

D R A F T
FOR DISCUSSION ONLY

REVISED UNIFORM ATHLETE AGENTS ACT (2015)

NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS

Post-September 10-13, 2015 Style Committee Meeting

STATUTORY TEXT ONLY

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ON UNIFORM STATE LAWS

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September 17, 2015

REVISED UNIFORM ATHLETE AGENTS ACT (2015)

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TABLE OF CONTENTS

SECTION 1. SHORT TITLE 1
SECTION 2. DEFINITIONS..... 1
SECTION 3. [SECRETARY OF STATE][COMMISSION]; AUTHORITY; PROCEDURE. ... 5
SECTION 4. ATHLETE AGENT: REGISTRATION REQUIRED; VOID CONTRACT. 6

Alternative A for Sections 5 through 9

SECTION 5. REGISTRATION AS ATHLETE AGENT; APPLICATION; REQUIREMENTS;
RECIPROCAL REGISTRATION..... 7
SECTION 6. CERTIFICATE OF REGISTRATION; ISSUANCE OR DENIAL; RENEWAL. 11
SECTION 7. SUSPENSION, REVOCATION, OR REFUSAL TO RENEW
REGISTRATION. 13
SECTION 8. TEMPORARY REGISTRATION..... 14
SECTION 9. REGISTRATION AND RENEWAL FEES. 14

Alternative B for Sections 5 through 9

SECTION 5. COMMISSION ON INTERSTATE REGISTRATION OF ATHLETE
AGENTS..... 14
SECTION 6. REGISTRATION AS ATHLETE AGENT; APPLICATION;
REQUIREMENTS..... 16
SECTION 7. CERTIFICATE OF REGISTRATION; ISSUANCE OR DENIAL;
RENEWAL. 19
SECTION 8. LIMITATION, SUSPENSION, REVOCATION, OR REFUSAL TO RENEW
REGISTRATION. 20
SECTION 9. TEMPORARY REGISTRATION..... 21

End of Alternatives

SECTION 10. REQUIRED FORM OF AGENCY CONTRACT..... 21
SECTION 11. NOTICE TO EDUCATIONAL INSTITUTION..... 23
SECTION 12. STUDENT ATHLETE’S RIGHT TO CANCEL. 24
SECTION 13. REQUIRED RECORDS..... 25
SECTION 14. PROHIBITED CONDUCT..... 25
SECTION 15. CRIMINAL PENALTY..... 26
SECTION 16. CIVIL REMEDY. 26
SECTION 17. CIVIL PENALTY..... 27
[SECTION 18. INTERSTATE COMPACT FOR REGISTRATION OF ATHLETE
AGENTS.] 28
SECTION 19. UNIFORMITY OF APPLICATION AND CONSTRUCTION..... 29
SECTION 20. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND
NATIONAL COMMERCE ACT. 29
[SECTION 21. SEVERABILITY.] 29

SECTION 22. REPEALS; CONFORMING AMENDMENTS.....	29
SECTION 23. EFFECTIVE DATE.....	29

1 (I) gives consideration to the student athlete or another person;
2 (II) serves the athlete in an advisory capacity on a matter related to
3 finances, business pursuits, or career management decisions; or

4 (III) manages the business affairs of the athlete by providing
5 assistance with bills, payments, contracts, or taxes; but

6 (B) does not include an individual who:

7 (i) acts solely on behalf of a professional sports team or organization; or

8 (ii) is a licensed, registered, or certified professional and offers or provides
9 services to a student athlete customarily provided by members of the profession, unless the
10 individual:

11 (I) also recruits or solicits the athlete to enter into an agency
12 contract;

13 (II) also, for compensation, procures employment or offers,
14 promises, attempts, or negotiates to obtain employment for the athlete as a professional athlete or
15 member of a professional sports team or organization; or

16 (III) receives consideration for providing the services calculated
17 using a different method than for an individual who is not a student athlete.

18 (3) “Athletic director” means the individual responsible for administering the overall
19 athletic program of an educational institution or, if an educational institution has separately
20 administered athletic programs for male students and female students, the athletic program for
21 males or the athletic program for females, as appropriate.

22 [(4) “Commission” means the Commission on Interstate Registration of Athlete Agents.]

23 [(5) “Compact” means the Interstate Compact for Registration of Athlete Agents.]

1 (6) “Educational institution” includes a public or private elementary school, secondary
2 school, technical or vocational school, community college, college, and university.

3 (7) “Endorsement contract” means an agreement under which a student athlete is
4 employed or receives consideration to use on behalf of the other party any value that the athlete
5 may have because of publicity, reputation, following, or fame obtained because of athletic ability
6 or performance.

