

The Senate Judiciary Committee offered the following substitute to HB 194:

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 4A of Title 43 of the Official Code of Georgia Annotated, relating to
2 athlete agents, so as to provide a short title; to provide definitions; to provide for the Georgia
3 Athlete Agent Regulatory Commission and its composition, terms, officers, powers and staff;
4 to provide for appointment of the Secretary of State as agent for service of process by
5 nonresident athlete agents under certain circumstances; to provide for registration of athlete
6 agents; to prohibit persons from acting as athlete agents without registering with the
7 commission; to provide for the content of registration forms; to provide for standards for the
8 issuance or denial of registration certificates; to provide for renewal of registration
9 certificates; to provide for sanctions of registrants; to provide for fees; to provide for
10 temporary registration; to require the maintenance of certain records; to provide for criminal
11 penalties for violations; to provide for surety bonds; to provide for prohibited acts by athlete
12 agents; to provide for civil penalties; to provide for notice of signing of agency contracts; to
13 provide for required information and provisions of agency contracts; to provide for certain
14 notice to student athletes who sign agency contracts; to provide that such contracts are
15 voidable and may be cancelled under certain circumstances; to provide for construction; to
16 provide for electronic signatures; to provide a right of action by educational institutions
17 against athlete agents and former student athletes when the educational institution is injured
18 as a result of the violation of the provisions of this Act; to amend Chapter 4B of Title 43 of
19 the Official Code of Georgia Annotated, relating to the Georgia Athletic and Entertainment
20 Commission, so as to provide and revise definitions; to authorize the commission to collect
21 and remit certain tax payments; to change certain provisions relating to licensing of boxers
22 in certain circumstances; to provide for qualifications for persons 50 years of age or older
23 seeking a license as a professional boxer; to provide for the powers of the commission upon
24 violation of laws and regulations relating to boxing; to provide for reports and tax payments
25 by promoters; to provide that making a willfully false and fraudulent report is perjury; to
26 provide a penalty for willful failure to make a report and pay taxes; to clarify a provision
27 making it unlawful for persons other than ticket brokers to resell tickets or offer tickets for
28 resale; to provide for exceptions; to change certain provisions regarding service charges for

1 the sale of tickets or rights of entry to certain events; to revise provisions relating to
 2 maintaining an office; to change provisions relating to requirements for and conduct of ticket
 3 brokers; to require the placement of the license number of ticket brokers on certain
 4 advertisements; to authorize certain municipal corporations and counties to require permits
 5 for persons reselling tickets or offering tickets for resale in certain circumstances; to
 6 renumber Code Section 43-4B-40 as 43-4B-21, conform cross-references, and delete Article
 7 4 of such chapter; to provide for related matters; to repeal conflicting laws; and for other
 8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Chapter 4A of Title 43 of the Official Code of Georgia Annotated, relating to athlete agents,
 12 is amended by striking Code Section 43-4A-1, relating to short title, and inserting in lieu
 13 thereof a new Code Section 43-4A-1 to read as follows:

14 "43-4A-1.

15 This chapter shall be known and may be cited as the 'Georgia Uniform Athlete Agents
 16 Regulatory Act of 1988.'"

17 **SECTION 2.**

18 Said chapter is further amended by striking Code Section 43-4A-2, relating to definitions,
 19 and inserting in lieu thereof a new Code Section 43-4A-2 to read as follows:

20 "43-4A-2.

21 As used in this chapter, the term:

22 (1) 'Agent Agency contract' means ~~any contract or an agreement pursuant to in~~ which an
 23 student athlete authorizes ~~or empowers an athlete agent a person~~ to negotiate or solicit
 24 on behalf of the student athlete ~~with one or more a professional sports teams for the~~
 25 ~~employment of the athlete by one or more professional sports teams or to negotiate or~~
 26 ~~solicit on behalf of the athlete for the employment of the athlete as a professional athlete~~
 27 services contract or an endorsement contract.

28 (2) '~~Athlete~~' means ~~an individual who is eligible to participate in any intercollegiate sport~~
 29 ~~and who is currently enrolled as a student at an institution of higher education or has~~
 30 ~~signed a national grant-in-aid with an institution of higher education.~~

31 (3) 'Athlete agent' means ~~a person~~ an individual who enters into an agency contract with
 32 a student athlete or, directly or indirectly, recruits or solicits an a student athlete to enter
 33 into an agent agency contract ~~or professional sports services contract with that person or~~

1 who for a fee procures, offers, promises, or attempts to obtain employment for an athlete
 2 with a professional sports team. This term includes an individual who represents to the
 3 public that the individual is an athlete agent. ~~The~~ This term 'athlete agent' does not
 4 include a spouse, parent, sibling, grandparent, or guardian of the student athlete or an
 5 individual acting solely on behalf ~~the owner, employee, or other representative of a~~
 6 professional sports team, ~~provided that such owner, employee, or representative does not~~
 7 ~~recruit or solicit such athlete to enter into an agent contract or professional sports services~~
 8 ~~contract~~ or professional sports organization ~~or for a fee does not procure, offer, promise,~~
 9 ~~or attempt to obtain employment for such athlete with a professional sports team.~~

10 ~~(4)~~ (3) 'Athletic department director' means ~~the entity exercising control over the~~
 11 ~~intercollegiate sports~~ an individual responsible for administering the overall athletic
 12 ~~program at of an educational institution of higher education, including, but not limited~~
 13 ~~to, an athletic association, an athletic department, or an athletic foundation~~ or, if an
 14 educational institution has separately administered athletic programs for male students
 15 and female students, the athletic program for males and the athletic program for females,
 16 as appropriate.

17 ~~(5)~~ 'Athletic director' means ~~the representative of the intercollegiate sports program at~~
 18 ~~an institution of higher education as identified on the annual report filed with the~~
 19 ~~commission.~~

20 ~~(6)~~ (4) 'Commission' means the Georgia Athlete Agent Regulatory Commission created
 21 in Code Section 43-4A-3.

22 (5) 'Contact' means a communication, direct or indirect, between an athlete agent and a
 23 student athlete to recruit or solicit the student athlete to enter into an agency contract.

24 (6) 'Endorsement contract' means an agreement under which a student athlete is
 25 employed or receives consideration to use on behalf of the other party any value that the
 26 student athlete may have because of publicity, reputation, following, or fame obtained
 27 because of athletic ability or performance.

28 (7) 'Intercollegiate sport' means a sport played at the collegiate level for which eligibility
 29 requirements for participation by a student athlete are established by a national
 30 association for the promotion or regulation of collegiate athletics.

31 ~~(7)~~ 'Institution of higher education' means ~~a public or private postsecondary school~~
 32 ~~located in this state.~~

33 (8) 'Person' means any individual, ~~company,~~ corporation, business trust, estate, trust,
 34 association, partnership, limited liability company, association, joint venture, or
 35 government; governmental subdivision, agency, or instrumentality; public corporation;
 36 or any other legal or commercial entity.

(9) 'Professional sports services contract' means ~~any contract or~~ an agreement pursuant to under which an ~~athlete~~ individual is employed, or agrees to render services, as a player on a professional sports team, with a professional sports organization, or as a professional athlete.

(10) 'Record' means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(11) 'Registration' means registration as an athlete agent pursuant to this chapter.

(12) 'State' means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(13) 'Student athlete' means an individual who engages in, is eligible to engage in, or may be eligible in the future to engage in any intercollegiate sport. If an individual is permanently ineligible to participate in a particular intercollegiate sport, the individual is not a student athlete for purposes of that sport."

SECTION 3.

Said chapter is further amended by striking Code Section 43-4A-3, relating to the creation of the Georgia Athlete Agent Regulatory Commission, and inserting in lieu thereof a new Code Section 43-4A-3 to read as follows:

"43-4A-3.

