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UNIFORM ATHLETE AGENTS ACT

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UNIFORM ATHLETE AGENTS ACT

PREFATORY NOTE

A high percentage of athlete agents provide valuable services which are greatly needed by student-athletes who are qualified to seek professional sports services contracts. The services usually include negotiations with professional sports organizations and securing endorsement contracts. The services may also include financial and investment management, tax planning, legal counseling and a variety of other career management services.

Unfortunately, there are other athlete agents, or would be agents, who are motivated solely by a desire to obtain a “cut” of a student-athlete’s future income. These unscrupulous individuals are willing to use any means to obtain an agency contract with any student-athlete who has any possibility of a professional career. The multi-million dollar contracts now being offered to many student-athletes have provided additional impetus to this minority.

The damage done by improper and illegal enticements to student-athletes is far greater than the casual observer might believe. The student-athlete who enters into an agency contract loses any remaining eligibility and may diminish his or her value in the professional sports market. Additionally, in some States, the student-athlete may be subject to civil and criminal sanctions. The educational institution (usually a college or university) attended by the student-athlete may be subject to severe financial penalties. Penalties can result either from loss of eligibility to participate in post-season events or from the effect of programs weakened by sanctions on ticket sales. Perhaps even more damaging is the impact of a “scandal” on the integrity and credibility of educational institutions and on intercollegiate sports in general.

Since 1981 at least 28 States have enacted statutes regulating athlete agents. Those statutes are not uniform and do not provide for reciprocal registration and enforcement. Several major universities and the NCAA have asked the Conference to draft this Uniform Act and have pledged their support in securing adoption in the 50 States. The NCAA agreed to finance the drafting project.
UNIFORM ATHLETE AGENTS ACT

SECTION 1. SHORT TITLE. This [Act] may be cited as the Uniform Athlete Agents Act.

Reporter’s Notes

The use of term “athlete agent” reflects the current usage in many States that have existing law on the same subject; e.g. Alabama [Section 8-26-1, et. seq., Code of Alabama 1975]; Colorado [Section 23-16-101, et. seq., Colorado Revised Statutes Annotated]; Iowa [Section 9A.1 et. seq., Iowa Code Annotated]; Louisiana [Louisiana Statutes Annotated, 4:424, Section 421 et. seq.]; Mississippi [Section 73-41-1, et. seq., Mississippi Code]; Missouri [Section 436.200, et. seq., Missouri Code]; North Carolina [Chapter 78C, North Carolina Code]; Oklahoma [Oklahoma Code Annotated, Section 70-821.1, et. seq.]; South Carolina [South Carolina Code Annotated, Section 59-102-10, et. seq.]; Texas [Title 132, Chapter 12, Article 8871, Vernon's Texas Code Annotated]; and Washington [Section 18.175.010, et. seq., Washington Business and Professions Code].

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 student-athlete a professional-sports-services contract or an endorsement contract.

(2) “Athlete agent” means an individual who enters into an agency contract with a student-athlete or, directly or indirectly, recruits or solicits a student-athlete to enter into an agency contract. The term does not include a spouse, parent, [or] grandparent[, or guardian] of the student-athlete or an individual acting solely on behalf of a professional sports team or professional sports organization. [The term includes an individual who represents to the public that the individual is an athlete agent.]
(3) “Athletic director” means an individual responsible for administering the overall athletic program of an educational institution or, if an educational institution has separately administered programs for male students and female students, the athletic program for males or the athletic program for females, as appropriate.

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

(5) “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 student-athlete may have because of publicity, reputation, following, or fame obtained because of athletic ability or performance.

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

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

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

(10) “Student-athlete” means an individual who engages in, is eligible to engage in, or may be eligible in the future to engage in, any intercollegiate sport. If an individual is no longer permanently eligible to participate in a particular sport, the individual is not a student-athlete for purposes of that sport.

**Reporter’s Notes**

In paragraph (2), the definition of “athlete agent” includes the word “person” to make it clear that the reach of the Act includes individuals and corporations. However, with respect to registration, a corporation that employs athlete agents would not be required to register as an athlete agent but the individuals would. The term includes not only an individual who enters into an agency contract with a student-athlete but also the “runners” that agents use to recruit the student-athlete to sign with a particular agent. The Drafting Committee considered and decided against exclusions for individuals otherwise licensed by the State, such as attorneys. The Committee did not intend to require an attorney to register as an athlete agent in order to render legal services, as distinguished from services as an athlete agent, to a student-athlete.