7 (8) “Enrolled” means registered for courses and attending athletic practice or class.
8 “Enrolls” has a corresponding meaning.

9 (9) “Intercollegiate sport” means a sport played at the collegiate level for which
10 eligibility requirements for participation by a student athlete are established by a national
11 association that promotes or regulates collegiate athletics.

12 (10) “Interscholastic sport” means a sport played between educational institutions that are
13 not community colleges, colleges, or universities.

14 (11) “Licensed, registered, or certified professional” means an individual licensed,
15 registered, or certified as an attorney, dealer in securities, financial planner, insurance agent, real
16 estate broker or sales agent, tax consultant, accountant, or member of a profession, other than
17 that of athlete agent, who is licensed, registered, or certified by the state or a nationally
18 recognized organization that licenses, registers, or certifies members of the profession on the
19 basis of experience, education, or testing.

20 (12) “Person” means an individual, estate, business or nonprofit entity, public
21 corporation, government or governmental subdivision, agency, or instrumentality, or other legal
22 entity.

23 (13) “Professional-sports-services contract” means an agreement under which an

1 individual is employed as a professional athlete or agrees to render services as a player on a
2 professional sports team or with a professional sports organization.

3 (14) “Record” means information that is inscribed on a tangible medium or that is stored
4 in an electronic or other medium and is retrievable in perceivable form.

5 (15) “Recruit or solicit” means attempt to influence the choice of an athlete agent by a
6 student athlete or, if the athlete is a minor, a parent or guardian of the athlete. The term does not
7 include giving advice on the selection of a particular agent in a family, coaching, or social
8 situation unless the individual giving the advice does so because of the receipt or anticipated
9 receipt of an economic benefit, directly or indirectly, from the agent.

10 (16) “Registration” means registration as an athlete agent under this [act].

11 (17) “Sign” means, with present intent to authenticate or adopt a record:

12 (A) to execute or adopt a tangible symbol; or

13 (B) to attach to or logically associate with the record an electronic symbol, sound,
14 or process.

15 (18) “State” means a state of the United States, the District of Columbia, Puerto Rico, the
16 United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of
17 the United States.

18 (19) “Student athlete” means an individual who is eligible to attend an educational
19 institution and engages in, is eligible to engage in, or may be eligible in the future to engage in,
20 any interscholastic or intercollegiate sport. The term does not include an individual permanently
21 ineligible to participate in a particular interscholastic or intercollegiate sport for that sport.

22

1 **SECTION 4. ATHLETE AGENT: REGISTRATION REQUIRED; VOID**

2 **CONTRACT.**

3 (a) Except as otherwise provided in subsection (b), an individual may not act as an athlete
4 agent in this state without holding a certificate of registration under this [act].

5 (b) Before being issued a certificate of registration under this [act] an individual may act
6 as an athlete agent in this state for all purposes except signing an agency contract, if:

7 (1) a student athlete or another person acting on behalf of the athlete initiates
8 communication with the individual; and

9 (2) not later than seven days after an initial act that requires the individual to
10 register as an athlete agent, the individual submits an application for registration as an athlete
11 agent in this state.

12 (c) An agency contract resulting from conduct in violation of this section is void, and the
13 athlete agent shall return any consideration received under the contract.

14 **Alternative A for Sections 5 through 9**

15 *Legislative Note: There are two alternatives for Sections 5 through 9. Alternative A establishes a*
16 *registration system in the enacting state which requires the enacting state to register an*
17 *individual who is registered in another state if the enacting state determines the law of the other*
18 *state is substantially similar to or more restrictive than the law of the enacting state, the*
19 *registration in the other state has not been revoked or suspended, and no action involving the*
20 *agent's conduct as an agent is pending.*

21
22 *Alternative B creates a central registration agency, the Commission on Interstate*
23 *Registration of Athlete Agents, and provides that states enacting Alternative B will be entering*
24 *into an interstate compact with other states that enact it.*

25
26 *While the numbering of the sections in the two alternatives is different because Section 5*
27 *of Alternative B creates the commission and the contents of Section 9 are folded into Section 5,*
28 *the substantive requirements for the initial registration and the basis for denial of registration or*
29 *the suspension, revocation, or failure to renew registration are identical in both alternatives.*
30 *Thus, the effect of Alternative B in a state adopting the compact is to delegate the responsibility*
31 *for the registration of athlete agents and the civil enforcement of the act to a central entity*
32 *created by the compact. A state adopting Alternative B also will have to amend Section 2 to*

