
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2633 Session of
2022

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

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, OCTOBER 19, 2022

AN ACT

1 Amending Title 5 (Athletics and Sports) of the Pennsylvania
2 Consolidated Statutes, extensively revising the Uniform
3 Athlete Agents Act; PROVIDING FOR INTERCOLLEGIATE ATHLETICS; <--
4 making RELATED AND INCONSISTENT repeals; and making an <--
5 editorial change.

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

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

10 PART II

11 [ATHLETE AGENTS] ATHLETES

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13 repealed:

14 [SUBPART A

15 GENERAL PROVISIONS

16 Chapter

17 31. Preliminary Provisions

18 CHAPTER 31

19 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~~ CHAPTERS <--
14 to read:

15 CHAPTER 35

16 ATHLETE AGENTS

17 Sec.

18 3501. Short title of chapter.

19 3502. Definitions.

20 3503. Commission; authority; procedure.

21 3504. Athlete agent; registration required; void contract.

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

24 3506. Certificate of registration; issuance or denial; renewal.

25 3507. Suspension, revocation or refusal to renew registration.

26 3508. Temporary registration.

27 3509. Registration and renewal fees.

28 3510. Required form of agency contract.

29 3511. Notice to educational institution.

30 3512. Student athlete's right to cancel.

1 3513. Required records.
2 3514. Prohibited conduct.
3 3515. Criminal penalty.
4 3516. Civil remedy.
5 3517. Civil penalty.
6 3518. Uniformity of application and construction.
7 3519. Relation to Electronic Signatures in Global and National
8 Commerce Act.

9 3520. Disposition of receipts.

10 3521. REGISTERED ATHLETE AGENT DIRECTORY.

<--

11 § 3501. Short title of chapter.

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

14 § 3502. Definitions.

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

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

22 "Athlete agent." The following apply:

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

25 (i) directly or indirectly:

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

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

1 athlete or member of a professional sports team or
2 organization;

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

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

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

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

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

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

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

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

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

30 (ii) IS A COACH, TRAINER OR OTHER EMPLOYEE OF A <--

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

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

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

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

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

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

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

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

28 "Commission." The State Athletic Commission.

29 "Communicating or attempting to communicate." Contacting or
30 attempting to contact by an in-person meeting, a record or any

1 other method which conveys or attempts to convey a message.

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

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

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

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

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

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

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

30 "Person." Any individual, estate, business or nonprofit

1 entity, public corporation, government or governmental
2 subdivision, agency or instrumentality or other legal entity.

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

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

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

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

20 "Secretary." The Secretary of the Commonwealth.

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

- 23 (1) to execute or adopt a tangible symbol; or
24 (2) to attach to or logically associate with the record
25 an electronic symbol, sound or process.

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

30 "Student athlete." An individual who is eligible to attend

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

7 § 3503. Commission; authority; procedure.

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

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

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

18 § 3504. Athlete agent; registration required; void contract.

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

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

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

30 (2) not later than seven days after an initial act which

1 requires the individual to register as an athlete agent, the
2 individual submits an application for registration as an
3 athlete agent in this Commonwealth.

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

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

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

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

23 (ii) Work and mobile telephone numbers.

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

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

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

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

8 (5) Description of the applicant's:

9 (i) formal training as an athlete agent;

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

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

13 (6) Statement listing the:

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

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

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

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

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

29 (8) Description of the status of each application by the
30 applicant or a person named under paragraph (7) for a Federal

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

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

12 (i) the offense;

13 (II) THE STATE AND DATE OF THE OFFENSE OR <--
14 DISCIPLINARY ACTION;

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

16 ~~(iii)~~ (IV) if applicable, the date of the plea or <--
17 conviction and the penalty imposed.

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

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

1 application.

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

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

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

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

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

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

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

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

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

30 (i) name of the league or association;

1 (ii) date of certification or registration and, if
2 applicable, date of expiration of the certification or
3 registration;

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

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

10 (19) Additional information required by the commission.

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

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

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

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

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

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

30 (2) The registration has not been revoked or suspended

1 by the other state.

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

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

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

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

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

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

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

1 (relating to registration as athlete agent; application;
2 requirements; reciprocal registration).

