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FOR DISCUSSION ONLY

**AMENDMENTS TO UNIFORM ATHLETE AGENTS ACT**  
**(~~2000~~-(    ))**

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NATIONAL CONFERENCE OF COMMISSIONERS  
ON UNIFORM STATE LAWS

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MEETING IN ITS ONE-HUNDRED-AND-TWENTY-THIRD YEAR  
SEATTLE, WASHINGTON  
JULY 11 - JULY 17, 2014

**AMENDMENTS TO UNIFORM ATHLETE AGENTS ACT**  
**(~~2000~~-(    ))**

*WITH COMMENTS*

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ON UNIFORM STATE LAWS

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June 2, 2014

**AMENDMENTS TO UNIFORM ATHLETE AGENTS ACT (2000)-( )**

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**AMENDMENTS TO UNIFORM ATHLETE AGENTS ACT (2000) ( )**

**TABLE OF CONTENTS**

SECTION 1. SHORT TITLE. ....	1
SECTION 2. DEFINITIONS. ....	1
SECTION 3. SERVICE OF PROCESS; <del>SUBPOENAS</del> SUBPOENA. ....	6
SECTION 4. ATHLETE AGENTS AGENT: REGISTRATION REQUIRED; VOID <del>CONTRACTS</del> CONTRACT. ....	6
SECTION 5. REGISTRATION AS ATHLETE AGENT; FORM; REQUIREMENTS. ....	8
SECTION 6. CERTIFICATE OF REGISTRATION; ISSUANCE OR DENIAL; RENEWAL. ....	20
SECTION 7. SUSPENSION, REVOCATION, OR REFUSAL TO RENEW REGISTRATION. ....	23
SECTION 8. TEMPORARY REGISTRATION. ....	23
SECTION 9. REGISTRATION AND RENEWAL FEES. ....	24
SECTION 10. REQUIRED FORM OF AGENCY CONTRACT. ....	24
SECTION 11. NOTICE TO EDUCATIONAL INSTITUTION. ....	27
SECTION 12. <del>STUDENT ATHLETE'S</del> STUDENT ATHLETE'S RIGHT TO CANCEL. ....	27
SECTION 13. REQUIRED RECORDS. ....	28
SECTION 14. PROHIBITED CONDUCT. ....	28
SECTION 15. CRIMINAL PENALTIES. ....	30
SECTION 16. CIVIL REMEDIES. ....	31
SECTION 17. ADMINISTRATIVE PENALTY. ....	33
SECTION 18. UNIFORMITY OF APPLICATION AND CONSTRUCTION. ....	33
SECTION 19. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. ....	33
[SECTION 20. SEVERABILITY. ....	34
SECTION 21. REPEALS; CONFORMING AMENDMENTS. ....	34
SECTION 22. EFFECTIVE DATE. ....	34



1 participation in athletics;

2 (II) serves a student athlete in an advisory capacity on a matter  
3 related to finances, business pursuits or ventures, or career management decisions;

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

6 (iii) seeks to obtain financial gain or benefit from securing the enrollment  
7 of a student athlete at an educational institution, unless the individual is an employee of the  
8 institution acting solely for the benefit of the institution; and

9 (B) does not include:

10 (i) an individual acting solely on behalf of a professional sports team or  
11 organization; or

12 (ii) an individual licensed as an attorney, dealer in securities, financial  
13 planner, insurance agent, real estate broker or sales agent, tax consultant, or member of another  
14 profession, when the individual offers or provides the services to a student athlete customarily  
15 provided by members of that profession, except to the extent the individual also recruits or  
16 solicits the student athlete to enter into an agency contract or, for compensation, procures  
17 employment or offers, promises, attempts, or negotiates to obtain employment for the athlete as a  
18 professional athlete or with a professional sports team or organization.

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

23 (4) “Contact” means a communication, direct or indirect, between an athlete agent and a

1 ~~student-athlete~~ student athlete; to recruit or solicit the ~~student-athlete~~ athlete to enter into an  
2 agency contract.

3 (5) “Educational institution” includes a public or private elementary school, secondary  
4 school, community college, university, or other educational institution.

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

9 ~~(6)~~ (7) “Intercollegiate sport” means a sport played at the collegiate level for which  
10 eligibility requirements for participation by a ~~student-athlete~~ student athlete are established by a  
11 national association ~~for the promotion or regulation of~~ that promotes or regulates collegiate  
12 athletics.

13 (8) “Interscholastic sport” means a sport played between educational institutions that are  
14 not a community college or university.

15 ~~(7)~~ (9) “Person” means an individual, ~~corporation, business trust, estate, trust,~~  
16 ~~partnership, limited liability company, association, joint venture,~~ business or nonprofit entity,  
17 public corporation, government; or governmental subdivision, agency, or instrumentality; ~~public~~  
18 ~~corporation,~~ or any other legal ~~or commercial~~ entity.

19 ~~(8)~~ (10) “Professional-sports-services contract” means an agreement under which an  
20 individual is employed as a professional athlete; or agrees to render services; as a player on a  
21 professional sports team; or with a professional sports organization; ~~or as a professional athlete.~~

22 ~~(9)~~ (11) “Record” means information that is inscribed on a tangible medium or that is  
23 stored in an electronic or other medium and is retrievable in perceivable form.



