pa.C.S. Ch. 5 Subch. A
6 (relating to practice and procedure of Commonwealth agencies).

7 (e) Reciprocal disciplinary or corrective action.--The
8 commission may deny, suspend, revoke, restrict or otherwise
9 limit registration or refuse to renew a registration of an
10 athlete agent on the basis of a disciplinary or corrective
11 action having been taken against the athlete agent in another
12 state, territory, possession or country, a branch of the Federal
13 Government or by an athletic association.

14 § 3308. Fees.

15 (a) Amounts.--An application for registration or renewal of
16 registration must be accompanied by a fee in the following
17 amount:

18 (1) \$200 for an initial application for registration for
19 an individual or sole proprietor and \$400 for a partnership,
20 association, corporation or other legal entity.

21 (2) \$150 for an application for registration based upon
22 a certificate of registration or licensure issued by another
23 state for an individual or sole proprietor and \$300 for a
24 partnership, association, corporation or other legal entity.

25 (3) \$200 for an application for renewal of registration
26 for an individual or sole proprietor and \$400 for a
27 partnership, association, corporation or other legal entity.

28 (4) \$150 for an application for renewal of registration
29 based upon an application for renewal of registration or
30 licensure submitted in another state for an individual or

1 sole proprietor and \$400 for a partnership, association,
2 corporation or other legal entity.

3 (b) Fee increase.--If the revenues raised by fees, fines and
4 civil penalties imposed in accordance with this chapter are not
5 sufficient to match the expenditures necessary to carry out the
6 provisions of this chapter, the commission shall increase those
7 fees by regulation so that the revenues match the expenditures.

8 § 3309. Form of contract for student athletes.

9 (a) Form generally.--An agency contract must be in a record
10 and signed by the parties.

11 (b) Contents.--An agency contract must state or contain:

12 (1) The amount and method of calculating the
13 consideration to be paid by the student athlete for services
14 to be provided by the athlete agent under the contract and
15 any other consideration the athlete agent has received or
16 will receive from any other source for entering into the
17 contract or for providing the services.

18 (2) The name of any person not listed in the application
19 for registration or renewal who will be compensated because
20 the student athlete signed the agency contract.

21 (3) A description of any expenses that the student
22 athlete agrees to reimburse.

23 (4) A description of the services to be provided to the
24 athlete student.

25 (5) The duration of the contract.

26 (6) The date of execution.

27 (c) Notice.--An agency contract must contain in close
28 proximity to the signature of the student athlete a conspicuous
29 notice in boldface type in capital letters stating:

30 **WARNING TO STUDENT ATHLETE**

1 If you sign this contract:

2 (1) You may lose your eligibility to compete as a
3 student athlete in your sport.

4 (2) Both you and your athlete agent are required to tell
5 your athletic director, if you have an athletic director, and
6 the commission within 72 hours after entering into an agency
7 contract.

8 (3) You may cancel this contract within 14 days after
9 signing it. Cancellation of the contract may not reinstate
10 your eligibility.

11 (d) Contracts not in conformity.--An agency contract that
12 does not conform to this section is voidable by the student
13 athlete.

14 (e) Contract copy to student athlete.--The athlete agent
15 shall give a copy of the signed agency contract to the student
16 athlete at the time of signing.

17 § 3310. Notice to educational institution.

18 Within 72 hours after entering into an agency contract or
19 before the next scheduled athletic event in which the student
20 athlete may participate, whichever occurs first:

21 (1) The athlete agent shall give notice in a record of
22 the existence of the contract to the athletic director of the
23 educational institution at which the student athlete is
24 enrolled or the athlete agent has reasonable grounds to
25 believe the student athlete intends to enroll and to the
26 commission.

27 (2) The student athlete shall inform the athletic
28 director of the educational institution at which the student
29 athlete is enrolled that the student athlete has entered into
30 an agency contract and to the commission.

1 § 3311. Student athlete's right to cancel.

2 (a) Procedure.--A student athlete may cancel an agency
3 contract by giving notice in a record to the athlete agent of
4 the cancellation within 14 days after the contract is signed.

5 (b) Waiver not permitted.--A student athlete may not waive
6 the right to cancel an agency contract.

7 (c) Consideration.--If a student athlete cancels an agency
8 contract, the student athlete is not required to pay any
9 consideration under the contract or to return any consideration
10 received from the agent to induce the student athlete to enter
11 into the contract.

12 § 3312. Required records.

13 (a) General rule.--An athlete agent shall retain the
14 following records for a period of five years:

15 (1) The name and address of each individual represented
16 by the athlete agent.

17 (2) Any agency contract entered into by the athlete
18 agent.

19 (3) Any direct costs incurred by the athlete agent in
20 the recruitment or solicitation of a student athlete.

21 (b) Records open to inspection.--Records required by
22 subsection (a) to be retained are open to inspection by the
23 commission during normal business hours.

24 § 3313. Prohibited acts.

25 An athlete agent may not:

26 (1) Initiate contact with a student athlete unless
27 registered under this part.

28 (2) Refuse or willfully fail to retain or permit
29 inspection of the records required by section 3312 (relating
30 to required records).

1 (3) Violate section 3301 (relating to athlete agent
2 registration) by failing to register.

3 (4) Provide materially false or misleading information
4 in an application for registration or renewal of
5 registration.

6 (5) Predate or postdate an agency contract.

7 (6) Fail to notify a student athlete prior to the
8 student athlete's signing an agency contract for a particular
9 sport that the signing by the student athlete may make the
10 student athlete ineligible to participate as a student
11 athlete in that sport.