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

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

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

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

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

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

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

25 (7) engaged in conduct resulting in:

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

30 (ii) imposition of a sanction on an educational

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

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

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

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

16 (e) Renewal in other state.--

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

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

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

- 26 (i) the registration requirements of the other state
27 are substantially similar to or more restrictive than
28 this chapter;
29 (ii) the renewed registration has not been suspended
30 or revoked; and

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

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

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

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

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

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

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~~ SHALL be in a <--
21 record signed by the parties.

22 (b) Contents of contract.--An agency contract ~~must~~ SHALL <--
23 contain:

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

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

1 any other consideration the athlete agent has received or
2 will receive from any other source for entering into the
3 contract or providing the services;

4 (3) the name of any person that:

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

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

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

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

13 (6) the duration of the contract; and

14 (7) the date of execution.

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

18 WARNING TO STUDENT ATHLETE

19 IF YOU SIGN THIS CONTRACT:

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

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

30 (3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER

1 SIGNING IT.

2 (d) Signed acknowledgment.--An agency contract ~~must~~ SHALL be <--
3 accompanied by a separate record:

4 (1) signed by:

5 (i) the student athlete; or

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

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

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

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

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

25 § 3511. Notice to educational institution.

26 (a) (Reserved).

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

30 (1) The athlete agent shall give notice in a record of

1 the existence of the agency contract to the athletic director
2 of:

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

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

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

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

11 or

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

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

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

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

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

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

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

27 or

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

30 (d) Notice after enrollment.--

1 (1) This subsection applies if:

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

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

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

11 (e) Notice of relationship.--

12 (1) This subsection applies if:

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

15 (ii) the student athlete subsequently:

16 (A) enrolls in an educational institution; and

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

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

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

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

30 (f) Notice prior to communication.--An athlete agent shall

1 give notice in a record to the athletic director of the
2 educational institution at which a student athlete is enrolled
3 before the athlete agent communicates or attempts to communicate
4 with:

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

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

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

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

24 ~~(1) the commission; and~~

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

29 ~~(i) Notification of agency contract. The athletic director~~
30 ~~of the educational institution at which the student athlete is~~

1 ~~enrolled, or the athletic director's designee, shall give notice~~
2 ~~in a record of the existence of the agency contract to the~~
3 ~~commission within 72 hours of receiving notice under subsections~~
4 ~~(b), (c), (d), (e), (f) and (g).~~

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

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

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

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

19 (J) DESIGNEE.--

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

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

27 § 3512. Student athlete's right to cancel.

28 (a) Right.--A student athlete or, if the student athlete is
29 a minor, the parent or guardian of the student athlete may
30 cancel an agency contract by giving notice in a record of

1 cancellation to the athlete agent not later than 14 days after
2 the contract is signed.

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

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

12 § 3513. Required records.

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

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

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

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

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

24 § 3514. Prohibited conduct.

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

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

1 influence the student athlete, parent or guardian to enter
2 into an agency contract.

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

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

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

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

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

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

30 (6) Provide materially false or misleading information

1 in an application for registration or renewal of
2 registration.

3 (7) Predate or postdate an agency contract.

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

10 (9) Encourage another individual to do any of the
11 prohibited activities under paragraph (1), (2), (3), (4),
12 (5), (6), (7) or (8) on behalf of the athlete agent.

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

17 § 3515. Criminal penalty.

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

20 § 3516. Civil remedy.

21 (a) Cause of action.--

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

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

30 (i) is suspended or disqualified from participation

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

5 (ii) suffers financial damage.

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

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

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

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

20 (B) suffers financial damage.

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

27 § 3517. Civil penalty.

28 (a) Administrative penalty.--The commission may assess an
29 administrative penalty against an athlete agent not to exceed
30 \$50,000 for a violation of this chapter.

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

5 § 3518. Uniformity of application and construction.

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

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

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

15 § 3520. Disposition of receipts.

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

20 § 3521. REGISTERED ATHLETE AGENT DIRECTORY. <--

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

25 CHAPTER 37 <--

26 INTERCOLLEGIATE ATHLETICS

27 SEC.

28 3701. SCOPE OF CHAPTER.

