

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2633 Session of 2022

INTRODUCED BY TOPPER AND N. NELSON, MAY 31, 2022

SENATOR ARGALL, STATE GOVERNMENT, IN SENATE, AS AMENDED,
OCTOBER 18, 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:

9 PART II

10 [ATHLETE AGENTS] ATHLETES

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12 repealed:

13 [SUBPART A

14 GENERAL PROVISIONS

15 Chapter

16 31. Preliminary Provisions

17 CHAPTER 31

18 PRELIMINARY PROVISIONS

1 Sec.

2 3101. Short title of part.

3 3102. Definitions.

4 3103. Administration.

5 3104. Service of process.

6 3105. Subpoenas.

7 3106. Rules and regulations.

8 § 3101. Short title of part.

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

11 § 3102. Definitions.

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

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

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

1 other employee. The term includes a person who represents to the
2 public that the person is an athlete agent.

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

9 "Commission." The State Athletic Commission.

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

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

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

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

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

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

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

1 "Record." Information that is inscribed on a tangible medium
2 or that is stored in an electronic or other medium and is
3 retrievable in perceivable form.

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

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

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

16 § 3103. Administration.

17 The commission shall administer this part.

18 § 3104. Service of process.

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

24 § 3105. Subpoenas.

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

27 § 3106. Rules and regulations.

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

1 reasonably necessary to administer and effectuate the purposes
2 of this part.

3 SUBPART B

4 REGISTRATION OF ATHLETE AGENTS

5 Chapter

6 33. Registration

7 CHAPTER 33

8 REGISTRATION

9 Sec.

10 3301. Athlete agent registration.

11 3302. Application for registration.

12 3303. Issuance of registration.

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27 3317. Exemption from registration and bonding requirement.

28 3318. Disposition of commission receipts.

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30 3320. Transferability of registration.

1 § 3301. Athlete agent registration.

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

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

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

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

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

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

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

1 (3) The unregistered out-of-State agent or person has
2 never had registration issued under this chapter or a
3 predecessor statute revoked by the commission.

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

8 § 3302. Application for registration.

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

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

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

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

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

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

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

26 (i) Formal training as an athlete agent.

27 (ii) Practical experience as an athlete agent.

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

30 (7) The names and addresses of three individuals not

1 related to the applicant who are willing to serve as
2 references.

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

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

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

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

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

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

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

29 (13) Any sanction, suspension or disciplinary action
30 taken against the applicant or any other person named

1 pursuant to paragraph (9) arising out of occupational or
2 professional conduct.

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

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

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

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

24 (3) Was signed by the applicant.

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

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

1 applicant's criminal history record to the commission.

2 § 3303. Issuance of registration.

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

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

8 (2) Whose application has been accepted under section
9 3302(b).

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

11 (4) Who possesses good moral character.

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

20 § 3304. Denial of registration.

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

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

30 (2) Engaged in conduct that would disqualify the

1 applicant from serving in a fiduciary capacity.

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

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

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

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

12 (1) How recently the conduct occurred.

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

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

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

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

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

27 Section 902 (relating to criminal solicitation).

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

30 Section 2502 (relating to murder).

1 Section 2709(a) (4), (5), (6) or (7) (relating to
2 harassment).

3 Section 2709.1 (relating to stalking).

4 Section 2901 (relating to kidnapping).

5 Section 3121 (relating to rape).

6 Section 3126 (relating to indecent assault).

7 Section 3923 (relating to theft by extortion).

8 Section 4109 (relating to rigging publicly exhibited
9 contest).

10 Section 4302 (relating to incest).

11 Section 4304 (relating to endangering welfare of
12 children).

13 Section 4305 (relating to dealing in infant
14 children).

15 Section 4701 (relating to bribery in official and
16 political matters).

17 Section 4902 (relating to perjury).

18 Section 5501 (relating to riot).

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

20 Section 5513 (relating to gambling devices, gambling,
21 etc.).

22 Section 5514 (relating to pool selling and
23 bookmaking).

24 Section 5901 (relating to open lewdness).

25 Section 5902 (relating to prostitution and related
26 offenses).

27 Section 5903 (relating to obscene and other sexual
28 materials and performances).

29 Section 5904 (relating to public exhibition of insane
30 or deformed person).

1 Section 6301 (relating to corruption of minors).

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

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

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

10 § 3305. Renewal of registration.

