

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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March 21 – 22, 2014 Drafting Committee Meeting

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February 24, 2014

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

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

**TABLE OF CONTENTS**

SECTION 1. SHORT TITLE. ....	1
SECTION 2. DEFINITIONS. ....	1
SECTION 3. SERVICE OF PROCESS; <del>SUBPOENAS</del> SUBPOENA. ....	5
SECTION 4. ATHLETE AGENTS AGENT: REGISTRATION REQUIRED; VOID <del>CONTRACTS</del> CONTRACT. ....	5
SECTION 5. REGISTRATION AS ATHLETE AGENT; FORM; ..... REQUIREMENTS. ....	6
SECTION 6. CERTIFICATE OF REGISTRATION; ISSUANCE OR DENIAL; RENEWAL. ....	25
SECTION 7. SUSPENSION, REVOCATION, OR REFUSAL TO RENEW REGISTRATION. ....	28
SECTION 8. TEMPORARY REGISTRATION. ....	28
SECTION 9. REGISTRATION AND RENEWAL FEES. ....	28
SECTION 10. REQUIRED FORM OF AGENCY CONTRACT. ....	29
SECTION 11. NOTICE TO EDUCATIONAL INSTITUTION. ....	30
SECTION 12. <del>STUDENT ATHLETE'S</del> STUDENT ATHLETE'S RIGHT TO CANCEL. ....	31
SECTION 13. REQUIRED RECORDS. ....	31
SECTION 14. PROHIBITED CONDUCT. ....	31
SECTION 15. CRIMINAL PENALTIES. ....	33
SECTION 16. CIVIL REMEDIES. ....	34
SECTION 17. ADMINISTRATIVE PENALTY. ....	37
SECTION 18. UNIFORMITY OF APPLICATION AND CONSTRUCTION. ....	37
SECTION 19. <del>ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE</del> <del>ACT</del> . ....	37
RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. ....	37
[SECTION 20. SEVERABILITY. ....	37
SECTION 21. REPEALS; CONFORMING AMENDMENTS. ....	38
SECTION 22. EFFECTIVE DATE. ....	38

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 **Alternative A**

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

15 (2) "Athlete agent":

16 (A) means an individual who, directly or indirectly:

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

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

1           (B) does not include:

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

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

11   **Alternative B**

12           (2) “Athlete agent”:

13                   (A) means an individual who:

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

18                   (ii) for compensation:

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

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

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

1 assistance with bills, payments, contracts, or taxes; or  
2 (IV) markets, publicizes, or promotes a student athlete through any  
3 means or medium; 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 an individual acting solely on behalf of a professional sports  
8 team or organization.

9 **End of Alternatives**

10  
11 (3) “Athletic director” means ~~an~~ the individual responsible for administering the overall  
12 athletic program of an educational institution or, if an educational institution has separately  
13 administered athletic programs for male students and female students, the athletic program for  
14 males or the athletic program for females, as appropriate.

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

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

20 ~~(5)~~ (6) “Endorsement contract” means an agreement under which a ~~student-athlete~~  
21 student athlete is employed or receives consideration to use on behalf of the other party any  
22 value that the ~~student-athlete~~ athlete may have because of publicity, reputation, following, or  
23 fame obtained because of athletic ability or performance.

24 ~~(6)~~ (7) “Intercollegiate sport” means a sport played at the collegiate level for which

1 eligibility requirements for participation by a ~~student-athlete~~ student athlete are established by a  
2 national association ~~for the promotion or regulation of~~ that promotes or regulates collegiate  
3 athletics.

4 ~~(7)~~ (8) “Person” means an individual, ~~corporation, business trust, estate, trust,~~  
5 ~~partnership, limited liability company, association, joint venture,~~ business or nonprofit entity,  
6 public corporation, government; or governmental subdivision, agency, or instrumentality; ~~public~~  
7 ~~corporation,~~ or any other legal ~~or commercial~~ entity.

8 ~~(8)~~ (9) “Professional-sports-services contract” means an agreement under which an  
9 individual is employed as a professional athlete, or agrees to render services; as a player on a  
10 professional sports team; or with a professional sports organization; ~~or as a professional athlete.~~

11 ~~(9)~~ (10) “Record” means information that is inscribed on a tangible medium or that is  
12 stored in an electronic or other medium and is retrievable in perceivable form.

