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

NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS

April 2014 Committee on Style Meeting

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NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS

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April 8, 2014
AMENDMENTS TO UNIFORM ATHLETE AGENTS ACT (2000) (____)

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# AMENDMENTS TO UNIFORM ATHLETE AGENTS ACT (2000) (____)

## TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>SHORT TITLE.</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>DEFINITIONS.</td>
<td>1</td>
</tr>
<tr>
<td>3</td>
<td>SERVICE OF PROCESS; SUBPOENAS SUBPOENA</td>
<td>4</td>
</tr>
<tr>
<td>4</td>
<td>ATHLETE AGENTS AGENT: REGISTRATION REQUIRED; VOID CONTRACTS CONTRACT.</td>
<td>4</td>
</tr>
<tr>
<td>5</td>
<td>REGISTRATION AS ATHLETE AGENT; FORM; REQUIREMENTS.</td>
<td>5</td>
</tr>
<tr>
<td>6</td>
<td>CERTIFICATE OF REGISTRATION; ISSUANCE OR DENIAL; RENEWAL.</td>
<td>17</td>
</tr>
<tr>
<td>7</td>
<td>SUSPENSION, REVOCATION, OR REFUSAL TO RENEW REGISTRATION.</td>
<td>19</td>
</tr>
<tr>
<td>8</td>
<td>TEMPORARY REGISTRATION.</td>
<td>20</td>
</tr>
<tr>
<td>9</td>
<td>REGISTRATION AND RENEWAL FEES.</td>
<td>20</td>
</tr>
<tr>
<td>10</td>
<td>REQUIRED FORM OF AGENCY CONTRACT.</td>
<td>20</td>
</tr>
<tr>
<td>11</td>
<td>NOTICE TO EDUCATIONAL INSTITUTION.</td>
<td>22</td>
</tr>
<tr>
<td>12</td>
<td>STUDENT ATHLETE'S RIGHT TO CANCEL.</td>
<td>22</td>
</tr>
<tr>
<td>13</td>
<td>REQUIRED RECORDS.</td>
<td>23</td>
</tr>
<tr>
<td>14</td>
<td>PROHIBITED CONDUCT.</td>
<td>23</td>
</tr>
<tr>
<td>15</td>
<td>CRIMINAL PENALTIES.</td>
<td>24</td>
</tr>
<tr>
<td>16</td>
<td>CIVIL REMEDIES.</td>
<td>25</td>
</tr>
<tr>
<td>17</td>
<td>ADMINISTRATIVE PENALTY.</td>
<td>26</td>
</tr>
<tr>
<td>18</td>
<td>UNIFORMITY OF APPLICATION AND CONSTRUCTION.</td>
<td>26</td>
</tr>
<tr>
<td>19</td>
<td>ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.</td>
<td>26</td>
</tr>
<tr>
<td></td>
<td>RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.</td>
<td>27</td>
</tr>
<tr>
<td>20</td>
<td>SEVERABILITY.</td>
<td>27</td>
</tr>
<tr>
<td>21</td>
<td>REPEALS; CONFORMING AMENDMENTS.</td>
<td>27</td>
</tr>
<tr>
<td>22</td>
<td>EFFECTIVE DATE.</td>
<td>27</td>
</tr>
</tbody>
</table>
AMENDMENTS TO THE UNIFORM ATHLETE AGENTS ACT (2000)

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

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 includes an individual who represents to the public that the individual is an athlete agent. The term does not include a spouse, parent, sibling, grandparent, or guardian of the student-athlete or an individual acting solely on behalf of a professional sports team or professional sports organization.

(2) “Athlete agent”:

(A) means an individual who:

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

(ii) for compensation:

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

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

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

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

(B) does not include:

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

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

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

(4) “Contact” means a communication, direct or indirect, between an athlete agent and a
student athlete, to recruit or solicit the student athlete to enter into an
agency contract.
(5) “Educational institution” means a public or private elementary school, secondary school, community college, university, or other educational institution.

(5) (6) “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.

(7) “Interscholastic sport” means a sport played between schools that are not a college or university.

(6) (8) “Intercollegiate sport” means a sport played at the collegiate level for which eligibility requirements for participation by a student-athlete are established by a national association for the promotion or regulation of collegiate athletics.

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

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

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

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

(40) (13) “Registration” means registration as an athlete agent pursuant to this Act.

(41) (14) “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.

(42) (15) “Student-athlete” means an individual who is eligible to attend an educational institution and who engages in, is eligible to engage in, or may be eligible in the future to engage in, any interscholastic or intercollegiate sport. If an individual is permanently ineligible to participate in a particular interscholastic or intercollegiate sport, the individual is not a student-athlete for purposes of that sport.

SECTION 3. SERVICE OF PROCESS; SUBPOENAS

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

[(b)] The Secretary of State may issue subpoenas for any material that is relevant to the administration of this Act.

