

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13 repealed: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

1 PRELIMINARY PROVISIONS

2 Sec.

3 3101. Short title of part.

4 3102. Definitions.

5 3103. Administration.

6 3104. Service of process.

7 3105. Subpoenas.

8 3106. Rules and regulations.

9 § 3101. Short title of part.

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

12 § 3102. Definitions.

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

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

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

1 are within the scope of employment of the coach, trainer or
2 other employee. The term includes a person who represents to the
3 public that the person is an athlete agent.

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

10 "Commission." The State Athletic Commission.

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

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

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

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

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

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

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

1 a professional sports organization or as a professional athlete.

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

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

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

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

17 § 3103. Administration.

18 The commission shall administer this part.

19 § 3104. Service of process.

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

25 § 3105. Subpoenas.

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

28 § 3106. Rules and regulations.

29 The commission shall have the power and duty to adopt and
30 revise regulations in accordance with the act of June 25, 1982

1 (P.L.633, No.181), known as the Regulatory Review Act, as are
2 reasonably necessary to administer and effectuate the purposes
3 of this part.

4 SUBPART B

5 REGISTRATION OF ATHLETE AGENTS

6 Chapter

7 33. Registration

8 CHAPTER 33

9 REGISTRATION

10 Sec.

11 3301. Athlete agent registration.

12 3302. Application for registration.

13 3303. Issuance of registration.

14 3304. Denial of registration.

15 3305. Renewal of registration.

16 3306. Period of registration.

17 3307. Suspension, revocation, restriction or refusal to renew
18 registration.

19 3308. Fees.

20 3309. Form of contract for student athletes.

21 3310. Notice to educational institution.

22 3311. Student athlete's right to cancel.

23 3312. Required records.

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25 3314. Civil remedies.

26 3315. Administrative penalty.

27 3316. Bonding requirements.

28 3317. Exemption from registration and bonding requirement.

29 3318. Disposition of commission receipts.

30 3319. Records.

1 3320. Transferability of registration.

2 § 3301. Athlete agent registration.

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

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

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

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

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

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

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

1 athlete agent in this Commonwealth.

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

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

9 § 3302. Application for registration.

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

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

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

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

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

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

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

27 (i) Formal training as an athlete agent.

28 (ii) Practical experience as an athlete agent.

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

1 (7) The names and addresses of three individuals not
2 related to the applicant who are willing to serve as
3 references.

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

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

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

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

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

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

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

30 (13) Any sanction, suspension or disciplinary action

1 taken against the applicant or any other person named
2 pursuant to paragraph (9) arising out of occupational or
3 professional conduct.

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

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

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

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

25 (3) Was signed by the applicant.

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

29 (c) Criminal background check.--Every applicant shall
30 complete an application or process as may be necessary to

1 request the Pennsylvania State Police to provide a copy of the
2 applicant's criminal history record to the commission.

3 § 3303. Issuance of registration.

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

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

9 (2) Whose application has been accepted under section
10 3302(b).

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

12 (4) Who possesses good moral character.

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

21 § 3304. Denial of registration.

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

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

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

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

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

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

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

13 (1) How recently the conduct occurred.

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

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

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

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

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

28 Section 902 (relating to criminal solicitation).

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

1 Section 2502 (relating to murder).
2 Section 2709(a) (4), (5), (6) or (7) (relating to
3 harassment).
4 Section 2709.1 (relating to stalking).
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 4302 (relating to incest).
12 Section 4304 (relating to endangering welfare of
13 children).
14 Section 4305 (relating to dealing in infant
15 children).
16 Section 4701 (relating to bribery in official and
17 political matters).
18 Section 4902 (relating to perjury).
19 Section 5501 (relating to riot).
20 Section 5512 (relating to lotteries, etc.).
21 Section 5513 (relating to gambling devices, gambling,
22 etc.).
23 Section 5514 (relating to pool selling and
24 bookmaking).
25 Section 5901 (relating to open lewdness).
26 Section 5902 (relating to prostitution and related
27 offenses).
28 Section 5903 (relating to obscene and other sexual
29 materials and performances).
30 Section 5904 (relating to public exhibition of insane

1 or deformed person).