The Drafting Committee did not intend the definition of “athlete agent” to include family members providing assistance to the student-athlete. Also, the Committee did not intend this definition to include a professional athlete who is providing information to a student-athlete about an agent.

In paragraph (4), “contact” is not meant to include estimates of the position in any professional draft the student-athlete could reasonably expect to have. However, the Committee did intend to include within the definition of “contact” communications intended to induce a student-athlete to sign an agency contract.

In paragraph (10), “student-athlete” is defined to allow the Act to apply to a two-sport athlete who has signed a professional contract in one sport but has eligibility remaining in another sport. For example, an individual who is not eligible to play college baseball but is eligible to play college basketball, is not a student-athlete for the purposes of baseball but is a student-athlete for the purposes of basketball. Thus, the individual could retain an agent for purposes of baseball.
representation only but could not retain an agent for basketball representation
without losing eligibility remaining in basketball.

The term “student-athlete” is also defined to include individuals who are not
yet in college or even eligible for college in an attempt to prevent agents from
inducing high school students to jeopardize their college eligibility. It is also defined
to include a high school dropout who may become eligible by completing a GED
and a high school graduate who does not go to college immediately.

SECTION 3. ADMINISTRATION; SERVICE OF PROCESS;

SUBPOENAS.

(a) The [Secretary of State] shall administer this [Act].

(b) By doing business in this State as an athlete agent a nonresident
individual appoints the [Secretary of State] as the individual’s agent to accept
service of process in any civil action related to the individual’s doing business as an
athlete agent in this State.

[(c)] [The [Secretary of State] may issue subpoenas for any relevant
material under this [Act].]

Reporter’s Notes

While, the office of the Secretary of State appears to be a likely office to
administer an athlete agent registration program, but a State might assign the duties
to another appropriate office.

The Committee’s intention with the addition of subsection [(c)] was to
provide subpoena power to the state agency administering this Act. The provision
of subpoena power was intended to provide the Secretary of State or other agency
the necessary investigative authority to obtain any relevant material that would aid
the agency in enforcing this Act. The Committee recognizes that some state
administrative procedure acts may provide agency subpoena authority that is
enforced in the courts.
SECTION 4. ATHLETE AGENTS: REGISTRATION REQUIRED.

(a) Except as otherwise provided in subsection (b), an individual may not act as an athlete agent in this State before being issued a certificate of registration under Section 6 or 8.

(b) An individual may act as an athlete agent before being issued a certificate of registration for all purposes except signing an agency contract if:

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

(2) within seven days after the initiation of communication, the individual submits an application to register as an athlete agent in this State.

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

Reporter’s Notes

In subsection (a), although not dealt with specifically, the Committee thought it clear that an individual in State A contacting a student-athlete in State B is acting as an athlete agent in both States and therefore should register in both States. The intent of the Drafting Committee was to make this 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 with every State in which they have established minimum contacts.

In subsection (b), the Committee intended to allow an individual to respond to inquiries before being required to register as an athlete agent. The Drafting Committee’s intention was not to penalize an athlete agent who responds to an inquiry from a student-athlete but to ensure that any contact directed toward inducing the student-athlete to sign a contract was done in accordance with the requirements of this Act.

In subsection (c), the intention of the Drafting Committee was to discourage inappropriate contacts by making any resulting agency contract void and allowing a
student-athlete to keep any inducement given to him or her to enter into the void contract.

SECTION 5. REGISTRATION AS ATHLETE AGENT; FORM; REQUIREMENTS.