1 *include a definition of commission for the new central registration agency, select Alternative B*
2 *for Section 3(a), add bracketed Section 18 containing language formally creating the Interstate*
3 *Compact, make conforming changes replacing [Secretary of State] with the commission in*
4 *Section 17, and make additional conforming changes in Section 4. Since the operation of*
5 *Alternative B is conditioned on that alternative being adopted by at least five states, a state that*
6 *elects to participate in the interstate compact before the interstate compact becomes effective*
7 *may wish either to continue its existing athlete agent registration program until the interstate*
8 *compact becomes effective and the commission created by the compact is in operation or enact*
9 *Alternative A on an interim basis.*

10
11 **SECTION 5. REGISTRATION AS ATHLETE AGENT; APPLICATION;**
12 **REQUIREMENTS; RECIPROCAL REGISTRATION.**

13 (a) An applicant for registration as an athlete agent shall submit an application for
14 registration to the [Secretary of State] in a form prescribed by the [Secretary of State]. The
15 applicant must be an individual, and the application must be signed by the applicant under
16 penalty of perjury. The application must contain at least the following:

17 (1) the name and date and place of birth of the applicant and the following
18 contact information for the applicant:

19 (A) the address of the applicant's principal place of business;

20 (B) work and mobile telephone numbers; and

21 (C) any means of communicating electronically, including a facsimile
22 number, electronic-mail address, and personal and business or employer websites;

23 (2) the name of the applicant's business or employer, if applicable, including for
24 each business or employer, its mailing address, telephone number, organization form, and the
25 nature of the business;

26 (3) each social-media account with which the applicant or the applicant's business
27 or employer is affiliated;

28 (4) each business or occupation in which the applicant engaged within five years

1 before the date of the application, including self-employment and employment by others, and
2 any professional or occupational license, registration, or certification held by the applicant during
3 that time;

4 (5) a description of the applicant's:

5 (A) formal training as an athlete agent;

6 (B) practical experience as an athlete agent; and

7 (C) educational background relating to the applicant's activities as an
8 athlete agent;

9 (6) the name of each student athlete for whom the applicant acted as an athlete
10 agent within five years before the date of the application or, if the individual is a minor, the name
11 of the parent or guardian of the minor, together with the athlete's sport and last-known team;

12 (7) the name and address of each person that:

13 (A) is a partner, member, officer, manager, associate, or profit sharer or
14 directly or indirectly holds an equity interest of five percent or greater of the athlete agent's
15 business if it is not a corporation; and

16 (B) is an officer or director of a corporation employing the athlete agent or
17 a shareholder having an interest of five percent or greater in the corporation;

18 (8) a description of the status of any application by the applicant, or any person
19 named under paragraph (7), for a state or federal business, professional, or occupational license,
20 other than as an athlete agent, from a state or federal agency, including any denial, refusal to
21 renew, suspension, withdrawal, or termination of the license and any reprimand or censure
22 related to the license;

23 (9) whether the applicant, or any person named under paragraph (7), has pleaded

1 guilty or no contest to, has been convicted of, or has charges pending for, a crime that would
2 involve moral turpitude or be a felony if committed in this state and, if so, identification of:

3 (A) the crime;

4 (B) the law-enforcement agency involved; and

5 (C) if applicable, the date of the conviction and the fine or penalty
6 imposed;

7 (10) whether, within 15 years before the date of application, the applicant, or any
8 person named under paragraph (7), has been a defendant or respondent in a civil proceeding,
9 including a proceeding seeking an adjudication of [legal incompetence] and, if so, the date and a
10 full explanation of each proceeding;

11 (11) whether the applicant, or any person named under paragraph (7), has an
12 unsatisfied judgment or a judgment of continuing effect, including [alimony] or a domestic order
13 in the nature of child support, which is not current at the date of the application;

14 (12) whether, within 10 years before the date of application, the applicant, or any
15 person named under paragraph (7), was adjudicated bankrupt or was an owner of a business that
16 was adjudicated bankrupt;

17 (13) whether there has been any administrative or judicial determination that the
18 applicant, or any person named under paragraph (7), made a false, misleading, deceptive, or
19 fraudulent representation;

20 (14) each instance in which conduct of the applicant, or any person named under
21 paragraph (7), resulted in the imposition of a sanction, suspension, or declaration of ineligibility
22 to participate in an interscholastic, intercollegiate, or professional athletic event on a student
23 athlete or a sanction on an educational institution;

1 (15) each sanction, suspension, or disciplinary action taken against the applicant,
2 or any person named under paragraph (7), arising out of occupational or professional conduct;

3 (16) whether there has been a denial of an application for, suspension or
4 revocation of, refusal to renew, or abandonment of, the registration of the applicant, or any
5 person named under paragraph (7), as an athlete agent in any state;

6 (17) each state in which the applicant currently is registered as an athlete agent or
7 has applied to be registered as an athlete agent;

8 (18) if the applicant is certified or registered by a professional league or players
9 association:

10 (A) the name of the league or association;

11 (B) the date of certification or registration, and the date of expiration of
12 the certification or registration, if any; and

13 (C) if applicable, the date of any denial of an application for, suspension
14 or revocation of, refusal to renew, withdrawal of, or termination of, the certification or
15 registration or any reprimand or censure related to the certification or registration; and

16 (19) any additional information required by the [Secretary of State].