(a)(1) ~~There is created~~ shall be a commission for the regulation of athlete agents in the State of Georgia to be known as the Georgia Athlete Agent Regulatory Commission.

(2) ~~The~~ Until July 1, 2003, the commission shall consist of six members with an interest in college athletics to be appointed as follows:

(1) ~~(A)~~ (A) The Governor shall appoint two commission members;

(2) ~~(B)~~ (B) The President of the Senate shall appoint two commission members; and

(3) ~~(C)~~ (C) The Speaker of the House of Representatives shall appoint two commission members.

(3) On and after July 1, 2003, the commission shall consist of five members with an interest in college athletics to be appointed as follows:

(A) The Governor shall appoint two commission members;

(B) The President of the Senate shall appoint one commission member; and

(C) The Speaker of the House of Representatives shall appoint two commission members.

(4) The terms of the members of the Georgia Athlete Agent Regulatory Commission serving on March 1, 2003, shall continue until June 30, 2003, at which time their terms

1 shall end. Thereafter, successors to such board members shall be appointed in
2 accordance with paragraph (3) of this subsection.

3 (5) All members of the commission shall be citizens of the United States and residents
4 of Georgia. The term of each commission member shall be for a period of three years and
5 commission members may be eligible for reappointment, subject to the provisions of this
6 chapter. If a vacancy occurs on the commission, the officer who originally appointed such
7 member shall appoint a successor who shall take office immediately and serve the
8 remainder of the unexpired term. The commission members and their successors shall
9 have and exercise all the powers and authority vested by law in said commission.

10 (b) The effective date of ~~all original~~ the appointments pursuant to paragraph (4) of
11 subsection (a) of this Code section shall be ~~September 1, 1988~~ July 1, 2003.

12 (c) No person who has served two successive complete terms on the commission shall be
13 eligible for reappointment until after the lapse of one year. Appointment to fill an
14 unexpired term is not to be considered as a complete term.

15 (d) The Governor shall remove from the commission any member for cause as provided
16 in Code Section 43-1-17.

17 (e) The commission shall elect annually a ~~chairman~~ chairperson and a ~~vice-chairman~~ vice
18 chairperson.

19 (f) A majority of the commission shall constitute a quorum for the transaction of business.

20 (g) The commission may promulgate and from time to time amend rules and standards of
21 conduct for athlete agents appropriate for the protection of the residents of the state.

22 (h) Members of the commission shall be reimbursed as provided in subsection (f) of Code
23 Section 43-1-2.

24 (i) The division director shall be the secretary of the commission and provide all
25 administrative services."

26 SECTION 4.

27 Said chapter is further amended by striking Code Section 43-4A-4, relating to registration
28 requirements, and inserting in lieu thereof a new Code Section 43-4A-4 to read as follows:

29 "43-4A-4.

30 ~~(a) No athlete agent shall contact an athlete, either directly or indirectly, or otherwise~~
31 ~~engage in or carry on the occupation of an athlete agent with an athlete without first~~
32 ~~registering with the commission.~~

33 ~~(b) Each institution of higher education shall file an annual report with the commission,~~
34 ~~on a form provided by the commission, identifying the athletic director for said institution.~~

1 By acting as an athlete agent in this state, a nonresident individual appoints the division
 2 director of the professional licensing board as the individual's agent for service of process
 3 in any civil action in this state related to the individual's acting as an athlete agent in this
 4 state."

5 SECTION 5.

6 Said chapter is further amended by inserting a new Code Section 43-4A-4.1 to read as
 7 follows:

8 "43-4A-4.1.

9 (a) Except as otherwise provided in subsection (b) of this Code section, an individual may
 10 not act as an athlete agent in this state without holding a certificate of registration under
 11 this chapter.

12 (b) Before being issued a certificate of registration, an individual may act as an athlete
 13 agent in this state for all purposes, except signing an agency contract, if:

14 (1) A student athlete or another person acting on behalf of the student athlete initiates
 15 communication with the individual; and

16 (2) Within seven days after an initial act as an athlete agent, the individual submits an
 17 application for registration as an athlete agent in this state.

18 (c) An agency contract resulting from conduct in violation of this Code section is void and
 19 the athlete agent shall return any consideration received under the contract."

20 SECTION 6.

21 Said chapter is further amended by striking Code Section 43-4A-5, relating to application for
 22 registration, and inserting in lieu thereof a new Code Section 43-4A-5 to read as follows:

23 "43-4A-5.

24 ~~(a) A written application~~ An applicant for registration ~~or registration renewal shall be~~
 25 ~~made~~ submit an application for registration to the commission ~~on the~~ in a form prescribed
 26 by the commission ~~and shall, at a minimum, state the following.~~ An application filed under
 27 this Code section is a public record. The application must be in the name of an individual
 28 and state or contain the following and any other information required by the commission:

29 (1) The name of the applicant and the address of the applicant's residence and principal
 30 place of business;

31 (2) ~~The address where the business of the athlete agent is to be conducted~~ name of the
 32 applicant's business or employer, if applicable;

33 (3) ~~The~~ Any business or occupation engaged in by the applicant for ~~at least two~~ the five
 34 years immediately next preceding the date of submission of the application;

1 ~~(4) Such biographical information on the applicant as may be deemed necessary by the~~
2 ~~commission; and A description of the applicant's:~~

3 ~~(A) Formal training as an athlete agent;~~

4 ~~(B) Practical experience as an athlete agent; and~~

5 ~~(C) Educational background relating to the applicant's activities as an athlete agent;~~

6 ~~(5) The names and addresses of all persons, except bona fide employees on stated~~
7 ~~salaries, who are financially interested, either as partners, members of a limited liability~~
8 ~~company, associates, or profit sharers, in the operation of the business of the athlete agent~~
9 ~~three individuals not related to the applicant who are willing to serve as references;~~

10 ~~(6) The name, sport, and last known team for each individual for whom the applicant~~
11 ~~acted as an athlete agent during the five years next preceding the date of submission of~~
12 ~~the application;~~

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

14 ~~(A) With respect to the athlete agent's business if it is not a corporation, the partners,~~
15 ~~members, officers, managers, associates, or profit sharers of the business; and~~

16 ~~(B) With respect to a corporation employing the athlete agent, the officers, directors,~~
17 ~~and any shareholder of the corporation having an interest of 5 percent or greater;~~

18 ~~(8) Whether the applicant or any person named pursuant to paragraph (7) of this~~
19 ~~subsection has been convicted of a crime that, if committed in this state, would be a crime~~
20 ~~involving moral turpitude or a felony, and identify the crime;~~

21 ~~(9) Whether there has been any administrative or judicial determination that the applicant~~
22 ~~or any person named pursuant to paragraph (7) of this Code section has made a false,~~
23 ~~misleading, deceptive, or fraudulent representation;~~

24 ~~(10) Any instance in which the conduct of the applicant or any person named pursuant~~
25 ~~to paragraph (7) of this Code section resulted in the imposition of a sanction, suspension,~~
26 ~~or declaration of ineligibility to participate in an interscholastic or intercollegiate athletic~~
27 ~~event on a student athlete or educational institution;~~

28 ~~(11) Any sanction, suspension, or disciplinary action taken against the applicant or any~~
29 ~~person named pursuant to paragraph (7) of this Code section arising out of occupational~~
30 ~~or professional conduct; and~~

31 ~~(12) Whether there has been any denial of an application for, suspension or revocation~~
32 ~~of, or refusal to renew the registration or licensure of the applicant or any person named~~
33 ~~pursuant to paragraph (7) of this Code section as an athlete agent in any state.~~

34 ~~(b) The application for registration shall be accompanied by affidavits or certificates of~~
35 ~~completion of any and all formal training or practical experience in any one of the~~
36 ~~following specific areas: contracts, contract negotiation, complaint resolution, arbitration,~~

1 ~~or civil resolution of contract disputes. The commission, in evaluating the applicant's~~
 2 ~~qualifications, may consider any other relevant training, education, or experience to satisfy~~
 3 ~~this requirement."~~

4 SECTION 7.

5 Said chapter is further amended by striking Code Section 43-4A-6, relating to evaluation and
 6 investigation of applicant, and inserting in lieu thereof a new Code Section 43-4A-6 to read
 7 as follows:

8 "43-4A-6.