12 (7) Enter into an oral or written contract or
13 professional sport services contract with a student athlete
14 before the student athlete's eligibility for collegiate
15 athletics has expired.

16 (8) Before the student athlete's eligibility for
17 collegiate athletics has expired, give, offer or promise
18 anything of value to:

19 (i) a student athlete;

20 (ii) any member of the student athlete's immediate
21 family; or

22 (iii) any individual who substantially contributes
23 to the economic support of the student athlete. For
24 purposes of this subparagraph, an individual shall be
25 deemed to have substantially contributed to the economic
26 support of a student athlete if the individual provides
27 25% or more of the cost of tuition, room and board and
28 incidental expenses of the student athlete's education or
29 provides to the student athlete at minimal or no cost
30 non-college-based lodging or meals or transportation to

1 and from college classes.

2 (9) Give, offer or promise an oral or written contract
3 which would require the athlete agent to give, offer or
4 promise anything of value to any employee of an institution
5 of higher education in return for a referral of a student
6 athlete by the employee.

7 (10) Engage in the activities of an athlete agent
8 without a current valid registration.

9 (11) Violate any provision of this part or regulation of
10 the commission.

11 § 3314. Civil remedies.

12 (a) Right of action.--An educational institution has a right
13 of action against an athlete agent or a former student athlete
14 for damages caused by a violation of this part or for a
15 violation of 18 Pa.C.S. § 7107 (relating to unlawful actions by
16 athlete agents). In an action under this section, the court may
17 award to the prevailing party costs and reasonable attorney
18 fees.

19 (b) Damages.--Damages of an educational institution under
20 subsection (a) include losses and expenses incurred because, as
21 a result of the activities of an athlete agent or former student
22 athlete, the educational institution was injured by a violation
23 of this part or was penalized, disqualified or suspended from
24 participation in athletics by a national association for the
25 promotion and regulation of athletics, by an athletic conference
26 or by reasonable self-imposed disciplinary action taken to
27 mitigate sanctions.

28 (c) Accrual of action.--A right of action under this section
29 does not accrue until the educational institution discovers or
30 by the exercise of reasonable diligence would have discovered

1 the violation by the athlete agent or former student athlete.

2 (d) Liability.--Any liability of the athlete agent or the
3 former student athlete under this section is several and not
4 joint.

5 (e) Other rights and remedies.--This part does not restrict
6 rights, remedies or defenses of any person under law.

7 § 3315. Administrative penalty.

8 (a) Civil penalty.--The commission may assess a civil
9 penalty against an athlete agent not to exceed \$25,000 per
10 violation of this part or per violation of 18 Pa.C.S. § 7107
11 (relating to unlawful actions by athlete agents).

12 (b) Injunctive relief.--The commission may, in the name of
13 the people of this Commonwealth, through the Office of Attorney
14 General, apply for injunctive relief in any court of competent
15 jurisdiction to enjoin any person from committing any act in
16 violation of this chapter. Injunctive relief shall be in
17 addition to and not in lieu of all penalties and other remedies
18 in this chapter.

19 § 3316. Bonding requirements.

20 (a) Amount.--Before any athlete agent registration is
21 issued, the applicant shall be required to execute and file a
22 surety bond with the commission in such reasonable amount, but
23 not less than \$20,000, as the commission shall require.

24 (b) Bond forms.--All bonds shall be upon forms supplied by
25 the commission and which have been approved by the department.
26 All bonds shall be accompanied by a \$25 filing fee.

27 (c) Conditions of bond.--The surety bond shall be
28 conditioned upon the following:

29 (1) Compliance with this chapter.

30 (2) The payment of all sums due a person at the time the

1 sums are due and payable.

2 (3) The payment of damages suffered by any person as a
3 result of intentional or unintentional misstatements,
4 misrepresentation, fraud, deceit or unlawful or negligent
5 acts of the student athlete agent while acting as a student
6 athlete agent.

7 (d) Alternate security.--

8 (1) In lieu of a surety bond, a registrant may deposit
9 with the commission cash, a certified check or a letter of
10 credit in an equivalent amount. The provisions of this
11 section regarding bonds shall apply to the alternate security
12 provided for in this subsection.

13 (2) The security shall not be returned to a registrant
14 until one year after the student athlete agent's registration
15 has expired. After that time if there are no claims against
16 the registered athlete agent, the alternate security shall be
17 returned to the depositor.

18 (e) Recovery on bond.--Recovery may be had on a bond or
19 deposit of alternate security in the same manner as penalties
20 are recoverable at law.

21 § 3317. Exemption from registration and bonding requirement.

22 (a) Immediate family members.--Athlete agents who are
23 representing an immediate family member are exempt from the
24 provisions of this chapter.

25 (b) Definition.--As used in this section, the term
26 "immediate family" means a spouse, parent, sibling, son,
27 daughter or grandparent.

28 § 3318. Disposition of commission receipts.

29 All fees, civil penalties, forfeitures and other moneys
30 collected under this chapter and the regulations of the

1 commission shall be paid into the Athletic Commission
2 Augmentation Account.

3 § 3319. Records.

4 A record of all persons registered under this chapter shall
5 be kept in the office of the commission and shall be open to
6 public inspection and copying upon payment of a nominal fee for
7 copying the record.

8 § 3320. Transferability of registration.

9 No registration issued under this chapter shall be assignable
10 or transferable. In the event of a corporate change of status,
11 the entity must register within 90 days.]

12 Section 3. Title 5 is amended by adding a chapter to read:

13 CHAPTER 35

14 ATHLETE AGENTS

15 Sec.

16 3501. Short title of chapter.