13 (11) “Recruit or solicit” means attempt to influence the choice of an athlete agent by a  
14 student athlete. The term does not include giving advice in a family, coaching, or social  
15 circumstance unless the individual advising the selection of a particular agent is doing so because  
16 of the receipt or anticipated receipt of compensation from the agent.

17 ~~(10)~~ (12) “Registration” means registration as an athlete agent pursuant to this [~~Act~~ act].

18 ~~(11)~~ (13) “State” means a ~~State~~ state of the United States, the District of Columbia,  
19 Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the  
20 jurisdiction of the United States.

21 ~~(12)~~ (14) “~~Student-athlete~~ Student athlete” means an individual attending an educational  
22 institution who engages in, is eligible to engage in, or may be eligible in the future to engage in,  
23 any interscholastic or intercollegiate sport. If an individual is permanently ineligible to

1 participate in a particular interscholastic or intercollegiate sport, the individual is not a ~~student-~~  
2 ~~athlete~~ student athlete for purposes of that sport.

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

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

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

9 **SECTION 4. ATHLETE ~~AGENTS~~ AGENT: REGISTRATION REQUIRED;**  
10 **~~VOID CONTRACTS~~ CONTRACT.**

11 (a) Except as otherwise provided in subsection (b), an individual may not act as an  
12 athlete agent in this ~~State~~ state without holding a certificate of registration under Section 5, 6, or  
13 8.

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

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

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

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



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

4 .  
5           ~~(a) An applicant for registration agent shall submit an application for registration to the~~  
6 ~~[Secretary of State] in a form prescribed by the [Secretary of State]. [An application filed under~~  
7 ~~this section is a public record.] The application must be in the name of an individual and, except~~  
8 ~~as otherwise provided in subsection (b), signed or otherwise authenticated by the applicant under~~  
9 ~~penalty of perjury, and state or contain:~~

10                   ~~(1) the name of the applicant and the address of the applicant's principal place of~~  
11 ~~business;~~

12                   ~~(2) the name of the applicant's business or employer, if applicable;~~

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

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

16                           ~~(A) formal training as an athlete agent;~~

17                           ~~(B) practical experience as an athlete agent; and~~

18                           ~~(C) educational background relating to the applicant's activities as an~~  
19 ~~athlete agent;~~

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

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

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

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

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

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

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

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

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

18                   (12) whether there has been any a denial of an application for, suspension or  
19 revocation of, or refusal to renew, the registration or licensure of the applicant or any person  
20 named pursuant to paragraph (7) as an athlete agent in any State.

21                   (a) Except as otherwise provided in subsection (b), an applicant for registration as an  
22 athlete agent must submit an application for registration to the [Secretary of State] in the  
23 following form:

1 PART I. GENERAL INFORMATION

2 [Use additional sheets as necessary]

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

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

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

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

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

9 \_\_\_\_\_

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

11 \_\_\_\_\_

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

13 \_\_\_\_\_

14 8. Work phone: \_\_\_\_\_

15 9. Mobile phone: \_\_\_\_\_

16 10. Fax number: \_\_\_\_\_

17 11. Email: \_\_\_\_\_

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

19 13. List all social media accounts with which you or your organization are affiliated:

20 \_\_\_\_\_

21 14. Indicate if you are a certified agent as of the date of the completion of this form,

22 with:

23 Major League Baseball Players Association \_\_\_\_\_

- 1 National Basketball Players Association \_\_\_\_\_
- 2 National Football League Players Association \_\_\_\_\_
- 3 National Hockey League Players Association \_\_\_\_\_
- 4 Other \_\_\_\_\_
- 5 None \_\_\_\_\_

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

8 16. Provide the date of approval for each association indicated in Item 14 and the most  
9 recent date of any such applications. If no association was selected, enter "None":  
10 \_\_\_\_\_  
11 \_\_\_\_\_

12 17. If you have ever had an application to become a certified agent denied for any reason,  
13 explain the circumstances and rationale of the instance fully: \_\_\_\_\_  
14 \_\_\_\_\_  
15 \_\_\_\_\_

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

19 PART II. EDUCATION

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

22 19. Professional/Graduate School(s): \_\_\_\_\_

23 20. Undergraduate School(s): \_\_\_\_\_

1 21. High School(s): \_\_\_\_\_

2 PART III. CURRENT OCCUPATION/EMPLOYMENT

3 22 Are you self-employed? (Y/N)

4 (If you are not self-employed, skip to Item 25.)