SECTION 4. ATHLETE AGENTS: REGISTRATION REQUIRED;

VOID CONTRACTS

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

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

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

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

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

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

(a) An applicant for registration as an athlete agent shall submit an application for registration to the Secretary of State in a form prescribed by the Secretary of State. [An application filed under this section is a public record.] Information on the form concerning personal identification or trade secrets is not a public record. The application must be in the name of an individual and, except as otherwise provided in subsection (b), signed or otherwise authenticated by the applicant under penalty of perjury, and state or contain at least the following:

(1) the name, last four numbers of applicant’s social security number, birthdate, and birthplace of the applicant and the contact information for the applicant, including the address of the applicant’s principal place of business, work and mobile telephone numbers, facsimile number, email address, and personal and organization websites;

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

(3) All social media accounts with which the applicant and the applicant’s
organization are affiliated;

(3) (4) any business or occupation engaged in by the applicant for the five years
next preceding the date of submission of the application, including self-employment, employers,
and any professional or occupational license;

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

(A) formal training as an athlete agent;

(B) practical experience as an athlete agent; and

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

(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 acted 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 are:

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

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

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

(8) (9) whether the applicant, or any person named pursuant to paragraph (7), has pleaded guilty to, been convicted of, or has charges pending for, a crime that, if committed in this State, would be a crime involving moral turpitude or a felony, and identify the crime and the criminal authority involved and, if applicable, the date of the conviction and the fine or penalty imposed;

(10) whether the applicant, or any person named pursuant to paragraph (7), has been a defendant in a civil proceeding within the 15 years prior to the date of application, including an adjudication of legal incompetence, and identify the date of each proceeding and explain each occurrence fully;

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

(12) whether, within the 10 years prior to the date of the application, the applicant, or any person named pursuant to paragraph (7), has been declared bankrupt or been an owner of a business that was declared bankrupt;

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

(14) any instance in which the conduct of the applicant or any 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, or professional athletic event of
on a student-athlete or a sanction on an educational institution;

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

(16) whether there has been any denial of an application for, suspension, or
revocation of, or refusal to renew, abandonment, or limitation for any reason of, the registration
or licensure of the applicant or any person named pursuant to paragraph (7), as an athlete agent
in any State.

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

(18) if the applicant is certified or registered by any professional organization, list
the organization, the date of certification, and the date of expiration, if any, and if applicable, any
denial, refusal to renew, reprimand, censure, suspension, withdrawal, or termination of such a
certification or registration or any reprimand or censure related to the certification or registration.

(b) An individual who has submitted an application for, and holds a certificate of,
registration or licensure as an athlete agent in another State, may submit a copy of the application
and certificate 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 six months next preceding the
submission of the application in this State and the applicant certifies that the information
contained in the application is current;

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

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

(b) Instead of proceeding under subsection (a), an individual registered as an athlete agent in another state may apply for registration in this state by submitting a copy of the application for registration and the certificate of registration from the other state to the [Secretary of State] and paying the applicable fee. The [Secretary of State] shall issue a certificate of registration to the individual if the [Secretary of State] determines:

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

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

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

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

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

Comment

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

REGISTRATION FORM

PART I. GENERAL INFORMATION

[Use additional sheets as necessary]

1. Registrant first name: ______________________________

2. Registrant middle name: ______________________________

3. Registrant last name: ______________________________

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

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

____________________________________________

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

____________________________________________

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

____________________________________________

8. Work phone: ______________________________

9. Mobile phone: ______________________________

10. Fax number: ______________________________

11. Work and Personal Email and Website: ______________________________

12. Birthplace and date of birth: ______________________________
13. List all social media accounts with which you and your organization are affiliated:


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

- Major League Baseball Players Association
- National Basketball Players Association
- National Football Players Association
- National Hockey League Players Association
- Other
- None

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


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


PART II. EDUCATION

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

17. Professional/Graduate School(s):


18. Undergraduate School(s):


19. High School(s):
PART III. CURRENT OCCUPATION/EMPLOYMENT

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

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

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

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

   Name of employer: ________________________

   Supervisor's name: ________________________

   Supervisor's address and work phone: ________________________

   Initial date of employment (including month and year): ________________________

   Nature of your current employment: ________________________

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

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

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

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

PART IV. PROFESSIONAL BACKGROUND

28. List any memberships you have in business or professional organizations that directly
relate to your occupation or profession: __________________________

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

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

31. If you answered "Yes" to Item 30, please explain the occurrence fully:

32. Have you ever been denied a business license, franchise, or other similar credentials
for which you applied? (Y/N)
33. If you answered "Yes" to Item 32, explain the occurrence fully: _____________________________

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

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

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

34. If you answered "Yes" to Item 36, explain the occurrence fully: _____________________________

PART V. COMPLIANCE BACKGROUND

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

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

40. Indicate the nature of any charges or complaints currently pending against you regarding you conduct as a member of any profession. For each charge or complaint, specify the name and address of the authority considering the charges or complaints. If there are no charges or complaints currently pending against you, enter "None." _____________________________
41. Have you ever been convicted of, pleaded guilty to a criminal charge or have a criminal charge currently pending? (Y/N)