17 3502. Definitions.

18 3503. Commission; authority; procedure.

19 3504. Athlete agent; registration required; void contract.

20 3505. Registration as athlete agent; application; requirements;
21 reciprocal registration.

22 3506. Certificate of registration; issuance or denial; renewal.

23 3507. Suspension, revocation or refusal to renew registration.

24 3508. Temporary registration.

25 3509. Registration and renewal fees.

26 3510. Required form of agency contract.

27 3511. Notice to educational institution.

28 3512. Student athlete's right to cancel.

29 3513. Required records.

30 3514. Prohibited conduct.

1 3515. Criminal penalty.

2 3516. Civil remedy.

3 3517. Civil penalty.

4 3518. Uniformity of application and construction.

5 3519. Relation to Electronic Signatures in Global and National
6 Commerce Act.

7 3520. Disposition of receipts.

8 § 3501. Short title of chapter.

9 This chapter shall be known and may be cited as the Revised
10 Uniform Athlete Agents Act (2015).

11 § 3502. Definitions.

12 The following words and phrases when used in this chapter
13 shall have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 "Agency contract." An agreement in which a student athlete
16 authorizes a person to negotiate or solicit on behalf of the
17 student athlete a professional-sports-services contract or an
18 endorsement contract.

19 "Athlete agent." The following apply:

20 (1) The term means an individual, whether or not
21 registered under this chapter, who:

22 (i) directly or indirectly:

23 (A) recruits or solicits a student athlete to
24 enter into an agency contract; or

25 (B) for compensation, procures employment or
26 offers, promises, attempts or negotiates to obtain
27 employment for a student athlete as a professional
28 athlete or member of a professional sports team or
29 organization;

30 (ii) for compensation or in anticipation of

1 compensation related to a student athlete's participation
2 in athletics:

3 (A) serves the student athlete in an advisory
4 capacity on a matter related to finances, business
5 pursuits or career management decisions, unless the
6 individual is an employee of an educational
7 institution acting exclusively as an employee of the
8 educational institution for the benefit of the
9 educational institution; or

10 (B) manages the business affairs of the student
11 athlete by providing assistance with bills, payments,
12 contracts or taxes; or

13 (iii) in anticipation of representing a student
14 athlete for a purpose related to the student athlete's
15 participation in athletics:

16 (A) gives consideration to the student athlete
17 or another person;

18 (B) serves the student athlete in an advisory
19 capacity on a matter related to finances, business
20 pursuits or career management decisions; or

21 (C) manages the business affairs of the student
22 athlete by providing assistance with bills, payments,
23 contracts or taxes.

24 (2) The term does not include an individual who:

25 (i) acts solely on behalf of a professional sports
26 team or organization; or

27 (ii) is a licensed, registered or certified
28 professional and offers or provides services to a student
29 athlete customarily provided by members of the
30 profession, unless the individual:

1 (A) also recruits or solicits the student
2 athlete to enter into an agency contract;

3 (B) also, for compensation, procures employment
4 or offers, promises, attempts or negotiates to obtain
5 employment for the student athlete as a professional
6 athlete or member of a professional sports team or
7 organization; or

8 (C) receives consideration for providing the
9 services calculated using a different method than for
10 an individual who is not a student athlete.

11 "Athletic director." The individual responsible for
12 administering:

13 (1) the overall athletic program of an educational
14 institution; or

15 (2) if an educational institution has separately
16 administered athletic programs for male students and female
17 students, the athletic program for males or the athletic
18 program for females, as appropriate.

19 "Commission." The State Athletic Commission.

20 "Communicating or attempting to communicate." Contacting or
21 attempting to contact by an in-person meeting, a record or any
22 other method which conveys or attempts to convey a message.

23 "Educational institution." Any public or private elementary
24 school, secondary school, technical or vocational school,
25 community college, college or university.

26 "Endorsement contract." An agreement under which a student
27 athlete is employed or receives consideration to use on behalf
28 of the other party value that the student athlete may have
29 because of publicity, reputation, following or fame obtained
30 because of athletic ability or performance.

1 "Enroll." To register for courses and attend athletic
2 practice or class.

3 "Enrolled." Registered for courses and attending athletic
4 practice or class.

5 "Intercollegiate sport." A sport played at the collegiate
6 level for which eligibility requirements for participation by a
7 student athlete are established by a national association which
8 promotes or regulates collegiate athletics.

9 "Interscholastic sport." A sport played between educational
10 institutions which are not community colleges, colleges or
11 universities.

12 "Licensed, registered or certified professional." An
13 individual licensed, registered or certified as an attorney, a
14 dealer in securities, a financial planner, an insurance agent, a
15 real estate broker or sales agent, a tax consultant, an
16 accountant or a member of a profession who is licensed,
17 registered or certified by the State or a nationally recognized
18 organization which licenses, registers or certifies members of
19 the profession on the basis of experience, education or testing.
20 The term does not include an athlete agent.

21 "Person." Any individual, estate, business or nonprofit
22 entity, public corporation, government or governmental
23 subdivision, agency or instrumentality or other legal entity.

24 "Professional-sports-services contract." An agreement under
25 which an individual is employed as a professional athlete or
26 agrees to render services as a player on a professional sports
27 team or with a professional sports organization.

28 "Record." Information that is inscribed on a tangible medium
29 or that is stored in an electronic or other medium and is
30 retrievable in perceivable form.