29 3702. DEFINITIONS.

30 3703. COMPENSATION REGARDING COLLEGE STUDENT ATHLETE'S NAME,

1 IMAGE OR LIKENESS RIGHTS.

2 3704. PROFESSIONAL REPRESENTATION.

3 3705. SCHOLARSHIPS.

4 3706. CONTRACTS.

5 3707. VIOLATIONS AND CLAIMS.

6 3708. SETTLEMENTS.

7 3709. SEVERABILITY.

8 § 3701. SCOPE OF CHAPTER.

9 THIS CHAPTER RELATES TO COLLEGE STUDENT ATHLETE COMPENSATION
10 RELATED TO NAME, IMAGE OR LIKENESS AND PROFESSIONAL
11 REPRESENTATION.

12 § 3702. DEFINITIONS.

13 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
14 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
15 CONTEXT CLEARLY INDICATES OTHERWISE:

16 "ATHLETE AGENT." AS DEFINED IN SECTION 3502 (RELATING TO
17 DEFINITIONS).

18 "COLLEGE STUDENT ATHLETE." AN INDIVIDUAL ENROLLED AT AN
19 INSTITUTION OF HIGHER EDUCATION WHO PARTICIPATES IN
20 INTERCOLLEGIATE ATHLETICS FOR THE INSTITUTION OF HIGHER
21 EDUCATION. THE TERM DOES NOT INCLUDE AN INDIVIDUAL WHOSE
22 PARTICIPATION IS OR WAS IN A COLLEGE INTRAMURAL SPORT, CLUB
23 SPORT OR IN A PROFESSIONAL SPORT OUTSIDE OF INTERCOLLEGIATE
24 ATHLETICS.

25 "INSTITUTION OF HIGHER EDUCATION." ANY OF THE FOLLOWING:

26 (1) A UNIVERSITY WITHIN THE STATE SYSTEM OF HIGHER
27 EDUCATION.

28 (2) THE PENNSYLVANIA STATE UNIVERSITY, THE UNIVERSITY OF
29 PITTSBURGH, TEMPLE UNIVERSITY, LINCOLN UNIVERSITY OR ANY
30 OTHER INSTITUTION DESIGNATED AS STATE-RELATED BY THE

1 COMMONWEALTH.

2 (3) THE THADDEUS STEVENS COLLEGE OF TECHNOLOGY.

3 (4) A COMMUNITY COLLEGE AS DEFINED IN ARTICLE XIX-A OF
4 THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE
5 PUBLIC SCHOOL CODE OF 1949.

6 (5) A COLLEGE ESTABLISHED UNDER ARTICLE XIX-G OF THE
7 PUBLIC SCHOOL CODE OF 1949.

8 (6) AN INSTITUTION OF HIGHER EDUCATION LOCATED IN AND
9 INCORPORATED OR CHARTERED BY THE COMMONWEALTH AND ENTITLED TO
10 CONFER DEGREES AS SPECIFIED IN 24 PA.C.S. § 6505 (RELATING TO
11 POWER TO CONFER DEGREES) AND AS PROVIDED FOR BY THE STANDARDS
12 AND QUALIFICATIONS PRESCRIBED BY THE STATE BOARD OF EDUCATION
13 UNDER 24 PA.C.S. CH. 65 (RELATING TO PRIVATE COLLEGES,
14 UNIVERSITIES AND SEMINARIES).

15 (7) A PRIVATE SCHOOL LICENSED UNDER THE ACT OF DECEMBER
16 15, 1986 (P.L.1585, NO.174), KNOWN AS THE PRIVATE LICENSED
17 SCHOOLS ACT.

18 (8) A FOREIGN CORPORATION APPROVED TO OPERATE AN
19 EDUCATIONAL ENTERPRISE UNDER 22 PA. CODE CH. 36 (RELATING TO
20 FOREIGN CORPORATION STANDARDS).

21 "NCAA." THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION.

22 § 3703. COMPENSATION REGARDING COLLEGE STUDENT ATHLETE'S NAME,
23 IMAGE OR LIKENESS RIGHTS.