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

13  
14 The proposed amendment of the definition of athlete agent retains the language of the  
15 UAAA which makes an individual who directly or indirectly recruits or solicits a student athlete  
16 to enter an agency contract an athlete agent, but expands the definition to include an individual  
17 who, for compensation:

18 (1) procures or attempts to procure employment for a student athlete as a  
19 professional athlete;

20 (2) represents a student athlete as an athlete;

21 (3) advises a student athlete on finances, business ventures, or career management;

22 (4) manages the business affairs of a student athlete; or

23 (5) secures the enrollment of a student athlete at a particular institution.

24  
25 The term does not include a licensed professional acting within the scope of his or her  
26 license unless the individual also recruits or solicits a student athlete to enter an agency contract  
27 or is an individual who, for compensation, procures or attempts to procure employment of a  
28 student athlete as a professional athlete.

29  
30 The definition of “contact” does not include communications which merely provide  
31 information to the student-athlete. For example, a communication about the position a student-  
32 athlete could reasonably expect to have in a professional draft does not constitute recruitment or  
33 solicitation to enter into an agency contract.

34  
35 Athlete agents are providing benefits to students as early as elementary school if the student  
36 appears to have long-term professional sports capability. For example, agents have been known  
37 to provide athletic shoes and other athletic equipment to student athletes at an early age. This  
38 could cause the student athlete to lose his or her eligibility to participate in intercollegiate sports.  
39 Accordingly, a definition of educational institution is added and the definition of student athlete  
40 is revised to make clear that the act applies to a student athlete enrolled at any level of public or  
41 private education.

42  
43 Recruit or solicit, which is used in the definition of athlete agent, is defined to mean  
44 attempting to influence the choice of an athlete agent by a student athlete or, if the athlete is a  
45 minor, by a parent or guardian of the athlete. The UAAA excluded a spouse, parent, sibling,  
46 grandparent, or guardian of a student athlete from the definition of athlete agent. The act was

1 also silent on the issue of coaches and student athletes. The definition of recruit or solicit  
2 excludes advice to select a particular athlete agent given in a family, coaching, or social situation  
3 unless the advice is given because of the receipt or anticipated receipt of compensation from the  
4 agent. Thus, the parent of a student athlete who advises the athlete to select a particular agent is  
5 not an athlete agent unless the advice is given in exchange for compensation or the expectation  
6 of compensation from the agent. Similarly, a coach of a student athlete who advises the athlete to  
7 select a particular agent is not an agent unless the advice is given for compensation or the  
8 expectation of compensation from the agent.

9  
10 The definition of “student-athlete” applies to a two-sport athlete who has eligibility  
11 remaining in one sport. For example, an individual who has signed a contract to play  
12 professional basketball is not a student-athlete in basketball, but is a student-athlete in baseball.  
13 The definition of “student-athlete” also includes individuals who are not yet in college. It  
14 includes high school students, high school dropouts and high school graduates who have delayed  
15 matriculation to a college or university so long as the individual may have future eligibility for  
16 intercollegiate sports.

17  
18 **SECTION 3. SERVICE OF PROCESS; ~~SUBPOENAS~~ SUBPOENA.**

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

22 [(b)] {The [Secretary of State] may issue ~~subpoenas~~ a subpoena for ~~any~~ material that is  
23 relevant to the administration of this [~~Act~~ act].}

24 **Comment**

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

30  
31 Subsection (b) is in brackets because it may not be required under the administrative  
32 procedure acts of some States. If subsection (b) is not used, the remainder of the section should  
33 not be designated as (a).

34  
35 **SECTION 4. ~~ATHLETE AGENTS~~ AGENT: REGISTRATION REQUIRED;**  
36 **~~VOID CONTRACTS~~ CONTRACT.**

37 (a) Except as otherwise provided in subsection (b), an individual may not act as an athlete

1 agent in this ~~State~~ state without holding a certificate of registration under Section 5, 6, or 8.

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

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

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

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

### 12 **Comment**

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

19  
20 Subsection (b) provides a safe harbor for an unregistered individual with whom a student-  
21 athlete initiates communications. The individual must apply for registration within seven days  
22 from the beginning of any effort to recruit or solicit the student-athlete to enter into agency  
23 contract. If the individual does not attempt to recruit or solicit the student-athlete to sign an  
24 agency contract, registration is not required. References to “days” in this section and throughout  
25 the act mean calendar days.