9 ~~Upon receipt of an application for registration, the commission may evaluate and~~
 10 ~~investigate the education, training, experience, and character of the applicant and may~~
 11 ~~examine the premises designated in the application to verify it to be the principal place of~~
 12 ~~business in which the applicant proposes to conduct business as an athlete agent Reserved."~~

13 SECTION 8.

14 Said chapter is further amended by striking Code Section 43-4A-7, relating to grounds for
 15 refusal or revocation of registration, and inserting in lieu thereof a new Code Section
 16 43-4A-7 to read as follows:

17 "43-4A-7.

18 (a) ~~The commission, by a majority of its members present and voting, may refuse to grant~~
 19 ~~issue a certificate of registration to an applicant therefor or may revoke a registration of a~~
 20 ~~person registered by the commission or may discipline a person registered by the~~
 21 ~~commission upon making a finding that the applicant or registrant or his or her~~
 22 ~~representative or employee if the commission determines that the applicant has engaged~~
 23 ~~in conduct that has a significant adverse effect on the applicant's fitness to act as an athlete~~
 24 ~~agent. In making the determination, the commission may consider whether the applicant~~
 25 ~~has:~~

26 (1) ~~Been convicted of a crime that, if committed in this state, would be a crime~~
 27 ~~involving moral turpitude or a felony;~~

28 (2) ~~Has made Made a material false, misleading, deceptive, untrue, or fraudulent~~
 29 ~~representation in the application or as an athlete agent ~~or in any document connected~~~~
 30 ~~therewith or practiced fraud or deceit or made a false statement of a material nature in his~~
 31 ~~or her application for registration or made a false or deceptive statement of a material~~
 32 ~~nature on an application for biennial registration renewal with the commission;~~

1 ~~(2) (3) Has ever misappropriated funds or engaged Engaged in other specific acts such~~
 2 ~~as embezzlement, theft, or fraud which conduct that would render him or her unfit to~~
 3 ~~serve disqualify the applicant from serving in a fiduciary capacity;~~

4 ~~(3) (4) Has engaged Engaged in such other conduct that has a significant adverse impact~~
 5 ~~on his or her creditability, honesty, integrity, or competence to serve in a fiduciary~~
 6 ~~capacity prohibited by this chapter;~~

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

9 ~~(4) (6) Has engaged Engaged in conduct which results in a violation of any rule or~~
 10 ~~regulation promulgated by the consequence of which was that a sanction, suspension, or~~
 11 ~~declaration of ineligibility to participate in an interscholastic or intercollegiate sports~~
 12 ~~governing body athletic event was imposed on a student athlete or educational institution;~~
 13 ~~or~~

14 ~~(5) Has been convicted of a crime covered by Article 2 of Chapter 12 of Title 16 or has~~
 15 ~~been convicted of a gambling offense in another state;~~

16 ~~(6) Has been convicted of violating a statute, law, or any rule or regulation of this state,~~
 17 ~~any other state, the commission, the United States, or any other lawful licensing~~
 18 ~~authority, without regard to whether the violation is criminally punishable, which law,~~
 19 ~~rule, or regulation relates to or in part regulates athlete agents, or violating a lawful order~~
 20 ~~of the commission previously entered by the commission in a disciplinary hearing;~~

21 ~~(7) Is unwilling to swear or affirm that he or she will comply with such rules and~~
 22 ~~standards of conduct for athlete agents as may from time to time be promulgated by the~~
 23 ~~commission;~~

24 ~~(8) Has engaged in conduct which results in an athlete's losing eligibility to participate~~
 25 ~~in intercollegiate sports contests as a member of a sports team of an institution of higher~~
 26 ~~education;~~

27 ~~(9) Except as provided in subsection (b) or (c) of this Code section, has directly or~~
 28 ~~indirectly contacted an athlete prior to the completion of the athlete's last intercollegiate~~
 29 ~~contest for the purpose of entering or soliciting entry into an agent contract;~~

30 ~~(10) Has accepted as a client an athlete referred by and in exchange for any consideration~~
 31 ~~made to an employee or coach of an institution of higher education;~~

32 ~~(11) Has offered anything of value to any person to induce an athlete to enter into an~~
 33 ~~agent contract; or~~

34 ~~(12) (7) Has postdated an agent contract Engaged in conduct that significantly adversely~~
 35 ~~reflects on the applicant's credibility, honesty, or integrity.~~

1 ~~(b) This chapter does not prohibit an athlete agent from sending to an athlete written~~
 2 ~~materials, provided that the athlete agent simultaneously sends an identical copy of such~~
 3 ~~written materials to the athletic director of the institution of higher education in which the~~
 4 ~~athlete is enrolled, or with which the athlete has signed a national grant-in-aid, or to such~~
 5 ~~athletic director's designee~~ In making a determination under subsection (a) of this Code
 6 section, the commission shall consider:

7 (1) How recently the conduct occurred;

8 (2) The nature of the conduct and the context in which it occurred; and

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

10 ~~(c) This chapter does not prohibit an athlete agent from contacting an athlete for the~~
 11 ~~purpose of entering or soliciting entry into an agent contract, provided that the athlete or~~
 12 ~~the athlete's parent or guardian initiates the contact and the athlete agent gives prior notice~~
 13 ~~of his or her contact to the athletic director of the institution of higher education in which~~
 14 ~~the athlete is enrolled, or with which the athlete has signed a national grant-in-aid, or to~~
 15 ~~such athletic director's designee.~~

16 ~~(c)~~ (c) The refusal to grant a registration shall not be considered to be a contested case
 17 within the meaning of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'
 18 Notice and hearing within the meaning of such chapter shall not be required. Notice of
 19 refusal to grant a registration ~~is required to~~ shall be sent by registered mail or statutory
 20 overnight delivery or personal service setting forth the particular reasons for the refusal.
 21 The written notice shall be sent to the applicant's address of record with the commission
 22 and the applicant shall be allowed to appear before the commission if the applicant ~~so~~
 23 requests to do so in writing.

24 (d) An athlete agent may apply to renew a registration by submitting an application for
 25 renewal in a form prescribed by the commission. An application filed under this subsection
 26 is a public record.

27 (e) A certificate of registration or a renewal of a registration is valid for a period of up to
 28 two years."

29 SECTION 9.

30 Said chapter is further amended by striking Code Section 43-4A-8, relating to actions against
 31 persons unqualified for registration or registrants to be disciplined, and inserting in lieu
 32 thereof a new Code Section 43-4A-8 to read as follows:

33 "43-4A-8.

34 (a) When the The commission finds that a person is unqualified to be granted a may
 35 suspend, revoke, or refuse to renew a registration or finds that a registrant should be

1 ~~disciplined pursuant to the laws of this state; may discipline a person registered by the~~
 2 ~~commission may take any one or more of the following actions: for conduct that would~~
 3 ~~have justified denial of registration under Code Section 43-4A-7.~~

4 (1) ~~Refuse to grant or renew a registration;~~

5 (2) ~~Administer a public reprimand;~~

6 (3) ~~Suspend any registration for a definite period of time or for an indefinite period of~~
 7 ~~time in connection with any condition which may be attached to the restoration of said~~
 8 ~~registration;~~

9 (4) ~~Limit or restrict any registration as the commission deems necessary for the~~
 10 ~~protection of the public;~~

11 (5) ~~Revoke any registration;~~

12 (6) ~~Impose a fine not to exceed \$100,000.00 for each violation of a law, rule, or~~
 13 ~~regulation; or~~

14 (7) ~~Impose any condition on a registration, including, but not limited to, requiring a~~
 15 ~~surety bond in excess of \$10,000.00, which the commission may reasonably deem~~
 16 ~~necessary for the protection of the public.~~

17 (b) The commission may discipline, suspend, revoke, or refuse to renew a certificate of
 18 registration only after proper notice and an opportunity for a hearing.

