

HOUSE AMENDMENT NO. ____
TO
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Offered By

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

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

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

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

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

(b) Suffered financial damage.

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

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

(b) Suffered financial damage.

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

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.