



2020 South Dakota Legislature

House Bill 1115

Introduced by: **Representative Johns**

1 **An Act to revise certain provisions related to athlete agent conduct.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1.** That § 59-10-14 be AMENDED:

4 **59-10-14. Prohibited conduct.**

5 ~~(a) An athlete agent, with the intent to induce a student-athlete to enter into an~~
6 ~~agency contract, may not intentionally:~~

7 (1) Give a student-athlete or, if the athlete is a minor, a parent or guardian of the
8 athlete any materially false or misleading information or make a materially false
9 promise or representation with the intent to influence the athlete, parent, or
10 guardian to enter into an agency contract;

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

13 ~~(3) Furnish anything of value to any individual other than the student-athlete or another~~
14 ~~registered athlete agent.~~

15 ~~(b) An athlete agent may not intentionally:~~ or another individual, if to do so may result in
16 loss of the athlete's eligibility to participate in the athlete's sport, unless:

17 (a) The agent notifies the athletic director of the educational institution at which
18 the athlete is enrolled or at which the agent has reasonable grounds to
19 believe the athlete intends to enroll, not later than seventy-two hours after
20 giving the thing of value; and

21 (b) The athlete or, if the athlete is a minor, a parent or guardian of the athlete
22 acknowledges to the agent in a record that receipt of the thing of value may
23 result in loss of the athlete's eligibility to participate in the athlete's sport;

24 ~~(1)(3)~~ Initiate contact with a student-athlete unless registered under this chapter;

25 ~~(2)(4)~~ Refuse or fail to create, retain, or permit inspection of the records required to be
26 retained by § 59-10-13;

- 1 ~~(3)~~(5) Fail to register when required by § 59-10-4;
- 2 ~~(4)~~(6) Provide materially false or misleading information in an application for registration
- 3 or renewal of registration;
- 4 ~~(5)~~(7) Predate or postdate an agency contract; ~~or~~
- 5 ~~(6)~~(8) Fail to notify a student-athlete before the student-athlete signs or otherwise
- 6 authenticates an agency contract for a particular sport that the signing or
- 7 authentication may ~~make the student-athlete ineligible~~ result in loss of the athlete's
- 8 eligibility to participate ~~as a student-athlete in that~~ in the athlete's sport;
- 9 (9) Encourage another individual to do any of the acts described in subdivisions (1) to
- 10 (8), inclusive, on behalf of the agent; or
- 11 (10) Encourage another individual to assist any other individual in doing any of the acts
- 12 described in subdivisions (1) to (8), inclusive, on behalf of the agent.