19 (c) The provisions of Chapter 13 of Title 50, the 'Georgia Administrative Procedures Act,'
 20 shall be applicable to the commission and the provisions of this chapter."

21 SECTION 10.

22 Said chapter is further amended by striking Code Section 43-4A-9, relating to duration of
 23 registration, and inserting in lieu thereof a new Code Section 43-4A-9 to read as follows:

24 "43-4A-9.

25 ~~A registration shall be valid for a period of up to two years. Renewal of a registration shall~~
 26 ~~require the filing of an application for renewal, and a renewal bond, if applicable. A~~
 27 ~~renewal fee shall be paid by the athlete agent at the time of filing such application An~~
 28 ~~application for registration or renewal of registration must be accompanied by such fee as~~
 29 ~~shall be prescribed by the commission and a renewal bond, if applicable. The fee shall be~~
 30 ~~the same for all applicants regardless of previous or current registrations or licenses in~~
 31 ~~other states or jurisdictions as an athlete agent."~~

32 SECTION 11.

33 Said chapter is further amended by striking Code Section 43-4A-10, relating to temporary
 34 registration, and inserting in lieu thereof a new Code Section 43-4A-10 to read as follows:

1 "43-4A-10.

2 Upon receipt by the ~~The~~ commission of a completed application for registration, surety
 3 bond, and fee and after approval of the chairman of the commission, the division director
 4 may in his or her discretion may issue a temporary certificate of registration to an applicant
 5 while an application for registration or renewal of registration is pending, upon receipt by
 6 the commission of a completed application for registration, surety bond, and fee and after
 7 approval by the chairperson of the commission. The division director may in his or her
 8 discretion issue a temporary registration to the applicant, which registration shall have the
 9 same force and effect as a permanent registration until the next regular meeting of the
 10 commission when the temporary registration shall become void. A temporary registration
 11 shall not be recorded. A temporary registration shall be subject to revocation in the same
 12 manner as a permanent registration may be voided at any time."

13 SECTION 12.

14 Said chapter is further amended by striking Code Section 43-4A-11, relating to violations,
 15 and inserting in lieu thereof a new Code Section 43-4A-11 to read as follows:

16 "43-4A-11.

17 (a) ~~Any person who engages in the occupation of an athlete agent with an athlete without~~
 18 ~~complying with this chapter shall be guilty of a felony and, upon conviction thereof, shall~~
 19 ~~be punished by a fine of not less than \$5,000.00 nor more than \$100,000.00 or by~~
 20 ~~imprisonment from one to five years, or both~~ An athlete agent shall retain the following
 21 records for a period of five years:

22 (1) The name and address of each individual represented by the athlete agent;

23 (2) Any agency contract entered into by the athlete agent; and

24 (3) Any direct costs incurred by the athlete agent in the recruitment or solicitation of a
 25 student athlete to enter into an agency contract.

26 (b) ~~Any agent contract or professional services contract that is negotiated for, with, or on~~
 27 ~~behalf of an athlete by an athlete agent who has failed to comply with the registration~~
 28 ~~requirements of subsection (a) of Code Section 43-4A-4 is void~~ Records required by
 29 subsection (a) of this Code section to be retained are open to inspection by the commission
 30 during normal business hours."

31 SECTION 13.

32 Said chapter is further amended by striking Code Section 43-4A-12, relating to fees, and
 33 inserting in lieu thereof a new Code Section 43-4A-12 to read as follows:

34 "43-4A-12.

1 ~~The commission is authorized to charge an application fee, temporary registration fee,~~
 2 ~~registration fee, registration renewal fee, or similar fees and may establish the amount of~~
 3 ~~the fees to be charged. Each fee so established shall be reasonable and shall be determined~~
 4 ~~in such a manner that the total amount of fees charged by the commission shall~~
 5 ~~approximate the total of the direct and indirect costs to the state of the operations of the~~
 6 ~~commission~~ An athlete agent who violates Code Section 43-4A-16 shall be guilty of a
 7 felony and, upon conviction, shall be punished by a fine of not less than \$5,000.00 nor
 8 more than \$100,000.00, by imprisonment of one to five years, or both such fine and
 9 imprisonment."

10 SECTION 14.

11 Said chapter is further amended by striking Code Section 43-4A-13, relating to surety bond
 12 requirements, and inserting in lieu thereof a new Code Section 43-4A-13 to read as follows:

13 "43-4A-13.

14 (a) An athlete agent shall deposit or have deposited with the commission, prior to the
 15 issuance of a registration or renewal of a registration, a surety bond in the penal sum of not
 16 less than \$10,000.00, as established by the commission. Such surety bond shall be executed
 17 in the favor of the state with a surety company authorized to do business in this state and
 18 conditioned to pay damages in the amount of such bond to any athletic department
 19 aggrieved by any act of the principal named in such bond, which act is in violation of Code
 20 Section ~~43-4A-16~~ 43-4A-14 or would be grounds for revocation of a license under ~~Code~~
 21 ~~Section 43-4A-7 or 43-4A-8~~ this chapter. If more than one athletic department suffers
 22 damages by the actions of an athlete agent, each athletic department shall receive a pro rata
 23 share of the amount of the bond based on the entitlement of one share of such amount of
 24 the bond for each student athlete who loses his or her eligibility to participate in
 25 intercollegiate sports contests as a member of a sports team at an institution of higher
 26 education as a result of actions of the athlete agent.

27 (b) If any registrant fails to maintain such bond so as to comply with the provisions of this
 28 Code section, the registration issued to the athlete agent shall be suspended until such time
 29 as a new bond is obtained. An athlete agent whose registration is suspended pursuant to
 30 this Code section shall not carry on any business as an athlete agent during the period of
 31 suspension."

32 SECTION 15.

1 Said chapter is further amended by striking Code Section 43-4A-14, relating to failure to
2 maintain surety bond, and inserting in lieu thereof a new Code Section 43-4A-14 to read as
3 follows:

4 "43-4A-14.

5 ~~(a) If any registrant fails to maintain such bond so as to comply with the provisions of~~
6 ~~Code Section 43-4A-13, the registration issued to the athlete agent shall be suspended until~~
7 ~~such time as a new bond is obtained. An athlete agent whose registration is suspended~~
8 ~~pursuant to this Code section shall not carry on business as an athlete agent during the~~
9 ~~period of suspension. An athlete agent shall not, with the intent to induce a student athlete~~
10 ~~to enter into an agency contract:~~

11 ~~(1) Give any materially false or misleading information or make a materially false~~
12 ~~promise or representation;~~

13 ~~(2) Furnish anything of value to a student athlete before the student athlete enters into~~
14 ~~the agency contract; or~~

15 ~~(3) Furnish anything of value to an individual other than the student athlete or another~~
16 ~~registered athlete agent.~~

17 ~~(b) An athlete agent may not intentionally:~~

18 ~~(1) Initiate contact with a student athlete unless registered under this chapter;~~

19 ~~(2) Refuse or fail to retain or permit inspection of the records required to be retained by~~
20 ~~this chapter;~~

21 ~~(3) Fail to register when required by this chapter;~~

22 ~~(4) Provide materially false or misleading information in an application for registration~~
23 ~~or renewal of registration;~~

24 ~~(5) Predate or postdate an agency contract; or~~

25 ~~(6) Fail to notify a student athlete before the student athlete signs or otherwise~~
26 ~~authenticates an agency contract for a particular sport that such signing or authentication~~
27 ~~may make the student athlete ineligible to participate as a student athlete in that sport."~~

28 SECTION 16.

29 Said chapter is further amended by striking Code Section 43-4A-15, relating to registration
30 requirements, and inserting in lieu thereof a new Code Section 43-4A-15 to read as follows:

31 "43-4A-15.

