

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1538 Session of 1991

INTRODUCED BY COLAFELLA, VEON, TRELLO, COY, KING, SALOOM, BUNT,
TRICH, FAJT, DeLUCA, KOSINSKI, MELIO, CORRIGAN, ROBINSON,
NAHILL, BELFANTI, WILLIAMS, THOMAS, BUSH, KASUNIC, RICHARDSON
AND SCHULER, JUNE 4, 1991

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 4, 1991

AN ACT

1 Providing for the licensing of athletic agents; providing for
2 the powers and duties of the State Athletic Commission; and
3 imposing a penalty.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Athletic
8 Agent Licensing Act.

9 Section 2. Definitions.

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

13 "Agent contract." Any contract or agreement pursuant to
14 which a person authorizes or empowers an athletic agent to
15 negotiate or solicit on behalf of the person with one or more
16 professional sports teams for the employment of the person by a
17 professional sports team or to negotiate or solicit on behalf of

1 the person for the employment of the person as a professional
2 athlete.

3 "Athletic agent." A person who, directly or indirectly,
4 recruits or solicits a person to enter into an agent contract or
5 professional sport services contract, or who procures, offers,
6 promises or attempts to obtain employment for a person with a
7 professional sports team or as a professional athlete.

8 "Commission." The State Athletic Commission.

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

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

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

14 "Person." An individual, sole proprietorship, partnership,
15 association, corporation or other legal entity.

16 "Professional sport services contract." A contract or
17 agreement pursuant to which a person is employed or agrees to
18 render services as a player on a professional sports team or as
19 a professional athlete.

20 Section 3. Athletic agents' licenses.

21 No person shall directly or indirectly serve or offer to
22 serve as an athletic agent unless the person has first procured
23 an athletic agent's license from the commission.

24 Section 4. Application for license.

25 (a) Procedure.--Every application for an athletic agent's
26 license shall:

27 (1) Be in writing on a form supplied by the commission
28 and approved by the department.

29 (2) Be verified by the applicant.

30 (3) Contain the information required by this act and

1 such other information as the commission may reasonably
2 require.

3 (4) Be submitted together with a processing fee of \$50.

4 (b) Fees.--

5 (1) The annual license fee which shall accompany the
6 application for an athletic agent's license shall be as
7 follows:

8 (i) Individual or sole proprietor - \$100.

9 (ii) Partnership, association, corporation or other
10 legal entity - \$200.

11 (2) The fee for each duplicate license shall be \$20.

12 (c) Term.--Licenses shall be issued on an annual basis and
13 shall expire on December 31 of each year.

14 Section 5. Qualifications for license.

15 The commission shall not issue an athletic agent's license to
16 a person unless the following qualifications are met:

17 (1) The applicant is 21 years of age or older.

18 (2) The applicant possesses good moral character.

19 (3) The applicant, neither at the time of application
20 nor at any time prior thereto, has been involved in any
21 conduct that led to the imposition of sanctions against an
22 athlete, institution of higher education or professional
23 sports team by any association or organization that
24 establishes rules for the conduct of amateur or professional
25 sports.

26 Section 6. Issuance of license to certain persons prohibited.

27 The commission shall not issue or renew an athletic agent's
28 license to a person who has been convicted of any of the
29 following offenses within ten years of the date of application:

30 (1) An offense under the following provisions of 18

1 Pa.C.S. (relating to crimes and offenses):

2 Section 902 (relating to criminal solicitation).

3 Section 908 (relating to prohibited offensive weapons).

4 Section 2502 (relating to murder).

5 Section 2901 (relating to kidnapping).

6 Section 3121 (relating to rape).

7 Section 3126 (relating to indecent assault).

8 Section 3923 (relating to theft by extortion).

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

11 Section 4301 (relating to bigamy).

12 Section 4302 (relating to incest).

13 Section 4303 (relating to concealing death of child born
14 out of wedlock).

15 Section 4304 (relating to endangering welfare of
16 children).

17 Section 4305 (relating to dealing in infant children).

18 Section 4701 (relating to bribery in official and
19 political matters).

20 Section 4902 (relating to perjury).

21 Section 5501 (relating to riot).

22 Section 5502 (relating to failure of disorderly persons
23 to disperse upon official order).

24 Section 5503 (relating to disorderly conduct).

25 Section 5504 (relating to harassment by communication or
26 address).

27 Section 5505 (relating to public drunkenness).

28 Section 5506 (relating to loitering and prowling at night
29 time).

30 Section 5507 (relating to obstructing highways and other

1 public passages).