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

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

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

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

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

1 (1) Was submitted to the other state within the last six
2 months and the applicant certifies the information contained
3 in the application for renewal is current.

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

7 (3) Was verified by the applicant.

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

11 § 3306. Period of registration.

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

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

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

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

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

1 registration under section 3304(a) (relating to denial of
2 registration).

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

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

15 § 3308. Fees.

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

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

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

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

29 (4) \$150 for an application for renewal of registration
30 based upon an application for renewal of registration or

1 licensure submitted in another state for an individual or
2 sole proprietor and \$400 for a partnership, association,
3 corporation or other legal entity.

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

9 § 3309. Form of contract for student athletes.

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

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

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

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

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

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

26 (5) The duration of the contract.

27 (6) The date of execution.

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

1 WARNING TO STUDENT ATHLETE

2 If you sign this contract:

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

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

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

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

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

18 § 3310. Notice to educational institution.

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

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

28 (2) The student athlete shall inform the athletic
29 director of the educational institution at which the student
30 athlete is enrolled that the student athlete has entered into

1 an agency contract and to the commission.

2 § 3311. Student athlete's right to cancel.

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

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

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

13 § 3312. Required records.

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

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

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

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

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

25 § 3313. Prohibited acts.

26 An athlete agent may not:

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

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

1 to required records).

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

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

7 (5) Predate or postdate an agency contract.

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

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

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

20 (i) a student athlete;

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

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

1 non-college-based lodging or meals or transportation to
2 and from college classes.

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

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

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

12 § 3314. Civil remedies.

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

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

29 (c) Accrual of action.--A right of action under this section
30 does not accrue until the educational institution discovers or

1 by the exercise of reasonable diligence would have discovered
2 the violation by the athlete agent or former student athlete.

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

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

8 § 3315. Administrative penalty.

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

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

20 § 3316. Bonding requirements.

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

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

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

30 (1) Compliance with this chapter.

1 (2) The payment of all sums due a person at the time the
2 sums are due and payable.

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

8 (d) Alternate security.--

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

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

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

22 § 3317. Exemption from registration and bonding requirement.

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

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

29 § 3318. Disposition of commission receipts.

30 All fees, civil penalties, forfeitures and other moneys

1 collected under this chapter and the regulations of the
2 commission shall be paid into the Athletic Commission
3 Augmentation Account.

4 § 3319. Records.

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

9 § 3320. Transferability of registration.

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

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

14 CHAPTER 35

15 ATHLETE AGENTS

16 Sec.

17 3501. Short title of chapter.

18 3502. Definitions.

19 3503. Commission; authority; procedure.

20 3504. Athlete agent; registration required; void contract.

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

23 3506. Certificate of registration; issuance or denial; renewal.

24 3507. Suspension, revocation or refusal to renew registration.

25 3508. Temporary registration.

26 3509. Registration and renewal fees.

27 3510. Required form of agency contract.

28 3511. Notice to educational institution.

29 3512. Student athlete's right to cancel.

30 3513. Required records.

1 3514. Prohibited conduct.
2 3515. Criminal penalty.
3 3516. Civil remedy.
4 3517. Civil penalty.
5 3518. Uniformity of application and construction.
6 3519. Relation to Electronic Signatures in Global and National
7 Commerce Act.
8 3520. Disposition of receipts.
9 3521. REGISTERED ATHLETE AGENT DIRECTORY. <--

10 § 3501. Short title of chapter.
11 This chapter shall be known and may be cited as the Revised
12 Uniform Athlete Agents Act (2015).

13 § 3502. Definitions.
14 The following words and phrases when used in this chapter
15 shall have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

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

21 "Athlete agent." The following apply:

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

24 (i) directly or indirectly:

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

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

1 organization;

2 (ii) for compensation or in anticipation of
3 compensation related to a student athlete's participation
4 in athletics:

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

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

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

18 (A) gives consideration to the student athlete
19 or another person;

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

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

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

27 (i) acts solely on behalf of a professional sports
28 team or organization; ~~or~~ <--

29 (ii) IS A COACH, TRAINER OR OTHER EMPLOYEE OF A <--
30 SECONDARY OR POSTSECONDARY SCHOOL WHO IS ACTING ON BEHALF

1 OF A STUDENT ATHLETE OF THE SAME SECONDARY OR
2 POSTSECONDARY SCHOOL, IF THE ACTIVITIES ARE WITHIN THE
3 SCOPE OF EMPLOYMENT OF THE COACH, TRAINER OR OTHER
4 EMPLOYEE; OR