26  
27 In addition to the penalties which may be imposed under Sections 15 and 17, subsection  
28 (c) discourages contact with a student-athlete by an individual who has not registered as an  
29 athlete agent. An agency contract resulting from that contract is void, not merely voidable.  
30

1           **SECTION 5. REGISTRATION AS ATHLETE AGENT; FORM;**  
2 **REQUIREMENTS.**

3           (a) An applicant for registration as an athlete agent shall submit an application for  
4 registration to the [Secretary of State] in a form prescribed by the [Secretary of State]. ~~[An~~  
5 ~~application filed under this section is a public record.]~~ Information on the form which is a trade  
6 secret or is personal information the disclosure of which would constitute an unwarranted  
7 invasion of personal privacy is not a public record. The application must be in the name of an  
8 individual and, except as otherwise provided in subsection (b), signed or otherwise authenticated  
9 by the applicant under penalty of perjury. ~~and~~ The application must state or contain at least the  
10 following:

11                   (1) the name, [last four numbers of the applicant's] social security number,  
12 birthdate, and birthplace of the applicant and the contact information for the applicant, including  
13 the address of the applicant's principal place of business, work and mobile telephone numbers,  
14 facsimile number, electronic-mail address, and personal and organization websites;

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

18                   (3) each social media account with which the applicant or the applicant's  
19 organization is affiliated;

20                   ~~(3)~~ (4) any each business or occupation engaged in by in which the applicant ~~for~~  
21 engaged during the five years next preceding before the date of submission of the application,  
22 including self-employment and employment by others, and any professional or occupational  
23 license held by the applicant;

1           ~~(4)~~ (5) a description of the applicant's:

2                   (A) formal training as an athlete agent;

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

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

6           ~~(5) the names and addresses of three individuals not related to the applicant who  
7 are willing to serve as references;~~

8                   (6) the name, sport, and last-known team for each individual for whom the  
9 applicant acted as an athlete agent during the five years ~~next preceding~~ before the date of  
10 ~~submission of~~ the application;

11           (7) the names and addresses of all persons ~~who~~ that are:

12                   (A) with respect to the athlete agent's business if it is not a corporation,  
13 the partners, members, officers, managers, associates, or profit-sharers of the business; and

14                   (B) with respect to a corporation employing the athlete agent, the officers,  
15 and directors, and any shareholder of the corporation having an interest of five percent or greater;

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

20           ~~(8)~~ (9) whether the applicant, or any person named pursuant to paragraph (7), has  
21 pleaded guilty to or been convicted of, or has charges pending for, a crime that, if committed in  
22 this ~~State~~ state, would be a crime involving moral turpitude or a felony, and identify the crime,  
23 and the law enforcement agency involved and, if applicable, the date of the conviction and the

1 fine or penalty imposed;

2 (10) whether, within the 15 years before the date of application, the applicant, or  
3 any person named under paragraph (7), has been a defendant in a civil proceeding, including a  
4 proceeding seeking an adjudication of legal incompetence, and identify the date of each  
5 proceeding and explain each occurrence fully;

6 (11) whether the applicant, or any person named pursuant to paragraph 7, has any  
7 unsatisfied judgment of continuing effect, including alimony or a domestic order in the nature of  
8 child support;

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

12 ~~(9)~~ (13) whether there has been any administrative or judicial determination that  
13 the applicant, or any person named pursuant to paragraph (7), made a false, misleading,  
14 deceptive, or fraudulent representation;

15 ~~(40)~~ (14) any instance in which the conduct of the applicant, or any person named  
16 pursuant to paragraph (7), resulted in the imposition of a sanction, suspension, or declaration of  
17 ineligibility to participate in an interscholastic, ~~or~~ intercollegiate, or professional athletic event  
18 on a ~~student-athlete~~ student athlete or a sanction on an educational institution;

19 ~~(44)~~ (15) any sanction, suspension, or disciplinary action taken against the  
20 applicant, or any person named pursuant to paragraph (7), arising out of occupational or  
21 professional conduct; ~~and~~

22 ~~(42)~~ (16) whether there has been ~~any~~ a denial of an application for, suspension or  
23 revocation of, ~~or~~ refusal to renew, abandonment of, or limitation for any reason of, the

1 registration or licensure of the applicant, or any person named pursuant to under paragraph (7),  
2 as an athlete agent in any ~~State~~ state;

3 (17) all states in which the applicant currently is registered as an athlete agent and  
4 all states in which the applicant has applied to be registered as an athlete agent; and

5 (18) if the applicant is certified or registered by any professional organization, the  
6 name of the organization, the date of certification, and the date of expiration, if any, and if  
7 applicable, the date of any denial of any application for, refusal to renew, suspension or  
8 revocation of, withdrawal, or termination of the certification or registration or any reprimand or  
9 censure related to the certification or registration.

10 ~~(b) An individual who has submitted an application for, and holds a certificate of,~~  
11 ~~registration or licensure as an athlete agent in another State, may submit a copy of the application~~  
12 ~~and certificate in lieu of submitting an application in the form prescribed pursuant to subsection~~  
13 ~~(a). The [Secretary of State] shall accept the application and the certificate from the other State~~  
14 ~~as an application for registration in this State if the application to the other State:~~

15 ~~(1) was submitted in the other State within six months next preceding the~~  
16 ~~submission of the application in this State and the applicant certifies that the information~~  
17 ~~contained in the application is current;~~

18 ~~(2) contains information substantially similar to or more comprehensive than that~~  
19 ~~required in an application submitted in this State; and~~

