

DRAFT

FOR DISCUSSION ONLY

## **UNIFORM ATHLETE-AGENTS ACT**

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NATIONAL CONFERENCE OF COMMISSIONERS  
ON UNIFORM STATE LAWS

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**NOVEMBER 24, 1998**

## **UNIFORM ATHLETE-AGENTS ACT**

Without Reporter's Notes

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Montgomery, AL 36130  
TERESA ANN BECK, House Legislative Services Office, P.O. Box 1018, Jackson, MS 39215  
ROBERT N. DAVIS, University of Mississippi, School of Law, Law Center Room 559, University, MS  
38677, National Conference Reporter  
CHARLES W. EHRHARDT, Florida State University, College of Law, 425 W. Jefferson Street,  
Tallahassee, FL 32306  
THOMAS L. JONES, University of Alabama School of Law, University Station, P.O. Box 865557,  
Tuscaloosa, AL 35486-0050  
JOSHUA M. MORSE, III, Florida State University, College of Law, Tallahassee, FL 32306  
HARVEY S. PERLMAN, University of Nebraska, College of Law, P.O. Box 830902, Lincoln, NE  
68583  
FREDERICK P. STAMP, JR., U.S. District Court, P.O. Box 791, Wheeling, WV 26003  
HARRY M. WALSH, 456 Summit Avenue, #206, St. Paul, MN 55102  
HARRY WIGGINS, Missouri Senate, Room 423, State Capitol, Jefferson City, MO 65101

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### **Copies of this Act may be obtained from:**

NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS  
211 E. Ontario Street, Suite 1300  
Chicago, Illinois 60611  
312/915-0195

### **ARTICLE 1**

1 **GENERAL PROVISIONS**

2 **SECTION 101. SHORT TITLE.** This [Act] may be cited as Uniform Athlete-Agents Act.

3 **SECTION 102. DEFINITIONS.** In this [Act]:

4 (1) "Athlete-Agent" means an individual who enters into an agent-contract with a  
5 student-athlete or who, directly or indirectly, contacts, recruits, or solicits a student-athlete to  
6 enter into an agent-contract, a professional sports-services-contract, or an endorsement contract.

7 (2) "Agent-contract" means an agreement under which a student-athlete authorizes an  
8 athlete-agent to negotiate or solicit on behalf of the student-athlete a professional sports-services-  
9 contract or an endorsement contract.

10 (3) "Athletic Director" means the individual discharging the duties of coordinating and  
11 administering the overall athletic program for an educational institution attended by a student-  
12 athlete.

13 (4) "Contact" means a communication by whatever means between an athlete-agent and a  
14 student-athlete, to induce or attempt to induce a student-athlete to enter into an agent-contract,  
15 professional sports-services-contract, or an endorsement contract.

16 (5) "Educational institution" means a public or private junior high school, high school,  
17 junior college, college, or university that a student-athlete attends, last attended, or to which the  
18 student-athlete has expressed written intention to attend.

19 (6) "Endorsement contract" means any contract or agreement pursuant to which an  
20 individual is employed or receives remuneration for any value or utility that the individual may  
21 have because of publicity, reputation, fame, or following obtained because of athletic ability or  
22 performance.

1           (7) “Person means an individual, corporation, business  
2 trust, estate, trust, partnership, limited liability company, association, joint venture, government,  
3 governmental subdivision, agency, or instrumentality, public corporation, or any other legal or  
4 commercial entity.

5           (8) “Professional sports-services-contract means an agreement pursuant to which a  
6 student-athlete is employed or agrees to render services as a player on a professional sports team  
7 or organization or as a professional athlete.

8           (9) “Registration means registration as an athlete-agent pursuant to this [Act].

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

12           (11) “Student-athlete means an individual who engages in, is eligible to engage in, or  
13 may be eligible in the future to engage in, any intercollegiate sporting event, contest, exhibition,  
14 or program.

