

HOUSE AMENDMENT NO. \_\_\_\_\_  
TO  
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Offered By

1 AMEND House Amendment No. \_\_\_\_\_ to House Committee Substitute for Senate Bill No. 204,  
2 Page 3, Line 30, by deleting the words "an ~~individual~~" and inserting in lieu thereof the words, "[an  
3 individual]"; and

4  
5 Further amend said amendment, Page 9, Line 4, by inserting after said line the following:

6  
7 "436.260. 1. An educational institution ~~[has a right of]~~ or a student athlete may bring an  
8 action for damages against an athlete agent ~~[or a former student athlete for damages caused by a]~~ if  
9 the institution or student athlete is adversely affected by an act or omission of the agent in violation  
10 of sections 436.215 to 436.272. ~~[In an action under this section, the court may award to the~~  
11 prevailing party costs and reasonable attorney's fees.]

12 (1) In order for a student athlete to qualify as "adversely affected by an act or omission of  
13 the agent" under this section, the student shall demonstrate that he or she was a student athlete and  
14 enrolled at the institution at the time the act or omission of the agent occurred and that he or she:

15 (a) Was suspended or disqualified from participation in an interscholastic or intercollegiate  
16 sports event by or under the rules a state of national federation or association that promotes or  
17 regulates interscholastic or intercollegiate sports; or

18 (b) Suffered financial damage.

19 (2) In order for an educational institution to qualify as "adversely affected by an act or  
20 omission of the agent" under this section, the institution shall demonstrate that the institution:

21 (a) Was disqualified from participation in an interscholastic or intercollegiate sports event  
22 by or under the rules of a state of national federation or association that promotes or regulates  
23 interscholastic or intercollegiate sports; or

24 (b) Suffered financial damage.

25 2. ~~[Damages of an educational institution under subsection 1 of this section include losses~~  
26 and expenses incurred because as a result of the activities of an athlete agent or former student  
27 athlete the educational institution was injured by a violation of sections 436.215 to 436.272 or was  
28 penalized, disqualified, or suspended from participation in athletics by a national association for the  
29 promotion and regulation of athletics, by an athletic conference, or by reasonable self-imposed  
30 disciplinary action taken to mitigate sanctions.] A plaintiff who prevails in an action under this  
31 section may recover actual damages, costs, and reasonable attorney's fees. An athlete agent found  
32 liable under this section forfeits any right of payment for anything of benefit or value provided to  
33 the student athlete and shall refund any consideration paid to the agent by or on behalf of the athlete.

34 3. ~~[A right of action under this section does not accrue until the educational institution~~

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 ~~discovers or by the exercise of reasonable diligence would have discovered the violation by the~~  
2 ~~athlete agent or former student athlete.~~

3 ~~4. Any liability of the athlete agent or the former student athlete under this section is several~~  
4 ~~and not joint.~~

5 ~~5. Sections 436.215 to 436.272 do not restrict rights, remedies, or defenses of any person~~  
6 ~~under law or equity.] A violation of any provision of sections 436.215 to 436.272 is an unfair trade~~  
7 ~~practice for purposes of sections 375.930 to 375.948.";~~ and

8  
9 Further amend said bill by amending the title, enacting clause, and intersectional references  
10 accordingly.

11  
12 THIS AMENDMENT AMENDS 0840H02.10H.