17 (b) Instead of proceeding under subsection (a), an individual registered as an athlete agent
18 in another state may apply for registration as an athlete agent in this state by submitting to the
19 [Secretary of State]:

20 (1) a copy of the application for registration in the other state;

21 (2) a statement that identifies any material change in the information on the
22 application or verifies there is no material change in the information, signed under penalty of
23 perjury; and

1 (3) a copy of the certificate of registration from the other state.

2 (c) The [Secretary of State] shall issue a certificate of registration to an individual who
3 applies for registration under subsection (b) if the [Secretary of State] determines:

4 (1) the application and registration requirements of the other state are
5 substantially similar to or more restrictive than this [act]; and

6 (2) the registration has not been revoked or suspended and no action involving the
7 individual's conduct as an athlete agent is pending against the individual or the individual's
8 registration in any state.

9 (d) For purposes of implementing subsection (c), the [Secretary of State] shall:

10 (1) cooperate with national organizations concerned with athlete agent issues and
11 agencies in other states which register athlete agents to develop a common registration form and
12 determine which states have laws that are substantially similar to or more restrictive than this
13 [act]; and

14 (2) exchange information, including information related to actions taken against
15 registered athlete agents or their registrations, with those organizations and agencies.

16 **SECTION 6. CERTIFICATE OF REGISTRATION; ISSUANCE OR DENIAL;**
17 **RENEWAL.**

18 (a) Except as otherwise provided in subsection (b), the [Secretary of State] shall issue a
19 certificate of registration to an applicant for registration who complies with Section 5(a).

20 (b) The [Secretary of State] may refuse to issue a certificate of registration to an applicant
21 for registration under Section 5(a) if the [Secretary of State] determines that the applicant has
22 engaged in conduct that significantly adversely reflects on the applicant's fitness to act as an
23 athlete agent. In making the determination, the [Secretary of State] may consider whether the

1 applicant has:

2 (1) pleaded guilty or no contest to, has been convicted of, or has charges pending
3 for, a crime that would involve moral turpitude or be a felony if committed in this state;

4 (2) made a materially false, misleading, deceptive, or fraudulent representation in
5 the application or as an athlete agent;

6 (3) engaged in conduct that would disqualify the applicant from serving in a
7 fiduciary capacity;

8 (4) engaged in conduct prohibited by Section 14;

9 (5) had a registration as an athlete agent suspended, revoked, or denied in any
10 state;

11 (6) been refused renewal of registration as an athlete agent in any state;

12 (7) engaged in conduct resulting in imposition of a sanction, suspension, or
13 declaration of ineligibility to participate in an interscholastic, intercollegiate, or professional
14 athletic event on a student athlete or a sanction on an educational institution; or

15 (8) engaged in conduct that adversely reflects on the applicant's credibility,
16 honesty, or integrity.

17 (c) In making a determination under subsection (b), the [Secretary of State] shall
18 consider:

19 (1) how recently the conduct occurred;

20 (2) the nature of the conduct and the context in which it occurred; and

21 (3) other relevant conduct of the applicant.

22 (d) An athlete agent registered under subsection (a) may apply to renew the registration
23 by submitting an application for renewal in a form prescribed by the [Secretary of State]. The

1 applicant shall sign the application for renewal under penalty of perjury and include current
2 information on all matters required in an original application for registration.

3 (e) An athlete agent registered under Section 5(c) may renew the registration by
4 proceeding under subsection (d) or, if the registration in the other state has been renewed, by
5 submitting to the [Secretary of State] copies of the application for renewal in the other state and
6 the renewed registration from the other state. The [Secretary of State] shall renew the registration
7 if the [Secretary of State] determines:

8 (1) the registration requirements of the other state are substantially similar to or
9 more restrictive than this [act]; and

10 (2) the renewed registration has not been suspended or revoked and no action
11 involving the individual's conduct as an athlete agent is pending against the individual or the
12 individual's registration in any state.

13 (f) A certificate of registration or renewal of registration under this [act] is valid for [two]
14 years.

15 **SECTION 7. SUSPENSION, REVOCATION, OR REFUSAL TO RENEW**
16 **REGISTRATION.**

17 (a) The [Secretary of State] may limit, suspend, revoke, or refuse to renew a registration
18 of an individual registered under Section 6(a) for conduct that would have justified refusal to
19 issue a certificate of registration under Section 6(b).

