

DRAFT  
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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April 2014 Committee on Style Meeting

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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) ( )**

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1           **AMENDMENTS TO THE UNIFORM ATHLETE AGENTS ACT (2000)-(\_\_\_\_)**

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

4           **SECTION 2. DEFINITIONS.** In this [Act act]:

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

8           ~~(2) “Athlete agent” means an individual who enters into an agency contract with a~~  
9 ~~student-athlete or, directly or indirectly, recruits or solicits a student-athlete to enter into an~~  
10 ~~agency contract. The term includes an individual who represents to the public that the individual~~  
11 ~~is an athlete agent. The term does not include a spouse, parent, sibling, [or] grandparent[, or~~  
12 ~~guardian] of the student-athlete or an individual acting solely on behalf of a professional sports~~  
13 ~~team or professional sports organization.~~

14           (2) “Athlete agent”:

15                   (A) means an individual who:

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

20                           (ii) for compensation:

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

23                                   (II) serves a student athlete in an advisory capacity on a matter

1 related to finances, business pursuits or ventures, or career management decisions;

2 (III) manages the business affairs of a student athlete by providing

3 assistance with bills, payments, contracts, or taxes; or

4 (iii) seeks to obtain financial gain or benefit from securing the enrollment

5 of a student athlete at an educational institution, unless the individual is an employee of the

6 institution acting solely for the benefit of the institution; and

7 (B) does not include:

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

9 organization; or

10 (ii) an individual licensed as an attorney, dealer in securities, financial

11 planner, insurance agent, real estate broker or sales agent, tax consultant, or as a member of

12 another profession, when the individual offers or provides the type of services to a student athlete

13 customarily provided by members of that profession, except to the extent the individual also

14 recruits the student athlete to enter into an agency contract or, for compensation, procures

15 employment or offers, promises, attempts, or negotiates to obtain employment for the athlete as a

16 professional athlete or with a professional sports team or organization.

17 (3) “Athletic director” means ~~an~~ the individual responsible for administering the overall

18 athletic program of an educational institution or, if an educational institution has separately

19 administered athletic programs for male students and female students, the athletic program for

20 males or the athletic program for females, as appropriate.

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

22 ~~student athlete~~ student athlete, to recruit or solicit the ~~student athlete~~ athlete to enter into an

23 agency contract.

1           (5) “Educational institution” means a public or private elementary school, secondary  
2 school, community college, university, or other educational institution.

3           ~~(5)~~ (6) “Endorsement contract” means an agreement under which a ~~student-athlete~~  
4 student athlete is employed or receives consideration to use on behalf of the other party any  
5 value that the ~~student-athlete~~ athlete may have because of publicity, reputation, following, or  
6 fame obtained because of athletic ability or performance.

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

9           ~~(6)~~ (8) “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           ~~(7)~~ (9) “Person” means an individual, ~~corporation, business trust, estate, trust,~~  
14 ~~partnership, limited liability company, association, joint venture,~~ business or nonprofit entity,  
15 public corporation, government; or governmental subdivision, agency, or instrumentality; ~~public~~  
16 ~~corporation,~~ or any other legal or ~~commercial~~ entity.

17           ~~(8)~~ (10) “Professional-sports-services contract” means an agreement under which an  
18 individual is employed as a professional athlete; or agrees to render services; as a player on a  
19 professional sports team; or with a professional sports organization; ~~or as a professional athlete.~~

20           ~~(9)~~ (11) “Record” means information that is inscribed on a tangible medium or that is  
21 stored in an electronic or other medium and is retrievable in perceivable form.

22           (12) “Recruit or solicit” means attempt to influence the choice of an athlete agent by a  
23 student athlete or, if the student athlete is a minor, the parents or guardian of the student athlete.

1 The term does not include giving advice in a family, coaching, or social circumstance unless the  
2 individual advising the selection of a particular agent is doing so because of the receipt or  
3 anticipated receipt of economic benefit, whether directly or indirectly, from the agent.

4 ~~(10)~~ (13) “Registration” means registration as an athlete agent pursuant to this [~~Aet~~ act].

5 ~~(11)~~ (14) “State” means a ~~State~~ state of the United States, the District of Columbia,  
6 Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the  
7 jurisdiction of the United States.

8 ~~(12)~~ (15) “~~Student-athlete~~ Student athlete” means an individual who is eligible to attend  
9 an educational institution and who engages in, is eligible to engage in, or may be eligible in the  
10 future to engage in, any interscholastic or intercollegiate sport. If an individual is permanently  
11 ineligible to participate in a particular interscholastic or intercollegiate sport, the individual is not  
12 a ~~student-athlete~~ student athlete for purposes of that sport.