2 Section 6301 (relating to corruption of minors).

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

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

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

11 § 3305. Renewal of registration.

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

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

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

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

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

1 state:

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

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

8 (3) Was verified by the applicant.

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

12 § 3306. Period of registration.

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

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

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

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

28 (c) Registration suspension, revocation, restriction or
29 refusal to renew.--The commission may suspend, revoke, restrict
30 or otherwise limit registration or refuse to renew a

1 registration for conduct that would have justified denial of
2 registration under section 3304(a) (relating to denial of
3 registration).

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

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

16 § 3308. Fees.

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

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

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

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

30 (4) \$150 for an application for renewal of registration

1 based upon an application for renewal of registration or
2 licensure submitted in another state for an individual or
3 sole proprietor and \$400 for a partnership, association,
4 corporation or other legal entity.

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

10 § 3309. Form of contract for student athletes.

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

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

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

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

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

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

27 (5) The duration of the contract.

28 (6) The date of execution.

29 (c) Notice.--An agency contract must contain in close
30 proximity to the signature of the student athlete a conspicuous

1 notice in boldface type in capital letters stating:

2 WARNING TO STUDENT ATHLETE

3 If you sign this contract:

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

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

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

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

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

19 § 3310. Notice to educational institution.

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

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

29 (2) The student athlete shall inform the athletic
30 director of the educational institution at which the student

1 athlete is enrolled that the student athlete has entered into
2 an agency contract and to the commission.

3 § 3311. Student athlete's right to cancel.

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

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

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

14 § 3312. Required records.

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

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

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

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

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

26 § 3313. Prohibited acts.

27 An athlete agent may not:

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

30 (2) Refuse or willfully fail to retain or permit

1 inspection of the records required by section 3312 (relating
2 to required records).

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

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

8 (5) Predate or postdate an agency contract.

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

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

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

21 (i) a student athlete;

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

24 (iii) any individual who substantially contributes
25 to the economic support of the student athlete. For
26 purposes of this subparagraph, an individual shall be
27 deemed to have substantially contributed to the economic
28 support of a student athlete if the individual provides
29 25% or more of the cost of tuition, room and board and
30 incidental expenses of the student athlete's education or

1 provides to the student athlete at minimal or no cost
2 non-college-based lodging or meals or transportation to
3 and from college classes.

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

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

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

13 § 3314. Civil remedies.

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

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

30 (c) Accrual of action.--A right of action under this section

1 does not accrue until the educational institution discovers or
2 by the exercise of reasonable diligence would have discovered
3 the violation by the athlete agent or former student athlete.

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

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

9 § 3315. Administrative penalty.

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

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

21 § 3316. Bonding requirements.

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

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

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

1 (1) Compliance with this chapter.

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

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

9 (d) Alternate security.--

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

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

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

23 § 3317. Exemption from registration and bonding requirement.

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

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

30 § 3318. Disposition of commission receipts.

1 All fees, civil penalties, forfeitures and other moneys
2 collected under this chapter and the regulations of the
3 commission shall be paid into the Athletic Commission
4 Augmentation Account.

5 § 3319. Records.

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

10 § 3320. Transferability of registration.

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

14 Section 3. Title 5 is amended by adding a ~~chapter~~ CHAPTERS <--
15 to read:

16 CHAPTER 35

17 ATHLETE AGENTS

18 Sec.

19 3501. Short title of chapter.

20 3502. Definitions.

21 3503. Commission; authority; procedure.

22 3504. Athlete agent; registration required; void contract.

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

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

26 3507. Suspension, revocation or refusal to renew registration.

27 3508. Temporary registration.

28 3509. Registration and renewal fees.

29 3510. Required form of agency contract.

30 3511. Notice to educational institution.

- 1 3512. Student athlete's right to cancel.
- 2 3513. Required records.
- 3 3514. Prohibited conduct.
- 4 3515. Criminal penalty.
- 5 3516. Civil remedy.
- 6 3517. Civil penalty.
- 7 3518. Uniformity of application and construction.
- 8 3519. Relation to Electronic Signatures in Global and National
- 9 Commerce Act.
- 10 3520. Disposition of receipts.
- 11 3521. REGISTERED ATHLETE AGENT DIRECTORY. <--

12 § 3501. Short title of chapter.