20 (b) The [Secretary of State] may suspend or revoke the registration of an individual
21 registered under Section 5(c) or renewed under Section 6(e) for any reason for which the
22 [Secretary of State] could have refused to grant or renew registration or for conduct that would
23 justify refusal to issue a certificate of registration under Section 6(b).

1 (3) maintaining a location for the registration of athlete agents in the states that
2 enact an act substantially similar to this [act];

3 (4) establishing the registration fee and the apportionment of the fee among the
4 states that enact an act substantially similar to this [act]; and

5 (5) any other matter necessary for efficient operation of the commission.

6 (d) The commission:

7 (1) shall pay or provide for payment of the reasonable expenses of the
8 establishment, organization, and ongoing activities of the commission;

9 (2) may accept a grant of money, equipment, supplies, materials, or services and
10 donations;

11 (3) may assess each member state annually on a basis determined by the
12 commission to cover operation costs of the commission not funded by registration fees imposed
13 under subsection (c)(4);

14 (4) may not incur an obligation before securing funds adequate to meet the
15 obligation;

16 (5) may not pledge the credit of a member state, except with the authority of the
17 member state; and

18 (6) shall keep an accurate account of receipts and disbursements, under audit and
19 accounting procedures established under the commission's bylaws.

20 (e) The receipt and disbursement of funds by the commission must be audited yearly by a
21 certified or licensed public accountant, and the commission shall include the audit report in an
22 annual report of the commission.

1 **SECTION 6. REGISTRATION AS ATHLETE AGENT; APPLICATION;**

2 **REQUIREMENTS.** An applicant for registration as an athlete agent shall submit an application
3 for registration to the commission in a form prescribed by the commission. The applicant must
4 be an individual, and the application must be signed by the applicant under penalty of perjury.
5 The application must contain at least the following:

6 (1) the name and date and place of birth of the applicant and the following contact
7 information for the applicant:

8 (A) the address of the applicant’s principal place of business;

9 (B) work and mobile telephone numbers; and

10 (C) any means of communicating electronically, including a facsimile number,
11 electronic-mail address, and personal and business or employer websites;

12 (2) the name of the applicant’s business or employer, if applicable, including for each
13 business or employer, its mailing address, telephone number, organization form, and the nature
14 of the business;

15 (3) each social-media account with which the applicant or the applicant’s business or
16 employer is affiliated;

17 (4) each business or occupation in which the applicant engaged within five years before
18 the date of the application, including self-employment and employment by others, and any
19 professional or occupational license, registration, or certification held by the applicant during
20 that time;

21 (5) a description of the applicant’s:

22 (A) formal training as an athlete agent;

23 (B) practical experience as an athlete agent; and

1 (C) educational background relating to the applicant's activities as an athlete
2 agent;

3 (6) the name of each student athlete for whom the applicant acted as an athlete agent
4 within five years before the date of the application or, if the athlete is a minor, the name of the
5 parent or guardian of the minor, together with the athlete's sport and last-known team;

6 (7) the name and address of each person that:

7 (A) is a partner, member, officer, manager, associate, or profit sharer or directly
8 or indirectly holds an equity interest of five percent or greater of the athlete agent's business if it
9 is not a corporation; and

10 (B) is an officer or director of a corporation employing the athlete agent or a
11 shareholder having an interest of five percent or greater in the corporation;

12 (8) a description of the status of any application by the applicant, or any person named
13 under paragraph (7), for a state or federal business, professional, or occupational license, other
14 than as an athlete agent, including any denial, refusal to renew, suspension, withdrawal, or
15 termination of the license and any reprimand or censure related to the license;

16 (9) whether the applicant, or any person named under paragraph (7), has pleaded guilty or
17 no contest to, has been convicted of, or has charges pending for, a crime involving moral
18 turpitude or which is a felony and, if so, identify:

19 (A) the crime;

20 (B) the law-enforcement agency involved; and

21 (C) if applicable, the date of the conviction and the fine or penalty imposed;

22 (10) whether, within 15 years before the date of application, the applicant, or any person
23 named under paragraph (7), has been a defendant or respondent in a civil proceeding, including a

1 proceeding seeking an adjudication of [legal incompetence], and, if so, the date and a full
2 explanation of each proceeding ;

3 (11) whether the applicant, or any person named under paragraph (7), has an unsatisfied
4 judgment or a judgment of continuing effect, including [alimony] or a domestic order in the
5 nature of child support, which is not current at the date of the application;

6 (12) whether, within 10 years before the date of application, the applicant, or any person
7 named under paragraph (7), was adjudicated bankrupt or was an owner of a business that was
8 adjudicated bankrupt;

