

SENATE SUBSTITUTE TO HB194

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
29 the sale of tickets or rights of entry to certain events; to revise provisions relating to

1 maintaining an office; to change provisions relating to requirements for and conduct of ticket
 2 brokers; to require the placement of the license number of ticket brokers on certain
 3 advertisements; to authorize certain municipal corporations and counties to require permits
 4 for persons reselling tickets or offering tickets for resale in certain circumstances; to
 5 renumber Code Section 43-4B-40 as 43-4B-21, conform cross-references, and delete Article
 6 4 of such chapter; to provide for a prohibition from promotion of certain martial arts for
 7 certain persons with certain criminal records; to provide for related matters; to repeal
 8 conflicting laws; and for other 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 a 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~~
 34 ~~who for a fee procures, offers, promises, or attempts to obtain employment for an athlete~~

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

9 ~~(4) (3) 'Athletic department director' means the entity exercising control over the~~
 10 ~~intercollegiate sports an individual responsible for administering the overall athletic~~
 11 ~~program at of an educational institution of higher education, including, but not limited~~
 12 ~~to, an athletic association, an athletic department, or an athletic foundation or, if an~~
 13 ~~educational institution has separately administered athletic programs for male students~~
 14 ~~and female students, the athletic program for males and the athletic program for females,~~
 15 ~~as appropriate.~~

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

19 ~~(6) (4) 'Commission' means the Georgia Athlete Agent Regulatory Commission created~~
 20 ~~in Code Section 43-4A-3.~~

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

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

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

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

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

36 ~~(9) 'Professional sports services contract' means any contract or an agreement pursuant~~
 37 ~~to under which an athlete individual is employed, or agrees to render services, as a player~~

1 on a professional sports team, with a professional sports organization, or as a professional
2 athlete.

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

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

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

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

13 SECTION 3.

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

17 "43-4A-3.

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

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

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

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

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

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

28 (A) The Governor shall appoint two commission members;

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

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

32 (4) The terms of the members of the Georgia Athlete Agent Regulatory Commission
33 -serving on March 1, 2003, shall continue until June 30, 2003, at which time their terms
34 shall end. Thereafter, successors to such board members shall be appointed in
35 accordance with paragraph (3) of this subsection.

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

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

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

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

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

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

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

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

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

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

29 ~~(b) The application for registration shall be accompanied by affidavits or certificates of~~
 30 ~~completion of any and all formal training or practical experience in any one of the~~
 31 ~~following specific areas: contracts, contract negotiation, complaint resolution, arbitration,~~
 32 ~~or civil resolution of contract disputes. The commission, in evaluating the applicant's~~
 33 ~~qualifications, may consider any other relevant training, education, or experience to satisfy~~
 34 ~~this requirement."~~

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

3 ~~(4) (6) Has engaged Engaged in conduct which results in a violation of any rule or~~
 4 ~~regulation promulgated by the consequence of which was that a sanction, suspension, or~~
 5 ~~declaration of ineligibility to participate in an interscholastic or intercollegiate sports~~
 6 ~~governing body athletic event was imposed on a student athlete or educational institution;~~
 7 or

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

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

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

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

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

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

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

28 ~~(12) (7) Has postdated an agent contract Engaged in conduct that significantly adversely~~
 29 ~~reflects on the applicant's credibility, honesty, or integrity.~~

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

36 (1) How recently the conduct occurred;

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

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

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

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

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

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

21 SECTION 9.

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

25 "43-4A-8.

26 (a) When the ~~The~~ commission finds that a person is unqualified to be granted a may
 27 suspend, revoke, or refuse to renew a registration or finds that a registrant should be
 28 disciplined pursuant to the laws of this state, may discipline a person registered by the
 29 commission ~~may take any one or more of the following actions:~~ for conduct that would
 30 have justified denial of registration under Code Section 43-4A-7.

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

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

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

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

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

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

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

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

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

13 SECTION 10.

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

16 "43-4A-9.

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

24 SECTION 11.

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

27 "43-4A-10.

28 ~~Upon receipt by the The commission of a completed application for registration, surety~~
 29 ~~bond, and fee and after approval of the chairman of the commission, the division director~~
 30 ~~may in his or her discretion may issue a temporary certificate of registration to an applicant~~
 31 while an application for registration or renewal of registration is pending, upon receipt by
 32 the commission of a completed application for registration, surety bond, and fee and after
 33 approval by the chairperson of the commission. The division director may in his or her
 34 discretion issue a temporary registration to the applicant, which registration shall have the
 35 same force and effect as a permanent registration until the next regular meeting of the

1 commission when the temporary registration shall become void. A temporary registration
 2 shall not be recorded. A temporary registration shall be subject to revocation in the same
 3 manner as a permanent registration may be voided at any time."

4 SECTION 12.

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

7 "43-4A-11.

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

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

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

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

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

22 SECTION 13.

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

25 "43-4A-12.