24 (A) COMPENSATION ALLOWED.--A COLLEGE STUDENT ATHLETE MAY
25 EARN COMPENSATION FOR THE USE OF THE COLLEGE STUDENT ATHLETE'S
26 NAME, IMAGE OR LIKENESS UNDER THIS CHAPTER. THE COMPENSATION
27 SHALL BE COMMENSURATE WITH THE MARKET VALUE OF THE COLLEGE
28 STUDENT ATHLETE'S NAME, IMAGE OR LIKENESS. THE COMPENSATION MAY
29 NOT BE PROVIDED IN EXCHANGE, IN WHOLE OR IN PART, FOR A CURRENT
30 OR PROSPECTIVE COLLEGE STUDENT ATHLETE TO ATTEND, PARTICIPATE OR

1 PERFORM AT A PARTICULAR INSTITUTION OF HIGHER EDUCATION.

2 (B) PROHIBITION REGARDING INSTITUTIONS OF HIGHER
3 EDUCATION.--AN INSTITUTION OF HIGHER EDUCATION MAY NOT UPHOLD A
4 RULE, REQUIREMENT, STANDARD OR OTHER LIMITATION THAT PREVENTS A
5 COLLEGE STUDENT ATHLETE OF THE INSTITUTION OF HIGHER EDUCATION
6 FROM EARNING COMPENSATION THROUGH THE USE OF THE COLLEGE STUDENT
7 ATHLETE'S NAME, IMAGE OR LIKENESS RIGHTS.

8 (C) PROHIBITIONS REGARDING INTERCOLLEGIATE ATHLETIC
9 ENTITIES.--AN ATHLETIC ASSOCIATION, CONFERENCE OR OTHER GROUP OR
10 ORGANIZATION WITH AUTHORITY OVER INTERCOLLEGIATE ATHLETICS,
11 INCLUDING THE NCAA, MAY NOT:

12 (1) PREVENT A COLLEGE STUDENT ATHLETE FROM EARNING
13 COMPENSATION THROUGH THE USE OR LICENSE OF THE COLLEGE
14 STUDENT ATHLETE'S NAME, IMAGE OR LIKENESS RIGHTS.

15 (2) PREVENT AN INSTITUTION OF HIGHER EDUCATION FROM
16 FULLY PARTICIPATING IN INTERCOLLEGIATE ATHLETICS AS A RESULT
17 OF A COLLEGE STUDENT ATHLETE'S USE OF THE COLLEGE STUDENT
18 ATHLETE'S NAME, IMAGE OR LIKENESS RIGHTS TO SEEK
19 COMPENSATION.

20 (D) ROYALTY PAYMENT.--A PERSON THAT PRODUCES A COLLEGE TEAM
21 JERSEY, A COLLEGE TEAM VIDEO GAME OR COLLEGE TEAM TRADING CARDS
22 FOR THE PURPOSE OF MAKING A PROFIT SHALL MAKE A ROYALTY PAYMENT
23 TO EACH COLLEGE STUDENT ATHLETE WHOSE NAME, IMAGE, LIKENESS OR
24 OTHER INDIVIDUALLY IDENTIFIABLE FEATURE IS USED.

25 § 3704. PROFESSIONAL REPRESENTATION.

26 (A) PROHIBITIONS.--

27 (1) AN INSTITUTION OF HIGHER EDUCATION, ATHLETIC
28 ASSOCIATION, CONFERENCE OR OTHER GROUP OR ORGANIZATION WITH
29 AUTHORITY OVER INTERCOLLEGIATE ATHLETICS, INCLUDING THE NCAA,
30 MAY NOT INTERFERE WITH OR PREVENT A COLLEGE STUDENT ATHLETE

1 FROM FULLY PARTICIPATING IN INTERCOLLEGIATE ATHLETICS FOR
2 OBTAINING PROFESSIONAL REPRESENTATION IN RELATION TO
3 CONTRACTS OR LEGAL MATTERS, INCLUDING REPRESENTATION PROVIDED
4 BY ATHLETE AGENTS OR LEGAL REPRESENTATION PROVIDED BY
5 ATTORNEYS, IN RELATION TO A COLLEGE STUDENT ATHLETE'S USE OF
6 THE COLLEGE STUDENT ATHLETE'S NAME, IMAGE OR LIKENESS RIGHTS.