20 ~~(3) was signed by the applicant under penalty of perjury.~~

21 (b) Instead of proceeding under subsection (a), an individual registered as an athlete agent  
22 in another state may apply for registration in this state by submitting a copy of the application for  
23 registration and the certificate of registration from the other state to the [Secretary of State] and

1 paying the applicable fee. The [Secretary of State] shall issue a certificate of registration to the  
2 individual if the [Secretary of State] determines:

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

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

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

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

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

### 15 **Comment**

16 Most of the requirements for disclosure in an application for registration found in  
17 subsection (a) are similar to requirements imposed by existing acts. Subsection (a)(6) is not  
18 intended to cause an athlete agent who is also an attorney to violate the attorney-client privilege.  
19 If an attorney's role is limited to providing legal services to a student-athlete, the attorney is not  
20 required to register as an athlete agent or comply with this act. An attorney's actions as an  
21 athlete agent, however, are outside the scope of legal services, there is no privilege and the  
22 attorney must comply with this act.  
23

24 It is the intent of this section to require that records concerning registration of athletes be  
25 open to the public. The provision in subsection (a) about an application being a public record is  
26 bracketed because it is not necessary in States which have other applicable law causing the  
27 records to be open to the public.  
28

29 Subsection (b) provides for reciprocal use of applications in States which have adopted  
30 the Uniform Act. The need for an agent to comply with substantially different application  
31 procedures in multiple jurisdictions is eliminated. It is the first of a number of reciprocity  
32 provisions found in the act which are intended to ease the burden placed on agents by

1 substantially different registration requirements and to simplify enforcement of the act. Absence  
2 of reciprocity provisions in existing acts is a primary reason why the Uniform Act is needed.

3  
4 Section 5 of the UAAA was not a true reciprocal registration provision in that, while it  
5 allowed for submission of the application for registration in one state to another state, the second  
6 state was free to require additional information or refuse to issue the registration on various  
7 grounds. The amended version is a true reciprocal registration provision in that if an individual  
8 registered in state A applies for registration in state B, state B is required to grant the registration  
9 if it determines the law in state A is the same or more restrictive than the law in state B, the  
10 registration is in good standing, and no proceeding involving the individual's conduct as an  
11 athlete agent is pending in any state in which the individual is registered.

12  
13 A central registration point with a single form is the easiest way to facilitate the  
14 reciprocal licensing provisions of subsection (b) and subsection (c) encourages the administrative  
15 agencies to which the enforcement of the act is delegated to cooperate with agencies from other  
16 states to that end. It is recognized there are substantial obstacles to a central registration office,  
17 not the least of which is cost. If it is not possible or feasible to create a central registration point,  
18 agencies are encouraged to adopt the following standard form:

19  
20 REGISTRATION FORM

21 PART I. GENERAL INFORMATION

22 [Use additional sheets as necessary]

23 1. Registrant first name: \_\_\_\_\_

24 2. Registrant middle name: \_\_\_\_\_

25 3. Registrant last name: \_\_\_\_\_

26 4. If you have ever been known by any other name, surname, or maiden name, list  
27 the name: \_\_\_\_\_

28 5. Name of your organization involved in providing services for athletes: \_\_\_\_\_  
29 \_\_\_\_\_

30 6. Your position or title within the organization identified in Item 5: \_\_\_\_\_  
31 \_\_\_\_\_

32 7. Mailing address, city, state, and zip code of organization identified in Item 5: \_\_\_\_\_  
33 \_\_\_\_\_

1 8. Work phone: \_\_\_\_\_

2 9. Mobile phone: \_\_\_\_\_

3 10. Fax number: \_\_\_\_\_

4 11. Work and Personal Email and Website: \_\_\_\_\_

5 12. Birthplace and date of birth: \_\_\_\_\_

6 13. List all social media accounts with which you and the organization identified in Item  
7 5 are affiliated: \_\_\_\_\_

8 14. Indicate if you are registered or certified by any professional organization, the date of  
9 registration or certification and if applicable, the date of expiration, as of the date of the  
10 completion of this form, with:

11 Major League Baseball Players Association \_\_\_\_\_

12 National Basketball Players Association \_\_\_\_\_

13 National Football Players Association \_\_\_\_\_

14 National Hockey League Players Association \_\_\_\_\_

15 Other \_\_\_\_\_

16 None \_\_\_\_\_

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

18 \_\_\_\_\_

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

21 \_\_\_\_\_

22 PART II. EDUCATION

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

1 degree was awarded.