5 (III) is a licensed, registered or certified
6 professional and offers or provides services to a student
7 athlete customarily provided by members of the
8 profession, unless the individual:

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

11 (B) also, for compensation, procures employment
12 or offers, promises, attempts or negotiates to obtain
13 employment for the student athlete as a professional
14 athlete or member of a professional sports team or
15 organization; or

16 (C) receives consideration for providing the
17 services calculated using a different method than for
18 an individual who is not a student athlete.

19 "Athletic director." The individual responsible for
20 administering:

21 (1) the overall athletic program of an educational
22 institution; or

23 (2) if an educational institution has separately
24 administered athletic programs for male students and female
25 students, the athletic program for males or the athletic
26 program for females, as appropriate.

27 "Commission." The State Athletic Commission.

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

1 "Educational institution." Any public or private elementary
2 school, secondary school, technical or vocational school,
3 community college, college or university.

4 "Endorsement contract." An agreement under which a student
5 athlete is employed or receives consideration to use on behalf
6 of the other party value that the student athlete may have
7 because of publicity, reputation, following or fame obtained
8 because of athletic ability or performance.

9 "Enroll." To register for courses and attend athletic
10 practice or class.

11 "Enrolled." Registered for courses and attending athletic
12 practice or class.

13 "Intercollegiate sport." A sport played at the collegiate
14 level for which eligibility requirements for participation by a
15 student athlete are established by a national association which
16 promotes or regulates collegiate athletics.

17 "Interscholastic sport." A sport played between educational
18 institutions which are not community colleges, colleges or
19 universities.

20 "Licensed, registered or certified professional." An
21 individual licensed, registered or certified as an attorney, a
22 dealer in securities, a financial planner, an insurance agent, a
23 real estate broker or sales agent, a tax consultant, an
24 accountant or a member of a profession who is licensed,
25 registered or certified by the State or a nationally recognized
26 organization which licenses, registers or certifies members of
27 the profession on the basis of experience, education or testing.
28 The term does not include an athlete agent.

29 "Person." Any individual, estate, business or nonprofit
30 entity, public corporation, government or governmental

1 subdivision, agency or instrumentality or other legal entity.

2 "Professional-sports-services contract." An agreement under
3 which an individual is employed as a professional athlete or
4 agrees to render services as a player on a professional sports
5 team or with a professional sports organization.

6 "Record." Information that is inscribed on a tangible medium
7 or that is stored in an electronic or other medium and is
8 retrievable in perceivable form.

9 "Recruit or solicit." An attempt to influence the choice of
10 an athlete agent by a student athlete or, if the student athlete
11 is a minor, a parent or guardian of the student athlete. The
12 term does not include giving advice on the selection of a
13 particular athlete agent in a family, coaching or social
14 situation unless the individual giving the advice does so
15 because of the receipt or anticipated receipt of an economic
16 benefit, directly or indirectly, from the athlete agent.

17 "Registration." Registration as an athlete agent under this
18 chapter.

19 "Secretary." The Secretary of the Commonwealth.

20 "Sign." With present intent to authenticate or adopt a
21 record:

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

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

25 "State." A state of the United States, the District of
26 Columbia, Puerto Rico, the United States Virgin Islands or any
27 territory or insular possession subject to the jurisdiction of
28 the United States.

29 "Student athlete." An individual who is eligible to attend
30 an educational institution and engages in, is eligible to engage

1 in or may be eligible in the future to engage in, any
2 interscholastic or intercollegiate sport. The term does not
3 include an individual permanently ineligible to participate in a
4 particular interscholastic or intercollegiate sport for that
5 sport.

6 § 3503. Commission; authority; procedure.

7 (a) Regulations.--The commission may promulgate regulations
8 to implement this chapter.

9 (b) Agent for service of process.--By acting as an athlete
10 agent in this Commonwealth, a nonresident individual appoints
11 the secretary as the individual's agent for service of process
12 in a civil action in this Commonwealth related to the individual
13 acting as an athlete agent in this Commonwealth.

14 (c) Subpoenas.--The commission may issue a subpoena for
15 material which is relevant to the administration of this
16 chapter.