7 (2) AN ATHLETIC ASSOCIATION, CONFERENCE OR OTHER GROUP
8 OR ORGANIZATION WITH AUTHORITY OVER INTERCOLLEGIATE
9 ATHLETICS, INCLUDING THE NCAA, MAY NOT PREVENT AN INSTITUTION
10 OF HIGHER EDUCATION FROM FULLY PARTICIPATING IN
11 INTERCOLLEGIATE ATHLETICS WITHOUT PENALTY TO THE INSTITUTION
12 OR INDIVIDUAL STUDENT AS A RESULT OF A COLLEGE STUDENT
13 ATHLETE OBTAINING PROFESSIONAL REPRESENTATION IN RELATION TO
14 CONTRACTS OR LEGAL MATTERS, INCLUDING REPRESENTATION PROVIDED
15 BY ATHLETE AGENTS OR LEGAL REPRESENTATION PROVIDED BY
16 ATTORNEYS, IN RELATION TO A COLLEGE STUDENT ATHLETE'S USE OF
17 THE COLLEGE STUDENT ATHLETE'S NAME, IMAGE OR LIKENESS RIGHTS.

18 (B) QUALIFICATIONS.--PROFESSIONAL REPRESENTATION OBTAINED BY
19 A COLLEGE STUDENT ATHLETE SHALL BE FROM A PERSON:

20 (1) ACTING AS AN ATHLETE AGENT IN ACCORDANCE WITH
21 CHAPTER 35 (RELATING TO ATHLETE AGENTS); OR

22 (2) ADMITTED TO PRACTICE LAW BY A COURT OF RECORD OF
23 THIS COMMONWEALTH.

24 (C) CONTENTS.--A CONTRACT BY WHICH A COLLEGE STUDENT ATHLETE
25 AUTHORIZES AN ATHLETE AGENT, ACTING IN ACCORDANCE WITH CHAPTER
26 35, TO NEGOTIATE OR SOLICIT COMPENSATION FOR THE USE OF THE
27 COLLEGE STUDENT ATHLETE'S NAME, IMAGE OR LIKENESS SHALL INCLUDE
28 A STATEMENT THAT THE CONTRACT DOES NOT OBLIGATE THE COLLEGE
29 STUDENT ATHLETE TO USE THE ATHLETE AGENT FOR ANY SERVICE BEYOND
30 PROFESSIONAL REPRESENTATION IN RELATION TO THE USE OF THE NAME,

1 IMAGE OR LIKENESS.

2 § 3705. SCHOLARSHIPS.

3 (A) ELIGIBILITY.--EARNING COMPENSATION FROM THE USE OF A
4 COLLEGE STUDENT ATHLETE'S NAME, IMAGE OR LIKENESS RIGHTS MAY NOT
5 AFFECT THE COLLEGE STUDENT ATHLETE'S SCHOLARSHIP ELIGIBILITY,
6 DURATION OR RENEWAL.

7 (B) COMPENSATION.--

8 (1) FOR PURPOSES OF THIS CHAPTER, AN ATHLETICS GRANT-IN-
9 AID OR STIPEND SCHOLARSHIP FROM AN INSTITUTION OF HIGHER
10 EDUCATION IN WHICH A COLLEGE STUDENT ATHLETE IS ENROLLED MAY
11 NOT BE CONSIDERED TO LIMIT A COLLEGE STUDENT ATHLETE'S RIGHT
12 TO USE THE COLLEGE STUDENT ATHLETE'S NAME, IMAGE OR LIKENESS
13 RIGHTS, EXCEPT AS EXPRESSLY PROVIDED IN THIS SECTION.

14 (2) AN ATHLETICS GRANT-IN-AID OR STIPEND SCHOLARSHIP MAY
15 NOT BE REVOKED OR REDUCED AS A RESULT OF A COLLEGE STUDENT
16 ATHLETE EARNING COMPENSATION UNDER THIS CHAPTER, EXCEPT IF
17 OTHERWISE MANDATED BY FEDERAL OR STATE STUDENT AID
18 GUIDELINES.

