REVISED UNIFORM ATHLETE AGENTS ACT (2015)

The Committee appointed by and representing the National Conference of Commissioners on
Uniform State Laws in preparing this Act consists of the following individuals:

DALE G. HIGER, 1302 Warm Springs Ave., Boise, ID 83712, Chair
ROBERT G. BAILEY, University of Missouri School of Law, 217 Hulston Hall, Columbia, MO 65211
LEVI J. BENTON, 3417 Milam St., Houston, TX 77002
JOHN L. CARROLL, Samford University, Cumberland School of Law, 800 Lakeshore Dr.,
    Birmingham, AL 35229
KIERAN MARION, 11898 Woodspointe Dr., Grand Ledge, MI 48837
THOMAS J. MCCracken, JR., 161 N. Clark St., Suite 2210, Chicago, IL 60601
JOHN T. MCgarvey, 601 W. Main St., Louisville, KY 40202
ANNE L. MCGIHON, 837 Sherman St., Denver, CO 80203
DONALD E. MIELKE, 6534 S. Chase St., Littleton, CO 80123
REBECCA ROCKWELL, Office of Legislative Research and General Counsel, 210 House
    Bldg., Utah State Capitol Complex, Salt Lake City, UT 84114-5210
HARRY M. WALSH, 456 Summit Avenue, #206, St. Paul, MN 55102
JERRY L. BASSETT, Legislative Reference Service, 613 Alabama State House, 11 S. Union
    St., Montgomery, AL 36130, Reporter

EX OFFICIO

HARRIET LANSING, 1 Heather Pl., St. Paul, MN 55102-2615, President
STEVEN N. LEITESS, 10451 Mill Run Cir., Suite 1000, Baltimore, MD 21117, Division Chair

AMERICAN BAR ASSOCIATION ADVISOR

MICHAEL P. BARNES, Court of Appeals of Indiana, State House, 200 W. Washington St.,
    Indianapolis, IN 46204-2784, ABA Advisor

EXECUTIVE DIRECTOR

LIZA KARSAI, 111 N. Wabash, Suite 1010, Chicago, IL 60602, Executive Director

Copies of this Act may be obtained from:

NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS
111 N. Wabash Ave., Suite 1010
Chicago, IL 60602
312/450-6600
www.uniformlaws.org
# REVISED UNIFORM ATHLETE AGENTS ACT (2015)

## TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>SHORT TITLE</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>DEFINITIONS</td>
<td>1</td>
</tr>
<tr>
<td>3</td>
<td>[SECRETARY OF STATE][COMMISSION]; AUTHORITY; PROCEDURE</td>
<td>6</td>
</tr>
<tr>
<td>4</td>
<td>ATHLETE AGENT: REGISTRATION REQUIRED; VOID CONTRACT</td>
<td>8</td>
</tr>
<tr>
<td>A</td>
<td>Alternative A for Sections 5 through 9</td>
<td>9</td>
</tr>
<tr>
<td>5</td>
<td>REGISTRATION AS ATHLETE AGENT; APPLICATION; REQUIREMENTS</td>
<td>9</td>
</tr>
<tr>
<td>6</td>
<td>CERTIFICATE OF REGISTRATION; ISSUANCE OR DENIAL; RENEWAL</td>
<td>21</td>
</tr>
<tr>
<td>7</td>
<td>SUSPENSION, REVOCATION, OR REFUSAL TO RENEW REGISTRATION</td>
<td>24</td>
</tr>
<tr>
<td>8</td>
<td>TEMPORARY REGISTRATION</td>
<td>24</td>
</tr>
<tr>
<td>9</td>
<td>REGISTRATION AND RENEWAL FEES</td>
<td>24</td>
</tr>
<tr>
<td>B</td>
<td>Alternative B for Sections 5 through 9</td>
<td>25</td>
</tr>
<tr>
<td>5</td>
<td>COMMISSION ON INTERSTATE REGISTRATION OF ATHLETE AGENTS</td>
<td>25</td>
</tr>
<tr>
<td>6</td>
<td>REGISTRATION AS ATHLETE AGENT; APPLICATION; REQUIREMENTS</td>
<td>26</td>
</tr>
<tr>
<td>7</td>
<td>CERTIFICATE OF REGISTRATION; ISSUANCE OR DENIAL; RENEWAL</td>
<td>30</td>
</tr>
<tr>
<td>8</td>
<td>LIMITATION, SUSPENSION, REVOCATION, OR REFUSAL TO RENEW REGISTRATION</td>
<td>31</td>
</tr>
<tr>
<td>9</td>
<td>TEMPORARY REGISTRATION</td>
<td>31</td>
</tr>
<tr>
<td>End</td>
<td>of Alternatives</td>
<td>31</td>
</tr>
<tr>
<td>10</td>
<td>REQUIRED FORM OF AGENCY CONTRACT</td>
<td>31</td>
</tr>
<tr>
<td>11</td>
<td>NOTICE TO EDUCATIONAL INSTITUTION</td>
<td>34</td>
</tr>
<tr>
<td>12</td>
<td>STUDENT ATHLETE’S RIGHT TO CANCEL</td>
<td>36</td>
</tr>
<tr>
<td>13</td>
<td>REQUIRED RECORDS</td>
<td>36</td>
</tr>
<tr>
<td>14</td>
<td>PROHIBITED CONDUCT</td>
<td>37</td>
</tr>
<tr>
<td>15</td>
<td>CRIMINAL PENALTY</td>
<td>38</td>
</tr>
<tr>
<td>16</td>
<td>CIVIL REMEDY</td>
<td>38</td>
</tr>
<tr>
<td>17</td>
<td>ADMINISTRATIVE PENALTY</td>
<td>40</td>
</tr>
<tr>
<td>18</td>
<td>[INTERSTATE COMPACT FOR REGISTRATION OF ATHLETE AGENTS]</td>
<td>40</td>
</tr>
<tr>
<td>19</td>
<td>UNIFORMITY OF APPLICATION AND CONSTRUCTION</td>
<td>41</td>
</tr>
<tr>
<td>20</td>
<td>RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT</td>
<td>41</td>
</tr>
<tr>
<td>21</td>
<td>SEVERABILITY</td>
<td>42</td>
</tr>
<tr>
<td>22</td>
<td>REPEALS; CONFORMING AMENDMENTS</td>
<td>42</td>
</tr>
<tr>
<td>23</td>
<td>EFFECTIVE DATE</td>
<td>42</td>
</tr>
</tbody>
</table>
REVISED UNIFORM ATHLETE AGENTS ACT (2015)