13 **SECTION 3. SERVICE OF PROCESS; SUBPOENAS SUBPOENA.**

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

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

19 **SECTION 4. ATHLETE AGENTS AGENT: REGISTRATION REQUIRED;**  
20 **VOID CONTRACTS CONTRACT.**

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

23 (b) Before being issued a certificate of registration under Section 5, 6, or 8, an individual

1 may act as an athlete agent in this ~~State~~ state for all purposes except signing an agency contract,  
2 if:

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

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

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

10 **SECTION 5. REGISTRATION AS ATHLETE AGENT; FORM;**  
11 **REQUIREMENTS.**

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

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

23 (2) the name of the applicant's business or employer, if applicable, including for



1 each business, or employer the name, mailing address, telephone number, organization form, and  
2 nature of business;

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

5 ~~(3)~~ (4) any business or occupation engaged in by the applicant for the five years  
6 next preceding the date of submission of the application, including self-employment, employers,  
7 and any professional or occupational license;

8 ~~(4)~~ (5) a description of the applicant's:

9 (A) formal training as an athlete agent;

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

11 (C) educational background relating to the applicant's activities as an

12 athlete agent;

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

15 (6) the name, sport, and last known team for each individual for whom the  
16 applicant acted as an athlete agent during the five years next preceding the date of submission of  
17 the application;

18 (7) the names and addresses of all persons who are:

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

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

23 (8) A description of the status of any application by the applicant, or any person

1 named pursuant to paragraph (7), for a business, professional, or occupational license, other than  
2 as an athlete agent, from a state or federal agency, including any denial, refusal to renew,  
3 suspension, withdrawal, or termination of the license and any reprimand or censure related to the  
4 license.

5 ~~(8)~~ (9) whether the applicant, or any person named pursuant to paragraph (7), has  
6 pleaded guilty to, been convicted of, or has charges pending for, a crime that, if committed in  
7 this State state, would be a crime involving moral turpitude or a felony, and identify the crime,  
8 and the criminal authority involved and, if applicable, the date of the conviction and the fine or  
9 penalty imposed;

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

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

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

20 ~~(9)~~ (13) whether there has been any administrative or judicial determination that  
21 the applicant, or any person named pursuant to paragraph (7), made a false, misleading,  
22 deceptive, or fraudulent representation;

23 ~~(10)~~ (14) any instance in which the conduct of the applicant, or any person named

1 pursuant to paragraph (7), resulted in the imposition of a sanction, suspension, or declaration of  
2 ineligibility to participate in an interscholastic, ~~or intercollegiate,~~ or professional athletic event of  
3 ~~on a student-athlete~~ student athlete or a sanction on an educational institution;

4 ~~(14)~~ (15) any sanction, suspension, or disciplinary action taken against the  
5 applicant, or any person named pursuant to paragraph (7), arising out of occupational or  
6 professional conduct; ~~and~~

7 ~~(12)~~ (16) whether there has been ~~any~~ a denial of an application for, suspension, ~~or~~  
8 revocation, ~~or~~ ~~refusal to renew,~~ abandonment, or limitation for any reason of, the registration  
9 or licensure of the applicant, or any person named pursuant to paragraph (7), as an athlete agent  
10 in any ~~State~~ state.

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

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

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

22 ~~(1) was submitted in the other State within six months next preceding the~~  
23 ~~submission of the application in this State and the applicant certifies that the information~~

1 ~~contained in the application is current;~~

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

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

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

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

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

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

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

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

22 **Comment**

23 A central registration point with a single form is the easiest way to facilitate the  
24 reciprocal licensing provisions of subsection (b) and subsection (c) encourages the administrative

1 agencies to which the enforcement of the act is delegated to cooperate with agencies from other  
2 states to that end. It is recognized there are substantial obstacles to a central registration office,  
3 not the least of which is cost. If it is not possible or feasible to create a central registration point,  
4 agencies are encouraged to adopt the following standard form:  
5

6 REGISTRATION FORM

7 PART I. GENERAL INFORMATION

8 [Use additional sheets as necessary]

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

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

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

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

14 5. Name of your organization involved in providing services for athletes: \_\_\_\_\_  
15 \_\_\_\_\_

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

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

20 8. Work phone: \_\_\_\_\_

21 9. Mobile phone: \_\_\_\_\_

22 10. Fax number: \_\_\_\_\_

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

24 12. Birthplace and date of birth: \_\_\_\_\_  
25

1 13. List all social media accounts with which you and your organization are affiliated:

2 \_\_\_\_\_

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

6 Major League Baseball Players Association \_\_\_\_\_

7 National Basketball Players Association \_\_\_\_\_

8 National Football Players Association \_\_\_\_\_

9 National Hockey League Players Association \_\_\_\_\_

10 Other \_\_\_\_\_

11 None \_\_\_\_\_

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

13 \_\_\_\_\_

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

16 \_\_\_\_\_

17 PART II. EDUCATION

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

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

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

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

PART III. CURRENT OCCUPATION/EMPLOYMENT

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

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

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

4 \_\_\_\_\_

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

7 Name of employer: \_\_\_\_\_

8 Supervisor's name: \_\_\_\_\_

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

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

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

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

15 \_\_\_\_\_

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

21 \_\_\_\_\_

22           26. List each person not named in Item 25, who: (a) has an ownership interest of 5% or