19 § 3706. CONTRACTS.

20 (A) OPPORTUNITIES.--AN INSTITUTION OF HIGHER EDUCATION,
21 ATHLETIC ASSOCIATION, CONFERENCE OR OTHER GROUP OR ORGANIZATION
22 WITH AUTHORITY OVER INTERCOLLEGIATE ATHLETICS MAY NOT BE
23 REQUIRED TO IDENTIFY, CREATE, FACILITATE, NEGOTIATE OR ENABLE
24 OPPORTUNITIES FOR A COLLEGE STUDENT ATHLETE TO EARN COMPENSATION
25 FOR THE COLLEGE STUDENT ATHLETE'S USE OF THE COLLEGE STUDENT
26 ATHLETE'S NAME, IMAGE OR LIKENESS RIGHTS.

27 (B) USE OF TRADEMARKS.--THIS CHAPTER SHALL NOT ESTABLISH OR
28 GRANT A RIGHT TO A COLLEGE STUDENT ATHLETE TO USE THE NAME,
29 TRADEMARKS, SERVICES MARKS, LOGOS, SYMBOLS OR ANY OTHER
30 INTELLECTUAL PROPERTY, REGISTERED OR UNREGISTERED, OF AN

1 INSTITUTION OF HIGHER EDUCATION, ATHLETIC ASSOCIATION,
2 CONFERENCE OR OTHER GROUP OR ORGANIZATION WITH AUTHORITY OVER
3 INTERCOLLEGIATE ATHLETICS, IN FURTHERANCE OF THE COLLEGE STUDENT
4 ATHLETE'S OPPORTUNITIES TO EARN COMPENSATION FOR THE COLLEGE
5 STUDENT ATHLETE'S USE OF THE COLLEGE STUDENT ATHLETE'S NAME,
6 IMAGE OR LIKENESS RIGHTS.

7 (C) ENFORCEMENT.--THIS CHAPTER SHALL NOT LIMIT THE RIGHT OF
8 AN INSTITUTION OF HIGHER EDUCATION TO ESTABLISH AND ENFORCE ANY
9 OF THE FOLLOWING:

10 (1) ACADEMIC STANDARDS, REQUIREMENTS, REGULATIONS OR
11 OBLIGATIONS FOR THE INSTITUTION OF HIGHER EDUCATION'S COLLEGE
12 STUDENT ATHLETES.

13 (2) TEAM RULES OF CONDUCT OR OTHER RULES OF CONDUCT.

14 (3) STANDARDS OR POLICIES REGARDING THE GOVERNANCE OR
15 OPERATION OF OR PARTICIPATION IN INTERCOLLEGIATE ATHLETICS.

16 (4) DISCIPLINARY RULES AND STANDARDS GENERALLY
17 APPLICABLE TO ALL STUDENTS OF THE INSTITUTION OF HIGHER
18 EDUCATION.

19 (D) PROHIBITION.--A COLLEGE STUDENT ATHLETE MAY NOT EARN
20 COMPENSATION AS A RESULT OF THE USE OF THE COLLEGE STUDENT
21 ATHLETE'S NAME, IMAGE OR LIKENESS IN CONNECTION WITH A PERSON,
22 COMPANY OR ORGANIZATION RELATED TO OR ASSOCIATED WITH THE
23 DEVELOPMENT, PRODUCTION, DISTRIBUTION, WHOLESALING OR RETAILING
24 OF ANY OF THE FOLLOWING:

25 (1) ADULT ENTERTAINMENT PRODUCTS AND SERVICES.

26 (2) ALCOHOL PRODUCTS.

27 (3) CASINOS AND GAMBLING, INCLUDING SPORTS BETTING, THE
28 LOTTERY AND BETTING IN CONNECTION WITH VIDEO GAMES, ONLINE
29 GAMES AND MOBILE DEVICES.

30 (4) TOBACCO AND ELECTRONIC SMOKING PRODUCTS AND DEVICES.

1 (5) PRESCRIPTION PHARMACEUTICALS.

2 (6) A CONTROLLED DANGEROUS SUBSTANCE.