SECTION 1. SHORT TITLE. This [act] may be cited as the Revised Uniform Athlete

Comment
The title Uniform Athlete Agents Act was selected because a majority of the existing acts
regulating the activities of agents representing athletes have similar titles.

SECTION 2. DEFINITIONS. In this [act]:

(1) “Agency contract” means an agreement in which a student athlete authorizes a person
to negotiate or solicit on behalf of the athlete a professional-sports-services contract or
endorsement contract.

(2) “Athlete agent”:

(A) means an individual, whether or not registered under this [act], who:

(i) directly or indirectly recruits or solicits a student athlete to enter into an
agency contract or, for compensation, procures employment or offers, promises, attempts, or
negotiates to obtain employment for a student athlete as a professional athlete or member of a
professional sports team or organization;

(ii) for compensation or the anticipation of compensation:

(I) serves a student athlete in an advisory capacity on a matter
related to finances, business pursuits, or career management decisions, unless the individual is an
employee of an educational institution acting exclusively as an employee of the institution for the
benefit of the institution; or

(II) manages the business affairs of a student athlete by providing
assistance with bills, payments, contracts, or taxes; or

(iii) gives consideration to a student athlete or another person in
anticipation of:

(I) representing the athlete for a purpose related to the athlete’s participation in athletics;

(II) serving the athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions; or

(III) managing the business affairs of the athlete by providing assistance with bills, payments, contracts, or taxes; and

(B) does not include an individual:

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

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

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

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

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

(3) “Athletic director” means the individual responsible for administering the overall athletic program of an educational institution or, if an educational institution has separately administered athletic programs for male students and female students, the athletic program for males or the athletic program for females, as appropriate.
[(4) “Commission” means the Commission on Interstate Registration of Athlete Agents.]

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

(6) “Contact” means communication, direct or indirect, between an athlete agent and a student athlete to recruit or solicit the athlete to enter into an agency contract.

(7) “Educational institution” includes a public or private elementary school, secondary school, community college, college, and university.

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

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

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

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

(12) “Licensed, registered, or certified professional” means an individual licensed, registered, or certified as an attorney, dealer in securities, financial planner, insurance agent, real estate broker or sales agent, tax consultant, accountant, or member of a profession, other than that of athlete agent, who is licensed, registered, or certified by the state or a nationally recognized organization that licenses, registers, or certifies members of the profession on the basis of experience, education, and testing.
(13) “Person” means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

(14) “Professional-sports-services contract” means an agreement under which an individual is employed as a professional athlete or agrees to render services as a player on a professional sports team or with a professional sports organization.

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

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

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

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

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

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

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

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

Comment

Only individuals are within the definition of “athlete agent” and therefore required to
register under Section 5. Corporations and other business entities do not come within the
definition of “athlete agent” and therefore are not required to register under the act, even though
individuals employed by the corporation or other business entity as athlete agents would be
required to register. The definition also includes other individuals or “runners” used by an agent
to recruit or solicit a student-athlete to enter into an agency contract. Attorneys are not excluded
from the definition. An attorney does not need to comply with the provisions of this act in order
to provide legal services to a student-athlete, but is required to register to perform the services of
an athlete agent.

Representatives of “professional sports teams or professional sports organizations,” such
as baseball teams, are excluded from the definition of “athlete agent” as long as they are acting
for their teams or organizations. If a representative should attempt to induce a student-athlete to
enter into an agency contract, rather than a contract with the team or organization, registration is
required. Also excluded from the definition are individuals who simply provide information to a
student-athlete, but who do not recruit or solicit the student-athlete to sign an agency contract.
For example, a professional athlete who gives a student-athlete information about the
qualifications of an athlete agent is not required to register unless the professional athlete also
attempts to recruit or solicit the student-athlete to sign an agency contract. In the exclusion of
certain family members from the definition of “athlete agent,” the phrase “or guardian” is
bracketed because some States may use another term to describe an individual who has legal
responsibility for the care of another.

The proposed amendment of the definition of athlete agent retains the language of the
UAAA which makes an individual who directly or indirectly recruits or solicits a student athlete
to enter an agency contract an athlete agent, but expands the definition to include an individual
who, for compensation:

(1) procures or attempts to procure employment for a student athlete as a professional
athlete;
(2) represents a student athlete as an athlete;
(3) advises a student athlete on finances, business ventures, or career management;
(4) manages the business affairs of a student athlete; or
(5) secures the enrollment of a student athlete at a particular institution.