1 "Recruit or solicit." An attempt to influence the choice of
2 an athlete agent by a student athlete or, if the student athlete
3 is a minor, a parent or guardian of the student athlete. The
4 term does not include giving advice on the selection of a
5 particular athlete agent in a family, coaching or social
6 situation unless the individual giving the advice does so
7 because of the receipt or anticipated receipt of an economic
8 benefit, directly or indirectly, from the athlete agent.

9 "Registration." Registration as an athlete agent under this
10 chapter.

11 "Secretary." The Secretary of the Commonwealth.

12 "Sign." With present intent to authenticate or adopt a
13 record:

14 (1) to execute or adopt a tangible symbol; or

15 (2) to attach to or logically associate with the record
16 an electronic symbol, sound or process.

17 "State." A state of the United States, the District of
18 Columbia, Puerto Rico, the United States Virgin Islands or any
19 territory or insular possession subject to the jurisdiction of
20 the United States.

21 "Student athlete." An individual who is eligible to attend
22 an educational institution and engages in, is eligible to engage
23 in or may be eligible in the future to engage in, any
24 interscholastic or intercollegiate sport. The term does not
25 include an individual permanently ineligible to participate in a
26 particular interscholastic or intercollegiate sport for that
27 sport.

28 § 3503. Commission; authority; procedure.

29 (a) Regulations.--The commission may promulgate regulations
30 to implement this chapter.

1 (b) Agent for service of process.--By acting as an athlete
2 agent in this Commonwealth, a nonresident individual appoints
3 the secretary as the individual's agent for service of process
4 in a civil action in this Commonwealth related to the individual
5 acting as an athlete agent in this Commonwealth.

6 (c) Subpoenas.--The commission may issue a subpoena for
7 material which is relevant to the administration of this
8 chapter.

9 § 3504. Athlete agent; registration required; void contract.

10 (a) Prohibition.--Except as specified in subsection (b), an
11 individual may not act as an athlete agent in this Commonwealth
12 without holding a certificate of registration under this
13 chapter.

14 (b) Acting as athlete agent.--Before being issued a
15 certificate of registration under this chapter, an individual
16 may act as an athlete agent in this Commonwealth for all
17 purposes except signing an agency contract, if:

18 (1) a student athlete or another person acting on behalf
19 of the student athlete initiates communication with the
20 individual; and

21 (2) not later than seven days after an initial act which
22 requires the individual to register as an athlete agent, the
23 individual submits an application for registration as an
24 athlete agent in this Commonwealth.

25 (c) Contract void.--An agency contract resulting from
26 conduct in violation of this section is void, and the athlete
27 agent shall return consideration received under the contract.

28 § 3505. Registration as athlete agent; application;
29 requirements; reciprocal registration.

30 (a) Application.--Except as specified in subsection (b), an

1 applicant for registration as an athlete agent must submit an
2 application for registration to the commission in a form
3 prescribed by the commission. The applicant must be an
4 individual, and the application must be signed by the applicant
5 under penalty of perjury. The application must contain at least
6 the following:

7 (1) Name, date and place of birth of the applicant and
8 all of the following contact information for the applicant:

9 (i) Address of the applicant's principal place of
10 business.

11 (ii) Work and mobile telephone numbers.

12 (iii) Any means of communicating electronically,
13 including a facsimile number, an electronic mail address
14 and personal and business or employer websites.

15 (2) Name of the applicant's business or employer, if
16 applicable, including for each business or employer its
17 mailing address, telephone number, organization form and the
18 nature of the business.

19 (3) Each social media account with which the applicant
20 or the applicant's business or employer is affiliated.

21 (4) Each business or occupation in which the applicant
22 engaged within five years before the date of the application,
23 including self-employment and employment by others, and any
24 professional or occupational license, registration or
25 certification held by the applicant during that time.

26 (5) Description of the applicant's:

27 (i) formal training as an athlete agent;

28 (ii) practical experience as an athlete agent; and

29 (iii) educational background relating to the
30 applicant's activities as an athlete agent.

1 (6) Statement of LISTING the:

2 (i) name of each student athlete for whom the
3 applicant acted as an athlete agent within five years
4 before the date of the application or, if the student
5 athlete is a minor, name of the parent or guardian of the
6 student athlete; and

7 (ii) student athlete's sport and last known team.

8 (7) Name and address of each person that:

9 (i) is a partner, member, officer, manager,
10 associate or profit sharer or directly or indirectly
11 holds an equity interest of 5% or greater of the athlete
12 agent's business if the business is not a corporation;
13 and

14 (ii) is an officer or director of a corporation
15 employing the athlete agent or a shareholder having an
16 interest of five percent or greater in the corporation.

17 (8) Description of the status of each application by the
18 applicant or a person named under paragraph (7) for a Federal
19 or state business, professional or occupational license,
20 other than as an athlete agent, from a Federal or state
21 agency. This paragraph includes the denial, refusal to renew,
22 suspension, withdrawal or termination of the license and each
23 reprimand or censure related to the license.

24 (9) Whether the applicant or a person named under
25 paragraph (7) has pleaded guilty or no contest to, has been
26 convicted of or has charges pending for an offense which
27 involves moral turpitude or would constitute a felony if
28 committed in this Commonwealth. For an offense subject to
29 this paragraph, the application must identify:

30 (i) the offense;

1 (ii) the law enforcement agency involved; and
2 (iii) if applicable, the date of the plea or
3 conviction and the penalty imposed.

4 (10) Whether, within 15 years before the date of
5 application, the applicant or a person named under paragraph
6 (7) has been a defendant or respondent in a civil proceeding,
7 including a proceeding under 20 Pa.C.S. Ch. 55 Subch. C
8 (relating to appointment of guardian; bonds; removal and
9 discharge). For a proceeding under this paragraph, the
10 application must state the date and a full explanation of the
11 proceeding.