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

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

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

5 (b) An athlete agent may not intentionally:

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

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

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

10 (4) Provide materially false or misleading information in an application for registration
 11 or renewal of registration;

12 (5) Predate or postdate an agency contract; or

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

16 **SECTION 16.**

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

19 "43-4A-15.

20 Each registration shall contain the following:

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

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

24 ~~(3) The registration number and date of issuance of the registration~~ The commission may
 25 assess a civil penalty against an athlete agent not to exceed \$25,000.00 for a violation of
 26 this chapter."

27 **SECTION 17.**

28 Said chapter is further amended by striking Code Section 43-4A-16, relating to signing
 29 contract prior to termination of athlete's eligibility at institution of higher education, and
 30 inserting in lieu thereof a new Code Section 43-4A-16 to read as follows:

31 "43-4A-16.

32 ~~(a)(1) An athlete agent who intends to sign an athlete to an agent contract prior to the~~
 33 ~~termination of the athlete's eligibility to participate in intercollegiate sports contests at~~
 34 ~~an institution of higher education shall notify the commission in writing. The Within 72~~
 35 hours after entering into an agency contract or before the next scheduled athletic event

1 in which the student athlete may participate, whichever occurs first, the athlete agent shall
 2 provide the name of the athlete and the athlete's institution of higher education and the
 3 sport or sports in which the athlete competes at such institution of higher education. The
 4 commission shall within seven business days notify in writing give notice in a record of
 5 the existence of the contract to the athletic director of the educational institution of higher
 6 education attended by at which the student athlete, provided that said institution has filed
 7 the annual report required by subsection (b) of Code Section 43-4A-4. Except as
 8 otherwise provided in this subsection for notification of the athletic director, the notice
 9 filed by the athlete agent with the commission shall be confidential information and not
 10 a public record. The athlete agent shall not be permitted to sign the athlete to an agent
 11 contract until the expiration of 30 days from the date that the commission received notice
 12 from the agent of the intention to sign such contract is enrolled or the athlete agent has
 13 reasonable grounds to believe the student athlete intends to enroll.

14 (2) ~~An athlete agent who signs an athlete to an agent contract prior to the termination of~~
 15 ~~the athlete's eligibility to participate in intercollegiate sports contests at an institution of~~
 16 ~~higher education shall provide written notice of the contract to the athletic director of the~~
 17 ~~institution of higher education in which the athlete is enrolled or with which the athlete~~
 18 ~~has signed a national grant-in-aid. The athlete agent must give the notice before the~~
 19 ~~contracting athlete practices or participates in any intercollegiate athletic event or within~~
 20 ~~72 hours after entering into the contract, whichever comes first.~~

21 (b) ~~Prior to the signing of an agent contract, an athlete agent shall not compensate any~~
 22 ~~athlete or take any other action in connection with such athlete which may jeopardize such~~
 23 ~~athlete's eligibility to participate in intercollegiate sports contests at an institution of higher~~
 24 ~~education~~ Within 72 hours after entering into an agency contract or before the next
 25 scheduled athletic event in which the student athlete may participate, whichever occurs
 26 first, the student athlete shall inform the athletic director of the educational institution at
 27 which the student athlete is enrolled that he or she has entered into an agency contract.

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

35 (d) ~~If an athlete agent fails to comply with the provisions of subsection (a) or (b) of this~~
 36 ~~Code section, any agent contract that is negotiated by said athlete agent is void. The~~
 37 ~~provisions of this subsection shall apply regardless of whether an athlete loses any~~

1 ~~eligibility to participate in intercollegiate sports contests at such institution of higher~~
2 ~~education.~~

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

8 SECTION 18.

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

11 "43-4A-16.1.

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

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

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

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

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

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

25 (5) The duration of the contract; and

26 (6) The date of execution.

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

30 NOTICE WARNING TO THE STUDENT ATHLETE:

31 WHEN IF YOU SIGN THIS CONTRACT;

32 (1) YOU WILL LIKELY IMMEDIATELY MAY LOSE YOUR ELIGIBILITY TO
33 COMPETE IN INTERCOLLEGIATE ATHLETICS. DO NOT SIGN THIS
34 CONTRACT UNTIL YOU HAVE READ IT AND FILLED IN ANY BLANK
35 SPACES. YOU MAY CANCEL THIS CONTRACT BY NOTIFYING THE
36 ATHLETE AGENT IN WRITING OF YOUR DESIRE TO CANCEL NOT LATER

1 ~~THAN THE FIFTEENTH DAY AFTER THE DATE YOU SIGN THIS CONTRACT.~~
 2 ~~HOWEVER, EVEN IF YOU CANCEL THIS CONTRACT, THE NATIONAL~~
 3 ~~COLLEGIATE ATHLETIC ASSOCIATION OR THE CONFERENCE TO WHICH~~
 4 ~~YOUR COLLEGE OR UNIVERSITY BELONGS MAY NOT RESTORE YOUR~~
 5 ~~ELIGIBILITY TO PARTICIPATE IN INTERCOLLEGIATE ATHLETICS AS A~~
 6 ~~STUDENT ATHLETE IN YOUR SPORT;~~

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

10 (3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING
 11 IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR
 12 ELIGIBILITY.'