32 Each registration shall contain the following:

33 ~~(1) The name of the registrant;~~

34 ~~(2) A designation of the address of the place in which the registrant is authorized to carry~~
35 ~~on business as an athlete agent; and~~

1 ~~education~~ Within 72 hours after entering into an agency contract or before the next
 2 scheduled athletic event in which the student athlete may participate, whichever occurs
 3 first, the student athlete shall inform the athletic director of the educational institution at
 4 which the student athlete is enrolled that he or she has entered into an agency contract.

5 ~~(c) If an athlete agent fails to comply with the provisions of subsection (a) or (b) of this~~
 6 ~~Code section, such athlete agent shall be liable for damages in the amount of the bond~~
 7 ~~deposited pursuant to Code Section 43-4A-13 to any athletic department for which an~~
 8 ~~athlete participates, which athlete was the subject of the agent contract or consideration or~~
 9 ~~other action resulting in a violation of this Code section. The provisions of this subsection~~
 10 ~~shall apply regardless of whether an athlete loses any eligibility to participate in~~
 11 ~~intercollegiate sports contests at such institution of higher education.~~

12 ~~(d) If an athlete agent fails to comply with the provisions of subsection (a) or (b) of this~~
 13 ~~Code section, any agent contract that is negotiated by said athlete agent is void. The~~
 14 ~~provisions of this subsection shall apply regardless of whether an athlete loses any~~
 15 ~~eligibility to participate in intercollegiate sports contests at such institution of higher~~
 16 ~~education.~~

17 ~~(e) If an athlete agent fails to comply with the provisions of subsection (a) or (b) of this~~
 18 ~~Code section, said athlete agent is subject to forfeiture of any right of repayment of~~
 19 ~~anything of value either received by an athlete as an inducement to enter into any agent~~
 20 ~~contract or received by an athlete before completion of the athlete's last intercollegiate~~
 21 ~~sports contest."~~

22 SECTION 18.

23 Said chapter is further amended by striking Code Section 43-4A-16.1, relating to agent
 24 contract, and inserting in lieu thereof a new Code Section 43-4A-16.1 to read as follows:

25 "43-4A-16.1.

26 (a) An agent agency contract must be in writing, state the fees and percentages to be paid
 27 by the athlete to the athlete agent, and have a notice printed near a record that is signed or
 28 otherwise authenticated by the parties.

29 (b) An agency contract must state or contain:

30 (1) The amount and method of calculating the consideration to be paid by the student
 31 athlete for services to be provided by the athlete agent under the contract and any other
 32 consideration the athlete agent has received or will receive from any other source for
 33 entering into the contract or for providing the services;

1 (2) The name of any person not listed in the application for registration or renewal of
 2 registration who will be compensated because the student athlete signed the agency
 3 contract;

4 (3) A description of any expenses that the student athlete agrees to reimburse;

5 (4) A description of the services to be provided to the student athlete;

6 (5) The duration of the contract; and

7 (6) The date of execution.

8 (c) An agency contract must contain, in close proximity to the signature of the student
 9 athlete, a conspicuous notice the athlete's signature containing the following statement in
 10 ten-point boldface type in capital letters stating:

11 'NOTICE WARNING TO THE STUDENT ATHLETE:

12 WHEN IF YOU SIGN THIS CONTRACT;

13 (1) YOU WILL LIKELY IMMEDIATELY MAY LOSE YOUR ELIGIBILITY TO
 14 COMPETE IN INTERCOLLEGIATE ATHLETICS. DO NOT SIGN THIS
 15 CONTRACT UNTIL YOU HAVE READ IT AND FILLED IN ANY BLANK
 16 SPACES. YOU MAY CANCEL THIS CONTRACT BY NOTIFYING THE
 17 ATHLETE AGENT IN WRITING OF YOUR DESIRE TO CANCEL NOT LATER
 18 THAN THE FIFTEENTH DAY AFTER THE DATE YOU SIGN THIS CONTRACT.
 19 HOWEVER, EVEN IF YOU CANCEL THIS CONTRACT, THE NATIONAL
 20 COLLEGIATE ATHLETIC ASSOCIATION OR THE CONFERENCE TO WHICH
 21 YOUR COLLEGE OR UNIVERSITY BELONGS MAY NOT RESTORE YOUR
 22 ELIGIBILITY TO PARTICIPATE IN INTERCOLLEGIATE ATHLETICS AS A
 23 STUDENT ATHLETE IN YOUR SPORT;

24 (2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER
 25 ENTERING INTO THIS CONTRACT, BOTH YOU AND YOUR ATHLETE AGENT
 26 MUST NOTIFY YOUR ATHLETIC DIRECTOR; AND

27 (3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING
 28 IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR
 29 ELIGIBILITY.'

30 (b) (d) An agent agency contract which that does not meet the requirements of conform
 31 to this Code section is void and unenforceable voidable by the student athlete. If a student
 32 athlete voids an agency contract, the student athlete is not required to pay any consideration
 33 under the contract or to return any consideration received from the athlete agent to induce
 34 the student athlete to enter into the contract.

35 (c) (e) The athlete agent shall have the right to rescind an agent contract by giving written
 36 notice to the athlete agent of the athlete's rescission of the contract within 15 days after the

~~date on which the agent signs the contract. The athlete may not under any circumstances waive the athlete's right to rescind the agent contract give a record of the signed or otherwise authenticated agency contract to the student athlete at the time of execution.~~

~~(d) A postdated agent contract is void and unenforceable.~~

~~(e) An athlete agent shall not enter into an agent contract that purports to take effect or takes effect at a future time after the athlete no longer has remaining eligibility to participate in intercollegiate athletics. Such a contract is void and unenforceable."~~

SECTION 19.

Said chapter is further amended by striking Code Section 43-4A-17, relating to applicability of "Georgia Administrative Procedure Act," and inserting in lieu thereof a new Code Section 43-4A-17 to read as follows:

"43-4A-17.

~~(a) The provisions of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' shall be applicable to the commission and the provisions of this chapter A student athlete may cancel an agency contract by giving notice of the cancellation to the athlete agent in a record within 14 days after the contract is signed.~~

~~(b) A student athlete may not waive the right to cancel an agency contract.~~

~~(c) If a student athlete cancels an agency contract, the student athlete is not required to pay any consideration under the contract or to return any consideration received from the athlete agent to induce the student athlete to enter into the contract.~~"

SECTION 20.

Said chapter is further amended by adding a new Code Section 43-4A-18 to read as follows:

"43-4A-18.

In applying and construing this chapter, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it."

SECTION 21.

Said chapter is further amended by striking Code Section 43-4A-19, relating to exceptions to applicability of chapter, and inserting in lieu thereof a new Code Section 43-4A-19 to read as follows:

"43-4A-19.

~~(a) This chapter shall not apply to an athlete who has participated for at least one full season as a member of a team which is part of an organized nonscholastic association~~

1 ~~whether amateur or semiprofessional with respect to such sport nor shall it apply to the~~
2 ~~owner or coach of such athlete's team when representing such athlete.~~

3 ~~(b) This chapter shall not be applicable to a person or agreement involving an athlete and~~
4 ~~an amateur athletic team~~ The provisions of this chapter governing the legal effect, validity,
5 or enforceability of electronic records or signatures and of contracts formed or performed
6 with the use of such records or signatures conform to the requirements of Section 102 of
7 the Electronic Signatures in Global and National Commerce Act, Pub. L. No. 106-229, 114
8 Stat. 464 (2000), and supersede, modify, and limit the Electronic Signatures in Global and
9 National Commerce Act."