2 17. Professional/Graduate School(s): \_\_\_\_\_

3 18. Undergraduate School(s): \_\_\_\_\_

4 19. High School(s): \_\_\_\_\_

PART III. CURRENT OCCUPATION/EMPLOYMENT

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

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

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

8 \_\_\_\_\_

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

10 by which you are employed:

11 Name of employer: \_\_\_\_\_

12 Supervisor's name: \_\_\_\_\_

13 Supervisor's address and work phone: \_\_\_\_\_

14 Initial date of employment (including month and year): \_\_\_\_\_

15 Nature of your current employment: \_\_\_\_\_

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

19 \_\_\_\_\_

20 25. If a firm or organization listed in Item 24 is a partnership, list the name of each  
21 partner below. If a firm or organization listed in Item 24, is a corporation, list the name of each  
22 officer and member of the board of directors. For each firm or organization, designate the

1 partners, officers, shareholders, or members of the board of directors who customarily perform  
2 work for or on behalf of professional athletes: \_\_\_\_\_

3 \_\_\_\_\_

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

12 \_\_\_\_\_

13 27. Provide your employment history for the past five years or a resume that indicates  
14 that employment history: \_\_\_\_\_

15 \_\_\_\_\_

16 **PART IV. PROFESSIONAL BACKGROUND**

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

19 \_\_\_\_\_

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

23 \_\_\_\_\_



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

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

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

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

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

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

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

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

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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

1 my application date and are made for the benefit of the state and its student athletes, both present  
2 and future, and that the information contained herein, except for information that is a trade secret  
3 or personal information the disclosure of which would constitute an unwarranted invasion of  
4 personal privacy, is public information and may be provided by the state to student athletes and  
5 other individuals without restriction.

6 \_\_\_\_\_

7 Name

8 **SECTION 6. CERTIFICATE OF REGISTRATION; ISSUANCE OR DENIAL;**  
9 **RENEWAL.**

10 (a) Except as otherwise provided in subsection (b), the [Secretary of State] shall issue a  
11 certificate of registration to an individual who complies with Section 5(a) ~~or whose application~~  
12 ~~has been accepted under Section 5(b).~~

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

18 (1) been convicted of a crime that, if committed in this ~~State~~ state, would be a  
19 crime involving moral turpitude or a felony;

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

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

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

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

4 (6) engaged in conduct the consequence of which was that a sanction, suspension,  
5 or declaration of ineligibility to participate in an interscholastic, ~~or intercollegiate, or~~  
6 professional athletic event was imposed on a ~~student-athlete~~ student athlete or a sanction was  
7 imposed on an educational institution; or

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

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

12 (1) how recently the conduct occurred;

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

14 (3) any other relevant conduct of the applicant.

15 (d) An athlete agent registered under subsection (a) may apply to renew a the registration  
16 by submitting an application for renewal in a form prescribed by the [Secretary of State]. ~~[An~~  
17 ~~application filed under this section is a public record.]~~ The application for renewal must be  
18 signed by the applicant under penalty of perjury and must contain current information on all  
19 matters required in an original application for registration.

20 ~~(e) An individual who has submitted an application for renewal of registration or~~  
21 ~~licensure in another State, in lieu of submitting an application for renewal in the form prescribed~~  
22 ~~pursuant to subsection (d), may file a copy of the application for renewal and a valid certificate~~  
23 ~~of registration or licensure from the other State. The [Secretary of State] shall accept the~~

1 application for renewal from the other State as an application for renewal in this State if the  
2 application to the other State:

3 ~~(1) was submitted in the other State within six months next preceding the filing in~~  
4 ~~this State and the applicant certifies the information contained in the application for renewal is~~  
5 ~~current;~~

6 ~~(2) contains information substantially similar to or more comprehensive than that~~  
7 ~~required in an application for renewal submitted in this State; and~~

8 ~~(3) was signed by the applicant under penalty of perjury.~~

9 (e) An athlete agent who is registered under Section 5(b) may renew the registration by  
10 proceeding under subsection (d) or, if the registration in the other state has been renewed, by  
11 submitting to the [Secretary of State] a copy of the application for renewal in the other state and  
12 the renewal registration from the other state and paying the applicable fee. The [Secretary of  
13 State] shall renew the registration if the [Secretary of State] determines:

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

16 (2) the renewed registration has not been revoked or suspended and no action  
17 involving the individual's conduct as an athlete agent is pending against the individual or a  
18 registration in any state in which the agent is registered.

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

## 21 **Comment**

22 This section includes many of the factors which are considered in determining whether to  
23 register athlete agents under existing legislation. In addition, the Secretary of State is authorized  
24 to consider action taken in another State, which has adopted the Uniform Act, regarding  
25 registration or licensure.  
26

1 A requirement that Secretaries of State exchange information about denial, suspension,  
2 revocation or refusal to renew registration of athlete agents is beyond the scope of this act. Since  
3 an agreement to exchange such information would reduce the expense of administering this act  
4 and provide for more effective enforcement, it seems likely the Secretaries of State will enter  
5 into such an agreement.

6  
7 **SECTION 7. SUSPENSION, REVOCATION, OR REFUSAL TO RENEW**

8 **REGISTRATION.**

9 ~~{(a)}~~ The [Secretary of State] may suspend, revoke, or refuse to renew a registration of an  
10 individual registered under Section 6(a) for conduct that would have justified denial of  
11 registration under Section 6(b).

12 (b) The [Secretary of State] may suspend or revoke the registration of an individual  
13 registered under Section 5(b) or 6(e) for any reason for which the [Secretary of State] could have  
14 refused to grant or renew registration or for conduct for which the [Secretary of State] could have  
15 denied registration of an individual applying under Section 5(a).