5 23. Provide the dates and duration of your self-employment (including months and  
6 years): \_\_\_\_\_

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

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

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

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

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

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

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

17 26. Provide your employment history for the past five years or a resume that indicates  
18 such employment: \_\_\_\_\_  
19 \_\_\_\_\_

20 PART IV. FOR ATTORNEYS AND LAW GRADUATES

21 *If you do not have a law degree, proceed to Part V.*

22 27. List all jurisdictions in which you have been admitted to the bar, the date of  
23 admission, and the current status of the membership: \_\_\_\_\_

1  
2  
3  
4  
5  
6  
7  
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9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

---

If you have never been admitted to the bar, enter “None.”

28. If you have any applications for bar admission currently pending, state where you have applied and the status of the application. If you do not have any bar applications currently pending, enter “None.” \_\_\_\_\_

---

29. Have you ever been disbarred, suspended, reprimanded, censured, or otherwise disciplined or disqualified as an attorney? (Y/N)

30. If you answered “Yes” to Item 29, provide the action, the date of each occurrence, the authority imposing each respective action, the authority’s address, mailing address, and phone number, and the circumstances of each respective action:

---

31. Are any charges or complaints currently pending against you regarding your conduct as an attorney? (Y/N)

32. If you answered “Yes” to Item 31, provide each charge or complaint pending, the authority considering each charge or complaint, the authority’s mailing address and phone number, and the circumstances of each respective charge or complaint:

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**PART V. PROFESSIONAL BACKGROUND**

*Lawyers and law graduates should answer these questions only as they relate to their*

1 *profession in any way other than as already provided in Part IV.*

2 33. List any memberships you have in business or professional organizations that

3 directly relate to your occupation or profession: \_\_\_\_\_

4 \_\_\_\_\_

5 34. List any occupational or professional license or other similar credentials (i.e.,

6 Certified Public Accountant, Chartered Life Underwriter, Registered Investment Advisor,

7 etc.) you have obtained other than college or graduate school degrees, including the date

8 and status of the credential obtained: \_\_\_\_\_

9 \_\_\_\_\_

10 \_\_\_\_\_

11 35. Have you ever been denied an occupational or professional license from a state or

12 federal regulatory agency? (Y/N)

13 36. If you answered “Yes” to Item 35, please explain the occurrence fully:

14 \_\_\_\_\_

15 \_\_\_\_\_

16 37. Have you ever been denied a business license, franchise, or other similar credentials

17 for which you applied? (Y/N)

18 38. If you answered “Yes” to Item 37, explain the occurrence fully: \_\_\_\_\_

19 \_\_\_\_\_

20 \_\_\_\_\_

21 39. Describe and indicate the status of any application you currently have pending for an

22 occupational or professional license: \_\_\_\_\_

23 \_\_\_\_\_

1 40. Describe and indicate the status of any application you currently have pending for a  
2 business license, franchise, or other similar credential: \_\_\_\_\_

3 \_\_\_\_\_

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

7 42. If you answered “Yes” to Item 41, explain the occurrence fully: \_\_\_\_\_  
8 \_\_\_\_\_

9 **PART VI. COMPLIANCE BACKGROUND**

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

13 44. If you answered “Yes” to Item 43, for each occurrence please specify: any  
14 associated complaint or charge, the date of the alleged violation, the result or status of  
15 any related investigation, and the name of any authority imposing any related sanction:  
16 \_\_\_\_\_  
17 \_\_\_\_\_

18 45. Indicate the nature of any charges or complaints currently pending against you  
19 regarding your conduct as a member of any profession. For each charge or  
20 complaint, specify the name and address of the authority considering the charges or  
21 complaints. If there are no charges or complaints currently pending against your, enter  
22 “None.” \_\_\_\_\_  
23 \_\_\_\_\_



1 46. Have you ever been convicted of or pled guilty to a criminal charge other than a  
2 minor traffic violation? (Y/N)

3 47. If you answered "Yes" to Item 46, provide the following information for each  
4 occurrence: Offense, date of conviction, criminal authority involved, and fine or penalty.