3 (E) PROHIBITION.--

4 (1) AN INSTITUTION OF HIGHER EDUCATION MAY PROHIBIT A
5 COLLEGE STUDENT ATHLETE'S INVOLVEMENT IN NAME, IMAGE OR
6 LIKENESS ACTIVITIES THAT CONFLICT WITH EXISTING INSTITUTIONAL
7 SPONSORSHIP ARRANGEMENTS AT THE TIME THE COLLEGE STUDENT
8 ATHLETE DISCLOSES A CONTRACT TO THE INSTITUTION OF HIGHER
9 EDUCATION AS REQUIRED UNDER SUBSECTION (F).

10 (2) AN INSTITUTION OF HIGHER EDUCATION, AT THE
11 INSTITUTION OF HIGHER EDUCATION'S DISCRETION, MAY PROHIBIT A
12 COLLEGE STUDENT ATHLETE'S INVOLVEMENT IN NAME, IMAGE OR
13 LIKENESS ACTIVITIES BASED ON OTHER CONSIDERATIONS, SUCH AS
14 CONFLICT WITH INSTITUTIONAL VALUES, AS DEFINED BY THE
15 INSTITUTION OF HIGHER EDUCATION.

16 (3) AN INSTITUTION OF HIGHER EDUCATION SHALL HAVE
17 POLICIES THAT SPECIFY THE NAME, IMAGE OR LIKENESS ACTIVITIES
18 IN WHICH COLLEGE STUDENT ATHLETES MAY OR MAY NOT ENGAGE.

19 (F) DISCLOSURE.--THE FOLLOWING APPLY:

20 (1) A COLLEGE STUDENT ATHLETE WHO PROPOSES TO ENTER INTO
21 A CONTRACT PROVIDING COMPENSATION TO THE COLLEGE STUDENT
22 ATHLETE FOR USE OF THE COLLEGE STUDENT ATHLETE'S NAME, IMAGE
23 OR LIKENESS RIGHTS SHALL DISCLOSE THE CONTENTS OF THE
24 CONTRACT PRIOR TO EXECUTION OF THE CONTRACT TO AN OFFICIAL OF
25 THE INSTITUTION OF HIGHER EDUCATION, WHO IS DESIGNATED BY THE
26 INSTITUTION OF HIGHER EDUCATION.

27 (2) AN INSTITUTION OF HIGHER EDUCATION SHALL HAVE
28 POLICIES THAT SPECIFY WHEN THE CONTRACT SHALL BE DISCLOSED
29 AND THE CONTENTS OF THE CONTRACT TO BE DISCLOSED IN
30 ACCORDANCE WITH PARAGRAPH (1).

1 (3) IF AN INSTITUTION OF HIGHER EDUCATION RECEIVES
2 DIRECT FINANCIAL COMPENSATION FROM A THIRD PARTY ARISING FROM
3 THE THIRD PARTY'S CONTRACT WITH A COLLEGE STUDENT ATHLETE
4 RELATING TO THE USE OF A COLLEGE STUDENT ATHLETE'S NAME,
5 IMAGE OR LIKENESS, THE INSTITUTION SHALL BE REQUIRED TO
6 DISCLOSE IN A TIMELY MANNER THE FINANCIAL RELATIONSHIP
7 BETWEEN THE INSTITUTION AND THE THIRD PARTY TO THE COLLEGE
8 STUDENT ATHLETE. THIS SECTION SHALL NOT APPLY TO COMPENSATION
9 RECEIVED BY THE INSTITUTION OF HIGHER EDUCATION FOR THE USE
10 OF THE INSTITUTION'S INTELLECTUAL PROPERTY.

11 § 3707. VIOLATIONS AND CLAIMS.

12 (A) PROTECTIONS AND RIGHT TO ADJUDICATE.--A COLLEGE STUDENT
13 ATHLETE, INSTITUTION OF HIGHER EDUCATION OR CONFERENCE SHALL NOT
14 BE DEPRIVED OF A PROTECTION PROVIDED UNDER STATE LAW WITH
15 RESPECT TO A CONTROVERSY THAT ARISES IN THIS COMMONWEALTH AND
16 SHALL HAVE THE RIGHT TO ADJUDICATION IN THIS COMMONWEALTH OF A
17 CLAIM THAT ARISES IN THIS COMMONWEALTH.