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

15 § 3502. Definitions.

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

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

23 "Athlete agent." The following apply:

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

26 (i) directly or indirectly:

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

29 (B) for compensation, procures employment or
30 offers, promises, attempts or negotiates to obtain

1 employment for a student athlete as a professional
2 athlete or member of a professional sports team or
3 organization;

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

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

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

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

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

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

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

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

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

<--

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

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

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

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

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

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

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

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

29 "Commission." The State Athletic Commission.

30 "Communicating or attempting to communicate." Contacting or

1 attempting to contact by an in-person meeting, a record or any
2 other method which conveys or attempts to convey a message.

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

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

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

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

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

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

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

1 "Person." Any individual, estate, business or nonprofit
2 entity, public corporation, government or governmental
3 subdivision, agency or instrumentality or other legal entity.

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

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

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

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

21 "Secretary." The Secretary of the Commonwealth.

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

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

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

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

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

8 § 3503. Commission; authority; procedure.

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

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

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

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

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

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

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

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

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

8 § 3505. Registration as athlete agent; application;
9 requirements; reciprocal registration.

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

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

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

24 (ii) Work and mobile telephone numbers.

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

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

1 nature of the business.

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

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

9 (5) Description of the applicant's:

10 (i) formal training as an athlete agent;

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

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

14 (6) Statement listing the:

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

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

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

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

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

30 (8) Description of the status of each application by the

1 applicant or a person named under paragraph (7) for a Federal
2 or state business, professional or occupational license,
3 other than as an athlete agent, from a Federal or state
4 agency. This paragraph includes the denial, refusal to renew,
5 suspension, withdrawal or termination of the license and each
6 reprimand or censure related to the license.

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

13 (i) the offense;

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

16 ~~(iii)~~ (III) the law enforcement agency involved; and <--

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

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

27 (11) Whether the applicant or a person named under
28 paragraph (7) has an unsatisfied judgment or a judgment of
29 continuing effect, including an order under 23 Pa.C.S. Ch. 37
30 (relating to alimony and support) or 43 (relating to support

1 matters generally), which is not current at the date of the
2 application.

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

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

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

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

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

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

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

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

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

1 (i) name of the league or association;
2 (ii) date of certification or registration and, if
3 applicable, date of expiration of the certification or
4 registration;
5 (iii) date of denial of an application for,
6 suspension or revocation of, refusal to renew, withdrawal
7 of or termination of the certification or registration;
8 and
9 (iv) date of reprimand or censure related to the
10 certification or registration.

11 (19) Additional information required by the commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (a) Issuance.--Except as specified in subsection (b), the
30 commission shall issue a certificate of registration to an

1 applicant for registration who complies with section 3505(a)
2 (relating to registration as athlete agent; application;
3 requirements; reciprocal registration).

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

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

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

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

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

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

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

26 (7) engaged in conduct resulting in:

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

1 (ii) imposition of a sanction on an educational
2 institution; or
3 (8) engaged in conduct which adversely reflects on the
4 applicant's credibility, honesty or integrity.

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

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

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

17 (e) Renewal in other state.--

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

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

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

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

1 or revoked; and

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

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

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

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

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

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

28 § 3508. Temporary registration.

29 The commission may issue a temporary certificate of
30 registration as an athlete agent while an application for

1 registration or renewal of registration is pending.

2 § 3509. Registration and renewal fees.

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

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

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

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

20 § 3510. Required form of agency contract.

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

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

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

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

1 to be provided by the athlete agent under the contract and
2 any other consideration the athlete agent has received or
3 will receive from any other source for entering into the
4 contract or providing the services;

5 (3) the name of any person that:

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

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

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

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

14 (6) the duration of the contract; and

15 (7) the date of execution.

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

19 WARNING TO STUDENT ATHLETE

20 IF YOU SIGN THIS CONTRACT:

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

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

1 (3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER
2 SIGNING IT.