1 more in your firm or organization; (b) has wholly or partially financed your firm or organization  
2 (other than financing or credit extended in the ordinary course of business by lending  
3 institutions); or (c) directly or indirectly exercises or has the power to exercise a controlling  
4 influence over the management of your firm or organization. For each individual, provide their  
5 respective name, mailing address, phone number, and nature of involvement (for example,  
6 describe their ownership interest, amount of financing provided, or basis of their controlling  
7 influence: \_\_\_\_\_

8 27. Provide your employment history for the past five years or a resume that indicates  
9 such employment: \_\_\_\_\_

10 **PART IV. PROFESSIONAL BACKGROUND**

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

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

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

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

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

23





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

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

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

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

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

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

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

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

19          49. If you answered "Yes" to Item 48, explain the unsatisfied judgment fully: \_\_\_\_\_  
20 \_\_\_\_\_

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

23



1           **SECTION 6. CERTIFICATE OF REGISTRATION; ISSUANCE OR DENIAL;**  
2 **RENEWAL.**

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

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

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

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

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

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

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

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

23                   (7) engaged in conduct that significantly adversely reflects on the applicant's

1 credibility, honesty, or integrity.

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

4 (1) how recently the conduct occurred;

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

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

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

12 ~~(e) An individual who has submitted an application for renewal of registration or~~  
13 ~~licensure in another State, in lieu of submitting an application for renewal in the form prescribed~~  
14 ~~pursuant to subsection (d), may file a copy of the application for renewal and a valid certificate~~  
15 ~~of registration or licensure from the other State. The [Secretary of State] shall accept the~~  
16 ~~application for renewal from the other State as an application for renewal in this State if the~~  
17 ~~application to the other State:~~

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

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

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

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

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

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

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

13           **SECTION 7. SUSPENSION, REVOCATION, OR REFUSAL TO RENEW**  
14 **REGISTRATION.**

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

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

22           {(b) (c)} The [Secretary of State] may deny, suspend, revoke, or refuse to renew a  
23 certificate of registration ~~or licensure~~ under this [act] only after proper notice and an opportunity

1 for a hearing. The [Administrative Procedures Act] applies to this [~~Act~~ act].]

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

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

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

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

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

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

14           **SECTION 10. REQUIRED FORM OF AGENCY CONTRACT.**

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

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

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

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

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

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

3 (5) the duration of the contract; and

4 (6) the date of execution.

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

8 **WARNING TO STUDENT-ATHLETE STUDENT ATHLETE**

9 **IF YOU SIGN THIS CONTRACT:**

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

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

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

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

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



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

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

8           (b) ~~Within~~ Not later than 72 hours after entering into an agency contract or before the  
9 next athletic event in which the ~~student-athlete~~ student athlete may participate, whichever occurs  
10 first, the ~~student-athlete~~ shall inform the athletic director of the educational institution at which  
11 the ~~student-athlete~~ is enrolled that ~~he or she~~ the athlete has entered into an agency contract.

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

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

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

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

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

1           **SECTION 13. REQUIRED RECORDS.**

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

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

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

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

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

10           **SECTION 14. PROHIBITED CONDUCT.**

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

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

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

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

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

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

23                   (1) initiate contact with a ~~student-athlete~~ student athlete unless registered under

1 this [~~Act~~ act];

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

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

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

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

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

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

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

23 **SECTION 15. CRIMINAL PENALTIES.** An athlete agent who violates Section 14 is

1 guilty of a [misdemeanor] [felony] and, upon on conviction, is punishable by [ ].

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

6  
7 **SECTION 16. CIVIL REMEDIES.**

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

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

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

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

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

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

1 affected by an act of the agent only if, because of the act, the educational institution or an  
2 individual who was a student athlete at the time of the act and admitted to or enrolled in the  
3 institution is:

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

7 (2) suffers financial damage; or

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

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

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

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

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

1 ~~Signatures in Global and National Commerce Act, Pub. L. No. 106-229, 114 Stat. 464 (2000),~~  
2 ~~and supersede, modify, and limit the Electronic Signatures in Global and National Commerce~~  
3 ~~Act.~~

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

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

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

15  
16 **SECTION 21. REPEALS; CONFORMING AMENDMENTS.** The following acts  
17 ~~and parts of acts are hereby repealed:~~

18 (a)

19 (b)

20 (c)

21 **SECTION 22. EFFECTIVE DATE.** This [~~Act~~ act] takes effect \_\_\_\_\_ ....