(a) An applicant for registration shall submit a written application for registration to the [Secretary of State] in a form prescribed by the [Secretary of State]. [An application filed under this section is a public record.] Except as otherwise provided in subsection (b), the application must be signed by the applicant under penalty of perjury and must state or contain:

(1) the name of the applicant and the address of the applicant’s principal place of business;

(2) the name of the applicant’s business or employer, if applicable;

(3) any business or occupation engaged in by the applicant for the five years next preceding the date of submission of the application;

(4) 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;

(5) the names and addresses of three individuals not related to the applicant who are willing to serve as references;
(6) the name, sport, and last known team for each individual for whom the applicant provided services as an athlete agent during the five years next preceding the date of submission of the application;

(7) the names and addresses of all persons who have a financial interest in the activities of the applicant as an athlete agent, including:

(A) with respect to a business other than a corporation, the partners, associates, or profit-sharers, other than salaried employees; and

(B) with respect to a corporation, the officers, directors, and any shareholder with a 20% or greater interest;

(8) whether the applicant or any other person named pursuant to paragraph (7) has been convicted of a crime that, if committed in this State, would be a crime involving moral turpitude, and identify the crime;

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

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

(11) any sanction, suspension, or disciplinary action taken against the applicant or any other person named pursuant to paragraph (7) arising out of occupational or professional conduct; and
whether there has been any denial of an application for, suspension
or revocation of, or refusal to renew, the registration or licensure of the applicant or
any other person named pursuant to paragraph (7) as an athlete agent in any State.

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

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

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

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

**Reporter’s Notes**

Most of the requirements in subsection (a) are fairly common to registration
acts. The Committee thought that paragraphs (7) through (12), inclusive, were
critical to evaluating the qualifications of an athlete agent.

With regard to (a)(6), the Committee recognized that athlete agents who are
attorneys may serve the client in a dual capacity. It was not the intention of the
Committee to interfere with attorney-client privileges. However, it was the
intention of the Committee to preclude the assertion of an attorney-client privilege
when an attorney is acting as an agent. In other words, if an attorney acts as an
athlete agent in negotiating an endorsement contract, the attorney would not be able to assert an attorney-client privilege with respect to the existence of the contract.

With regard to subsection (b), representatives from the athlete agent industry thought, and the Committee agreed, that it was important to allow a single registration in those States enacting the Act. Thus, reciprocal registration is possible as long as it is done in compliance with this section.

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

(a) Except as otherwise provided in subsection (c), the [Secretary of State] shall issue a certificate of registration to an individual who complies with Section 5(a). A certificate of registration is valid for [two] years.

(b) Except as otherwise provided in subsection (c), the [Secretary of State] shall issue a certificate of registration to an individual who has complied with Section 5 (b) if the [Secretary of State] determines the requirements for registration or licensure in the other State are substantially similar to or more stringent than those of this State.

(c) The [Secretary of State] may refuse to issue a certificate of registration 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 serve 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 be a crime involving moral turpitude;
(2) made a materially false, misleading, deceptive, or fraudulent representation as an athlete agent or in the application;

(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 or licensure as an athlete agent suspended, revoked, or denied or been refused renewal of registration or licensure in any State;

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

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

(d) In making a determination under subsection (c), 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) any other relevant conduct of the applicant.

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

(f) An individual who has submitted an application for renewal of registration or licensure in another State, in lieu of submitting an application for renewal in the form prescribed pursuant to subsection (e), may file a copy of the application for renewal and a valid certificate of registration from the other State.

The [Secretary of State] shall accept the application for renewal from the other State as an application for renewal in this State if the application to the other State:

(1) was submitted in the other State within the last six months and the applicant certifies the information contained in the application for renewal is current;

and

(2) contains information substantially similar to or more detailed than that required in an application for renewal submitted in this State.

(g) A renewal of a registration is valid for [two] years.

Reporter’s Notes

The intention of subsections (c) and (d) is not to have certain conduct automatically disqualify an individual from registration, but to allow the licensing agency to make a qualitative determination of the likelihood that the individual, if registered, would engage in conduct detrimental to a student-athlete or an education institution, or both.

Additionally, while the Act does not require States to notify other States when it revokes, suspends, fails to renew or denies an athlete agent a certificate of registration, the Committee agreed that it would be a good practice for a State to notify other States when it revokes, suspends, fails to renew or denies a certificate of registration.

The addition of subsection (e) reflects the Committee’s intention for this Act to reach any person doing business in the State. If questions exist regarding the
application of the state long arm statute, subsection (f) may be used in addition to
the existing long arm statute or as an alternative.

The addition of subsection (f) reflects a consensus between representatives
from the athlete agent industry and the Committee, that it was important to allow a
single renewal of a certificate of registration in those States enacting the Act. Thus,
reciprocal renewal of a certificate of registration is possible as long as it is done in
compliance with this section.