9 (13) whether there has been any administrative or judicial determination that the
10 applicant, or any person named under paragraph (7), made a false, misleading, deceptive, or
11 fraudulent representation;

12 (14) each instance in which conduct of the applicant, or any person named under
13 paragraph (7), resulted in the imposition of a sanction, suspension, or declaration of ineligibility
14 to participate in an interscholastic, intercollegiate, or professional athletic event on a student
15 athlete or a sanction on an educational institution;

16 (15) each sanction, suspension, or disciplinary action taken against the applicant, or any
17 person named under paragraph (7), arising out of occupational or professional conduct;

18 (16) whether there has been a denial of an application for, suspension or revocation of,
19 refusal to renew, or abandonment of, the registration of the applicant, or any person named under
20 paragraph (7), as an athlete agent in any state;

21 (17) each state in which the applicant currently is registered as an athlete agent or has
22 applied to be registered as an athlete agent;

23 (18) if the applicant is certified or registered by a professional league or players

1 association:

2 (A) the name of the league or association;

3 (B) the date of certification or registration, and the date of expiration of the
4 certification or registration, if any; and

5 (C) if applicable, the date of any denial of an application for, suspension or
6 revocation of, refusal to renew, withdrawal of, or termination of, the certification or registration
7 or any reprimand or censure related to the certification or registration; and

8 (19) any additional information required by the commission.

9 **SECTION 7. CERTIFICATE OF REGISTRATION; ISSUANCE OR DENIAL;**
10 **RENEWAL.**

11 (a) Except as otherwise provided in subsection (b), the commission shall issue a
12 certificate of registration to an applicant for registration who complies with Section 6.

13 (b) The commission may refuse to issue a certificate of registration to an applicant for
14 registration under Section 6 if the commission determines that the applicant has engaged in
15 conduct that significantly adversely reflects on the applicant's fitness to act as an athlete agent.
16 In making the determination, the commission may consider whether the applicant has:

17 (1) pleaded guilty or no contest to, has been convicted of, or has charges pending
18 for, a crime involving moral turpitude or which is a felony;

19 (2) made a materially false, misleading, deceptive, or fraudulent representation in
20 the application or as an athlete agent;

21 (3) engaged in conduct that would disqualify the applicant from serving in a
22 fiduciary capacity;

23 (4) engaged in conduct prohibited by Section 14;

1 (5) had a registration as an athlete agent suspended, revoked, or denied in any
2 state;

3 (6) been refused renewal of registration as an athlete agent in any state;

4 (7) engaged in conduct resulting in imposition of a sanction, suspension, or
5 declaration of ineligibility to participate in an interscholastic, intercollegiate, or professional
6 athletic event on a student athlete or a sanction on an educational institution; or

7 (8) engaged in conduct that adversely reflects on the applicant's credibility,
8 honesty, or integrity.

9 (c) In making a determination under subsection (b), the commission shall consider:

10 (1) how recently the conduct occurred;

11 (2) the nature of the conduct and the context in which it occurred; and

12 (3) other relevant conduct of the applicant.

13 (d) An athlete agent registered under subsection (a) may apply to renew the registration
14 by submitting an application for renewal in a form prescribed by the commission. The applicant
15 shall sign the application for renewal under penalty of perjury and include current information on
16 all matters required in an original application for registration.

17 (e) A certificate of registration or a renewal of registration under this [act] is valid for two
18 years.

19 **SECTION 8. LIMITATION, SUSPENSION, REVOCATION, OR REFUSAL TO**
20 **RENEW REGISTRATION.** The commission may limit, suspend, revoke, or refuse to renew a
21 registration of an individual registered under Section 7 for conduct that would have justified
22 refusal to issue a certificate of registration under Section 7(b).

1 contract and the separate acknowledgement required by subsection (d).

2 (g) If a student athlete is a minor, an agency contract must be signed by the parent or
3 guardian of the minor and the notice required by subsection (c) must be revised accordingly.

4 **SECTION 11. NOTICE TO EDUCATIONAL INSTITUTION.**

5 (a) In this section, “communicating or attempting to communicate” means contacting or
6 attempting to contact by an in-person meeting, a record, or any other method that conveys or
7 attempts to convey a message.

8 (b) Not later than 72 hours after entering into an agency contract or before the next
9 scheduled athletic event in which the student athlete may participate, whichever occurs first, the
10 athlete agent shall give notice in a record of the existence of the contract to the athletic director
11 of the educational institution at which the athlete is enrolled or at which the agent has reasonable
12 grounds to believe the athlete intends to enroll.

13 (c) Not later than 72 hours after entering into an agency contract or before the next
14 scheduled athletic event in which the student athlete may participate, whichever occurs first, the
15 athlete shall inform the athletic director of the educational institution at which the athlete is
16 enrolled that the athlete has entered into an agency contract and the name and contact
17 information of the athlete agent.