The term does not include a licensed professional acting within the scope of his or her
license unless the individual also recruits or solicits a student athlete to enter an agency contract
or is an individual who, for compensation, procures or attempts to procure employment of a
student athlete as a professional athlete.

The definition of “contact” does not include communications which merely provide
information to the student-athlete. For example, a communication about the position a student-
athlete could reasonably expect to have in a professional draft does not constitute recruitment or solicitation to enter into an agency contract.

Athlete agents are providing benefits to students as early as elementary school if the student appears to have long-term professional sports capability. For example, agents have been known to provide athletic shoes and other athletic equipment to student athletes at an early age. This could cause the student athlete to lose his or her eligibility to participate in intercollegiate sports. Accordingly, a definition of educational institution is added and the definition of student athlete is revised to make clear that the act applies to a student athlete enrolled at any level of public or private education.

Recruit or solicit, which is used in the definition of athlete agent, is defined to mean attempting to influence the choice of an athlete agent by a student athlete or, if the athlete is a minor, by a parent or guardian of the athlete. The UAAA excluded a spouse, parent, sibling, grandparent, or guardian of a student athlete from the definition of athlete agent. The act was also silent on the issue of coaches and student athletes although a coach who recruited or solicited a student athlete to enter into an agency contract with an athlete agent was technically an athlete agent. The definition of recruit or solicit excludes advice to select a particular athlete agent given in a family, coaching, or social situation unless the advice is given because of the receipt or anticipated receipt of compensation from the agent. Thus, the parent of a student athlete who advises the athlete to select a particular agent is not an athlete agent unless the advice is given in exchange for compensation or the expectation of compensation from the agent. Similarly, a coach of a student athlete who advises the athlete to select a particular agent is not an agent unless the advice is given for compensation or the expectation of compensation from the agent.

The definition of “student-athlete” applies to a two-sport athlete who has eligibility remaining in one sport. For example, an individual who has signed a contract to play professional basketball is not a student-athlete in basketball, but is a student-athlete in baseball. The definition of “student-athlete” also includes individuals who are not yet in college. It includes high school students, high school dropouts and high school graduates who have delayed matriculation to a college or university so long as the individual may have future eligibility for intercollegiate sports.

SECTION 3. [SECRETARY OF STATE][COMMISSION]; AUTHORITY;

PROCEDURE.

Alternative A

(a) The [administrative procedure act] applies to this [act]. The [Secretary of State] may adopt rules under the [administrative procedure act] to implement this [act].
**Alternative B**

(a) Except as otherwise provided in this [act], the commission is an agency of the state in which the commission is located and the law of that state, including the law relating to administrative procedure, public records, and public meetings, applies to the commission. The commission may adopt rules under the [administrative procedure act] of the state in which it is located to implement this [act].

**End of Alternatives**

(b) By acting as an athlete agent in this state, a nonresident individual appoints the [Secretary of State] [commission] as the individual’s agent for service of process in any civil action in this state related to the individual acting as an athlete agent in this state.

(c) The [Secretary of State] [commission] may issue a subpoena for material that is relevant to the administration of this [act].

**Legislative Note:** Depending on the alternative selected, this section incorporates the administrative procedure act of either the adopting state or the state in which the entity created by the Interstate Compact is located. State administrative procedure acts uniformly contain provisions for contested case proceedings, which generally include the authority of the administering agency to revoke or suspend a license and bring an action to enjoin an act in violation of the law being enforced. If a state’s administrative procedure act does not provide that authority, it should be added.

**Comment**

The office of Secretary of State has been designated as the administrator of existing acts regulating the activities of athlete agents more frequently than any other office. The office of Secretary of State is referred to in subsection (b) and throughout this act. It is recognized, however, that the appropriate state office to administer this act may vary from State to State and, therefore, references to the Secretary of State are in brackets.

Subsection (b) is in brackets because it may not be required under the administrative procedure acts of some States. If subsection (b) is not used, the remainder of the section should not be designated as (a).

“Administrative Procedures Act” is bracketed because some States may refer to laws relating to due process in administrative procedures by another name.
SECTION 4. ATHLETE AGENT: REGISTRATION REQUIRED; VOID CONTRACT.

(a) Except as otherwise provided in subsection (b), an individual may not act as an athlete agent in this state without holding a certificate of registration under Section [5, 6, or 8] [6 or 7].

(b) Before being issued a certificate of registration under Section [5, 6, or 8] [6 or 7], an individual may act as an athlete agent in this state for all purposes except signing an agency contract, if:

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

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

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

Comment

The intent of this section is to make the registration requirement as broad as constitutionally permissible consistent with the minimum contacts theory of International Shoe Company v. Washington, 326 U.S. 310 (1945). Agents must register in each State in which they have established minimum contacts. For example, an individual in State A contacting a student-athlete in State B is acting as an athlete agent in both States and is therefore required to register in both States.

Subsection (b) provides a safe harbor for an unregistered individual with whom a student-athlete initiates communications. The individual must apply for registration within seven days from the beginning of any effort to recruit or solicit the student-athlete to enter into agency contract. If the individual does not attempt to recruit or solicit the student-athlete to sign an agency contract, registration is not required. References to “days” in this section and throughout the act mean calendar days.