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

18 ~~(c) (e) The athlete agent shall have the right to rescind an agent contract by giving written~~
 19 ~~notice to the athlete agent of the athlete's rescission of the contract within 15 days after the~~
 20 ~~date on which the agent signs the contract. The athlete may not under any circumstances~~
 21 ~~waive the athlete's right to rescind the agent contract give a record of the signed or~~
 22 ~~otherwise authenticated agency contract to the student athlete at the time of execution.~~

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

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

27 SECTION 19.

28 Said chapter is further amended by striking Code Section 43-4A-17, relating to applicability
 29 of "Georgia Administrative Procedure Act," and inserting in lieu thereof a new Code Section
 30 43-4A-17 to read as follows:

31 "43-4A-17.

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

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

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

4 SECTION 20.

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

6 "43-4A-18.

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

9 SECTION 21.

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

13 "43-4A-19.

14 ~~(a) This chapter shall not apply to an athlete who has participated for at least one full~~
 15 ~~season as a member of a team which is part of an organized nonscholastic association~~
 16 ~~whether amateur or semiprofessional with respect to such sport nor shall it apply to the~~
 17 ~~owner or coach of such athlete's team when representing such athlete.~~

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

25 SECTION 22.

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

29 "43-4A-20.

30 (a) An educational institution of higher education ~~may bring a civil action for recovery of~~
 31 ~~damages~~ has a right of action against an athlete agent or former student athlete for damages
 32 caused by a violation of this chapter. ~~if the institution of higher education is damaged by~~
 33 ~~the acts of the athlete agent or the athlete agent's representative or employee in violation~~
 34 ~~of this chapter. Such action shall be brought within four years after the right of action~~

1 ~~accrues~~ In an action under this Code section, the court may award to the prevailing party
 2 costs and reasonable attorney's fees.

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

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

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

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

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

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

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

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

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

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

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

30 (e) This chapter does not restrict rights, remedies, or defenses of any person under law or
 31 equity."

32 SECTION 23.

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

1 exhibition of boxing shall apply for and be issued licenses. Licenses shall be issued
 2 annually and shall expire on December 31 of each calendar year. Each applicant shall make
 3 application on a form provided by the commission and pay an annual license fee not to
 4 exceed \$250.00. Any boxer who has been licensed by the commission during a previous
 5 year shall be deemed to be an applicant for a license in any year for which such boxer has
 6 entered into a written contract to participate in a professional match, contest, or exhibition
 7 of boxing in this state upon the date of entering into such a contract. Any party to such a
 8 contract may notify the commission that such a contract has been signed."

9 SECTION 27.

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

12 "43-4B-17.

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

15 (b) A primary duty of the commission is ensuring that any person whose health does not
 16 permit safely engaging in boxing as a contestant is not licensed as a professional boxer.
 17 The General Assembly finds that adequate protection of the health of persons who are 50
 18 years of age or older requires additional precautions by the commission. A person who is
 19 50 years of age or older shall be licensed as a professional boxer and permitted to
 20 participate in a professional match, contest, or exhibition of boxing only if such person:

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

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

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

30 SECTION 28.

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

1 "43-4B-19.

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

5 (1) Subject to notice and opportunity for hearing in accordance with Chapter 13 of Title
6 50, the 'Georgia Administrative Procedure Act,' unless the right to notice is waived by the
7 person against whom the sanction is imposed, the commission may:

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

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

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

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

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

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

21 (C) A declaratory judgment;

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

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

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

32 (c) Procedures relating to hearings, notice, counsel, subpoenas, records, enforcement
33 powers, intervention, rules of evidence, decisions, exceptions, review of initial decisions,
34 final decisions, and judicial review of decisions shall be governed by Chapter 13 of Title
35 50, the 'Georgia Administrative Procedure Act,' unless the provisions of such chapter are
36 contrary to the express provisions of this article or Article 1 of this chapter.

1 43-4B-20.

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

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

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

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

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

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

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

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

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

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

35 43-4B-21.

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

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

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

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

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

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

25 26 SECTION 29.

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

29 "43-4B-26.

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

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

34 ~~(2)~~(1) Apply to the commission for a ticket broker's license on a form designated by the
 35 commission, pay an annual license fee of ~~\$400.00~~ \$500.00, and renew the license
 36 annually;

37 ~~(3)~~(2) Pay any local tax required by a local government; and

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

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

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

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

15 SECTION 31.

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

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

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

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

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

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

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

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

SECTION 32.

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

"ARTICLE 4

43-4B-40.

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

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

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

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

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

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

SECTION 33.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 34.

All laws and parts of laws in conflict with this Act are repealed.