16 ~~{(b)}~~ (c) The [Secretary of State] may deny, suspend, revoke, or refuse to renew a  
17 certificate of registration ~~or licensure~~ under this [act] only after proper notice and an opportunity  
18 for a hearing. The [Administrative Procedures Act] applies to this [~~Act~~ act].]

19 **Comment**

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

22  
23 “Administrative Procedures Act” is bracketed because some States may refer to laws  
24 relating to due process in administrative procedures by another name.  
25

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

1 **Comment**

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

8  
9 **SECTION 9. REGISTRATION AND RENEWAL FEES.** An application for

10 registration or renewal of registration as an athlete agent must be accompanied by a fee in the  
11 following amount:

12 (1) ~~[\$]-\$[]~~ for an initial application for registration;

13 (2) ~~[\$]-\$[]~~ for ~~an application for~~ registration based ~~upon~~ on a certificate of registration ~~or~~  
14 ~~licensure~~ issued by another ~~State~~ state;

15 (3) ~~[\$]-\$[]~~ for an application for renewal of registration; or

16 (4) ~~[\$]-\$[]~~ for ~~an application for~~ renewal of registration based ~~upon an application for~~ on  
17 a renewal of registration ~~or licensure submitted~~ in another ~~State~~ state.

18 **Comment**

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

23  
24 Athlete agent registration is the cornerstone of this act. High registration fees imposed by  
25 some States with existing acts have probably contributed to seemingly small numbers of  
26 registrants under existing acts. The success of this act may be contingent on the implementation  
27 of a reasonable fee structure which does not motivate non-compliance.

28  
29 **SECTION 10. REQUIRED FORM OF AGENCY CONTRACT.**

30 (a) An agency contract must be in a record, signed or otherwise authenticated by the  
31 parties.

32 (b) An agency contract must state or contain:

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

5 (2) the name of any person not listed in the application for registration or renewal  
6 of registration ~~who~~ that will be compensated because the ~~student-athlete~~ athlete signed the  
7 ~~agency~~ contract;

8 (3) a description of any expenses ~~that~~ the ~~student-athlete~~ athlete agrees to  
9 reimburse;

10 (4) a description of the services to be provided to the ~~student-athlete~~ athlete;

11 (5) the duration of the contract; and

12 (6) the date of execution.

13 (c) An agency contract must contain, in close proximity to the signature of the ~~student-~~  
14 ~~athlete~~ student athlete, a conspicuous notice ~~in boldface type in capital letters~~ in substantially the  
15 following form stating:

16 **WARNING TO STUDENT-ATHLETE - STUDENT ATHLETE**

17 **IF YOU SIGN THIS CONTRACT:**

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

20 **(2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER**  
21 **ENTERING INTO THIS CONTRACT OR BEFORE THE NEXT SCHEDULED**  
22 **ATHLETIC EVENT IN WHICH YOU PARTICIPATE, WHICHEVER OCCURS FIRST,**  
23 **BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC**

1 **DIRECTOR; AND**

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

5 (d) An agency contract that does not conform to this section is voidable by the ~~student-~~  
6 ~~athlete~~ student athlete. If a ~~student-athlete~~ the athlete voids an ~~agency~~ the contract, the ~~student-~~  
7 ~~athlete~~ athlete is not required to pay any consideration under the contract or to return any  
8 consideration received from the athlete agent to induce the ~~student-athlete~~ athlete to enter into  
9 the contract.

10 (e) ~~The~~ An athlete agent shall give a record of ~~the~~ a signed or otherwise authenticated  
11 agency contract to the ~~student-athlete~~ student athlete at the time of execution.

12 **Comment**

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

18  
19 A student-athlete who opts to void an agency contract under this section because it does  
20 not comply with the specified form is not required to return any consideration received to induce  
21 the signing of the agency contract because such inducement is prohibited conduct under Section  
22 14.

23  
24 The compensation referred to in subsection (b)(2) is compensation for services intended  
25 to induce the student-athlete to sign an agency contract. It does not include compensation  
26 individuals may receive because an athlete agent has been successful in securing an agency  
27 contract. For example, the compensation paid employees of an athlete agent who did not  
28 participate in inducing the student-athlete to sign an agency contract is not compensation under  
29 subsection (b)(2) even though their compensation may be made possible by the income resulting  
30 from the agency contract.

31  
32 Subsection (b) contains references to a student-athlete in a time context in which the  
33 individual may be a former student-athlete. This is done for simplicity in drafting. It should be  
34 noted that violation of eligibility rules adopted by an educational institution or a national  
35 association is not automatic and does not occur until a determination has been made by the

1 educational institution or the national association

2

3

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

4

(a) ~~Within~~ Not later than 72 hours after entering into an agency contract or before the

5

next scheduled athletic event in which the ~~student-athlete~~ student athlete may participate,

6

whichever occurs first, the athlete agent shall give notice in a record of the existence of the

7

contract to the athletic director of the educational institution at which the ~~student-athlete~~ athlete

8

is enrolled or the ~~athlete~~ agent has reasonable grounds to believe the ~~student-athlete~~ athlete

9

intends to enroll.