17 § 3504. Athlete agent; registration required; void contract.

18 (a) Prohibition.--Except as specified in subsection (b), an
19 individual may not act as an athlete agent in this Commonwealth
20 without holding a certificate of registration under this
21 chapter.

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

26 (1) a student athlete or another person acting on behalf
27 of the student athlete initiates communication with the
28 individual; and

29 (2) not later than seven days after an initial act which
30 requires the individual to register as an athlete agent, the

1 individual submits an application for registration as an
2 athlete agent in this Commonwealth.

3 (c) Contract void.--An agency contract resulting from
4 conduct in violation of this section is void, and the athlete
5 agent shall return consideration received under the contract.
6 § 3505. Registration as athlete agent; application;
7 requirements; reciprocal registration.

8 (a) Application.--Except as specified in subsection (b), an
9 applicant for registration as an athlete agent ~~must~~ SHALL submit <--
10 an application for registration to the commission in a form
11 prescribed by the commission. The applicant ~~must~~ SHALL be an <--
12 individual, and the application must be signed by the applicant
13 ~~under penalty of perjury.~~ SUBJECT TO THE PROVISIONS OF 18 <--
14 PA.C.S. §§ 4902 (RELATING TO PERJURY), 4903 (RELATING TO FALSE
15 SWEARING) AND 4904 (RELATING TO UNSWORN FALSIFICATION TO
16 AUTHORITIES). The application ~~must~~ SHALL contain at least the <--
17 following:

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

20 (i) Address of the applicant's principal place of
21 business.

22 (ii) Work and mobile telephone numbers.

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

26 (2) Name of the applicant's business or employer, if
27 applicable, including for each business or employer its
28 mailing address, telephone number, organization form and the
29 nature of the business.

30 (3) Each social media account with which the applicant

1 or the applicant's business or employer is affiliated.

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

7 (5) Description of the applicant's:

8 (i) formal training as an athlete agent;

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

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

12 (6) Statement listing the:

13 (i) name of each student athlete for whom the
14 applicant acted as an athlete agent within five years
15 before the date of the application or, if the student
16 athlete is a minor, name of the parent or guardian of the
17 student athlete; and

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

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

20 (i) is a partner, member, officer, manager,
21 associate or profit sharer or directly or indirectly
22 holds an equity interest of 5% or greater of the athlete
23 agent's business if the business is not a corporation;
24 and

25 (ii) is an officer or director of a corporation
26 employing the athlete agent or a shareholder having an
27 interest of five percent or greater in the corporation.

28 (8) Description of the status of each application by the
29 applicant or a person named under paragraph (7) for a Federal
30 or state business, professional or occupational license,

1 other than as an athlete agent, from a Federal or state
2 agency. This paragraph includes the denial, refusal to renew,
3 suspension, withdrawal or termination of the license and each
4 reprimand or censure related to the license.

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

11 (i) the offense;

12 (II) THE STATE AND DATE OF THE OFFENSE OR <--

13 DISCIPLINARY ACTION;

14 ~~(ii)~~ (III) the law enforcement agency involved; and <--

15 ~~(iii)~~ (IV) if applicable, the date of the plea or <--

16 conviction and the penalty imposed.

17 (10) Whether, within 15 years before the date of
18 application, the applicant or a person named under paragraph
19 (7) has been a defendant or respondent in a civil proceeding,
20 including a proceeding under 20 Pa.C.S. Ch. 55 Subch. C
21 (relating to appointment of guardian; bonds; removal and
22 discharge). For a proceeding under this paragraph, the
23 application ~~must~~ SHALL state the date and a full explanation <--
24 of the proceeding.

25 (11) Whether the applicant or a person named under
26 paragraph (7) has an unsatisfied judgment or a judgment of
27 continuing effect, including an order under 23 Pa.C.S. Ch. 37
28 (relating to alimony and support) or 43 (relating to support
29 matters generally), which is not current at the date of the
30 application.

1 (12) Whether, within 10 years before the date of
2 application, the applicant or a person named under paragraph
3 (7) was adjudicated bankrupt or was an owner of a business
4 that was adjudicated bankrupt.

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

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

11 (i) imposition on a student athlete of a sanction,
12 suspension or declaration of ineligibility to participate
13 in an interscholastic, intercollegiate or professional
14 athletic event; or

15 (ii) imposition of a sanction on an educational
16 institution.

