

164.6929 Right of action of educational institution or student-athlete for damages caused by violation of KRS 164.6901 to 164.6935.

- (1) An educational institution or student-athlete may bring an action for damages against an athlete agent if the institution or student-athlete is adversely affected by an act or omission of the athlete agent in violation of KRS 164.6901 to 164.6935. An education institution or student-athlete is adversely affected by an act or omission of the athlete agent only if, because of the act or omission, the institution or an individual who was a student-athlete at the time of the act or omission and enrolled in the institution:
 - (a) Is suspended or disqualified from participation in an interscholastic or intercollegiate sports event by or under the rules of a state or national federation or association that promotes or regulates interscholastic or intercollegiate sports; or
 - (b) Suffers financial damage.
- (2) Damages under subsection (1) of this section include losses and expenses incurred because, as a result of the conduct of an athlete agent or former student-athlete, the educational institution was injured by a violation of KRS 164.6901 to 164.6935 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 likely to be imposed by such an organization.
- (3) A plaintiff that 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 student-athlete.
- (4) A right of action under this section does not accrue until the educational institution discovers or by the exercise of reasonable diligence would have discovered the violation by the athlete agent or former student-athlete.
- (5) Any liability of the athlete agent or the former student-athlete under this section is several and not joint.
- (6) The department may assess a civil penalty against an athlete agent not to exceed fifty thousand dollars (\$50,000) for a violation of KRS 164.6901 to 164.6935.
- (7) KRS 164.6901 to 164.6935 does not restrict rights, remedies, or defenses of any person under law or equity.

Effective: July 14, 2018

History: Amended 2018 Ky. Acts ch. 205, sec. 14, effective July 14, 2018. -- Amended 2017 Ky. Acts ch. 178, sec. 16, effective April 11, 2017. -- Amended 2010 Ky. Acts ch. 24, sec. 221, effective July 15, 2010. -- Repealed and reenacted 2003 Ky. Acts ch. 172, sec. 15, effective June 24, 2003. -- Created 1998 Ky. Acts ch. 259, sec. 7, effective July 15, 1998.

Formerly codified as KRS 164.686.