12 (11) Whether the applicant or a person named under
13 paragraph (7) has an unsatisfied judgment or a judgment of
14 continuing effect, including an order under 23 Pa.C.S. Ch. 37
15 (relating to alimony and support) or 43 (relating to support
16 matters generally), which is not current at the date of the
17 application.

18 (12) Whether, within 10 years before the date of
19 application, the applicant or a person named under paragraph
20 (7) was adjudicated bankrupt or was an owner of a business
21 that was adjudicated bankrupt.

22 (13) Whether there has been any administrative or
23 judicial determination that the applicant or a person named
24 under paragraph (7) made a false, misleading, deceptive or
25 fraudulent representation.

26 (14) Each instance in which conduct of the applicant or
27 a person named under paragraph (7) resulted in:

28 (i) imposition on a student athlete of a sanction,
29 suspension or declaration of ineligibility to participate
30 in an interscholastic, intercollegiate or professional

1 athletic event; or

2 (ii) imposition of a sanction on an educational
3 institution.

4 (15) Each sanction, suspension or disciplinary action
5 taken against the applicant or a person named under paragraph
6 (7) arising out of occupational or professional conduct.

7 (16) Whether there has been a denial of an application
8 for, suspension or revocation of, refusal to renew or
9 abandonment of the registration of the applicant or a person
10 named under paragraph (7) as an athlete agent in any state.

11 (17) Each state in which the applicant currently is
12 registered as an athlete agent or has applied to be
13 registered as an athlete agent.

14 (18) If the applicant is certified or registered by a
15 professional league or players association:

16 (i) name of the league or association;

17 (ii) date of certification or registration and, if
18 applicable, date of expiration of the certification or
19 registration;

20 (iii) date of denial of an application for,
21 suspension or revocation of, refusal to renew, withdrawal
22 of or termination of the certification or registration;
23 and

24 (iv) date ~~or~~ OF reprimand or censure related to the <--
25 certification or registration.

26 (19) Additional information required by the commission.

27 (b) Alternative application.--Instead of proceeding under
28 subsection (a), an individual registered as an athlete agent in
29 another state may apply for registration as an athlete agent in
30 this Commonwealth by submitting to the commission:

1 (1) a copy of the application for registration in the
2 other state;

3 (2) a statement which identifies every material change
4 in the information on the application or verifies there is no
5 material change in the information, signed under penalty of
6 perjury; and

7 (3) a copy of the certificate of registration from the
8 other state.

9 (c) Certificate of registration.--The commission shall issue
10 a certificate of registration to an individual who applies for
11 registration under subsection (b) if the commission determines
12 all of the following:

13 (1) The application and registration requirements of the
14 other state are substantially similar to or more restrictive
15 than this chapter.

16 (2) The registration has not been revoked or suspended
17 by the other state.

18 (3) No action involving the individual's conduct as an
19 athlete agent is pending against the individual or the
20 individual's registration in any state.

21 (d) Implementation.--For purposes of implementing subsection
22 (c), the commission shall:

23 (1) cooperate with national organizations concerned with
24 athlete agent issues and with agencies in other states which
25 register athlete agents to develop a common registration form
26 and determine which states have laws that are substantially
27 similar to or more restrictive than this chapter; and

28 (2) exchange information, including information related
29 to actions taken against registered athlete agents or their
30 registrations, with those organizations and agencies.

1 § 3506. Certificate of registration; issuance or denial;
2 renewal.

3 (a) Issuance.--Except as specified in subsection (b), the
4 commission shall issue a certificate of registration to an
5 applicant for registration who complies with section 3505(a)
6 (relating to registration as athlete agent; application;
7 requirements; reciprocal registration).

8 (b) Refusal.--The commission may refuse to issue a
9 certificate of registration to an applicant for registration
10 under section 3505(a) if the commission determines that the
11 applicant has engaged in conduct that significantly adversely
12 reflects on the applicant's fitness to act as an athlete agent.
13 In making the determination, the commission may consider whether
14 the applicant has:

15 (1) pleaded guilty or no contest to, has been convicted
16 of or has charges pending for an offense which involves moral
17 turpitude or would constitute a felony if committed in this
18 Commonwealth;

19 (2) made a materially false, misleading, deceptive or
20 fraudulent representation in the application or as an athlete
21 agent;

22 (3) engaged in conduct which would disqualify the
23 applicant from serving in a fiduciary capacity;

24 (4) violated section 3514 (relating to prohibited
25 conduct);

26 (5) had a registration as an athlete agent suspended,
27 revoked or denied in any state;

28 (6) been refused renewal of registration as an athlete
29 agent in any state;

30 (7) engaged in conduct resulting in:

1 (i) imposition on a student athlete of a sanction,
2 suspension or declaration of ineligibility to participate
3 in an interscholastic, intercollegiate or professional
4 athletic event; or

5 (ii) imposition of a sanction on an educational
6 institution; or

7 (8) engaged in conduct which adversely reflects on the
8 applicant's credibility, honesty or integrity.

9 (c) Determination.--In making a determination under
10 subsection (b), the commission shall consider:

11 (1) how recently the conduct occurred;

12 (2) the nature of the conduct and the context in which
13 it occurred; and

14 (3) other relevant conduct of the applicant.

15 (d) Renewal of registration.--An athlete agent registered
16 under subsection (a) may apply to renew the registration by
17 submitting an application for renewal in a form prescribed by
18 the commission. The applicant must sign the application under
19 penalty of perjury and include current information on all
20 matters required in an original application for registration.