2 Section 5508 (relating to disrupting meetings and
3 processions).

4 Section 5509 (relating to desecration of venerated
5 objects).

6 Section 5510 (relating to abuse of corpse).

7 Section 5511 (relating to cruelty to animals).

8 Section 5512 (relating to lotteries, etc).

9 Section 5513 (relating to gambling devices, gambling,
10 etc).

11 Section 5514 (relating to pool selling and bookmaking).

12 Section 5515 (relating to prohibiting of paramilitary
13 training).

14 Section 5901 (relating to open lewdness).

15 Section 5902 (relating to prostitution and related
16 offenses).

17 Section 5903 (relating to obscene and other sexual
18 materials).

19 Section 5904 (relating to public exhibition of insane
20 or deformed person).

21 Section 6301 (relating to corruption of minors).

22 Section 6302 (relating to sale or lease of weapons and
23 explosives).

24 Section 6303 (relating to sale of starter pistols).

25 Section 6304 (relating to sale and use of air rifles).

26 Section 6305 (relating to sale of tobacco).

27 Section 6306 (relating to furnishing cigarettes or
28 cigarette papers).

29 Section 6307 (relating to misrepresentation of age
30 to secure liquor or malt or brewed beverages).

1 Section 6308 (relating to purchase, consumption,
2 possession or transportation of liquor or malt or
3 brewed beverages).

4 Section 6309 (relating to representing that minor
5 is of age).

6 Section 6310 (relating to inducement of minors to
7 buy liquor or malt or brewed beverages).

8 Section 6310.1 (relating to selling or furnishing
9 liquor or malt or brewed beverages to minors).

10 Section 6310.2 (relating to manufacture of sale of false
11 identification card).

12 Section 6310.3 (relating to carrying a false
13 identification card).

14 Section 6311 (relating to tattooing).

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

16 (2) An offense under the act of April 14, 1972 (P.L.233,
17 No.64), known as The Controlled Substance, Drug, Device and
18 Cosmetic Act.

19 Section 7. Suspension and revocation of licenses.

20 (a) Investigation.--The commission may review the operations
21 of all licensees and shall prepare a written report of all
22 complaints. The commission shall forward all complaints to the
23 Office of Attorney General for investigation.

24 (b) Cease and desist order.--Upon recommendation by the
25 executive director of the commission, the commission may issue
26 an immediate cease and desist order against a licensee who has
27 been found preliminarily by the commission to have committed a
28 violation of 18 Pa.C.S. § 7107 (relating to unlawful actions by
29 athlete agents) or a violation of this act. Within 20 days of
30 issuance of the cease and desist order, the commission shall

1 conduct a hearing to determine whether the cease and desist
2 order should be dissolved or made permanent.

3 (c) Suspension.--Upon a finding by the commission that a
4 licensee has violated any provision of this act or upon
5 conviction of a licensee of a violation of 18 Pa.C.S. § 7107,
6 the commission may suspend the person's license for not more
7 than one year.

8 (d) Revocation.--Upon a finding by the commission that a
9 licensee has violated any provision of this act or upon
10 conviction of a licensee of a violation of 18 Pa.C.S. § 7107,
11 where the violation was committed or the conviction occurred
12 within 12 months of a previous violation or conviction, the
13 commission shall revoke the person's license.

14 (e) Conduct of hearings.--The commission shall conduct all
15 hearings in accordance with 2 Pa.C.S. Ch. 5 Subch. A (relating
16 to practice and procedure of Commonwealth agencies).

17 Section 8. Bonding requirements.

18 (a) Amount.--Before any athletic agent's license is issued,
19 the applicant shall be required to execute and file a surety
20 bond with the commission in such reasonable amount, but not less
21 than \$10,000, as the commission shall require.

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

25 (c) Conditions of bonds.--The surety bond shall be
26 conditioned upon the following:

27 (1) Compliance with this act.

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

30 (3) The payment of all damages suffered by any person as

1 a result of intentional or unintentional misstatements,
2 misrepresentation, fraud, deceit or unlawful or negligent
3 acts of the athletic agent while acting as an athletic agent.

4 (d) Alternate security.--

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

10 (2) Return of alternate security.--The security shall
11 not be returned to a licensee until one year after the
12 athletic agent's license has expired. After this time, if
13 there are no claims against the license, the alternate
14 security shall be returned to the depositor.

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

18 Section 9. Penalty.

19 The commission may impose a civil penalty of not more than
20 \$5,000 for each violation or conviction against any person who
21 violates this act or who is convicted of a violation of 18
22 Pa.C.S. § 7107 (relating to unlawful actions by athlete agents).

23 Section 10. Effective date.

24 This act shall take effect in 60 days.