10

(b) ~~Within~~ Not later than 72 hours after entering into an agency contract or before the

11

next athletic event in which the ~~student-athlete~~ student athlete may participate, whichever occurs

12

first, the ~~student-athlete~~ athlete shall inform the athletic director of the educational institution at

13

which the ~~student-athlete~~ athlete is enrolled that ~~he or she~~ the athlete has entered into an agency

14

contract.

15

(c) Not later than 72 hours after a student athlete enrolls at an educational institution, an

16

athlete agent who previously entered into an agency contract with the athlete shall notify the

17

athletic director of the institution of the existence of the contract.

18

**Comment**

19

The purpose of this section is to prevent an educational institution from being sanctioned

20

or penalized by allowing an ineligible player to participate in intercollegiate sports. The

21

penalties may be severe. In addition to non-monetary penalties mentioned in the prefatory note,

22

penalties may include loss of very substantial revenues received for participation in a football

23

bowl game or a post-season basketball tournament.

24

25

**SECTION 12. ~~STUDENT-ATHLETE'S~~ STUDENT ATHLETE'S RIGHT TO**

26

**CANCEL.**

27

(a) A ~~student-athlete~~ student athlete may cancel an agency contract by giving notice of

1 the cancellation to the athlete agent in a record ~~within~~ not later than 14 days after the contract is  
2 signed.

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

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

### 7 **Comment**

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

### 14 **SECTION 13. REQUIRED RECORDS.**

15 (a) An athlete agent shall retain ~~the following~~ records of the following for a period of five  
16 years:  
17

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

19 (2) ~~any~~ each agency contract entered into by the ~~athlete~~ agent; and

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

22 (b) Records required by subsection (a) to be retained are open to inspection by the  
23 [Secretary of State] during normal business hours.

### 24 **SECTION 14. PROHIBITED CONDUCT.**

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

1            ~~(a)~~ (b) An athlete agent, with the intent to induce a ~~student-athlete~~ student athlete to enter  
2 into an agency contract, may not:

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

5                    (2) furnish anything of value to a ~~student-athlete~~ the athlete before the ~~student-~~  
6 ~~athlete~~ athlete enters into the ~~agency~~ contract; or

7                    (3) furnish anything of value to ~~any~~ an individual other than the ~~student-athlete~~  
8 athlete or another registered athlete agent.

9            ~~(b)~~ (c) An athlete agent may not intentionally:

10                    (1) initiate contact with a ~~student-athlete~~ student athlete unless registered under  
11 this [~~Act~~ act];

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

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

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

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

18                    (6) fail to notify a ~~student-athlete~~ student athlete before the ~~student-athlete~~ athlete  
19 signs or otherwise authenticates an agency contract for a particular sport that the signing or  
20 authentication may make the ~~student-athlete~~ athlete ineligible to participate as a ~~student-athlete~~  
21 student athlete in that sport.

22                    (d) Before communicating or attempting to communicate with a student athlete to  
23 influence the athlete to enter into an agency contact or before communicating or attempting to

1 communicate with another individual to influence a student athlete to enter into an agency  
2 contract, an athlete agent shall notify in a record the athletic director of the educational  
3 institution at which the athlete is enrolled. If the communication or attempt to communicate is  
4 initiated by the athlete or another individual on behalf of an athlete, the agent shall notify in a  
5 record the athletic director of the institution not later than 10 days after the communication or  
6 attempt.

7 (e) Not later than 10 days after a student athlete enrolls at an educational institution, an  
8 athlete agent who has a pre-existing social relationship with the athlete shall notify in a record  
9 the athletic director of the institution of the relationship.

#### 10 **Comment**

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

13  
14 Subsection (a)(3) prohibits an athlete agent from making any payment or providing  
15 anything of value to an individual who is in a position to influence a student-athlete to enter into  
16 an agency contract unless that individual is registered as an athlete agent. There have been  
17 numerous instances in which an athlete agent has made payment to or provided something of  
18 value to family members, friends or roommates of student-athletes to enlist their services in  
19 inducing a student-athlete to sign an agency contract usually without disclosure to the student-  
20 athlete.

21  
22 If a student-athlete signs an agency contract in the form required by Section 10, there is  
23 no failure to notify under subsection (b)(6) because the agency contract includes the warning to  
24 student-athlete required by Section 10(c).

25  
26 Subdivision (d) imposes a requirement an athlete agent notify the educational institution  
27 in a record before attempting to communicate with a student athlete enrolled at the institution.  
28 This provision is one the institutions feel is crucial to trying to control the excesses in the  
29 process.

30  
31 **SECTION 15. CRIMINAL PENALTIES.** An athlete agent who violates Section 14 is  
32 guilty of a [misdemeanor] [felony] and, ~~upon~~ on conviction, is punishable by [ ].