15       **SECTION 103. ADMINISTRATION.**

16 The [Secretary of State] shall administer this [Act].

1 **ARTICLE 2**

2 **REGISTRATION**

3 **SECTION 201. ATHLETE-AGENT REGISTRATION.**

4 (a) An applicant for registration as an athlete-agent shall submit a written application for  
5 registration to the [Secretary of State] on a form prescribed by the [Secretary of State]. The  
6 application shall include:

7 (1) the name of the applicant and the address of the applicant's principal place of  
8 business;

9 (2) the name of the applicant's firm or employer;

10 (3) the business or occupation engaged in by the applicant for the five years  
11 immediately preceding the date of application;

12 (4) a description of the applicant's formal training, practical experience, and  
13 educational background relating to the applicant's activities as an athlete-agent;

14 (5) the names and addresses of three professional references;

15 (6) the names and addresses of all individuals represented by the applicant as an  
16 athlete-agent during the past five years;

17 (7) the names and addresses of all persons who have a financial interest in the  
18 operation of the business of the athlete agent as partners, associates, or profit-sharers, except  
19 bona fide employees on stated salaries;

20 (8) any crime, other than a minor traffic offense, of which the applicant has been  
21 convicted;

22 (9) any administrative or judicial determination that the applicant has made a material

1 false, misleading, deceptive, untrue, or fraudulent representation as an athlete-agent or in any  
2 document related to the business of the athlete-agent;

3 (10) any sanction, suspension, or declaration of ineligibility to participate in one or  
4 more interscholastic or intercollegiate athletic events imposed on any education institution in any  
5 proceeding arising from, or related to, the actions of the applicant;

6 (11) any proceeding before a professional board, association, secretary, committee, or  
7 other entity resulting from disciplinary charges or other allegations of misconduct against the  
8 applicant, and the outcome of the proceeding; and

9 (12) any revocation or suspension of the applicant's registration in this state or  
10 another state.

11 (b) An individual licensed or registered as an athlete-agent in another state may comply  
12 with subsection (a) by filing proof of licensure or registration in that other state if the [Secretary  
13 of State] determines that the requirements for licensure or registration in the other state are equal  
14 to or more stringent than those imposed by this [act].

15 (c) The application must:

16 (1) be accompanied by payment of the appropriate fee;

17 (2) be accompanied by evidence of liability insurance or cash equivalent as prescribed  
18 in Section 204.

19 (3) contain any other information required by the [Secretary of State]; and

20 (4) be made under penalty of perjury.

21 **SECTION 202. ISSUANCE OF REGISTRATION AND GROUNDS FOR DENIAL,**  
22 **SUSPENSION, OR REVOCATION OF REGISTRATION CERTIFICATE.**

1 (a) The [Secretary of State] shall issue a certificate of registration to an individual who  
2 complies with Section 201, unless the [Secretary of State] determines that the applicant:

3 (1) has been convicted of a crime other than a minor traffic offense;

4 (2) has knowingly made a material false, misleading, deceptive, untrue, or fraudulent  
5 representation as an athlete-agent;

6 (3) has engaged in acts which would render the applicant unfit to serve in a fiduciary  
7 capacity;

8 (4) has made material false or misleading statements in the application;

9 (5) has committed any act prohibited under Section 401; or

10 (6) has had a registration suspended, revoked, or denied in any State or has been the  
11 subject of disciplinary action by a players association.

12 (b) A certificate of registration is valid for 12 months.

13 (c) The [Secretary of State] may revoke a registration for any of the grounds listed in  
14 subsection (a).

15 (d) The [Secretary of State] may deny, suspend, or revoke a registration upon the  
16 discovery of new evidence that the applicant had committed an act which would justify denying  
17 the issuance of a certificate under subsection (a).