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

5 (1) signed by:

6 (i) the student athlete; or

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

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

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

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

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

26 § 3511. Notice to educational institution.

27 (a) (Reserved).

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

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

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

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

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

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

12 or

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

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

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

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

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

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

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

28 or

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

1 (d) Notice after enrollment.--

2 (1) This subsection applies if:

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

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

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

12 (e) Notice of relationship.--

13 (1) This subsection applies if:

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

16 (ii) the student athlete subsequently:

17 (A) enrolls in an educational institution; and

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

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

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

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

1 (f) Notice prior to communication.--An athlete agent shall
2 give notice in a record to the athletic director of the
3 educational institution at which a student athlete is enrolled
4 before the athlete agent communicates or attempts to communicate
5 with:

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

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

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

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

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

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

30 (i) ~~Notification of agency contract. The athletic director~~

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

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

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

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

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

20 (J) DESIGNEE.--

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

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

28 § 3512. Student athlete's right to cancel.

29 (a) Right.--A student athlete or, if the student athlete is
30 a minor, the parent or guardian of the student athlete may

1 cancel an agency contract by giving notice in a record of
2 cancellation to the athlete agent not later than 14 days after
3 the contract is signed.

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

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

13 § 3513. Required records.

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

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

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

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

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

25 § 3514. Prohibited conduct.

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

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

1 materially false promise or representation with the intent to
2 influence the student athlete, parent or guardian to enter
3 into an agency contract.

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

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

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

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

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

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

1 (6) Provide materially false or misleading information
2 in an application for registration or renewal of
3 registration.

4 (7) Predate or postdate an agency contract.

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

11 (9) Encourage another individual to do any of the
12 prohibited activities under paragraph (1), (2), (3), (4),
13 (5), (6), (7) or (8) on behalf of the athlete agent.

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

18 § 3515. Criminal penalty.

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

21 § 3516. Civil remedy.

22 (a) Cause of action.--

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

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

1 (i) is suspended or disqualified from participation
2 in an interscholastic or intercollegiate sports event by
3 or under the rules of a state or national federation or
4 association which promotes or regulates interscholastic
5 or intercollegiate sports; or

6 (ii) suffers financial damage.

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

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

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

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

21 (B) suffers financial damage.

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

28 § 3517. Civil penalty.

29 (a) Administrative penalty.--The commission may assess an
30 administrative penalty against an athlete agent not to exceed

1 \$50,000 for a violation of this chapter.

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

6 § 3518. Uniformity of application and construction.

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

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

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

16 § 3520. Disposition of receipts.

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

21 § 3521. REGISTERED ATHLETE AGENT DIRECTORY. <--

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

26 CHAPTER 37 <--

27 INTERCOLLEGIATE ATHLETICS

28 SEC.

29 3701. SCOPE OF CHAPTER.

30 3702. DEFINITIONS.

1 3703. COMPENSATION REGARDING COLLEGE STUDENT ATHLETE'S NAME,
2 IMAGE OR LIKENESS RIGHTS.

3 3704. PROFESSIONAL REPRESENTATION.

4 3705. SCHOLARSHIPS.

5 3706. CONTRACTS.

6 3707. VIOLATIONS AND CLAIMS.

7 3708. SETTLEMENTS.

8 3709. SEVERABILITY.

9 § 3701. SCOPE OF CHAPTER.

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

13 § 3702. DEFINITIONS.

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

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

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

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

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

29 (2) THE PENNSYLVANIA STATE UNIVERSITY, THE UNIVERSITY OF
30 PITTSBURGH, TEMPLE UNIVERSITY, LINCOLN UNIVERSITY OR ANY

1 OTHER INSTITUTION DESIGNATED AS STATE-RELATED BY THE
2 COMMONWEALTH.

3 (3) THE THADDEUS STEVENS COLLEGE OF TECHNOLOGY.

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

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

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

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

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

22 "NCAA." THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION.

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

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

1 OR PROSPECTIVE COLLEGE STUDENT ATHLETE TO ATTEND, PARTICIPATE OR
2 PERFORM AT A PARTICULAR INSTITUTION OF HIGHER EDUCATION.

