

House Bill 194 (AS PASSED HOUSE AND SENATE)

By: Representatives Powell of the 23<sup>rd</sup>, McBee of the 74<sup>th</sup>, Heard of the 75<sup>th</sup>, and Wix of the 33<sup>rd</sup>, Post 1

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 related matters; to repeal conflicting laws; and for other  
 7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

13 "43-4A-1.

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

16 **SECTION 2.**

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

19 "43-4A-2.

20 As used in this chapter, the term:

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

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

30 (3) '~~Athlete agent~~' means ~~a person~~ an individual who enters into an agency contract with  
 31 a student athlete or, directly or indirectly, recruits or solicits ~~an~~ a student athlete to enter  
 32 into an agent agency contract or professional sports services contract with that person or  
 33 who for a fee procures, offers, promises, or attempts to obtain employment for an athlete  
 34 with a professional sports team. This term includes an individual who represents to the

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

8 ~~(4)~~ (3) 'Athletic department director' means ~~the entity exercising control over the~~  
 9 ~~intercollegiate sports~~ an individual responsible for administering the overall athletic  
 10 program at of an educational institution of higher education, including, but not limited  
 11 to, an athletic association, an athletic department, or an athletic foundation ~~or, if an~~  
 12 educational institution has separately administered athletic programs for male students  
 13 and female students, the athletic program for males and the athletic program for females,  
 14 as appropriate.

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

18 ~~(6)~~ (4) 'Commission' means the Georgia Athlete Agent Regulatory Commission created  
 19 in Code Section 43-4A-3.

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

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

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

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

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

35 (9) 'Professional sports services contract' means ~~any contract or an~~ agreement pursuant  
 36 ~~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)~~ (A) The Governor shall appoint two commission members;

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

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

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

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

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

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

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

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

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

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

#### 24 SECTION 4.

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

27 "43-4A-4.

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

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

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



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

8 (11.2) 'Pay per view' means a telecast for which a fee is required in addition to any other  
 9 fee paid by the viewer for any other services of the telecaster."

10 "(19) 'Ticket broker' means:

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

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

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

#### 23 SECTION 24.

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

26 "(C) Unarmed combat shall not include:

27 (i) Professional boxing;

28 (ii) Professional wrestling;

29 (iii) Amateur boxing;

30 (iv) Amateur wrestling;

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

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



1 50 years of age or older shall be licensed as a professional boxer and permitted to  
 2 participate in a professional match, contest, or exhibition of boxing only if such person:

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

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

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

### 12 **SECTION 28.**

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

15 "43-4B-19.

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

19 (1) Subject to notice and opportunity for hearing in accordance with Chapter 13 of Title  
 20 50, the 'Georgia Administrative Procedure Act,' unless the right to notice is waived by the  
 21 person against whom the sanction is imposed, the commission may:

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

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

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

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

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

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

35 (C) A declaratory judgment;

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

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

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

11 (c) Procedures relating to hearings, notice, counsel, subpoenas, records, enforcement  
12 powers, intervention, rules of evidence, decisions, exceptions, review of initial decisions,  
13 final decisions, and judicial review of decisions shall be governed by Chapter 13 of Title  
14 50, the 'Georgia Administrative Procedure Act,' unless the provisions of such chapter are  
15 contrary to the express provisions of this article or Article 1 of this chapter.

16 43-4B-20.

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

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

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

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

28 (b) Where the rights to telecast by pay per view a match or matches held in this state under  
29 the supervision of the commission are in whole owned by, sold to, acquired by, or held by  
30 any person who intends to or subsequently sells or, in some other manner, extends such  
31 rights in part to another, such person is deemed to be a promoter and must be licensed as  
32 such in this state. Such person shall, within 72 hours after the sale, transfer, or extension  
33 of such rights in whole or in part, file with the commission a written report that includes  
34 the gross price charged for the rights to telecast by pay per view, the number of tickets sold,  
35 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 7 SECTION 29.

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

10 "43-4B-26.

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

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

15 ~~(2)~~(1) Apply to the commission for a ticket broker's license on a form designated by the  
 16 commission, pay an annual license fee of ~~\$400.00~~ \$500.00, and renew the license  
 17 annually;

18 ~~(3)~~(2) Pay any local tax required by a local government; and

19 ~~(4)~~(3) Register for sales and use tax purposes pursuant to Article 1 of Chapter 8 of Title  
 20 48; and

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

### 27 SECTION 30.

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

30 "43-4B-28.

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

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

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

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

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

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

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

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

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

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

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

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

### 32 SECTION 31.

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

35 "(c)(1) Municipal corporations and counties in this state are authorized to enact an  
36 ordinance requiring an individual reselling tickets or offering tickets for resale in such

1 municipal corporations or in the unincorporated area of such counties to obtain a permit  
2 from the municipal corporation or county for such activity if the individual:

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

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

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

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

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

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

### 17 **SECTION 32.**

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

#### 20 "ARTICLE 4

21 43-4B-40.

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

29 (b)(1) Any manager, promoter, matchmaker, or licensee who knowingly violates or  
30 coerces or causes any other person to violate any provision of Article 2 of this chapter  
31 shall, upon conviction, be imprisoned for not more than one year or fined not more than  
32 \$20,000.00, or both.

33 (2) Any member or employee of the commission or any person who administers or  
34 enforces this chapter or rules and regulations promulgated pursuant to this chapter who  
35 knowingly violates Code Section 43-4B-14 or Code Section 43-4B-15 shall, upon

1 conviction, be imprisoned for not more than one year or fined not more than \$20,000.00,  
2 or both.

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

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

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

11 **SECTION 33.**

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

14 **SECTION 34.**

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