SECTION 7. SUSPENSION, REVOCATION, OR REFUSAL TO
RENEW REGISTRATION.

[(a)] The [Secretary of State] may suspend, revoke, or refuse to renew a
registration for conduct that would have justified denial of registration under
Section 6(c).

[(b) The [Secretary of State] may deny, suspend, revoke, or refuse to renew
a registration only after proper notice and an opportunity for a hearing. The
[Administrative Procedures Act] applies to this [Act].]

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

Reporter’s Notes

The Committee intended that the issuance of a temporary license should be
discretionary and the discretion should be cast in terms broad enough to include
issuing a license in contested cases. The Committee did not feel it necessary that a
temporary license had to be issued to protect an individual who had student-athlete
initiated contact with a student-athlete under Section 4(b), since all that is required
of the individual is that an application for registration be filed.
SECTION 9. REGISTRATION AND RENEWAL FEE. An application for registration or renewal of registration must be accompanied by a fee in the following amount:

1. [$] for an initial application for registration;
2. [$] for an application for registration based upon a certificate of registration or licensure issued by another State;
3. [$] for an application for renewal of registration; or
4. [$] for an application for renewal of registration based upon an application for renewal of registration or licensure submitted in another State.

Reporter’s Notes

Although the question is one for each State to determine for itself, the Committee felt that most States would be inclined to set fees in amounts to recover the costs of registration. In that case, a registration or renewal fee based on a registration or renewal in another State ought to be less than a registration or renewal fee where the registering State was required to evaluate the application rather than review an application already submitted in another jurisdiction.

The Committee believes that athlete agent registration is one of the cornerstone provisions of the Act. The success of enforcing existing athlete agent registration has varied greatly from State-to-State. The wide range of registration fees imposed by States with existing athlete agent laws has likely contributed to low registration totals in many jurisdictions. The Committee believes that the future success of registration under this Act is contingent on the implementation of a reciprocal registration and renewal system and a reasonable fee structure.

SECTION 10. FORM OF CONTRACT.

(a) [Notwithstanding the Uniform Electronic Transactions Act,] an agency contract must be in writing.

(b) An agency contract must state or contain:
(1) the amount and method of calculating the consideration to be paid by
the student-athlete for services to be provided by the athlete agent under the
contract and any other consideration the athlete agent has received or will receive
from any other source for entering into the contract or for providing the services;
(2) the name of any person not listed in the application for registration or
renewal that will receive any portion of the consideration;
(3) a description of any expenses that the student-athlete agrees to
reimburse;
(4) a description of the services to be provided to the student-athlete;
(5) the duration of the contract; and
(6) the date of execution.
(c) An agency contract must contain, in close proximity to the signature of
the student-athlete, a conspicuous notice in boldface type in capital letters stating:

WARNING TO STUDENT-ATHLETE

IF YOU SIGN THIS CONTRACT, YOU WILL LOSE YOUR ELIGIBILITY
TO COMPETE IN YOUR SPORT. BOTH YOU AND YOUR ATHLETE
AGENT ARE REQUIRED TO TELL YOUR ATHLETIC DIRECTOR, IF
YOU HAVE ONE, IF YOU SIGN THIS CONTRACT. IF YOU SIGN, YOU
MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING
IT. CANCELLATION OF THE CONTRACT MAY NOT REINSTATE
YOUR ELIGIBILITY.
(d) An agency contract that does not conform to this section is voidable by
the student-athlete.

(e) The athlete agent shall give a copy of a completed contract to the student-athlete at the time of signing.

**Reporter’s Notes**

With respect to subsection (a), the Committee, in view of the disparity in sophistication between the parties, thought it be important that there be a hard copy of the contract.

In subsection (d), the Committee thought that since the student-athlete loses eligibility when an agency contract is signed, a contract that does not comply with this section ought to give the student-athlete the benefit of his or her bargain and therefore should be voidable at the option of the student-athlete. The student-athlete would exercise this option under Section 12 and would be entitled to keep any inducements received from the agent. This should be contrasted with an agency contract with an individual required to register as an athlete agent but who did not. In that case, the Committee felt the student-athlete should not be able, in effect, to ratify an unlawful agreement.