10 SECTION 22.

11 Said chapter is further amended by striking Code Section 43-4A-20, relating to institutions
12 of higher education and relationship to athlete agent, and inserting in lieu thereof a new Code
13 Section 43-4A-20 to read as follows:

14 "43-4A-20.

15 (a) An educational institution of higher education ~~may bring a civil action for recovery of~~
16 ~~damages~~ has a right of action against an athlete agent or former student athlete for damages
17 caused by a violation of this chapter. ~~if the institution of higher education is damaged by~~
18 ~~the acts of the athlete agent or the athlete agent's representative or employee in violation~~
19 ~~of this chapter. Such action shall be brought within four years after the right of action~~
20 ~~accrues~~ In an action under this Code section, the court may award to the prevailing party
21 costs and reasonable attorney's fees.

22 (b) ~~An~~ Damages to an educational ~~institution of higher education is presumed to be~~
23 ~~damaged by the acts of an athlete agent or the athlete agent's representative or employee~~
24 ~~if, because of those acts:~~ under subsection (a) of this Code section include losses and
25 expenses incurred because, as a result of the conduct of an athlete agent or former student
26 athlete, the educational institution was injured by a violation of this chapter or was

27 ~~(1) The institution of higher education is penalized, suspended, or disqualified, or~~
28 ~~suspended~~ from participation in one or more interscholastic or intercollegiate athletic
29 ~~events by the National Collegiate Athletic Association or by an intercollegiate athletic~~
30 ~~conference; and~~ athletics by a national association for the promotion and regulation of
31 athletics, by an athletic conference, or by reasonable self-imposed disciplinary action
32 taken to mitigate sanctions likely to be imposed by such an organization.

33 (2) ~~As a result of said penalty, suspension, or disqualification, the institution of higher~~
34 ~~education suffers an adverse financial impact due to:~~

35 (A) ~~Loss of revenue from media coverage of a sports contract;~~

1 ~~(B) Loss of the right to grant an athletic scholarship;~~

2 ~~(C) Loss of the right to recruit an athlete;~~

3 ~~(D) Loss of the right to participate in a postseason athletic competition;~~

4 ~~(E) Forfeiture of an athletic contest; or~~

5 ~~(F) Loss of other discernible opportunities through which the institution would have~~
6 ~~realized revenue.~~

7 ~~(c) An institution of higher education that prevails in an action brought under this Code~~
8 ~~section may recover actual damages, punitive damages, court costs, and reasonable~~
9 ~~attorneys' fees. A right of action under this Code section does not accrue until the~~
10 ~~educational institution discovers or by the exercise of reasonable diligence would have~~
11 ~~discovered the violation by the athlete agent or former student athlete.~~

12 ~~(d) Any liability of the athlete agent or the former student athlete under this Code section~~
13 ~~is several and not joint.~~

14 ~~(e) This chapter does not restrict rights, remedies, or defenses of any person under law or~~
15 ~~equity.~~

16 SECTION 23.

17 Chapter 4B of Title 43 of the Official Code of Georgia Annotated, relating to the Georgia
18 Athletic and Entertainment Commission, is amended in Code Section 43-4B-1, relating to
19 definitions, by striking paragraph (19) and inserting in lieu thereof a new paragraph (19) and
20 by inserting new paragraphs to be designated paragraphs (11.1) and (11.2) to read as follows:

21 "(11.1) 'Original purchaser for personal use' means a person who buys one or more
22 tickets with the intention of using the ticket or tickets solely for the use of the purchaser
23 or the purchaser's invitees, employees, and agents. An original purchaser who resells
24 more than six tickets to the same athletic contest or entertainment event and who resells
25 tickets to an athletic contest or entertainment event for more than 105 percent of their
26 face value shall be rebuttably presumed to be engaging in the business of a ticket broker
27 in any criminal prosecution or civil action, order, or penalty by the commission.

28 (11.2) 'Pay per view' means a telecast for which a fee is required in addition to any other
29 fee paid by the viewer for any other services of the telecaster."

30 "(19) 'Ticket broker' means:

31 (A) Any any person who is involved in the business of reselling tickets of admission
32 to athletic contests, concerts, theater performances, amusements, exhibitions, or other
33 entertainment events held in this state to which the general public is admitted and who
34 charges a premium in excess of the price of the ticket; or

1 (B) Any person who has a permanent office or place of business in this state who is
 2 involved in the business of reselling tickets of admission to athletic contests, concerts,
 3 theater performances, amusements, exhibitions, or other entertainment events held
 4 inside or outside this state to which the general public is admitted and who charges a
 5 premium in excess of the price of the ticket.

6 The term ticket broker shall not include the owner, operator, lessee, or tenant of the
 7 property in which an athletic contest or entertainment event is being held or the sponsor
 8 of such a contest or event or the authorized ticket agent of such persons."

9 **SECTION 24.**

10 Said chapter is further amended in said Code Section 43-4B-1, relating to definitions, by
 11 striking subparagraph (C) of paragraph (20) and inserting in lieu thereof the following:

12 "(C) Unarmed combat shall not include:

13 (i) Professional boxing;

14 (ii) Professional wrestling;

15 (iii) Amateur boxing;

16 (iv) Amateur wrestling;

17 (v) Any competition displaying the skills of a single form of an Oriental system of
 18 unarmed self-defense, including, but not limited to, kick boxing, karate, or
 19 full-contact karate, which is held pursuant to the rules of that form and governed or
 20 authorized by a nationally recognized organization; or

21 (vi) Shidokan when the competition is governed by the United States Shidokan of the
 22 World Karate Association; or

23 ~~(vi)~~(vii) Mixed martial arts fighting when the competition is sanctioned, approved,
 24 or endorsed by the International Sport Combat Federation (ISCF), the International
 25 Sport Karate/Kickboxing Association (ISKA/MMA Division), or the World
 26 Kickboxing Association (WKA/MMA Division)."

SECTION 25.

Said chapter is further amended in Code Section 43-4B-4, relating to the authority of the commission relative to boxing, by inserting a new subsection to be designated subsection (l) to read as follows:

"(l) The commission is authorized to receive tax payments in accordance with Code Section 43-4B-20, and to remit such tax payments to the general treasury."

SECTION 26.

Said chapter is further amended in Code Section 43-4B-11, relating to licenses for boxers and nonboxing participants, by striking subsection (a) and inserting in lieu thereof the following:

"(a) Prior to participating in a professional match, contest, or exhibition of boxing supervised by the commission, referees, judges, timekeepers, matchmakers, boxers, managers, trainers, and each person who assists a boxer immediately before and after a match, contest, or exhibition of boxing and between rounds during a match, contest, or exhibition of boxing shall apply for and be issued licenses. Licenses shall be issued annually and shall expire on December 31 of each calendar year. Each applicant shall make application on a form provided by the commission and pay an annual license fee not to exceed \$250.00. Any boxer who has been licensed by the commission during a previous year shall be deemed to be an applicant for a license in any year for which such boxer has entered into a written contract to participate in a professional match, contest, or exhibition of boxing in this state upon the date of entering into such a contract. Any party to such a contract may notify the commission that such a contract has been signed."

SECTION 27.

Said chapter is further amended by striking Code Section 43-4B-17, relating to age requirements for boxers, and inserting in lieu thereof the following:

"43-4B-17.

(a) No person under the age of 18 years shall participate as a contestant in any professional match, contest, or exhibition of boxing.

(b) A primary duty of the commission is ensuring that any person whose health does not permit safely engaging in boxing as a contestant is not licensed as a professional boxer. The General Assembly finds that adequate protection of the health of persons who are 50 years of age or older requires additional precautions by the commission. A person who is 50 years of age or older shall be licensed as a professional boxer and permitted to participate in a professional match, contest, or exhibition of boxing only if such person:

1 (1) Has participated as a contestant in at least ten professional matches or contests of
 2 boxing in the immediately preceding ten years, including at least four professional
 3 matches or contests of boxing in the immediately preceding four years; and

4 (2) Is declared medically and physically able to participate as a contestant in a
 5 professional match, contest, or exhibition of boxing by a physician who has conducted
 6 a more rigorous examination than examinations performed in accordance with this
 7 chapter for persons who are younger than 50 years of age.