18 (B) PRIVATE CIVIL ACTION.--A COLLEGE STUDENT ATHLETE SHALL
19 HAVE THE RIGHT TO PURSUE A PRIVATE CIVIL ACTION AGAINST A PERSON
20 THAT VIOLATES THIS CHAPTER. THE COURT SHALL AWARD COSTS AND
21 REASONABLE ATTORNEY FEES TO A PREVAILING PLAINTIFF IN AN ACTION
22 BROUGHT AGAINST A PERSON VIOLATING THIS CHAPTER.

23 § 3708. SETTLEMENTS.

24 LEGAL SETTLEMENTS MADE ON OR AFTER JUNE 30, 2021, MAY NOT
25 PERMIT NONCOMPLIANCE WITH THIS CHAPTER.

26 § 3709. SEVERABILITY.

27 THE PROVISIONS OF THIS CHAPTER ARE SEVERABLE. IF ANY
28 PROVISION OF THIS CHAPTER OR THE APPLICATION OF ANY PROVISION OF
29 THIS CHAPTER IS HELD TO BE INVALID, THAT INVALIDITY SHALL NOT
30 AFFECT ANY OTHER PROVISION OR APPLICATION OF ANY OTHER PROVISION

1 THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR
2 APPLICATION.

3 Section 4. Repeals are as follows:

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

7 (2) 18 Pa.C.S. § 7107 is repealed insofar as it is
8 inconsistent with this act.

9 ~~Section 5. This act shall take effect in 60 days.~~ <--

10 (3) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER <--
11 PARAGRAPH (4) IS NECESSARY TO EFFECTUATE THE ADDITION OF 5
12 PA.C.S. CH. 37.

13 (4) ARTICLE XX-K OF THE ACT OF MARCH 10, 1949 (P.L.30,
14 NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, IS REPEALED.

15 SECTION 5. THE ADDITION OF 5 PA.C.S. CH. 37 IS A
16 CONTINUATION OF ARTICLE XX-K OF THE ACT OF MARCH 10, 1949
17 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949. THE
18 FOLLOWING APPLY:

19 (1) ALL ACTIVITIES INITIATED UNDER ARTICLE XX-K OF THE
20 PUBLIC SCHOOL CODE OF 1949 SHALL CONTINUE AND REMAIN IN FULL
21 FORCE AND EFFECT AND MAY BE COMPLETED UNDER 5 PA.C.S. CH. 37.
22 ORDERS, REGULATIONS, RULES AND DECISIONS WHICH WERE MADE
23 UNDER ARTICLE XX-K OF THE PUBLIC SCHOOL CODE OF 1949 AND
24 WHICH ARE IN EFFECT ON THE EFFECTIVE DATE OF SECTION 4(4) OF
25 THIS ACT SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL REVOKED,
26 VACATED OR MODIFIED UNDER 5 PA.C.S. CH. 37. CONTRACTS,
27 OBLIGATIONS AND COLLECTIVE BARGAINING AGREEMENTS ENTERED INTO
28 UNDER ARTICLE XX-K OF THE PUBLIC SCHOOL CODE OF 1949 ARE NOT
29 AFFECTED NOR IMPAIRED BY THE REPEAL OF ARTICLE XX-K OF THE
30 PUBLIC SCHOOL CODE OF 1949.

1 (2) ANY DIFFERENCE IN LANGUAGE BETWEEN 5 PA.C.S. CH. 37
2 AND ARTICLE XX-K OF THE PUBLIC SCHOOL CODE OF 1949 IS
3 INTENDED ONLY TO CONFORM TO THE STYLE OF THE PENNSYLVANIA
4 CONSOLIDATED STATUTES AND IS NOT INTENDED TO CHANGE OR AFFECT
5 THE LEGISLATIVE INTENT, JUDICIAL CONSTRUCTION OR
6 ADMINISTRATION AND IMPLEMENTATION OF ARTICLE XX-K OF THE
7 PUBLIC SCHOOL CODE OF 1949.
8 SECTION 6. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.