**A** **BILL**

TO AMEND SECTION 59‑102‑140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROHIBITED ACTS OF ATHLETE AGENTS, SO AS TO PROVIDE CERTIFIED ATHLETE AGENTS MAY PAY CERTAIN EXPENSES INCURRED BEFORE THE SIGNING OF AGENCY CONTRACTS BY STUDENT ATHLETES, FAMILY MEMBERS OF STUDENT ATHLETES, AND INDIVIDUALS OR CLASSES OF INDIVIDUALS AUTHORIZED TO RECEIVE SUCH PAYMENTS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 59‑102‑140 of the 1976 Code, as last amended by Act 235 of 2018, is further amended to read:

“Section 59‑102‑140. (A) ~~An~~ Except as provided in subsection (C), athlete agent, with the intent to induce a student athlete or, if the student athlete is a minor, a parent or guardian of the student athlete to enter into an agency contract, may not take any of the following actions or encourage another person to take or assist another person in taking any of the following actions on behalf of the athlete agent:

(1) give materially false or misleading information or make a materially false promise or representation;

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

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

(B) An athlete agent may not intentionally do any of the following or encourage another person to do any of the following on behalf of the athlete agent:

(1) initiate contact, directly or indirectly, with a student athlete or, if the student athlete is a minor, a parent or guardian of the student athlete to recruit the student athlete, parent, or guardian to enter an agency contract unless registered pursuant to this chapter;

(2) refuse or fail to retain or permit inspection of records pursuant to Section 59‑102‑130;

(3) fail to register as required by Section 59‑102‑40;

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

(5) predate or postdate an agency contract; or

(6) fail to notify a student athlete or, if the student athlete is a minor, a parent or guardian of the athlete before the student athlete, parent, or guardian signs or otherwise authenticates an agency contract for a particular sport that the signing or authentication may make the student athlete ineligible to participate as a student athlete in that sport.

(C)(1) As used in this subsection, ‘certified athlete agent’ means an athlete agent registered under the provisions of this chapter who also is certified to be an athlete agent in a particular sport by a national association that promotes or regulates intercollegiate athletics and establishes eligibility standards for participation by a student athlete in that sport.

(2) A certified athlete agent may pay expenses incurred before the signing of an agency contract by a student athlete, a family member of a student athlete, and an individual of a class of individuals authorized to receive the expenses by the national association that certified the agent if the expenses are:

(a) for the benefit of an athlete who is a member of a class of athletes authorized to receive the benefit by the national association that certified the agent;

(b) of a type authorized to be paid by a certified agent by the national association that certified the athlete agent; and

(c) for a purpose authorized by the national association that certified the agent.”

SECTION 2. This act takes effect upon approval by the Governor.

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