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

(a) Within 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 written notice of the existence of the contract to the athletic director of the educational institution at which the student-athlete is enrolled or the athlete agent has reasonable grounds to believe the student-athlete intends to enroll.

(b) Within 72 hours after entering into an agency contract or before the next athletic event in which the student-athlete may participate, whichever occurs first, the student-athlete shall inform the athletic director of the educational
institution at which the student-athlete is enrolled that he or she has entered into an
agency contract.

SECTION 12. STUDENT-ATHLETE’S RIGHT TO CANCEL.

(a) A student-athlete may cancel an agency contract by giving written notice
to the athlete agent of the cancellation within 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 student-athlete is not
required to pay any consideration under the contract or return any consideration
received from the agent to induce the student-athlete to enter into the contract.

Reporter’s Notes

The Committee intended the term inducement to be construed as broadly as
possible so that other consideration is included even if it is not a thing of value in the
normal sense.

SECTION 13. REQUIRED RECORDS.

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

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

(2) the amount of any compensation received;

(3) any agency contract entered into by the athlete agent; and

(4) any expenses paid or gifts provided by the athlete agent in the
recruitment or attempted recruitment of a student-athlete.
(b) Records required by subsection (a) to be maintained are open to
inspection by the [Secretary of State] during normal business hours.

SECTION 14. PROHIBITED ACTS.

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

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

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

(3) furnish anything of value to any individual other than the student-
athlete before the student-athlete enters into the agency contract.

(c) An athlete agent may not intentionally:

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

(2) refuse or willfully fail to maintain or permit inspection of the records
required by Section 13;

(3) violate Section 4 by failing to register;

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

(5) predate or postdate an agency contract.

Reporter’s Notes
The Committee recognizes that criminalizing the conduct referred to by Section 14(a) raises questions about interfering in legitimate contracts where a student-athlete, such as a football or basketball player who wants to forego some portion of their eligibility, knowingly signs a contract with an agent that will terminate his or her collegiate eligibility. However, the Committee concluded that the large number of times when inducements were improperly used justified the restriction, particularly when a prohibited inducement could be given after signing the contract.

**SECTION 15. CRIMINAL PENALTIES.** The knowing commission of any act prohibited by Section 14 by an athlete agent is a [misdemeanor] [felony] punishable by [ ] and revocation of the license of the athlete agent.

**SECTION 16. CIVIL REMEDIES.**

(a) An educational institution has a right of action against an athlete agent or a student-athlete, or both, for damages caused by a violation of this [Act]. In a successful action under this section, an educational institution may also recover costs and reasonable attorney’s fees.

(b) Damages of an educational institution under subsection (a) include losses and expenses incurred because, as a result of the activities of an athlete agent or student-athlete, or both, the educational institution was injured by a violation of this [Act] or was penalized, disqualified, or suspended from participation in athletics by a national association for the promotion and regulation of athletics, by an athletic conference, or by reasonable self-imposed disciplinary action taken to mitigate sanctions.
(c) This [Act] does not restrict rights, remedies, or defenses under law or equity.

(d) A right of action under this section does not accrue until the educational institution discovers or by the exercise of reasonable diligence would have discovered the violation by the athlete agent or student-athlete.

**Reporters Notes**

The purpose of this section is to give a cause of action to an educational institution that is sanctioned as a result of activities of an athlete agent or student-athlete or both. For example, in the circumstance where an athlete agent enters into an agency contract with a student-athlete and fails to notify the institution within 72 hours or prior to the next participation by the student-athlete and the institution is disqualified from post-season participation because of that, it is the Committee’s intention to create a cause of action for the resulting loss of revenue. Subsection (b) is not intended to limit damages to those items specified. Subsection (c) makes clear the cause of action is not the exclusive cause of action or source of damages that may be available.

**SECTION 17. ADMINISTRATIVE PENALTY.** The [Secretary of State] may assess a civil penalty not to exceed [$25,000] for a violation of this [Act].

**Reporters Notes**

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

**SECTION 18. 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 of this [Act] among States that enact it.
SECTION 19. 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.

SECTION 20. REPEALS. The following acts and parts of acts are hereby repealed:

SECTION 21. EFFECTIVE DATE. This [Act] takes effect ___________.