18 (d) If an athlete agent enters into an agency contract with a student athlete and the athlete
19 subsequently enrolls at an educational institution, the agent shall notify the athletic director of
20 the institution of the existence of the contract not later than 72 hours after the agent knew or
21 should have known the athlete enrolled.

22 (e) If an athlete agent has a relationship with a student athlete before the athlete enrolls in
23 an educational institution and receives an athletic scholarship from the institution, the agent shall

1 notify the institution of the relationship not later than 10 days after the enrollment if the agent
2 knows or should have known of the enrollment and:

3 (1) the relationship was motivated in whole or part by the intention of the agent to
4 recruit or solicit the athlete to enter an agency contract in the future; or

5 (2) the agent directly or indirectly recruited or solicited the athlete to enter an
6 agency contract before the enrollment.

7 (f) An athlete agent shall give notice in a record to the athletic director of any educational
8 institution at which a student athlete is enrolled before the agent communicates or attempts to
9 communicate with:

10 (1) the athlete or, if the athlete is a minor, a parent or guardian of the athlete, to
11 influence the athlete or parent or guardian to enter into an agency contract; or

12 (2) another individual to have that individual influence the athlete or, if the athlete
13 is a minor, the parent or guardian of the athlete to enter into an agency contract.

14 (g) If a communication or attempt to communicate with an athlete agent is initiated by a
15 student athlete or another individual on behalf of the athlete, the agent shall notify in a record the
16 athletic director of any educational institution at which the athlete is enrolled. The notification
17 must be made not later than 10 days after the communication or attempt.

18 (h) An educational institution that becomes aware of a violation of this [act] by an athlete
19 agent shall notify the [Secretary of State] [commission] and any professional league or players
20 association with which the institution is aware the agent is licensed or registered of the violation.

21 **SECTION 12. STUDENT ATHLETE'S RIGHT TO CANCEL.**

22 (a) A student athlete or, if the athlete is a minor, the parent or guardian of the athlete may
23 cancel an agency contract by giving notice in a record of cancellation to the athlete agent not

1 later than 14 days after the contract is signed.

2 (b) A student athlete or, if the athlete is a minor, the parent or guardian of the athlete may
3 not waive the right to cancel an agency contract.

4 (c) If a student athlete, parent, or guardian cancels an agency contract, the athlete, parent,
5 or guardian is not required to pay any consideration under the contract or return any
6 consideration received from the athlete agent to influence the athlete to enter into the contract.

7 **SECTION 13. REQUIRED RECORDS.**

8 (a) An athlete agent shall create and retain for five years records of the following:

9 (1) the name and address of each individual represented by the agent;

10 (2) each agency contract entered into by the agent; and

11 (3) the direct costs incurred by the agent in the recruitment or solicitation of each
12 student athlete to enter into an agency contract.

13 (b) Records described in subsection (a) are open to inspection by the [Secretary of State]
14 [commission] during normal business hours.

15 **SECTION 14. PROHIBITED CONDUCT.**

16 (a) An athlete agent, with the intent to influence a student athlete or, if the athlete is a
17 minor, a parent or guardian of the athlete to enter into an agency contract, may not take any of
18 the following actions or encourage any other individual to take or assist any other individual in
19 taking any of the following actions on behalf of the agent:

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

22 (2) furnish anything of value to the athlete before the athlete enters into the
23 contract; or

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

3 (b) An athlete agent may not intentionally do any of the following or encourage any other
4 individual to do any of the following on behalf of the agent:

5 (1) initiate contact, directly or indirectly, with a student athlete or, if the athlete is
6 a minor, a parent or guardian of the athlete, to recruit or solicit the athlete, parent, or guardian to
7 enter an agency contract unless registered under this [act];

8 (2) fail to create or retain or to permit inspection of the records required by
9 Section 13;

10 (3) fail to register when required by Section 4;

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

13 (5) predate or postdate an agency contract; or

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

18 **SECTION 15. CRIMINAL PENALTY.** An athlete agent who violates Section 14 is
19 guilty of a [misdemeanor] [felony] and, on conviction, is punishable by [].

20 *Legislative Note: Each state should determine the penalties to be imposed for a violation of the*
21 *act. A state may wish to include a suspension or revocation of the registration as a part of the*
22 *penalty and also may wish to dedicate all or a part of any fine to the enforcement of the act (see,*
23 *for example, Section 18897.93, California Business and Professions Code).*

24 **SECTION 16. CIVIL REMEDY.**

26 (a) An educational institution or student athlete may bring an action for damages against

1 an athlete agent if the institution or athlete is adversely affected by an act or omission of the
2 agent in violation of this [act]. An educational institution or student athlete is adversely affected
3 by an act or omission of the agent only if, because of the act or omission, the institution or an
4 individual who was a student athlete at the time of the act or omission and enrolled in the
5 institution:

6 (1) is suspended or disqualified from participation in an interscholastic or
7 intercollegiate [sports] event by or under the rules of a state or national federation or association
8 that promotes or regulates interscholastic or intercollegiate sports; or

9 (2) suffers financial damage.