8 (c) The commission shall promulgate and adopt rules and regulations for the more rigorous
 9 examination required by this Code section for persons who are 50 years of age or older."

10 **SECTION 28.**

11 Said chapter is further amended by inserting new Code sections to be designated Code
 12 Section 43-4B-19, 43-4B-20, and 43-4B-21 to read as follows:

13 "43-4B-19.

14 (a) Whenever it may appear to the commission that any person is violating or has violated
 15 any provision of this article or Article 1 of this chapter and that proceedings would be in
 16 the public interest:

17 (1) Subject to notice and opportunity for hearing in accordance with Chapter 13 of Title
 18 50, the 'Georgia Administrative Procedure Act,' unless the right to notice is waived by the
 19 person against whom the sanction is imposed, the commission may:

20 (A) Issue a cease and desist order prohibiting any violation of this article or Article 1
 21 of this chapter;

22 (B) Issue an order against a person who violates this article or Article 1 of this chapter,
 23 imposing a civil penalty up to a maximum of \$1,000.00 per violation; or

24 (C) Issue an order suspending or revoking the license of the person violating this article
 25 or Article 1 of this chapter; or

26 (2) Upon a showing by the commission in any superior court of competent jurisdiction
 27 that a person has violated or is about to violate this article or Article 1 of this chapter, a
 28 rule promulgated under this article or Article 1 of this chapter, or an order of the
 29 commission, the court may enter or grant any or all of the following relief:

30 (A) A temporary restraining order or a temporary or permanent injunction;

31 (B) A civil penalty up to a maximum of \$2,000.00 per violation of this article or
 32 Article 1 of this chapter;

33 (C) A declaratory judgment;

34 (D) Restitution to any person or persons adversely affected by a defendant's action in
 35 violation of this article or Article 1 of this chapter; or

1 (E) Other relief as the court deems just or reasonable.

2 (b) Unless the commission determines that a person subject to this article intends to depart
3 quickly from this state or to remove his or her property from this state or to conceal his or
4 her person or property in this state or that there is immediate danger of harm to citizens of
5 this state or another state, the commission shall give notice in writing that such proceedings
6 are contemplated and allow such person a reasonable opportunity to appear before the
7 commission and execute an assurance of voluntary compliance. The determination of the
8 commission under this subsection shall be final and not subject to review.

9 (c) Procedures relating to hearings, notice, counsel, subpoenas, records, enforcement
10 powers, intervention, rules of evidence, decisions, exceptions, review of initial decisions,
11 final decisions, and judicial review of decisions shall be governed by Chapter 13 of Title
12 50, the 'Georgia Administrative Procedure Act,' unless the provisions of such chapter are
13 contrary to the express provisions of this article or Article 1 of this chapter.

14 43-4B-20.

15 (a) A promoter holding a match shall, within 72 hours after the match, file with the
16 commission a written report which includes the number of tickets sold, the amount of gross
17 receipts, and any other facts the commission may require. For the purposes of this chapter,
18 total gross receipts include:

19 (1) The gross price charged for the sale or lease of pay per view telecasting and motion
20 picture rights without any deductions for commissions, brokerage fees, distribution fees,
21 advertising, or other expenses or charges;

22 (2) The face value of all tickets sold and complimentary tickets issued, provided, or
23 given; and

24 (3) The face value of any seat or seating issued, provided, or given in exchange for
25 advertising, sponsorships, or anything of value to the promotion of an event.

26 (b) Where the rights to telecast by pay per view a match or matches held in this state under
27 the supervision of the commission are in whole owned by, sold to, acquired by, or held by
28 any person who intends to or subsequently sells or, in some other manner, extends such
29 rights in part to another, such person is deemed to be a promoter and must be licensed as
30 such in this state. Such person shall, within 72 hours after the sale, transfer, or extension
31 of such rights in whole or in part, file with the commission a written report that includes
32 the gross price charged for the rights to telecast by pay per view, the number of tickets sold,
33 the amount of gross receipts, and any other facts the commission may require.

1 (c) Any written report required to be filed with the commission under this Code section
2 shall be postmarked within 72 hours after the conclusion of the match, and an additional
3 five days shall be allowed for mailing.

4 (d) The written report shall be accompanied by a tax payment in the amount of 5 percent
5 of the total gross receipts exclusive of any federal taxes, except that the tax payment
6 derived from the gross price charged for the sale or lease of pay per view telecasting and
7 motion picture rights shall not exceed \$40,000.00 for any single event.

8 (e)(1) Any promoter who willfully makes a false and fraudulent report under this Code
9 section is guilty of perjury and, upon conviction, is subject to punishment as provided by
10 law. Such penalty shall be in addition to any other penalties imposed by this chapter.

11 (2) Any promoter who willfully fails, neglects, or refuses to make a report or to pay the
12 taxes as prescribed or who refuses to allow the commission to examine the books, papers,
13 and records of any promotion is guilty of a misdemeanor.

14 (f) The commission shall remit all tax payments to the general treasury of the state.

15 43-4B-21.

16 (a) Whenever the Attorney General has reasonable cause to believe that a person is
17 engaged in a violation of this article, the Attorney General may bring a civil action
18 requesting such relief, including a permanent or temporary injunction, restraining order,
19 or other order against such person as the Attorney General determines to be necessary to
20 restrain the person from continuing to engage in, sanction, promote, or otherwise
21 participate in a professional match, contest, or exhibition of boxing in violation of this
22 article.

23 (b)(1) Any manager, promoter, matchmaker, or licensee who knowingly violates or
24 coerces or causes any other person to violate any provision of this article shall, upon
25 conviction, be imprisoned for not more than one year or fined not more than \$20,000.00,
26 or both.

27 (2) Any member or employee of the commission or any person who administers or
28 enforces this chapter or rules and regulations promulgated pursuant to this chapter who
29 knowingly violates Code Section 43-4B-14 or Code Section 43-4B-15 shall, upon
30 conviction, be imprisoned for not more than one year or fined not more than \$20,000.00,
31 or both.

32 (3) Any professional boxer who knowingly violates any provision of this article except
33 Code Section 43-4B-15 shall, upon conviction, be fined not more than \$1,000.00 for each
34 violation.

1 (4) Any professional boxer who violates the provisions of Code Section 43-4B-15 may
2 be punished by a fine not to exceed \$25,000.00 together with a percentage of the purse
3 not to exceed 15 percent for each violation.

4 (c) Unarmed combat, as defined in Code Section 43-4B-1, is a misdemeanor of a high and
5 aggravated nature."