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

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

24 (17) Each state in which the applicant currently is
25 registered as an athlete agent or has applied to be
26 registered as an athlete agent.

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

29 (i) name of the league or association;

30 (ii) date of certification or registration and, if

1 applicable, date of expiration of the certification or
2 registration;

3 (iii) date of denial of an application for,
4 suspension or revocation of, refusal to renew, withdrawal
5 of or termination of the certification or registration;
6 and

7 (iv) date of reprimand or censure related to the
8 certification or registration.

9 (19) Additional information required by the commission.

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

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

16 (2) a statement which identifies every material change
17 in the information on the application or verifies there is no
18 material change in the information, signed under penalty of
19 perjury; and

20 (3) a copy of the certificate of registration from the
21 other state.

22 (c) Certificate of registration.--The commission shall issue
23 a certificate of registration to an individual who applies for
24 registration under subsection (b) if the commission determines
25 all of the following:

26 (1) The application and registration requirements of the
27 other state are substantially similar to or more restrictive
28 than this chapter.

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

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

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

6 (1) cooperate with national organizations concerned with
7 athlete agent issues and with agencies in other states which
8 register athlete agents to develop a common registration form
9 and determine which states have laws that are substantially
10 similar to or more restrictive than this chapter; and

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

14 (e) Criminal history background check.--An individual who
15 applies for registration under subsection (a) or (b) shall
16 submit to the commission, pursuant to 18 Pa.C.S. Ch. 91
17 (relating to criminal history record information), a report of
18 criminal history record information from the Pennsylvania State
19 Police or a statement from the Pennsylvania State Police that
20 the Pennsylvania State Police central repository contains no
21 such information relating to the individual. The criminal
22 history record information shall be limited to that which is
23 disseminated pursuant to 18 Pa.C.S. § 9121(b)(2) (relating to
24 general regulations).

25 § 3506. Certificate of registration; issuance or denial;
26 renewal.

27 (a) Issuance.--Except as specified in subsection (b), the
28 commission shall issue a certificate of registration to an
29 applicant for registration who complies with section 3505(a)
30 (relating to registration as athlete agent; application;

1 requirements; reciprocal registration).

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

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

13 (2) made a materially false, misleading, deceptive or
14 fraudulent representation in the application or as an athlete
15 agent;

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

18 (4) violated section 3514 (relating to prohibited
19 conduct);

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

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

24 (7) engaged in conduct resulting in:

25 (i) imposition on a student athlete of a sanction,
26 suspension or declaration of ineligibility to participate
27 in an interscholastic, intercollegiate or professional
28 athletic event; or

29 (ii) imposition of a sanction on an educational
30 institution; or

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

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

- 5 (1) how recently the conduct occurred;
6 (2) the nature of the conduct and the context in which
7 it occurred; and
8 (3) other relevant conduct of the applicant.

9 (d) Renewal of registration.--An athlete agent registered
10 under subsection (a) may apply to renew the registration by
11 submitting an application for renewal in a form prescribed by
12 the commission. The applicant ~~must~~ SHALL sign the application <--
13 under penalty of perjury and include current information on all
14 matters required in an original application for registration.

15 (e) Renewal in other state.--

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

- 18 (i) proceeding under subsection (d); or
19 (ii) if the registration in the other state has been
20 renewed, submitting to the commission copies of the
21 application for renewal in the other state and the
22 renewed registration from the other state.

23 (2) The commission shall renew the registration if the
24 commission determines that:

- 25 (i) the registration requirements of the other state
26 are substantially similar to or more restrictive than
27 this chapter;
28 (ii) the renewed registration has not been suspended
29 or revoked; and
30 (iii) no action involving the individual's conduct

1 as an athlete agent is pending against the individual or
2 the individual's registration in any state.

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

5 § 3507. Suspension, revocation or refusal to renew
6 registration.

7 (a) Authority.--The commission may limit, suspend, revoke or
8 refuse to renew a registration of an individual registered under
9 section 3506(a) (relating to certificate of registration;
10 issuance or denial; renewal) for conduct which would have
11 justified refusal to issue a certificate of registration under
12 section 3506(b).

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

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

26 § 3508. Temporary registration.

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

30 § 3509. Registration and renewal fees.

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

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

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

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

18 § 3510. Required form of agency contract.