In addition to the penalties which may be imposed under Sections 15 and 17, subsection (c) discourages contact with a student-athlete by an individual who has not registered as an athlete agent. An agency contract resulting from that contract is void, not merely voidable.
Alternative A for Sections 5 through 9

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

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

While the numbering of the sections in the two Alternatives is different because Section 5 of Alternative B creates the commission and the contents of Section 9 are folded into Section 5, the substantive requirements for the initial registration and the basis for denial of registration or the suspension, revocation, or failure to renew registration are identical in both alternatives. Thus, the effect of Alternative B in a state adopting the compact is to delegate the responsibility for the registration of athlete agents and the civil enforcement of the act to a central entity created by the compact. A state adopting Alternative B also will have to amend Section 2 to include a definition of commission for the new central registration agency, select Alternative B for Section 3(a), add bracketed Section 18 containing language formally creating the Interstate Compact, make conforming changes replacing [Secretary of State] with the commission in Section 17, and make additional conforming changes in Section 4. Since the operation of Alternative B is conditioned on that alternative being adopted by at least five states, a state that elects to participate in the interstate compact before the interstate compact becomes effective may wish either to continue its existing athlete agent registration program until the interstate compact becomes effective and the commission created by the compact is in operation or enact Alternative A on an interim basis.

SECTION 5. REGISTRATION AS ATHLETE AGENT; APPLICATION;

REQUIREMENTS.

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

(1) the name, birth date, and birthplace of the applicant, last four digits of the applicant’s Social Security number, and contact information for the applicant:

(A) the address of the applicant’s principal place of business;
(B) work and mobile telephone numbers;
(C) facsimile number, electronic-mail address, and personal and business
or employer websites;
(2) the name of the applicant’s business or employer, if applicable, including for
each business or employer, its mailing address, telephone number, organization form, and the
nature of the business;
(3) each social-media account with which the applicant or the applicant’s business
or employer is affiliated;
(4) each business or occupation in which the applicant engaged within five years
before the date of the application, including self-employment and employment by others, and
any professional or occupational license, registration, or certification held by the applicant during
that time;
(5) a description of the applicant’s:
(A) formal training as an athlete agent;
(B) practical experience as an athlete agent; and
(C) educational background relating to the applicant’s activities as an
athlete agent;
(6) the name of each individual for whom the applicant acted as an athlete agent
within five years before the date of the application, together with the individual’s sport and last-
known team;
(7) the name and address of each person that:
(A) is a partner, member, officer, manager, associate, or profit sharer or
directly or indirectly holds an equity interest of five percent or greater of the athlete agent’s
business if it is not a corporation; and

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

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

(9) whether the applicant, or any person named under paragraph (7), has pleaded
guilty or no contest to, has been convicted of, or has charges pending for, a crime that, if
committed in this state, would involve moral turpitude or be a felony and, if so, identification of:

(A) the crime;

(B) the law enforcement agency involved; and

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

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

(11) whether the applicant, or any person named under paragraph (7), has an
unsatisfied judgment or judgment of continuing effect, including [alimony] or a domestic order
in the nature of child support;

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

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

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

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

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

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

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

(A) the name of the league or association;

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

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

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

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

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

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

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

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

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

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

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

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

(2) exchange information, including information related to actions taken against registered athlete agents, with those organizations and agencies.
Comment

Most of the requirements for disclosure in an application for registration found in subsection (a) are similar to requirements imposed by existing acts. Subsection (a)(6) is not intended to cause an athlete agent who is also an attorney to violate the attorney-client privilege. If an attorney’s role is limited to providing legal services to a student-athlete, the attorney is not required to register as an athlete agent or comply with this act. An attorney’s actions as an athlete agent, however, are outside the scope of legal services, there is no privilege and the attorney must comply with this act.

It is the intent of this section to require that records concerning registration of athletes be open to the public. The provision in subsection (a) about an application being a public record is bracketed because it is not necessary in States which have other applicable law causing the records to be open to the public.

Subsection (b) provides for reciprocal use of applications in States which have adopted the Uniform Act. The need for an agent to comply with substantially different application procedures in multiple jurisdictions is eliminated. It is the first of a number of reciprocity provisions found in the act which are intended to ease the burden placed on agents by substantially different registration requirements and to simplify enforcement of the act. Absence of reciprocity provisions in existing acts is a primary reason why the Uniform Act is needed.

Section 5 of the UAAA was not a true reciprocal registration provision in that, while it allowed for submission of the application for registration in one state to another state, the second state was free to require additional information or refuse to issue the registration on various grounds. The amended version is a true reciprocal registration provision in that if an individual registered in state A applies for registration in state B, state B is required to grant the registration if it determines the law in state A is the same or more restrictive than the law in state B, the registration is in good standing, and no proceeding involving the individual’s conduct as an athlete agent is pending in any state in which the individual is registered.

A central registration point with a single form is the easiest way to facilitate the reciprocal licensing provisions of subsection (b) and subsection (c) encourages the administrative agencies to which the enforcement of the act is delegated to cooperate with agencies from other states to that end. It is recognized there are substantial obstacles to a central registration office, not the least of which is cost. If it is not possible or feasible to create a central registration point, agencies are encouraged to adopt the following standard form:
REGISTRATION FORM

PART I. GENERAL INFORMATION

[Use additional sheets as necessary]

1. Registrant first name: ____________________________

2. Registrant middle name: __________________________

3. Registrant last name: ____________________________

4. If you have ever been known by any other name, surname, or maiden name, list the name: ____________________________

5. Name of your organization involved in providing services for athletes: __________

6. Your position or title within the organization identified in Item 5: __________

7. Mailing address, city, state, and zip code of organization identified in Item 5: ______

8. Work phone: ____________________________

9. Mobile phone: ____________________________

10. Fax number: ____________________________

11. Work and Personal Email and Website: ____________________________

12. Birthplace and date of birth: ____________________________

13. List all social-media accounts with which you and the organization identified in Item 5 are affiliated: ____________________________