10 (b) A plaintiff that prevails in an action under this section may recover [actual damages]
11 [treble damages] [,] [punitive damages,] [and] costs[, and reasonable attorney's fees]. An athlete
12 agent found liable under this section forfeits any right of payment for anything of benefit or
13 value provided to the student athlete and shall refund any consideration paid to the agent by or
14 on behalf of the athlete.

15 [(c) A violation of this [act] is an [unfair trade or deceptive practice] for purposes of
16 [insert reference to state's unfair trade practices law].]

17 *Legislative Note: If a state has a law that prohibits unfair or deceptive trade practices and*
18 *provides for civil enforcement by a state agency or persons, including competitors, injured by the*
19 *practice, the appropriate name for the practice and statutory citation to the applicable law*
20 *should replace the bracketed language. The drafting rules in some states prohibit what is an*
21 *amendment by reference and may require the unfair or deceptive trade practices act be*
22 *amended. In that case, the bill should contain an appropriate amendment of the specific law and*
23 *subsection (c) should be deleted. Similarly, if a state does not have an unfair or deceptive trade*
24 *practices law, subsection (c) should be deleted or substantially expanded to provide for civil*
25 *enforcement by a state agency, affected members of the public, and competitors.*
26

27 **SECTION 17. CIVIL PENALTY.** The [Secretary of State] [commission] may assess a
28 civil penalty against an athlete agent not to exceed \$[50,000] for a violation of this [act].

1 **[SECTION 18. INTERSTATE COMPACT FOR REGISTRATION OF ATHLETE**
2 **AGENTS.**

3 (a) In enacting this [act], this state adopts the Interstate Compact for Registration of
4 Athlete Agents and agrees to participate with other states enacting those provisions in
5 maintaining the Commission on Interstate Registration of Athlete Agents.

6 (b) Once effective, the compact continues in force and, except as otherwise provided in
7 subsection (c), remains binding on each member state.

8 (c) A member state may withdraw from the compact by repealing the portions of the
9 statute that enacted the compact into law. The withdrawal may not take effect until one year after
10 the effective date of the statute that repeals the portions of the statute that enacted the compact
11 into law and until [written] notice of the withdrawal has been given by the [Governor] [and]
12 [Secretary of State] of the withdrawing state to the [Governor] [and] [Secretary of State] of each
13 member state.

14 (d) A member state immediately shall notify the executive director of the commission in
15 a record of the introduction of legislation to repeal the compact in the member state. Not later
16 than 60 days after receipt of the notice, the executive director shall notify other member states of
17 the introduction of the legislation.

18 (e) A state withdrawing from the compact under subsection (c) is responsible for all
19 assessments, obligations, and liabilities incurred through the effective date of withdrawal,
20 including obligations the performance of which extend beyond the effective date of withdrawal.

21 (f) The compact is dissolved effective on the date of the withdrawal of the member state
22 that reduces the membership in the compact to fewer than five states. On dissolution, the
23 compact has no further effect, and the affairs of the commission must be concluded and assets

1 distributed in accordance with the commission’s bylaws.]

2 **SECTION 19. UNIFORMITY OF APPLICATION AND CONSTRUCTION.** In
3 applying and construing this uniform act, consideration must be given to the need to promote
4 uniformity of the law with respect to its subject matter among states that enact it.

5 **SECTION 20. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND**
6 **NATIONAL COMMERCE ACT.** This [act] modifies, limits, or supersedes the Electronic
7 Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., but does not
8 modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize
9 electronic delivery of any of the notices described in Section 103 (b) of that act, 15 U.S.C.
10 Section 7003(b).

11 **[SECTION 21. SEVERABILITY.** If any provision of this [act] or its application to
12 any person or circumstance is held invalid, the invalidity does not affect other provisions or
13 applications of this [act] which can be given effect without the invalid provision or application,
14 and to this end the provisions of this [act] are severable.]

15 *Legislative Note: Include this section only if this state lacks a general severability statute or a*
16 *decision by the highest court of this state stating a general rule of severability.*

17 **SECTION 22. REPEALS; CONFORMING AMENDMENTS.**

19 (a)

20 (b)

21 (c)

22 **SECTION 23. EFFECTIVE DATE.** This [act] takes effect