19 (a) Requirement.--An agency contract ~~must~~ SHALL be in a <--
20 record signed by the parties.

21 (b) Contents of contract.--An agency contract ~~must~~ SHALL <--
22 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~~ SHALL 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~~ SHALL 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~~ SHALL 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~~ SHALL 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~~ <--
18 SHALL be made not later than 10 days after the communication or <--
19 attempt.

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

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

28 ~~(i) Notification of agency contract. The athletic director~~
29 ~~of the educational institution at which the student athlete is~~
30 ~~enrolled, or the athletic director's designee, shall give notice~~

1 ~~in a record of the existence of the agency contract to the~~
2 ~~commission within 72 hours of receiving notice under subsections~~
3 ~~(b), (c), (d), (e), (f) and (g).~~

4 (H) NOTIFICATION OF VIOLATION.--THE FOLLOWING APPLY: <--

5 (1) AN EDUCATIONAL INSTITUTION THAT BECOMES AWARE OF A
6 VIOLATION OF THIS CHAPTER BY AN ATHLETE AGENT SHALL PROVIDE
7 NOTICE IN A RECORD OF THE VIOLATION TO THE COMMISSION. THE
8 NOTICE SHALL BE PROVIDED ON A FORM AND IN A MANNER SPECIFIED
9 BY THE COMMISSION.

10 (2) IF THE COMMISSION RECEIVES NOTICE OF A VIOLATION
11 UNDER PARAGRAPH (1), THE COMMISSION SHALL NOTIFY ANY
12 PROFESSIONAL LEAGUE OR PLAYERS ASSOCIATION WITH WHICH THE
13 ATHLETE AGENT IS LICENSED OR REGISTERED.

14 (I) NOTIFICATION OF AGENCY CONTRACT.--A STUDENT ATHLETE AND
15 AN ATHLETE AGENT SHALL GIVE NOTICE IN A RECORD OF THE EXISTENCE
16 OF AN AGENCY CONTRACT TO THE COMMISSION WITHIN 72 HOURS OF
17 ENTERING INTO THE AGENCY CONTRACT.

18 (J) DESIGNEE.--

19 (1) AN ATHLETIC DIRECTOR MAY DESIGNATE AN INDIVIDUAL WHO
20 IS AN EMPLOYEE OF THE ATHLETIC DEPARTMENT TO BE RESPONSIBLE
21 FOR RECEIVING OR MAKING THE NOTICES REQUIRED UNDER THIS
22 CHAPTER.

23 (2) IF THE ATHLETIC DIRECTOR DESIGNATES AN INDIVIDUAL
24 UNDER PARAGRAPH (1), THE DESIGNATION SHALL BE MADE IN
25 WRITING.

26 § 3512. Student athlete's right to cancel.

27 (a) Right.--A student athlete or, if the student athlete is
28 a minor, the parent or guardian of the student athlete may
29 cancel an agency contract by giving notice in a record of
30 cancellation to the athlete agent not later than 14 days after

1 the contract is signed.

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

5 (c) Return of consideration.--If a student athlete, parent
6 or guardian cancels an agency contract, the student athlete,
7 parent or guardian is not required to pay consideration under
8 the contract or return consideration received from the athlete
9 agent to influence the student athlete to enter into the
10 contract.

11 § 3513. Required records.

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

14 (1) the name and address of each individual represented
15 by the athlete agent;

16 (2) each agency contract entered into by the athlete
17 agent; and

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

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

23 § 3514. Prohibited conduct.

24 An athlete agent may not intentionally do any of the
25 following:

26 (1) Give a student athlete or, if the student athlete is
27 a minor, a parent or guardian of the student athlete
28 materially false or misleading information or make a
29 materially false promise or representation with the intent to
30 influence the student athlete, parent or guardian to enter

1 into an agency contract.

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

6 (i) the athlete agent notifies the athletic director
7 of the educational institution at which the student
8 athlete is enrolled or at which the athlete agent has
9 reasonable grounds to believe the athlete intends to
10 enroll, not later than 72 hours after giving the thing of
11 value; and

12 (ii) the student athlete or, if the student athlete
13 is a minor, a parent or guardian of the student athlete
14 acknowledges to the athlete agent in a record that
15 receipt of the thing of value may result in loss of the
16 athlete's eligibility to participate in the student
17 athlete's sport.