21 (e) Renewal in other state.--

22 (1) An athlete agent registered under section 3505(c)
23 may renew the registration by:

24 (i) proceeding under subsection (d); or

25 (ii) if the registration in the other state has been
26 renewed, submitting to the commission copies of the
27 application for renewal in the other state and the
28 renewed registration from the other state.

29 (2) The commission shall renew the registration if the
30 commission determines that:

1 (i) the registration requirements of the other state
2 are substantially similar to or more restrictive than
3 this chapter;

4 (ii) the renewed registration has not been suspended
5 or revoked; and

6 (iii) no action involving the individual's conduct
7 as an athlete agent is pending against the individual or
8 the individual's registration in any state.

9 (f) Validity.--A certificate of registration or renewal of
10 registration under this chapter is valid for two years.

11 § 3507. Suspension, revocation or refusal to renew
12 registration.

13 (a) Authority.--The commission may limit, suspend, revoke or
14 refuse to renew a registration of an individual registered under
15 section 3506(a) (relating to certificate of registration;
16 issuance or denial; renewal) for conduct which would have
17 justified refusal to issue a certificate of registration under
18 section 3506(b).

19 (b) Suspension or revocation.--The commission may suspend or
20 revoke the registration of an individual registered under
21 section 3505(c) (relating to registration as athlete agent;
22 application; requirements; reciprocal registration) or renewed
23 under section 3506(e) for a reason for which the commission
24 could have refused to grant or renew registration or for conduct
25 which would justify refusal to issue a certificate of
26 registration under section 3506(b).

27 § 3508. Temporary registration.

28 The commission may issue a temporary certificate of
29 registration as an athlete agent while an application for
30 registration or renewal of registration is pending.

1 § 3509. Registration and renewal fees.

2 (a) Registration fee.--An application for registration or
3 renewal of registration shall be accompanied by a fee in the
4 following amounts:

5 (1) For an initial application for registration or an
6 application for renewal of registration for an individual or
7 sole proprietor, \$200.

8 (2) For an application for registration or an
9 application for renewal of registration based upon a
10 certificate of registration or licensure issued by another
11 state for an individual or a sole proprietor, \$150.

12 (b) Fee increase.--The commission may increase the fees in
13 subsection (a), by regulation, if the revenues raised by fees,
14 finances and civil penalties imposed under this chapter are not
15 sufficient to cover the costs of the commission to implement the
16 provisions of this chapter. Any increase in fee may not exceed
17 the amounts necessary to fund the commission to carry out the
18 provisions of this chapter.

19 § 3510. Required form of agency contract.

20 (a) Requirement.--An agency contract must be in a record
21 signed by the parties.

22 (b) Contents of contract.--An agency contract must contain:

23 (1) a statement that the athlete agent is registered as
24 an athlete agent in this Commonwealth and a list of any other
25 states in which the athlete agent is registered as an athlete
26 agent;

27 (2) the amount and method of calculating the
28 consideration to be paid by the student athlete for services
29 to be provided by the athlete agent under the contract and
30 any other consideration the athlete agent has received or

1 will receive from any other source for entering into the
2 contract or providing the services;

3 (3) the name of any person that:

4 (i) is not listed in the athlete agent's application
5 for registration or renewal of registration; and

6 (ii) will be compensated because the student athlete
7 signed the contract;

8 (4) a description of any expenses the student athlete
9 agrees to reimburse;

10 (5) a description of the services to be provided to the
11 student athlete;

12 (6) the duration of the contract; and

13 (7) the date of execution.

14 (c) Notice.--Subject to subsection (g), an agency contract
15 must contain a conspicuous notice in boldface type and in
16 substantially the following form:

17 WARNING TO STUDENT ATHLETE

18 IF YOU SIGN THIS CONTRACT:

19 (1) IF YOU ENTER INTO NEGOTIATIONS FOR, OR SIGN, A
20 PROFESSIONAL-SPORTS-SERVICES CONTRACT, YOU MAY LOSE YOUR
21 ELIGIBILITY TO COMPETE AS A STUDENT ATHLETE IN YOUR SPORT;

22 (2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS
23 AFTER SIGNING THIS CONTRACT OR BEFORE THE NEXT SCHEDULED
24 ATHLETIC EVENT IN WHICH YOU PARTICIPATE, WHICHEVER OCCURS
25 FIRST, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR
26 ATHLETIC DIRECTOR THAT YOU HAVE ENTERED INTO THIS CONTRACT
27 AND PROVIDE THE NAME AND CONTACT INFORMATION OF THE ATHLETE
28 AGENT; AND

29 (3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER
30 SIGNING IT.

1 (d) Signed acknowledgment.--An agency contract must be
2 accompanied by a separate record:

3 (1) signed by:

4 (i) the student athlete; or

5 (ii) if the student athlete is a minor, the parent
6 or guardian of the student athlete; and

7 (2) acknowledging that signing the contract may result
8 in the loss of the student athlete's eligibility to
9 participate in the student athlete's sport.

10 (e) Voided contract.--A student athlete or, if the student
11 athlete is a minor, the parent or guardian of the student
12 athlete may void an agency contract which does not conform to
13 this section. If the contract is voided, consideration received
14 from the athlete agent under the contract to induce entering
15 into the contract is not required to be returned.

16 (f) Copies.--At the time an agency contract is executed, the
17 athlete agent shall give the student athlete or, if the student
18 athlete is a minor, the parent or guardian of the student
19 athlete a copy in a record of the contract and the separate
20 acknowledgment required by subsection (d).