14. Indicate if you are registered or certified by any professional league or player’s association, the date of registration or certification, and, if applicable, the date of expiration, as of
the date of the completion of this form, with:

2 Major League Baseball Players Association

3 National Basketball Players Association

4 National Football Players Association

5 National Hockey League Players Association

6 Other

7 None

15. If "Other" was selected for Item 14, name the professional association(s):

16. List all states in which you are currently registered or have applied to be registered pursuant to any state statute regulating athlete agents:

PART II. EDUCATION

For each item in this part, include: School name, city and state, degree conferred, and year the degree was awarded.

17. Professional/Graduate School(s):

18. Undergraduate School(s):

19. High School(s):

PART III. CURRENT OCCUPATION/EMPLOYMENT

20. Are you self-employed? (Y/N) (If you are not self-employed, skip to Item 23.)

21. Provide the dates and duration of your self-employment:

22. Describe the nature of your current self-employment:

23
23. If you are not self-employed, provide each item listed below for every organization by which you are employed:

1. Name of employer: ________________________________
2. Supervisor's name: ________________________________
3. Supervisor's address and work phone: ________________________________
4. Initial date of employment (including month and year): ________________
5. Nature of your current employment: ________________________________

24. Provide the following information for each firm or organization with which you are currently affiliated: Name, mailing address, phone number, organizational form (for example, a sole proprietorship, corporation, partnership, or other entity), and nature of business: ________________

25. If a firm or organization listed in Item 24 is a partnership, list the name of each partner below. If a firm or organization listed in Item 24, is a corporation, list the name of each officer and member of the board of directors. For each firm or organization, designate the partners, officers, shareholders, or members of the board of directors who customarily perform work for or on behalf of professional athletes: ________________________________

26. List each individual not named in Item 25, who: (a) has an ownership interest of 5% or more in each firm or organization listed in Item 24 which is a corporation; (b) has wholly or partially financed your firm or organization (other than financing or credit extended in the ordinary course of business by lending institutions); or (c) directly or indirectly exercises or has the power to exercise a controlling influence over the management of your firm or organization. For each individual, provide their respective name, mailing address, phone number, and nature of
involvement (for example, describe the individual’s ownership interest, amount of financing
provided, or basis of the individual’s controlling influence: ____________________________

27. Provide your employment history for the past five years or a resume that indicates
that employment history: ____________________________

PART IV. PROFESSIONAL BACKGROUND

28. List each membership you have in a business or professional organization that
directly relates to your occupation or profession: ____________________________

29. List each occupational or professional license or other similar credential (i.e.,
Certified Public Accountant, Chartered Life Underwriter, Registered Investment Advisor, etc.)
you have obtained, including the date and status of the license or credential obtained: ______

30. Have you ever been denied an occupational or professional license from a state or
federal regulatory agency? (Y/N)

31. If you answered "Yes" to Item 30, explain each occurrence fully: ________________

32. Have you ever been denied a business license, franchise, or other similar credential
for which you applied? (Y/N)

33. If you answered "Yes" to Item 32, explain each occurrence fully: ________________

34. Describe and indicate the status of any application you currently have pending for an
occupational or professional license: ________________________________

35. Describe and indicate the status of any application you currently have pending for a business license, franchise, or other similar credential: ________________________________

36. As part of your professional endeavors, have you ever been reprimanded or censured or has your right to engage in any profession or occupation ever been disqualified, suspended, withdrawn, or terminated? (Y/N)

37. If you answered "Yes" to Item 36, explain each occurrence fully: ________________

PART V. COMPLIANCE BACKGROUND

38. Have you ever been convicted, reprimanded, censured, disqualified, cited, or otherwise disciplined for a violation of a state statute regulating athlete agents? (Y/N)

39. If you answered "Yes" to Item 38, for each occurrence specify: any associated complaint or charge, the date of the alleged violation, the result or status of any related investigation, and the name of any authority imposing a related sanction: ________________________________

40. Indicate the nature of any charge or complaint currently pending against you regarding your conduct as a member of a profession. For each charge or complaint, specify the name and address of the authority considering the charge or complaint. If no charge or complaint is currently pending against you, enter "None." ________________________________

41. Have you ever been convicted of or pleaded guilty to a criminal charge or have a criminal charge currently pending against you? (Y/N)

42. If you answered "Yes" to Item 41, provide the following information for each
occurrence: Offense, law enforcement agency involved, and, if applicable, the date of conviction and the fine or penalty imposed: ________________________________

43. Within the 15 years before the date of this application, have you been a defendant in a civil proceeding? (Y/N)

44. If you answered "Yes" to Item 43, specify the date of each proceeding and explain each occurrence fully: ________________________________

45. If you have been adjudicated legally incompetent by any court within the last 15 years of the date of this application, specify the date and nature of the determination: ____________

46. Have you ever been suspended or expelled from an educational institution? (Y/N)

47. If you answered "Yes" to Item 46, specify the date of the suspension or expulsion, the educational institution involved, and the reason for the suspension or expulsion: ____________