18 (3) Initiate contact, directly or indirectly, with a
19 student athlete or, if the student athlete is a minor, a
20 parent or guardian of the student athlete, to recruit or
21 solicit the student athlete, parent or guardian to enter an
22 agency contract unless registered under this chapter.

23 (4) Fail to create, retain or permit inspection of the
24 records required by section 3513 (relating to required
25 records).

26 (5) Fail to register when required under section 3504
27 (relating to athlete agent; registration required; void
28 contract).

29 (6) Provide materially false or misleading information
30 in an application for registration or renewal of

1 registration.

2 (7) Predate or postdate an agency contract.

3 (8) Fail to notify a student athlete or, if the student
4 athlete is a minor, a parent or guardian of the student
5 athlete, before the student athlete, parent or guardian signs
6 an agency contract for a particular sport that the signing
7 may result in loss of the student athlete's eligibility to
8 participate in the student athlete's sport.

9 (9) Encourage another individual to do any of the
10 prohibited activities under paragraph (1), (2), (3), (4),
11 (5), (6), (7) or (8) on behalf of the athlete agent.

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

16 § 3515. Criminal penalty.

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

19 § 3516. Civil remedy.

20 (a) Cause of action.--

21 (1) An educational institution or a student athlete may
22 bring an action for damages against an athlete agent if the
23 educational institution or student athlete is adversely
24 affected by an act or omission of the athlete agent in
25 violation of this chapter.

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

29 (i) is suspended or disqualified from participation
30 in an interscholastic or intercollegiate sports event by

1 or under the rules of a state or national federation or
2 association which promotes or regulates interscholastic
3 or intercollegiate sports; or

4 (ii) suffers financial damage.

5 (3) A student athlete is adversely affected by an act or
6 omission of an athlete agent only if all of the following
7 apply:

8 (i) At the time of the the act or omission, the
9 student athlete was enrolled in an educational
10 institution.

11 (ii) Because of the act or omission, the student
12 athlete:

13 (A) is suspended or disqualified from
14 participation in an interscholastic or
15 intercollegiate sports event by or under the rules of
16 a state or national federation or association which
17 promotes or regulates interscholastic or
18 intercollegiate sports; or

19 (B) suffers financial damage.

20 (b) Recovery.--A plaintiff that prevails in an action under
21 this section may recover actual damages and court costs. An
22 athlete agent found liable under this section forfeits any right
23 of payment for anything of benefit or value provided to the
24 student athlete and shall refund consideration paid to the
25 athlete agent by or on behalf of the student athlete.

26 § 3517. Civil penalty.

27 (a) Administrative penalty.--The commission may assess an
28 administrative penalty against an athlete agent not to exceed
29 \$50,000 for a violation of this chapter.

30 (b) Administrative agency law.--A penalty under this section

1 is subject to 2 Pa.C.S. Chs. 5 Subch. A (relating to practice
2 and procedure of Commonwealth agencies) and 7 Subch. A (relating
3 to judicial review of Commonwealth agency action).

4 § 3518. Uniformity of application and construction.

5 In applying and construing this uniform act, consideration
6 ~~must~~ SHALL be given to the need to promote uniformity of the law <--
7 with respect to its subject matter among states that enact it.

8 § 3519. Relation to Electronic Signatures in Global and
9 National Commerce Act.

10 To the extent permitted by section 102 of the Electronic
11 Signatures in Global and National Commerce Act (Public Law 106-
12 229, 15 U.S.C. § 7002), this chapter may supersede provisions of
13 that act.

14 § 3520. Disposition of receipts.

15 All fees, civil penalties, forfeitures and other money
16 collected under this chapter and the regulations of the
17 commission shall be paid into the Athletic Commission
18 Augmentation Account.

19 § 3521. REGISTERED ATHLETE AGENT DIRECTORY. <--

20 THE COMMISSION SHALL DEVELOP AND MAINTAIN A DATABASE FOR ALL
21 REGISTRATIONS OF AN ATHLETE AGENT UNDER THIS CHAPTER. THE
22 DATABASE SHALL BE MADE AVAILABLE ON THE COMMISSION'S PUBLICLY
23 ACCESSIBLE INTERNET WEBSITE.

24 Section 4. Repeals are as follows:

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

28 (2) 18 Pa.C.S. § 7107 is repealed insofar as it is
29 inconsistent with this act.

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