6 SECTION 29.

7 Said chapter is further amended in Code Section 43-4B-25, relating to authority to resell
8 tickets, by striking subsection (a) and inserting in lieu thereof the following:

9 "(a) Except as otherwise provided in Code Section 43-4B-29, it shall be unlawful for any
10 person other than a ticket broker licensed in accordance with this article to resell or offer
11 for resale any ticket of admission or other evidence of the right of entry to any athletic
12 contest, concert, theater performance, amusement, exhibition, or other entertainment event
13 to which the general public is admitted for a price in excess of the face value of the ticket.
14 Notwithstanding any other provision of this article to the contrary, a service charge not to
15 exceed ~~\$3.00~~ \$6.00 may be charged when tickets or other evidences of the right of entry
16 are sold by an authorized ticket agent through places of established business licensed to do
17 business by the municipality or county, where applicable, in which such places of business
18 are located, provided that there are at least two locations in this state at which the public
19 may purchase such tickets or other evidences of the right of entry without paying any
20 service charge, and one of such two locations may be an Internet website and the other
21 location shall be at the facility where the event will be held. Otherwise, such service
22 charge shall not exceed \$3.00. Such ticket information shall be included in all
23 advertisement for each such event. ~~Notwithstanding any other provision of this article to~~
24 ~~the contrary, the owner, operator, lessee, or tenant of the property on which such athletic~~
25 ~~contest or entertainment event is to be held or is being held or the sponsor of such contest~~
26 ~~or event may charge or may authorize, in writing, any person to charge a service charge for~~
27 ~~the sale of such ticket, privilege, or license of admission in addition to the face value of the~~
28 ~~ticket. Such writing granting authority to another shall specify the amount of the service~~
29 ~~charge to be charged for the sale of each ticket, privilege, or license of admission."~~

30 SECTION 30.

31 Said chapter is further amended by striking Code Section 43-4B-26, relating to requirements
32 for ticket brokers, and inserting in lieu thereof the following:

33 "43-4B-26.

1 In order to engage in the practice or business of a ticket broker a person shall be required
2 to:

3 ~~(1) Maintain a permanent office or place of business in this state, excluding a post office~~
4 ~~box, for the purpose of engaging in the business of a ticket broker;~~

5 ~~(2)~~(1) Apply to the commission for a ticket broker's license on a form designated by the
6 commission, pay an annual license fee of ~~\$400.00~~ \$500.00, and renew the license
7 annually;

8 ~~(3)~~(2) Pay any local tax required by a local government; and

9 ~~(4)~~(3) Register for sales and use tax purposes pursuant to Article 1 of Chapter 8 of Title
10 48; ~~and~~

11 ~~(5) Provide satisfactory evidence to the commission that the ticket broker has posted or~~
12 ~~has made provision for the posting of a bond. The required bond shall be executed in~~
13 ~~favor of the state, in the amount of \$100,000.00, with a surety company authorized to do~~
14 ~~business in this state and conditioned to pay damages not to exceed the amount of such~~
15 ~~bond to any person aggrieved by any act of the principal named in such bond, which act~~
16 ~~is in violation of this Code section."~~

17 SECTION 31.

18 Said chapter is further amended by striking Code Section 43-4B-28, relating to ticket sales,
19 disclosure requirements, restrictions, and refunds, and inserting in lieu thereof the following:

20 "43-4B-28.

21 (a) The ticket broker shall be required to:

22 (1) ~~Post at its established place of business~~ Disclose the terms of the purchaser's right
23 to cancel the purchase of a ticket from a ticket broker;

24 (2) Disclose to the purchaser the refund policy of the ticket broker should an athletic
25 contest or entertainment event be canceled; and

26 (3) Disclose to the purchaser in writing the difference between the face value of the
27 ticket and the amount which the ticket broker is charging for such ticket; ~~and~~

28 ~~(4) Sell tickets only at its permanent office or place of business; provided, however, that~~
29 ~~delivery of one or more tickets after the transaction is completed to a place other than the~~
30 ~~ticket broker's office or place of business shall not violate this paragraph.~~

31 (b)(1) A ticket broker shall be prohibited from employing any agent or employee for the
32 purpose of making future purchases of tickets from the owner, operator, lessee, or tenant
33 of the property on which an athletic contest or entertainment event is to be held.

1 (2) Each ticket broker, including any affiliated group of ticket brokers, shall be
2 prohibited from acquiring and reselling in excess of 1 percent of the total tickets allocated
3 for any contest or event.

4 (3) Unless otherwise provided in a written agreement between a ticket broker and the
5 purchaser, a ticket broker shall be required to refund any payment received for the
6 purchase of a ticket under this article if the purchaser returns the ticket and requests a
7 cancellation of the sale thereof within 36 hours from the time of purchase of the ticket
8 and if such return is made more than 72 hours preceding the athletic contest or
9 entertainment event.

10 (4) A ticket broker shall be required to refund any payment received for the purchase of
11 a ticket under this article if the athletic contest or entertainment event is canceled and not
12 rescheduled.

13 (5) If a ticket broker guarantees in writing delivery of a ticket or tickets to an athletic
14 contest or entertainment event as provided under this article to a purchaser and fails to
15 complete such delivery, the ticket broker shall be required to provide within 15 days a full
16 refund of any amount paid by the purchaser and, in addition, shall pay the purchaser a
17 refund fee of three times the amount paid by the purchaser for each such ticket.

18 (c) A ticket broker and its employees, agents, and assigns are criminally prohibited from
19 reselling or offering for resale any ticket within 1,500 feet from the venue where an event
20 or contest is to be held or is being held.

21 (d) Any ticket broker offering to resell tickets to an athletic contest or entertainment event
22 through any printed, broadcast, or Internet advertising shall include in such advertising the
23 license number of such ticket broker offering such tickets for resale."

24 SECTION 32.

25 Said chapter is further amended in Code Section 43-4B-30, relating to county and municipal
26 ordinances, by inserting a new subsection to be designated subsection (c) to read as follows:

27 "(c)(1) Municipal corporations and counties in this state are authorized to enact an
28 ordinance requiring an individual reselling tickets or offering tickets for resale in such
29 municipal corporations or in the unincorporated area of such counties to obtain a permit
30 from the municipal corporation or county for such activity if the individual:

31 (A) Engages in reselling tickets or offering tickets for resale in or on the streets,
32 sidewalks, or other places owned or operated by such municipal corporation or county
33 and open to the public regardless of whether such individual maintains a permanent
34 office or place of business for reselling tickets or offering tickets for resale in this state;
35 or

1 (B) Does not maintain a permanent office or place of business in this state.

2 (2) A municipality or county may charge a fee for such permit not to exceed \$150.00.

3 (3) In order to obtain a permit, individuals first must provide proof of licensing under
4 Code Section 43-4B-26 to the municipality or county issuing such permits.

5 (4) The provisions of this Code section shall not apply to an original purchaser for
6 personal use.

7 (5) The provisions of this Code section shall not apply to the delivery of one or more
8 tickets after a sales transaction is completed at a ticket broker's permanent office or place
9 of business in this state."

10 SECTION 33.

11 Said chapter is further amended by striking Article 4, consisting of Code Section 43-4B-40,
12 relating to penalties relative to Article 2, which Article 4 reads as follows:

13 "ARTICLE 4

14 ~~43-4B-40.~~

15 ~~(a) Whenever the Attorney General has reasonable cause to believe that a person is~~
16 ~~engaged in a violation of Article 2 of this chapter, the Attorney General may bring a civil~~
17 ~~action requesting such relief, including a permanent or temporary injunction, restraining~~
18 ~~order, or other order against such person as the Attorney General determines to be~~
19 ~~necessary to restrain the person from continuing to engage in, sanction, promote, or~~
20 ~~otherwise participate in a professional match, contest, or exhibition of boxing in violation~~
21 ~~of Article 2 of this chapter.~~

22 ~~(b)(1) Any manager, promoter, matchmaker, or licensee who knowingly violates or~~
23 ~~coerces or causes any other person to violate any provision of Article 2 of this chapter~~
24 ~~shall, upon conviction, be imprisoned for not more than one year or fined not more than~~
25 ~~\$20,000.00, or both.~~

26 ~~(2) Any member or employee of the commission or any person who administers or~~
27 ~~enforces this chapter or rules and regulations promulgated pursuant to this chapter who~~
28 ~~knowingly violates Code Section 43-4B-14 or Code Section 43-4B-15 shall, upon~~
29 ~~conviction, be imprisoned for not more than one year or fined not more than \$20,000.00,~~
30 ~~or both.~~

31 ~~(3) Any professional boxer who knowingly violates any provision of this chapter except~~
32 ~~Code Section 43-4B-15 shall, upon conviction, be fined not more than \$1,000.00 for each~~
33 ~~violation.~~