21 (g) Minors.--If a student athlete is a minor the notice
22 under subsection (c) must be revised in accordance with
23 subsection (d) (1) (ii).

24 § 3511. Notice to educational institution.

25 (a) (Reserved).

26 (b) Athlete agent notice.--If an athlete agent and a student
27 athlete enter into an agency contract, all of the following
28 apply:

29 (1) The athlete agent shall give notice in a record of
30 the existence of the agency contract to the athletic director

1 of:

2 (i) the educational institution at which the student
3 athlete is enrolled; or

4 (ii) an educational institution at which the athlete
5 agent has reasonable grounds to believe the student
6 athlete intends to enroll.

7 (2) Notice under paragraph (1) shall be given not later
8 than the earlier of:

9 (i) 72 hours after entering into an agency contract;
10 or

11 (ii) before the next scheduled athletic event in
12 which the student athlete may participate.

13 (c) Student athlete notice.--If a student athlete and an
14 athlete agent enter into an agency contract, all of the
15 following apply:

16 (1) The student athlete shall inform the athletic
17 director of the educational institution at which the student
18 athlete is enrolled:

19 (i) that the student athlete has entered into an
20 agency contract; and

21 (ii) of the name and contact information of the
22 athlete agent.

23 (2) Notice under paragraph (1) shall be given not later
24 than the earlier of:

25 (i) 72 hours after entering into an agency contract;
26 or

27 (ii) before the next scheduled athletic event in
28 which the student athlete may participate.

29 (d) Notice after enrollment.--

30 (1) This subsection applies if:

1 (i) an athlete agent enters into an agency contract
2 with a student athlete; and

3 (ii) the student athlete subsequently enrolls in an
4 educational institution.

5 (2) If paragraph (1) applies, the athlete agent shall
6 notify the athletic director of the educational institution
7 of the existence of the contract not later than 72 hours
8 after the athlete agent knew or should have known the student
9 athlete enrolled.

10 (e) Notice of relationship.--

11 (1) This subsection applies if:

12 (i) an athlete agent has a relationship with a
13 student athlete; and

14 (ii) the student athlete subsequently:

15 (A) enrolls in an educational institution; and

16 (B) receives an athletic scholarship from the
17 educational institution.

18 (2) If paragraph (1) applies, the athlete agent shall
19 notify the educational institution of the relationship not
20 later than 10 days after the enrollment if the athlete agent
21 knows or should have known of the enrollment and:

22 (i) the relationship was motivated in whole or part
23 by the intention of the athlete agent to recruit or
24 solicit the student athlete to enter an agency contract
25 in the future; or

26 (ii) the athlete agent directly or indirectly
27 recruited or solicited the student athlete to enter an
28 agency contract before the enrollment.

29 (f) Notice prior to communication.--An athlete agent shall
30 give notice in a record to the athletic director of the

1 educational institution at which a student athlete is enrolled
2 before the athlete agent communicates or attempts to communicate
3 with:

4 (1) the student athlete or, if the student athlete is a
5 minor, a parent or guardian of the student athlete, to
6 influence the student athlete or parent or guardian to enter
7 into an agency contract; or

8 (2) another individual to have that individual influence
9 the student athlete or, if the student athlete is a minor,
10 the parent or guardian of the student athlete to enter into
11 an agency contract.

12 (g) Communication initiated by student athlete.--If a
13 communication or attempt to communicate with an athlete agent is
14 initiated by a student athlete or another individual on behalf
15 of the student athlete, the athlete agent shall notify in a
16 record the athletic director of the educational institution at
17 which the student athlete is enrolled. The notification must be
18 made not later than 10 days after the communication or attempt.

19 (h) Notification of violation.--An educational institution
20 which becomes aware of a violation of this chapter by an athlete
21 agent shall provide notice of the violation to:

22 (1) the commission; and

23 (2) any professional league or players association with
24 which the athlete agent is licensed or registered, if the
25 educational institution is aware of the licensure or
26 registration.

27 (I) NOTIFICATION OF AGENCY CONTRACT.--THE ATHLETIC DIRECTOR <--
28 OF THE EDUCATIONAL INSTITUTION AT WHICH THE STUDENT ATHLETE IS
29 ENROLLED SHALL GIVE NOTICE IN A RECORD OF THE EXISTENCE OF THE
30 AGENCY CONTRACT TO THE COMMISSION WITHIN 72 HOURS OF RECEIVING

1 NOTICE UNDER SUBSECTIONS (B), (C), (D), (E), (F) AND (G).

2 § 3512. Student athlete's right to cancel.

3 (a) Right.--A student athlete or, if the student athlete is
4 a minor, the parent or guardian of the student athlete may
5 cancel an agency contract by giving notice in a record of
6 cancellation to the athlete agent not later than 14 days after
7 the contract is signed.

8 (b) Waiver prohibited.--A student athlete or, if the student
9 athlete is a minor, the parent or guardian of the student
10 athlete may not waive the right to cancel an agency contract.

11 (c) Return of consideration.--If a student athlete, parent
12 or guardian cancels an agency contract, the student athlete,
13 parent or guardian is not required to pay consideration under
14 the contract or return consideration received from the athlete
15 agent to influence the student athlete to enter into the
16 contract.

17 § 3513. Required records.

18 (a) Records.--An athlete agent shall create and retain for
19 five years records of the following:

20 (1) the name and address of each individual represented
21 by the athlete agent;

22 (2) each agency contract entered into by the athlete
23 agent; and

24 (3) the direct costs incurred by the athlete agent in
25 the recruitment or solicitation of each student athlete to
26 enter into an agency contract.