18 (e) If the [Secretary of State] determines that grounds for denial of a registration exists,  
19 the [Secretary of State] may grant the applicant a registration certificate if the applicant  
20 demonstrates by clear and convincing evidence that the applicant is nonetheless fit to serve as an  
21 athlete-agent. In making such a determination, the [Secretary] shall consider:

22 (1) the time interval between the disqualifying conduct and the application;

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

2 (3) any activities of the applicant since the conduct that demonstrate that the

3 disqualifying conduct is unlikely to recur; and

4 (4) whether the applicant otherwise meets all requirements for registration under

5 Section 201.

6 (f) An athlete-agent may apply to renew the registration by filing a renewal application

7 in the form prescribed by the [Secretary of State]. The renewal application must include any

8 information not contained in, or different from, the original application.

9 (g) When an application for registration or renewal is made and the registration process

10 has not been completed, the [Secretary of State] may issue a temporary certificate of registration

11 that is valid for no more than [90 days].

12 **SECTION 203. REGISTRATION FEE.**

13 Each application for temporary or permanent registration, or renewal of registration must

14 be accompanied by a fee in the following amounts:

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

16 (2) [\$] for an application for registration based upon a certificate of registration

17 issued by another State;

18 (3) [\$] for renewal of registration; and

19 (4) [\$] for issuance of a temporary registration.

20 **SECTION 204. LIABILITY INSURANCE.**

21 (a) With an application for registration, the applicant shall provide evidence of liability

22 insurance in the amount of [One Hundred Thousand Dollars] [(\$100,000)], or cash equivalent.



1           (b) If an athlete-agent fails to provide evidence of a liability insurance policy or cash  
2 equivalent to the [Secretary of State] within 30 days after receipt of a notice of cancellation  
3 issued by an insurer, the [Secretary of State] shall suspend the certificate of registration issued to  
4 that athlete-agent until the athlete-agent provides evidence of a valid liability insurance policy.



1 **CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY.**

2 (d) An agent-contract not in compliance with this section is voidable by the student-  
3 athlete.

4 **SECTION 302. NOTICE TO EDUCATIONAL INSTITUTION.**

5 (a) Within 72 hours after entering into an agent-contract or prior to the student-athlete's  
6 participation in the next athletic event, whichever comes first, the athlete-agent shall notify the  
7 athletic director of the educational institution at which the student-athlete is enrolled or the  
8 educational institution the athlete-agent has reasonable grounds to believe the student-athlete  
9 intends to enroll that the contract exists.

10 (b) Within 72 hours after entering into an agent-contract or before the student-athlete  
11 participates in the next athletic event, whichever occurs first, the student-athlete shall give  
12 written notice to the athletic director of the student-athlete's educational institution that he or she  
13 has entered into an agent-contract.

14 **SECTION 303. STUDENT-ATHLETE'S RIGHT TO CANCEL.**

15 (a) A student-athlete may cancel an agent-contract by giving written notice to the athlete-  
16 agent of the cancellation within seven days after the date on which the contract is signed.

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

18 (c) If a student-athlete cancels an agent-contract, the student-athlete is not obligated to  
19 pay any fee or compensation to the athlete-agent, and the student-athlete is not required to return  
20 anything of value received from the agent to induce the signing of the contract. However, if the  
21 student-athlete received a benefit or thing of value from the agent that was not given to induce  
22 the signing of the contract, the student-athlete shall be required to return the benefit or thing of

1 value.

1 **ARTICLE 4**

2 **PROHIBITED ACTS**

3 **SECTION 401. ATHLETE-AGENTS PROHIBITED ACTS.**

4 (a) An athlete agent may not do any of the following to induce a student-athlete to enter  
5 into an agent-contract:

6 (1) intentionally give any false or misleading information or intentionally make any  
7 false promises or representations;

8 (2) offer or provide anything of value or benefit to a student-athlete other than  
9 services under the contract; and

10 (3) provide anything of value or benefit to any individual other than the student-  
11 athlete.