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

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

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

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

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

26 § 3704. PROFESSIONAL REPRESENTATION.

27 (A) PROHIBITIONS.--

28 (1) AN INSTITUTION OF HIGHER EDUCATION, ATHLETIC
29 ASSOCIATION, CONFERENCE OR OTHER GROUP OR ORGANIZATION WITH
30 AUTHORITY OVER INTERCOLLEGIATE ATHLETICS, INCLUDING THE NCAA,

1 MAY NOT INTERFERE WITH OR PREVENT A COLLEGE STUDENT ATHLETE
2 FROM FULLY PARTICIPATING IN INTERCOLLEGIATE ATHLETICS FOR
3 OBTAINING PROFESSIONAL REPRESENTATION IN RELATION TO
4 CONTRACTS OR LEGAL MATTERS, INCLUDING REPRESENTATION PROVIDED
5 BY ATHLETE AGENTS OR LEGAL REPRESENTATION PROVIDED BY
6 ATTORNEYS, IN RELATION TO A COLLEGE STUDENT ATHLETE'S USE OF
7 THE COLLEGE STUDENT ATHLETE'S NAME, IMAGE OR LIKENESS RIGHTS.

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

19 (B) QUALIFICATIONS.--PROFESSIONAL REPRESENTATION OBTAINED BY

20 A COLLEGE STUDENT ATHLETE SHALL BE FROM A PERSON:

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

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

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

1 PROFESSIONAL REPRESENTATION IN RELATION TO THE USE OF THE NAME,
2 IMAGE OR LIKENESS.

3 § 3705. SCHOLARSHIPS.

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

8 (B) COMPENSATION.--

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

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

20 § 3706. CONTRACTS.

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

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

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

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

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

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

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

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

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

26 (1) ADULT ENTERTAINMENT PRODUCTS AND SERVICES.

27 (2) ALCOHOL PRODUCTS.

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

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

2 (5) PRESCRIPTION PHARMACEUTICALS.

3 (6) A CONTROLLED DANGEROUS SUBSTANCE.

4 (E) PROHIBITION.--

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

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

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

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

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

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

1 ACCORDANCE WITH PARAGRAPH (1).

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

12 § 3707. VIOLATIONS AND CLAIMS.

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

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

24 § 3708. SETTLEMENTS.

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

27 § 3709. SEVERABILITY.

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

1 AFFECT ANY OTHER PROVISION OR APPLICATION OF ANY OTHER PROVISION
2 THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR
3 APPLICATION.

4 Section 4. Repeals are as follows:

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

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

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

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

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

16 SECTION 5. THE ADDITION OF 5 PA.C.S. CH. 37 IS A
17 CONTINUATION OF ARTICLE XX-K OF THE ACT OF MARCH 10, 1949
18 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949. ALL ◀
19 ACTIVITIES INITIATED UNDER ARTICLE XX-K OF THE PUBLIC SCHOOL
20 CODE OF 1949 SHALL CONTINUE AND REMAIN IN FULL FORCE AND EFFECT
21 AND MAY BE COMPLETED UNDER 5 PA.C.S. CH. 37. ORDERS,
22 REGULATIONS, RULES AND DECISIONS WHICH WERE MADE UNDER ARTICLE
23 XX-K OF THE PUBLIC SCHOOL CODE OF 1949 AND WHICH ARE IN EFFECT
24 ON THE EFFECTIVE DATE OF SECTION 4(4) OF THIS ACT SHALL REMAIN
25 IN FULL FORCE AND EFFECT UNTIL REVOKED, VACATED OR MODIFIED
26 UNDER 5 PA.C.S. CH. 37. CONTRACTS, OBLIGATIONS AND COLLECTIVE
27 BARGAINING AGREEMENTS ENTERED INTO UNDER ARTICLE XX-K OF THE
28 PUBLIC SCHOOL CODE OF 1949 ARE NOT AFFECTED NOR IMPAIRED BY THE
29 REPEAL OF ARTICLE XX-K OF THE PUBLIC SCHOOL CODE OF 1949.

30 SECTION 6. THIS ACT SHALL TAKE EFFECT IMMEDIATELY. ◀