48. Is there any unsatisfied judgment of continuing effect against you (including alimony and child support)? (Y/N)

49. If you answered "Yes" to Item 48, explain the unsatisfied judgment fully: ____________

50. Within the 10 years before the date of this application, have you been declared bankrupt or been an owner or part-owner of a business that was declared bankrupt? (Y/N)

51. If you answered "Yes" to Item 50, specify the date and fully explain each occurrence: ________________________________
52. Have you ever been involved in any action that resulted in the imposition of a sanction against an educational institution or the imposition of a sanction against or suspension or declaration of ineligibility of a student athlete from participating in an interscholastic, intercollegiate, or professional athletic event? (Y/N)

53. If you answered "Yes" to Item 52, provide the following for each occurrence: the complaint or charge, the date of alleged violation, the results or status of any related investigation, and the name of the authority imposing any related sanction:

54. For any organization listed in Item 14, list any denial, refusal to renew, withdrawal, or termination of the certification or registration, or any reprimand or censure related to the certification or license:

ACKNOWLEDGEMENT

By entering my name below, I attest under penalty of perjury that all statements, affirmations, and representations made in this application and its attachments are accurate as of my application date and are made for the benefit of the state and its student athletes, both present and future, and that the information contained herein, except for information that is a trade secret or personal information the disclosure of which would constitute an unwarranted invasion of personal privacy, is public information and may be provided by the state to student athletes and other individuals without restriction.

Name

SECTION 6. CERTIFICATE OF REGISTRATION; ISSUANCE OR DENIAL; RENEWAL.

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

(b) The [Secretary of State] may refuse to issue a certificate of registration to an applicant for registration under Section 5(a) if the [Secretary of State] determines that the applicant has engaged in conduct that has a significant adverse effect on the applicant’s fitness to act as an athlete agent. In making the determination, the [Secretary of State] may consider whether the applicant has:

(1) been convicted of a crime that, if committed in this state, would involve moral turpitude or be a felony;

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

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

(4) engaged in conduct prohibited by Section 14;

(5) had a registration as an athlete agent suspended, revoked, or denied or been refused renewal of registration as an athlete agent in any state;

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

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

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

(1) how recently the conduct occurred;
(2) the nature of the conduct and the context in which it occurred; and
(3) other relevant conduct of the applicant.

(d) An athlete agent registered under subsection (a) may apply to renew the registration by submitting an application for renewal in a form prescribed by the [Secretary of State]. The applicant shall sign the application for renewal under penalty of perjury and include current information on all matters required in an original application for registration, as necessary.

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

(1) the registration requirements of the other state are substantially similar to or more restrictive than this [act]; and
(2) the renewed registration has not been suspended or revoked and no action involving the individual’s conduct as an athlete agent is pending against the individual or the individual’s registration in any state.

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

Comment

This section includes many of the factors which are considered in determining whether to register athlete agents under existing legislation. In addition, the Secretary of State is authorized to consider action taken in another State, which has adopted the Uniform Act, regarding registration or licensure.

A requirement that Secretaries of State exchange information about denial, suspension, revocation or refusal to renew registration of athlete agents is beyond the scope of this act. Since an agreement to exchange such information would reduce the expense of administering this act and provide for more effective enforcement, it seems likely the Secretaries of State will enter
SECTION 7. SUSPENSION, REVOCATION, OR REFUSAL TO RENEW REGISTRATION.

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

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

Comment

By reference to Section 6(b), this section permits the Secretary of State to consider, among other things, actions in another State to suspend, revoke, or refuse to renew registration.

SECTION 8. TEMPORARY REGISTRATION. The [Secretary of State] may issue a temporary certificate of registration as an athlete agent while an application for registration or renewal of registration is pending.

Comment

The discretion to issue a temporary certificate of registration is broad enough to include issuance of such a certificate even where the registration may be contested. It is not necessary to issue a temporary certificate to protect an individual with whom a student-athlete initiated communications. Under Section 4(b), that individual is only required to file an application for registration within seven days after commencement of efforts to recruit or solicit the student-athlete to sign an agency contract.

SECTION 9. REGISTRATION AND RENEWAL FEES. An application for registration or renewal of registration as an athlete agent must be accompanied by a fee in the following amount:

(1) $[ ] for an initial application for registration;
Comment

The amount of fees is left for each State to determine. Some States with existing acts have set fees in amounts sufficient to recover the cost of administration. If that approach is taken, a fee for registration or renewal based on registration or renewal of registration in another State should be less than when a complete evaluation and review of an application is necessary.

Athlete agent registration is the cornerstone of this act. High registration fees imposed by some States with existing acts have probably contributed to seemingly small numbers of registrants under existing acts. The success of this act may be contingent on the implementation of a reasonable fee structure which does not motivate non-compliance.

Alternative B for Sections 5 through 9

SECTION 5. COMMISSION ON INTERSTATE REGISTRATION OF ATHLETE AGENTS.

(a) The Commission on Interstate Registration of Athlete Agents is created. The commission is a body corporate and joint agency of the states that enact an act that is substantively identical to this [act]. The commission consists of one member from each state that enacts such an [act] appointed by the [Governor] of that state.

(b) The first meeting of the commission must be held not later than [90] days after the fifth state enacts an act substantively identical to this [act]. A majority of the states that enact such an act constitutes a quorum for the conduct of business.