5 \_\_\_\_\_  
6 \_\_\_\_\_

7 48. Have you ever been a defendant in a civil proceeding? (Y/N)

8 49. If you answered "Yes" to Item 48, please specify the date of each proceeding and  
9 explain each occurrence fully: \_\_\_\_\_

10 \_\_\_\_\_  
11 \_\_\_\_\_

12 50. If you have ever been adjudicated legally incompetent by any court, please specify  
13 the date and nature of the determination: \_\_\_\_\_

14 \_\_\_\_\_

15 51. Have you ever been suspended or expelled from any educational institution? (Y/N)

16 52. If you answered "Yes" to Item 51, please specify the date of the action, the  
17 educational institution involved, and the reason for the action:

18 \_\_\_\_\_  
19 \_\_\_\_\_

20 53. Has any surety or any bond by which you were covered ever been required to pay any  
21 money on your behalf? (Y/N)

22 54. If you answered "Yes" to Item 53, specify the date and reason for each  
23 occurrence: \_\_\_\_\_

1 \_\_\_\_\_

2 55. Is there any unsatisfied judgment of continuing effect against you (excluding alimony  
3 and child support)? (Y/N)

4 56. If you answered "Yes" to Item 55, explain the unsatisfied judgment fully:

5 \_\_\_\_\_

6 \_\_\_\_\_

7 57. Have you ever been declared bankrupt or been an owner or part-owner of a business  
8 that was declared bankrupt? (Y/N)

9 58. If you answered "Yes" to Item 57, specify the sate and fully explain each occurrence:

10 \_\_\_\_\_

11 \_\_\_\_\_

12 59. Have you ever been involved in any action in violation of or alleged to be in violation  
13 of the rules of the NCAA, any collegiate, amateur, or professional athletic conference,  
14 any university or college, any players' association, or any sports club, league, federation,  
15 or team (Y/N)

16 60. If you answered "Yes" to Item 59, provide the following for each occurrence, the  
17 complaint or charge, the date of alleged violation, the results or status of any related  
18 investigation, and the name of the authority imposing any related sanction:

19 \_\_\_\_\_

20 \_\_\_\_\_

21 **PART VII. BUSINESS SERVICES**

22 61. Indicate the services that you or your organization offers to clients (circle all that  
23 apply):

- 1 Contract Negotiation \_\_\_\_\_
- 2 Financial Planning \_\_\_\_\_
- 3 Appearances/Endorsements \_\_\_\_\_
- 4 Tax Planning \_\_\_\_\_
- 5 Estate Planning \_\_\_\_\_
- 6 Insurance Planning/Coverage \_\_\_\_\_
- 7 Investment Counseling \_\_\_\_\_
- 8 Grievance Arbitration \_\_\_\_\_
- 9 Other Services \_\_\_\_\_

10 62. If you checked "Other Services" in Item 61, explain the service:

11 \_\_\_\_\_

12 \_\_\_\_\_

13 63. Do you offer separate contracts for each service provided? (Y/N)

14 64. If you provide services in addition to contract negotiation services, indicate your  
 15 customary fee for each service. Specify whether the fee is based on a percentage of the  
 16 player's salary negotiated, on his or her total income, on an hourly fee, or on some other  
 17 arrangement. Explain the relationship, if any, of the fee to the fee you charge for player  
 18 contract negotiations and related services:

19 \_\_\_\_\_

20 \_\_\_\_\_

21 65. Do you personally or does your organization manage funds of athletes? (Y/N)

22 66. If yes, are you bonded? (Y/N)

23 67. If you are bonded, provide the following information about each bond: The amount

1 of the bond, name of the surety or bonding company, and the company's mailing address  
2 and phone number: \_\_\_\_\_

3 \_\_\_\_\_

4 68. Have you ever been denied a surety bond? (Y/N)

5 69. If you answered "Yes" to Item 68, specify the date and circumstances of each  
6 occasion: \_\_\_\_\_

7 \_\_\_\_\_

8 70. Are you currently registered under the Investment Advisor's Act? (Y/N)

9 71. If you assist players with securing a service that you do not provide, specify each  
10 individual and firm to whom you refer clients or from whom you receive or have  
11 received any referral fee or other similar payment for recommending their service. For  
12 each individual and firm, provide the mailing address, phone number, and service  
13 recommended: \_\_\_\_\_

14 \_\_\_\_\_

15 \_\_\_\_\_

16 72. Do you receive any other fees or payments from any other individual or organization  
17 for referrals? (Y/N)

18 73. If you answered "Yes" to Item 72, describe the nature and basis of the arrangement  
19 and provide the mailing address and phone number for the individual or organization:

20 \_\_\_\_\_

21 \_\_\_\_\_

22 74. Do you: (a) have an ownership interest in; (b) wholly or partially finance; or (c)  
23 directly or indirectly exercise a controlling interest or influence over any firm or