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

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

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

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

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

47. If you answered "Yes" to Item 46, please specify the date of the action, the educational institution involved, and the reason for the action: ________________________________

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 last 10 years of 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, reprimand, withdrawal or termination of the certification or registration, or any reprimand or censure related to the certification or license:

ACKNOWLEDGEMENT

By entering my name below, I attest under penalty of perjury that all statements, affirmations, and representations made in this application and its attachments are accurate as of my application date and are made for the benefit of the state and its student athletes, both present and future, and that the information herein is public information and may be provided by the state to student athletes and other individuals without restriction.

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

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

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

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

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

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

(4) engaged in conduct prohibited by Section 14;

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

(6) engaged 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
credibility, honesty, or integrity.

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

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

(d) An athlete agent registered under subsection (a) 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 application for registration.

(e) 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 (d), may file a copy of the application for renewal and a valid certificate of registration or licensure 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 six months next preceding the filing in this State and the applicant certifies the information contained in the application for renewal is current;
(2) contains information substantially similar to or more comprehensive than that required in an application for renewal submitted in this State; and
(3) was signed by the applicant under penalty of perjury.
(e) An athlete agent who is registered under Section 5(b) may renew the registration by proceeding under subsection (d) or, if the registration in the other state has been renewed, by submitting to the [Secretary of State] a copy of the application for renewal in the other state and the renewal registration from the other state and paying the applicable fee. The [Secretary of State] shall renew the registration if the [Secretary of State] determines:

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

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

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

SECTION 7. SUSPENSION, REVOCATION, OR REFUSAL TO RENEW

REGISTRATION.

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

(b) The [Secretary of State] may suspend or revoke the registration of an individual registered under Section 5(b) for any reason that would have justified refusal to grant or renew registration or for conduct that would have justified denial of registration of an individual applying under Section 5(a).

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

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

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

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

(2) $[ ] for an application for registration based upon a certificate of registration or license 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 a renewal of registration or license submitted in another State.

SECTION 10. REQUIRED FORM OF AGENCY CONTRACT.

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

(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 of registration who will be compensated because the student-athlete signed the agency contract;
(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 in substantially the following form stating:

WARNING TO STUDENT-ATHLETE

IF YOU SIGN THIS CONTRACT:

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

(2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER ENTERING INTO THIS CONTRACT, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR; AND

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

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

(e) The athlete agent shall give a record of the signed or otherwise authenticated agency contract to the student-athlete at the time of execution.
SECTION 11. NOTICE TO EDUCATIONAL INSTITUTION.

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

(b) Within Not later than 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.

(c) Not later than 72 hours after a student athlete enrolls at an educational institution, an athlete agent who previously entered into an agency contract with the athlete shall notify the athletic director of the institution of the existence of the contract.

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

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

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

(c) If a student-athlete cancels an agency contract, the student-athlete is not required to pay any consideration under the contract or to return any consideration received from the athlete agent to induce the student-athlete to enter into the contract.
SECTION 13. REQUIRED RECORDS.

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

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

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

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

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

SECTION 14. PROHIBITED CONDUCT.

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

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

(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 or another registered athlete agent.

(c) An athlete agent may not intentionally:

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

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

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

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

(5) predate or postdate an agency contract; or

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

(d) Before communicating or attempting to communicate with a student athlete to influence the athlete to enter into an agency contract or before communicating or attempting to communicate with another individual to influence a student athlete to enter into an agency contract, an athlete agent shall notify in a record the athletic director of the educational institution at which the athlete is enrolled. If the communication or attempt to communicate is initiated by the athlete or another individual on behalf of an athlete, the agent shall notify in a record the athletic director of the institution not later than 10 days after the communication or attempt.

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

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

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

SECTION 16. CIVIL REMEDIES.

(a) An educational institution has a right of action against an athlete agent or a former student-athlete for damages caused by a violation of this [Act]. In an action under this section, the court may award to the prevailing party 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 conduct of an athlete agent or former student-athlete, 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 likely to be imposed by such an organization.

(c) 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 former student-athlete.

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

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

(a) An educational institution or a student athlete has a right of action for damages against an athlete agent if the institution or student athlete is adversely affected by an act of an agent in violation of this [act]. An educational institution or a student athlete is adversely
affected by an act of the agent only if, because of the act, the educational institution or an
individual who was a student athlete at the time of the act and admitted to or enrolled in the
institution is:

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

(2) suffers financial damage; or

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

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

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

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

SECTION 19. ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL
COMMERCE ACT. The provisions of this [Act act] governing the legal effect, validity, or
enforceability of electronic records or signatures, and of contracts formed or performed with the
use of such records or signatures conform to the requirements of Section 102 of the Electronic

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

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

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

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

(a) 
(b) 
(c) 

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