(c) At its first meeting, the commission shall adopt bylaws that provide for:

(1) an executive committee to manage day-to-day affairs of the commission;
(2) the operation of the commission, including employment of necessary staff;
(3) maintaining a site for the registration of athlete agents in the states that enact
(4) establishing the registration fee and the apportionment of the fee among the
states that enact this [act]; and

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

(d) The commission:

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

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

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

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

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

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

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

SECTION 6. REGISTRATION AS ATHLETE AGENT; APPLICATION;

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

(1) the name, birth date, and birthplace of the applicant, last four digits of the applicant’s
Social Security number, and contact information for the applicant, including the address of the
applicant’s principal place of business, work and mobile telephone numbers, facsimile number,
electronic-mail address, and personal and business or employer websites;

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

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

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

(5) a description of the applicant’s:

(A) formal training as an athlete agent;

(B) practical experience as an athlete agent; and

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

(6) the name of each individual for whom the applicant acted as an athlete agent within
five years before the date of the application, together with the individual’s sport and last-known
(7) the name and address of each person that:

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

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

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

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

(A) the crime;

(B) the law enforcement agency involved; and

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

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

(11) whether the applicant, or any person named under paragraph (7), has an unsatisfied judgment or judgment of continuing effect, including [alimony] or a domestic order in the nature
of child support;

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

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

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

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

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

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

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

(A) the name of the league or association;

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

(19) any additional information required by the commission.

SECTION 7. CERTIFICATE OF REGISTRATION; ISSUANCE OR DENIAL;
RENEWAL.

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

(b) The commission may refuse to issue a certificate of registration to an applicant for
registration under Section 6 if the commission determines that the applicant has engaged in
conduct that has a significant adverse effect on the applicant’s fitness to act as an athlete agent.
In making the determination, the commission may consider whether the applicant has:

(1) been convicted of a crime involving moral turpitude or a felony;

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

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

(4) engaged in conduct prohibited by Section 14;

(5) had a registration as an athlete agent suspended, revoked, or denied or been
refused renewal of registration as an athlete agent in any state;

(6) engaged in conduct resulting in imposition of a sanction, suspension, or
declaration of ineligibility to participate in an interscholastic, intercollegiate, or professional
athletic event on a student athlete or a sanction on an educational institution; or
(7) engaged in conduct that significantly adversely reflects on the applicant’s credibility, honesty, or integrity.

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

(1) how recently the conduct occurred;

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

(3) other relevant conduct of the applicant.

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

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

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

SECTION 9. TEMPORARY REGISTRATION. The commission may issue a temporary certificate of registration as an athlete agent while an application for registration or renewal of registration is pending.

End of Alternatives

SECTION 10. REQUIRED FORM OF AGENCY CONTRACT.

(a) An agency contract must be in a record signed by the parties.

(b) An agency contract must contain:
(1) a statement that the athlete agent is registered as an athlete agent in this state and a list of any other states in which the agent is registered as an athlete agent;

(2) the amount and method of calculating the consideration to be paid by the student athlete for services to be provided by the agent under the contract and any other consideration the agent has received or will receive from any other source for entering into the contract or providing the services;

(3) the name of any person not listed in the agent’s application for registration or renewal of registration which will be compensated because the athlete signed the contract;

(4) a description of any expenses the athlete agrees to reimburse;

(5) a description of the services to be provided to the athlete;

(6) the duration of the contract; and

(7) the date of execution.

(c) An agency contract must contain a conspicuous notice in substantially the following form stating:

WARNING TO STUDENT ATHLETE

IF YOU SIGN THIS CONTRACT:

(1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A - STUDENT ATHLETE IN YOUR SPORT;

(2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER SIGNING THIS CONTRACT OR BEFORE THE NEXT SCHEDULED ATHLETIC EVENT IN WHICH YOU PARTICIPATE, WHICHEVER OCCURS FIRST, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR THAT YOU HAVE ENTERED INTO THIS CONTRACT AND THE NAME AND CONTACT
INFORMATION OF THE ATHLETE AGENT; AND

(3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY.

(d) An agency contract must be accompanied by a separate record signed by the student athlete acknowledging that signing the contract may result in the loss of the athlete’s eligibility to participate in the athlete’s sport.

(e) A student athlete may void an agency contract that does not conform to this section. If the athlete voids the contract, the athlete is not required to pay any consideration under the contract or return any consideration received from the athlete agent to induce the athlete to enter into the contract.

(f) At the time an agency contract is executed, the athlete agent shall give the student athlete a copy in a record of the contract and the separate acknowledgement required by subsection (d).

Comment

This section is intended to provide protection to the student-athlete by requiring a form of agency contract similar to those required in some consumer transactions. The Drafting Committee preferred to require that agency contracts be in traditional written form. However, the adoption of the Electronic Signatures in Global and National Commerce Act (see Section 19) eliminated that option.

A student-athlete who opts to void an agency contract under this section because it does not comply with the specified form is not required to return any consideration received to induce the signing of the agency contract because such inducement is prohibited conduct under Section 14.

The compensation referred to in subsection (b)(2) is compensation for services intended to induce the student-athlete to sign an agency contract. It does not include compensation individuals may receive because an athlete agent has been successful in securing an agency contract. For example, the compensation paid employees of an athlete agent who did not participate in inducing the student-athlete to sign an agency contract is not compensation under subsection (b)(2) even though their compensation may be made possible by the income resulting
from the agency contract.

Subsection (b) contains references to a student-athlete in a time context in which the individual may be a former student-athlete. This is done for simplicity in drafting. It should be noted that violation of eligibility rules adopted by an educational institution or a national association is not automatic and does not occur until a determination has been made by the educational institution or the national association

SECTION 11. NOTICE TO EDUCATIONAL INSTITUTION.