33 *Legislative Note: Each state should determine the penalties to be imposed for a violation of the*  
34 *act. A state may wish to include a suspension or revocation of the registration as a part of the*  
35 *penalty and may also wish to dedicate all or a portion of any fine to the enforcement of the act*

1 (see, for example, Section 18897.93, California Business and Professions Code).  
2

3 **Comment**

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

11  
12 **SECTION 16. CIVIL REMEDIES.**

13 ~~(a) An educational institution has a right of action against an athlete agent or a former  
14 student athlete for damages caused by a violation of this [Act]. In an action under this section,  
15 the court may award to the prevailing party costs and reasonable attorney's fees.~~

16 ~~(b) Damages of an educational institution under subsection (a) include losses and  
17 expenses incurred because, as a result of the conduct of an athlete agent or former student  
18 athlete, the educational institution was injured by a violation of this [Act] or was penalized,  
19 disqualified, or suspended from participation in athletics by a national association for the  
20 promotion and regulation of athletics, by an athletic conference, or by reasonable self-imposed  
21 disciplinary action taken to mitigate sanctions likely to be imposed by such an organization.~~

22 ~~(c) A right of action under this section does not accrue until the educational institution  
23 discovers or by the exercise of reasonable diligence would have discovered the violation by the  
24 athlete agent or former student athlete.~~

25 ~~(d) Any liability of the athlete agent or the former student athlete under this section is  
26 several and not joint.~~

27 ~~(e) This [Act] does not restrict rights, remedies, or defenses of any person under law or  
28 equity.~~

29 (a) An educational institution or a student athlete has a right of action for damages

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

6 (1) suspended or disqualified from participation in one or more interscholastic or  
7 intercollegiate sports events by or pursuant to the rules of a state or national federation or  
8 association for the promotion or regulation of interscholastic or intercollegiate sports;

9 (2) suffers financial damage; or

10 (3) suffers both suspension or disqualification and financial damage.

11 (b) A plaintiff that prevails in an action brought under this section may recover actual  
12 damages or \$[50,000], whichever is greater, [and] costs [, and reasonable attorney's fees]. An  
13 athlete agent found liable under this section shall forfeit any right of repayment for anything of  
14 benefit or value provided to the student athlete and shall refund any consideration paid to the  
15 agent by or on behalf of the athlete.

16 **Comment**

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

24  
25 Section 16 does not specifically authorize an action by a student-athlete against an athlete  
26 agent because the student-athlete can bring an action against an athlete agent under existing law.  
27 Subsection (e) preserves the rights of the student-athlete under existing law.

28  
29 The UAAA provided a cause of action for an educational institution against an athlete  
30 agent or a student athlete for damages caused by a violation of the act. The amended section,  
31 which is based on Section 18897.8 of the California Business and Professions Code, removes the

1 cause of action against a student athlete and gives the student athlete a cause of action against the  
2 athlete agent.

3  
4 **SECTION 17. ADMINISTRATIVE PENALTY.** The [Secretary of State] may assess  
5 a civil penalty against an athlete agent not to exceed ~~[\$25,000]~~ for a violation of this [~~Act~~ act].

6 **Comment**

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

9  
10 **SECTION 18. UNIFORMITY OF APPLICATION AND CONSTRUCTION.** In  
11 applying and construing this ~~Uniform Act~~ uniform act, consideration must be given to the need  
12 to promote uniformity of the law with respect to its subject matter among ~~States~~ states that enact  
13 it.

14 **SECTION 19. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND**  
15 **NATIONAL COMMERCE ACT.** ~~The provisions of this [Act act] governing the legal effect,~~  
16 ~~validity, or enforceability of electronic records or signatures, and of contracts formed or~~  
17 ~~performed with the use of such records or signatures conform to the requirements of Section 102~~  
18 ~~of the Electronic Signatures in Global and National Commerce Act, Pub. L. No. 106-229, 114~~  
19 ~~Stat. 464 (2000), and supersede, modify, and limit the Electronic Signatures in Global and~~  
20 ~~National Commerce Act.~~

21 This [act] modifies, limits, or supersedes the Electronic Signatures in Global and National  
22 Commerce Act, 15 U.S.C. Section 7001 et seq., but does not modify, limit, or supersede Section  
23 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the  
24 notices described in Section 103 (b) of that act, 15 U.S.C. Section 7003(b).

25 **Comment**

26 The Electronic Signatures in Global and National Commerce Act (ESGNCA) contains  
27 provisions governing the legal effect, validity, or enforceability of electronic records and  
28 electronic signatures. The act recognizes contracts which have been formed with the use of

1 electronic records or electronic signatures even though the Drafting Committee recommends that  
2 agency contracts be in the traditional written form.

3  
4 **[SECTION 20. SEVERABILITY.** If any provision of this [~~Aet~~ act] or its application  
5 to any person or circumstance is held invalid, the invalidity does not affect other provisions or  
6 applications of this [~~Aet~~ act] which can be given effect without the invalid provision or  
7 application, and to this end the provisions of this [~~Aet~~ act] are severable.]

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

10  
11 **SECTION 21. REPEALS; CONFORMING AMENDMENTS.** The following acts  
12 ~~and parts of acts are hereby repealed:~~

13 (a) . . . .

14 (b) . . . .

15 (c) . . . .

16 **SECTION 22. EFFECTIVE DATE.** This [~~Aet~~ act] takes effect \_\_\_\_\_ . . . .