12 (b) An athlete-agent may not do any of the following:

13 (1) postdate any agent-contract, professional sports services contract, or endorsement  
14 contract;

15 (2) make or cause to be made any false, fraudulent, or misleading statements,  
16 representation, notice, or advertisement concerning the business of the athlete-agent;

17 (3) do business as an athlete-agent without complying with this [Act];

18 (4) contact a student-athlete before being registered under this [act];

19 (5) contact a student-athlete before notifying the athletic director of the student-  
20 athlete's educational institution; or

21 (6) Refuse or wilfully fail to maintain or permit inspection of the records required by  
22 Section 501.

1       **SECTION 402. PROHIBITION OF INDIVIDUALS ACTING AS ATHLETE-**  
2 **AGENTS WITHOUT REGISTRATION.**

3           (a) Except as otherwise provided in subsection (b), an individual may not act as an  
4 athlete-agent within this State, or contact a student-athlete who is attending or has expressed a  
5 written intention to attend an educational institution in this State, prior to registration with the  
6 [Secretary of Sate]. No person may contact a student-athlete prior to obtaining a certificate of  
7 registration from the [Secretary of State].

8           (b) An individual who is not registered as an athlete-agent in this state may contact a  
9 student-athlete if:

10           (1) The student-athlete or an individual on behalf of the student-athlete initiates the  
11 relationship with the individual; and

12           (2) Within seven days of the contact made by the individual in response to the  
13 student-

14 athlete's initiating the relationship, the individual:

15           A. files an application for registration a an athlete-agent in the state, and

16           B. notifies the student-athlete's athletic director of the contact.

1 **ARTICLE 5**

2 **RECORDKEEPING REQUIREMENTS**

3 **SECTION 501. RECORDKEEPING.**

4 (a) An athlete-agent shall maintain the following records for a period of five years:

5 (1) the name and address of each student-athlete represented by the athlete-agent;

6 (2) the amount of any compensation collected;

7 (3) any contract entered into between the athlete-agent and a student-athlete; and

8 (4) any expenses paid or gifts provided by the athlete-agent in the recruitment or  
9 attempted recruitment of the student-athlete.

10 (b) Records required under subsection (a) shall be open to inspection by the [Secretary of  
11 State] during normal business hours.

1 **ARTICLE 6**

2 **SANCTIONS FOR VIOLATIONS**

3 **SECTION 601. CIVIL REMEDY.**

4 (a) An athlete-agent who violates this [Act] is liable for actual damages and reasonable  
5 attorney's fees caused by the violation.

6 (b) An educational institution may recover actual provable damages and reasonable  
7 attorney's fees if, because of activities of an athlete-agent, the educational institution is  
8 penalized, disqualified, or suspended from participation in athletics by a national association for  
9 the promotion and regulation of athletics, by an athletic conference, or by self-imposed  
10 disciplinary action to mitigate sanctions.

11 (c) Nothing in this [Act] limits common law rights, remedies, or defenses.

12 (d) A claim under this section does not accrue until the educational institution discovers  
13 or should have discovered the alleged violation by the athlete-agent.

14 **SECTION 602. ADMINISTRATIVE PENALTY.**

15 The [Secretary of State] may assess a civil penalty not to exceed [\$25,000] for any violation  
16 of this [Act].

17 **SECTION 603. MISDEMEANOR.**

18 (a) A violations of this [Act] by an athlete-agent is a misdemeanor punishable by a fine of  
19 not more than [\$] or imprisonment of not more than one year.



1 **ARTICLE 7**

2 **MISCELLANEOUS PROVISIONS**

3 **SECTION 701. APPLICATION AND CONSTRUCTION.**

4 In applying and construing this Uniform Act, consideration must be given to the need to  
5 promote uniformity of the law with respect to the subject matter of this [Act] among States  
6 enacting it.

7 **SECTION 702. SEVERABILITY.**

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

12 **SECTION 703. REPEALS.**

13 The following acts and parts of acts are hereby repealed:

14 **SECTION 704. EFFECTIVE DATE.** This [Act] takes effect \_\_\_\_\_.