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

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

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

(d) If an athlete agent enters into an agency contract with a student athlete and the athlete subsequently enrolls at an educational institution, the agent shall notify the athletic director of the institution of the existence of the contract within 72 hours after the agent knew the athlete enrolled.

(e) If an athlete agent has a preexisting relationship with a student athlete who enrolls in
an educational institution and receives an athletic scholarship from the institution, the agent shall notify the institution of the relationship not later than 10 days after the enrollment if the agent knows or should have known of the enrollment and:

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

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

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

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

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

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

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

Comment
The purpose of this section is to prevent an educational institution from being sanctioned
or penalized by allowing an ineligible player to participate in intercollegiate sports. The penalties may be severe. In addition to non-monetary penalties mentioned in the prefatory note, penalties may include loss of very substantial revenues received for participation in a football bowl game or a post-season basketball tournament.

Subdivision (e) imposes a requirement an athlete agent notify the educational institution in a record before attempting to communicate with a student athlete enrolled at the institution. This provision is one the institutions feel is crucial to trying to control the excesses in the process.

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

(a) A student athlete may cancel an agency contract by giving notice in a record of cancellation to the athlete agent not later than 14 days after the contract is signed.

(b) A student athlete may not waive the right to cancel an agency contract.

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

**Comment**

Because of the disparity in the sophistication of the parties, this section gives the student-athlete or former student-athlete the right to cancel an agency contract within 14 days even if the athlete agent has complied with the provisions of Section 10 regarding the form of the contract. The section provides relief to the student-athlete who has entered into an ill-considered agency contract, but does not provide any assurance that the student-athlete will be eligible to compete in a sport.

**SECTION 13. REQUIRED RECORDS.**

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

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

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

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

(b) Records described in subsection (a) are open to inspection by the [Secretary of State]
SECTION 14. PROHIBITED CONDUCT.

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

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

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

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

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

(1) initiate contact with a student athlete or, if the athlete is a minor, a parent or guardian of the athlete, unless registered under this [act];

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

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

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

(5) predate or postdate an agency contract; or

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

**Comment**

This section describes the conduct which gives rise to criminal penalties and civil liabilities under Sections 15 and 16.

Subsection (a)(3) prohibits an athlete agent from making any payment or providing anything of value to an individual who is in a position to influence a student-athlete to enter into an agency contract unless that individual is registered as an athlete agent. There have been numerous instances in which an athlete agent has made payment to or provided something of value to family members, friends or roommates of student-athletes to enlist their services in inducing a student-athlete to sign an agency contract usually without disclosure to the student-athlete.

If a student-athlete signs an agency contract in the form required by Section 10, there is no failure to notify under subsection (b)(6) because the agency contract includes the warning to student-athlete required by Section 10(c).

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

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

**Comment**

The extent of the criminal penalties which may be imposed for violation of the act are left to the States adopting the act because of a wide variation in the criminal penalties provided for by existing acts. Variations in the criminal penalties which may be imposed would not detract from the otherwise uniform and reciprocal provisions of the act. Some potential criminal penalty is necessary to discourage those individuals who are willing to engage in improper or illegal conduct because of the size of the monetary stakes in the contemporary professional sports world.

**SECTION 16. CIVIL REMEDY.**

(a) An educational institution or student athlete has a right of action for damages against an athlete agent if the institution or athlete is adversely affected by an act or omission of the
agent in violation of this [act]. An educational institution or student athlete is adversely affected by an act or omission of the 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:

(1) 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 for the promotion or regulation of interscholastic or intercollegiate sports; or

(2) suffers financial damage.

(b) A plaintiff that prevails in an action under this section may recover [actual damages] [treble damages] [,] [punitive damages,] [and] 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.

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

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

Comment

It is assumed that educational institutions will be very reluctant to bring an action against a former student-athlete. Public opinion and the desire to be successful in future recruiting of athletes should cause educational institutions to carefully consider whether to exercise the right established by subsection (a) in most situations. There are, however, known instances of
extremely egregious conduct by student-athletes who received lucrative professional contracts which caused serious damage to educational institutions. Subsection (a) keeps open the possibility of a civil action against those individuals.

Section 16 does not specifically authorize an action by a student-athlete against an athlete agent because the student-athlete can bring an action against an athlete agent under existing law. Subsection (e) preserves the rights of the student-athlete under existing law.

The UAAA provided a cause of action for an educational institution against an athlete agent or a student athlete for damages caused by a violation of the act. The amended section, which is based on Section 18897.8 of the California Business and Professions Code, removes the cause of action against a student athlete and gives the student athlete a cause of action against the athlete agent.

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

**Comment**

The procedure for imposing an administrative penalty and complying with due process requirements are left to the adopting State’s administrative procedures law.

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

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

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

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

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

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

(f) The compact is dissolved effective on the date of the withdrawal of the member state that reduces the membership in the compact to fewer than five states. On dissolution, the compact has no further effect, and the affairs of the commission must be concluded and assets distributed in accordance with the commission’s bylaws.]

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

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

Comment

The Electronic Signatures in Global and National Commerce Act (ESGNCA) contains provisions governing the legal effect, validity, or enforceability of electronic records and electronic signatures. The act recognizes contracts which have been formed with the use of
electronic records or electronic signatures even though the Drafting Committee recommends that
agency contracts be in the traditional written form.

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

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

SECTION 22. REPEALS; CONFORMING AMENDMENTS.

(a) . . .
(b) . . .
(c) . . .

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