27 (b) Inspection.--Records under subsection (a) shall be open
28 to inspection by the commission.

29 § 3514. Prohibited conduct.

30 An athlete agent may not intentionally do any of the

1 following:

2 (1) Give a student athlete or, if the student athlete is
3 a minor, a parent or guardian of the student athlete
4 materially false or misleading information or make a
5 materially false promise or representation with the intent to
6 influence the student athlete, parent or guardian to enter
7 into an agency contract.

8 (2) Furnish anything of value to a student athlete or
9 another individual if the thing of value may result in loss
10 of the student athlete's eligibility to participate in the
11 athlete's sport, unless:

12 (i) the athlete agent notifies the athletic director
13 of the educational institution at which the student
14 athlete is enrolled or at which the athlete agent has
15 reasonable grounds to believe the athlete intends to
16 enroll, not later than 72 hours after giving the thing of
17 value; and

18 (ii) the student athlete or, if the student athlete
19 is a minor, a parent or guardian of the student athlete
20 acknowledges to the athlete agent in a record that
21 receipt of the thing of value may result in loss of the
22 athlete's eligibility to participate in the student
23 athlete's sport.

24 (3) Initiate contact, directly or indirectly, with a
25 student athlete or, if the student athlete is a minor, a
26 parent or guardian of the student athlete, to recruit or
27 solicit the student athlete, parent or guardian to enter an
28 agency contract unless registered under this chapter.

29 (4) Fail to create, retain or permit inspection of the
30 records required by section 3513 (relating to required

1 records).

2 (5) Fail to register when required under section 3504
3 (relating to athlete agent; registration required; void
4 contract).

5 (6) Provide materially false or misleading information
6 in an application for registration or renewal of
7 registration.

8 (7) Predate or postdate an agency contract.

9 (8) Fail to notify a student athlete or, if the student
10 athlete is a minor, a parent or guardian of the student
11 athlete, before the student athlete, parent or guardian signs
12 an agency contract for a particular sport that the signing
13 may result in loss of the student athlete's eligibility to
14 participate in the student athlete's sport.

15 (9) Encourage another individual to do any of the
16 prohibited activities under paragraph (1), (2), (3), (4),
17 (5), (6), (7) or (8) on behalf of the athlete agent.

18 (10) Encourage another individual to assist any other
19 individual in doing any of the prohibited activities under
20 paragraph (1), (2), (3), (4), (5), (6), (7) or (8) on behalf
21 of the athlete agent.

22 § 3515. Criminal penalty.

23 An athlete agent who violates section 3514 (relating to
24 prohibited conduct) commits a misdemeanor of the third degree.

25 § 3516. Civil remedy.

26 (a) Cause of action.--

27 (1) An educational institution or a student athlete may
28 bring an action for damages against an athlete agent if the
29 educational institution or student athlete is adversely
30 affected by an act or omission of the athlete agent in

1 violation of this chapter.

2 (2) An educational institution is adversely affected by
3 an act or omission of an athlete agent only if, because of
4 the act or omission, the educational institution:

5 (i) is suspended or disqualified from participation
6 in an interscholastic or intercollegiate sports event by
7 or under the rules of a state or national federation or
8 association which promotes or regulates interscholastic
9 or intercollegiate sports; or

10 (ii) suffers financial damage.

11 (3) A student athlete is adversely affected by an act or
12 omission of an athlete agent only if all of the following
13 apply:

14 (i) At the time of the the act or omission, the
15 student athlete was enrolled in an educational
16 institution.

17 (ii) Because of the act or omission, the student
18 athlete:

19 (A) is suspended or disqualified from
20 participation in an interscholastic or
21 intercollegiate sports event by or under the rules of
22 a state or national federation or association which
23 promotes or regulates interscholastic or
24 intercollegiate sports; or

25 (B) suffers financial damage.

26 (b) Recovery.--A plaintiff that prevails in an action under
27 this section may recover actual damages and court costs. An
28 athlete agent found liable under this section forfeits any right
29 of payment for anything of benefit or value provided to the
30 student athlete and shall refund consideration paid to the

1 athlete agent by or on behalf of the student athlete.

2 § 3517. Civil penalty.

3 (a) Administrative penalty.--The commission may assess an
4 administrative penalty against an athlete agent not to exceed
5 \$50,000 for a violation of this chapter.

6 (b) Administrative agency law.--A penalty under this section
7 is subject to 2 Pa.C.S. Chs. 5 Subch. A (relating to practice
8 and procedure of Commonwealth agencies) and 7 Subch. A (relating
9 to judicial review of Commonwealth agency action).

10 § 3518. Uniformity of application and construction.

11 In applying and construing this uniform act, consideration
12 must be given to the need to promote uniformity of the law with
13 respect to its subject matter among states that enact it.

14 § 3519. Relation to Electronic Signatures in Global and
15 National Commerce Act.

16 To the extent permitted by section 102 of the Electronic
17 Signatures in Global and National Commerce Act (Public Law 106-
18 229, 15 U.S.C. § 7002), this chapter may supersede provisions of
19 that act.

20 § 3520. Disposition of receipts.

21 All fees, civil penalties, forfeitures and other money
22 collected under this chapter and the regulations of the
23 commission shall be paid into the Athletic Commission
24 Augmentation Account.

25 Section 4. Repeals are as follows:

26 (1) The General Assembly declares that the repeal under
27 paragraph (2) is necessary to effectuate the addition of 5
28 Pa.C.S. Ch. 35.

29 (2) 18 Pa.C.S. § 7107 is repealed insofar as it is
30 inconsistent with this act.

1 Section 5. This act shall take effect in 60 days.