

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 450 Session of
1993

INTRODUCED BY COLAFELLA, DALEY, PESCI, GIGLIOTTI, ADOLPH,
KASUNIC, BELFANTI, GERLACH, TOMLINSON, COLAIZZO AND JAMES,
MARCH 15, 1993

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 15, 1993

AN ACT

1 Amending Title 5 (Athletics and Sports) of the Pennsylvania
2 Consolidated Statutes, providing for the licensing of
3 athletic agents; and imposing a penalty.

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

6 Section 1. Title 5 of the Pennsylvania Consolidated Statutes
7 is amended by adding a part to read:

8 TITLE 5

9 ATHLETICS AND SPORTS

10 * * *

11 PART II

12 ATHLETIC AGENTS

13 Subpart

14 A. General Provisions

15 B. Licensing of Athletic Agents

16 SUBPART A

17 GENERAL PROVISIONS

18 Chapter

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

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

4 "Person." An individual, sole proprietorship, partnership,
5 association, corporation or other legal entity.

6 "Professional sport services contract." A contract or
7 agreement pursuant to which a person is employed or agrees to
8 render services as a player on a professional sports team or as
9 a professional athlete.

10 SUBPART B

11 LICENSING OF ATHLETIC AGENTS

12 Chapter

13 33. Licensing.

14 Sec.

15 3301. Athletic agents' licenses.

16 3302. Application for license.

17 3303. Qualifications for license.

18 3304. Issuance of license to certain persons prohibited.

19 3305. Suspension and revocation of licenses.

20 3306. Bonding requirements.

21 3307. Penalty.

22 § 3301. Athletic agents' licenses.

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

26 § 3302. Application for license.

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

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

1 (2) Be verified by the applicant.
2 (3) Contain the information required by this chapter and
3 such other information as the commission may reasonably
4 require.

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

6 (b) Fees.--

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

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

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

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

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

16 § 3303. Qualifications for license.

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

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

20 (2) The applicant possesses good moral character.

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

28 § 3304. Issuance of license to certain persons prohibited.

29 The commission shall not issue an athletic agent's license to
30 or renew the athletic agent's license of a person who has been

1 convicted of any of the following offenses within ten years of
2 the date of application:

3 (1) An offense under the following provisions of 18
4 Pa.C.S. (relating to crimes and offenses):

5 Section 902 (relating to criminal solicitation).

6 Section 908 (relating to prohibited offensive weapons).

7 Section 2502 (relating to murder).

8 Section 2901 (relating to kidnapping).

9 Section 3121 (relating to rape).

10 Section 3126 (relating to indecent assault).

11 Section 3923 (relating to theft by extortion).

12 Section 4109 (relating to rigging publicly exhibited
13 contest).

14 Section 4301 (relating to bigamy).

15 Section 4302 (relating to incest).

16 Section 4303 (relating to concealing death of child born
17 out of wedlock).

18 Section 4304 (relating to endangering welfare of
19 children).

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

21 Section 4701 (relating to bribery in official and
22 political matters).

23 Section 4902 (relating to perjury).

24 Section 5501 (relating to riot).

25 Section 5502 (relating to failure of disorderly persons
26 to disperse upon official order).

27 Section 5503 (relating to disorderly conduct).

28 Section 5504 (relating to harassment by communication or
29 address).

30 Section 5505 (relating to public drunkenness).

1 Section 5506 (relating to loitering and prowling at night
2 time).

3 Section 5507 (relating to obstructing highways and other
4 public passages).

5 Section 5508 (relating to disrupting meetings and
6 processions).

7 Section 5509 (relating to desecration of venerated
8 objects).

9 Section 5510 (relating to abuse of corpse).

10 Section 5511 (relating to cruelty to animals).

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

12 Section 5513 (relating to gambling devices, gambling,
13 etc.).

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

15 Section 5515 (relating to prohibiting of paramilitary
16 training).

17 Section 5901 (relating to open lewdness).

18 Section 5902 (relating to prostitution and related
19 offenses).

20 Section 5903 (relating to obscene and other sexual
21 materials).

22 Section 5904 (relating to public exhibition of insane
23 or deformed person).

24 Section 6301 (relating to corruption of minors).

25 Section 6302 (relating to sale or lease of weapons and
26 explosives).

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

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

29 Section 6305 (relating to sale of tobacco).

30 Section 6306 (relating to furnishing cigarettes or

cigarette papers).

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

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

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

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

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

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

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

Section 6311 (relating to tattooing).

Section 6312 (relating to sexual abuse of children).

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

§ 3305. Suspension and revocation of licenses.

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

(b) Cease and desist order.--Upon recommendation by the executive director of the commission, the commission may issue an immediate cease and desist order against a licensee who has been found preliminarily by the commission to have committed a

1 violation of 18 Pa.C.S. § 7107 (relating to unlawful actions by
2 athlete agents) or a violation of this chapter. Within 20 days
3 of issuance of the cease and desist order, the commission shall
4 conduct a hearing to determine whether the cease and desist
5 order should be dissolved or made permanent.

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

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

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

20 § 3306. Bonding requirements.

21 (a) Amount.--Before any athletic agent's license is issued,
22 the applicant shall be required to execute and file a surety
23 bond with the commission in such reasonable amount, but not less
24 than \$10,000, 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 bonds.--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 all damages suffered by any person as
4 a result of intentional or unintentional misstatements,
5 misrepresentation, fraud, deceit or unlawful or negligent
6 acts of the athletic agent while acting as an athletic agent.

7 (d) Alternate security.--

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

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

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

21 § 3307. Penalty.

22 The commission may impose a civil penalty of not more than
23 \$5,000 for each violation or conviction against any person who
24 violates this chapter or who is convicted of a violation of 18
25 Pa.C.S. § 7107 (relating to unlawful actions by athlete agents).

26 Section 2. This act shall take effect in 60 days.