1 organization that provides services to athletes other than those you identified in Item 61?  
2 (Y/N)

3 75. If you answered “Yes” to Item 74, identify the firm or organization and include the  
4 following information for each entity identified: Firm or organization name, phone  
5 number, service provided, and your relationship (including financial interest or  
6 involvement) with the firm or organization: \_\_\_\_\_  
7 \_\_\_\_\_  
8 \_\_\_\_\_

9 76. Is there any individual, firm, or organization with whom you have an agreement,  
10 understanding, or relationship of any kind (formal or informal) pursuant to which the  
11 individual, firm, or organization solicits or recommends players to use your services?  
12 (Y/N)

13 77. If you answered “Yes” to Item 76, identify each individual, firm, or organization,  
14 the address, phone number, and the compensation or consideration provided in exchange  
15 for the solicitation or referral: \_\_\_\_\_  
16 \_\_\_\_\_

17 78. In the past three years, have you or your organization provided any form of  
18 compensation or consideration to any individual, firm, or organization not officially  
19 employed by your organization for efforts made to solicit, recommend, or refer players to  
20 you or your organization? (Y/N)

21 79. If you answered “Yes” to Item 78, identify each individual, firm, or organization,  
22 the address and phone number, and the compensation provided for each solicitation or  
23 referral: \_\_\_\_\_

1 \_\_\_\_\_

2 80. In the past three years, have you directed or requested any individual, firm, or  
3 organization to solicit, recommend, or refer players to your organization? (Y/N)

4 81. If you answered "Yes" to Item 80, identify each individual, firm, or organization and  
5 the mailing address, phone number, and the date of the occurrence:

6 \_\_\_\_\_

7 \_\_\_\_\_

8 82. Do you bill clients for your expenses in addition to your established fees for the  
9 services identified in this part? (Y/N)

10 83. If you answered "Yes" to Item 82, list the basis on which you bill (e.g., itemized out-  
11 of-pocket, daily rate, and other basis): \_\_\_\_\_

12 \_\_\_\_\_

13 84. Do you allocate any expenses among various clients? (Y/N)

14 85. If you answered "Yes" to Item 84, identify the expenses and describe the method of  
15 allocation: \_\_\_\_\_

16 \_\_\_\_\_

17 86. List how and when you are paid: \_\_\_\_\_

18 \_\_\_\_\_

19 87. List who negotiates contracts on behalf of your clients:

20 \_\_\_\_\_

21 \_\_\_\_\_

22 88. List the typical duration of the agreement between you and a client:

23 \_\_\_\_\_

1 \_\_\_\_\_

2 89. List the procedures or standards available if you or a client wants to terminate an  
3 agreement you have: \_\_\_\_\_

4 \_\_\_\_\_

5 90. Does the status of an agreement you have with a client change if the athlete is  
6 released from a team? (Y/N)

7 91. List the number of clients you have: \_\_\_\_\_

8 92. Provide a list of clients (registered financial advisors are not required to respond to  
9 this item): \_\_\_\_\_

10 \_\_\_\_\_

11 93. List the number of coaches you represent: \_\_\_\_\_

12 94. Specify which of your clients are coaches (registered financial advisors are not  
13 required to respond to this item): \_\_\_\_\_

14 \_\_\_\_\_

15 95. Do you limit your number of clients? (Y/N)

16 96. If you answered "Yes" to Item 95, please explain how you limit your number of  
17 clients: \_\_\_\_\_

18 \_\_\_\_\_

19 97. Provide templates of any contracts athletes sign with you or your organization.

20 **PART VIII. RELATED BUSINESS AND PERSONNEL**

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

1 business: \_\_\_\_\_

2 \_\_\_\_\_

3 \_\_\_\_\_

4 99. If a firm or organization listed in Item 98 is a partnership, list the name of each  
5 partner below. If a firm or organization listed in Item 98 is a corporation, list the name of  
6 each officer and member of the board of directors. For each firm or organization,  
7 designate the partners, officers, shareholders, or members of the board of directors who  
8 customarily perform work for or on behalf of professional athletes: \_\_\_\_\_

9 \_\_\_\_\_

10 100. List each person not named in Item 98 who: (a) has a significant ownership interest  
11 in your firm or organization; (b) has wholly or partially financed your firm or  
12 organization (other than financing or credit extended in the ordinary course of business  
13 by lending institutions); or (c) directly or indirectly exercises or has the power to  
14 exercise a controlling influence over the management of your firm or organization. For  
15 each individual, provide their respective name, mailing address, phone number, and  
16 nature of involvement (for example, describe their ownership interest, amount of  
17 financing provided, or basis of their controlling influence:

18 \_\_\_\_\_

19 \_\_\_\_\_

20 \_\_\_\_\_

21 101. For each person employed by, volunteering for, consulting with, or interning for  
22 your current business, please list the following: Name, title, phone number, email  
23 address, and responsibilities \_\_\_\_\_



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PART IX. PUBLIC OFFICE HOLDERS

*Answer the following questions only if you hold or have ever held a public office.*

102. Have you ever been suspended, reprimanded, censured, or otherwise disciplined or disqualified as a public office holder? (Y?N)

103. If you answered “Yes” to Item 102, please specify the date and circumstances of the action: \_\_\_\_\_  
\_\_\_\_\_

104. Has your right to practice before any governmental office, bureau, agency, or commission ever been disqualified, suspended, withdrawn, denied, or terminated? (Y/N)

105. If you answered “Yes” to Item 104, indicate the date and nature of the action as well as the name and mailing address of the authority imposing the action:  
\_\_\_\_\_  
\_\_\_\_\_

ACKNOWLEDGMENT

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

1 **Alternative A**

2 (b) An individual who has submitted an application for, and holds a certificate of,  
3 registration or licensure as an athlete agent in another ~~State~~ state; may submit a copy of the  
4 application and certificate ~~in lieu~~ instead of submitting an application in the form prescribed  
5 ~~pursuant to~~ by subsection (a). The [Secretary of State] shall accept the application and the  
6 certificate from the other ~~State~~ state as an application for registration in this ~~State~~ state if the  
7 application to the other ~~State~~ state:

8 (1) was submitted in the other ~~State~~ state ~~within~~ not earlier than six months ~~next~~  
9 ~~preceeding~~ before the submission of the application in this ~~State~~ state and the applicant certifies  
10 that the information contained in the application is current;

11 (2) contains information substantially similar to or more comprehensive than that  
12 required ~~in an application submitted in this State~~ by subsection (a); and

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

14 **Alternative B**

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

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

22 (2) the registration has not been revoked or suspended and no action involving the  
23 individual's conduct as an athlete agent is pending against the individual or the registration in

1 any state in which the agent is registered.

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

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

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

8 **Alternative C**

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

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

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

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

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

23 (2) exchange information, including information related to actions taken against

1 registered athlete agents, with those organizations and agencies.

2 (d) A temporary certificate of registration issued under subsection (b) is valid for [120]  
3 days for all purposes except for signing an agency contract. If, within the [120] days and after  
4 notice and opportunity for a hearing, the [Secretary of State] determines a certificate of  
5 registration should not be issued, the temporary certificate is revoked.

6 **End of Alternatives**

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

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

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

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

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

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

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

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

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

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

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

10 (1) how recently the conduct occurred;

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

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

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

#### 18 **Alternative A**

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

1 application to the other State:

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

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

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

8 **Alternative B**

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

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

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

19 **End of Alternatives**

20 (f) [Except as otherwise provided in Section 5(d), a] [A] certificate of registration or a  
21 renewal of a registration under this [act] is valid for [two] years.

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

2           **REGISTRATION.**

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

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

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

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

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

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

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

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

23           (4) ~~[\$]~~ [\$] ~~for an application for~~ renewal of registration based ~~upon an application for~~ on

1 a renewal of registration or licensure submitted in another State state.

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

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

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

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

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

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

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

14 (5) the duration of the contract; and

15 (6) the date of execution.

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

19 **WARNING TO ~~STUDENT-ATHLETE~~ STUDENT ATHLETE**

20 **IF YOU SIGN THIS CONTRACT:**

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

23 **(2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER**



1 **ENTERING INTO THIS CONTRACT, BOTH YOU AND YOUR ATHLETE AGENT**  
2 **MUST NOTIFY YOUR ATHLETIC DIRECTOR; AND**

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

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

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

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

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

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

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

1 athlete agent who previously entered into an agency contract with the athlete shall notify the  
2 athletic director of the institution of the existence of the contract.

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

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

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

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

13 **SECTION 13. REQUIRED RECORDS.**

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

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

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

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

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

22 **SECTION 14. PROHIBITED CONDUCT.**

23 (a) In this section, "communicating or attempting to communicate" means contacting or

1 attempting to contact by an in-person meeting, a record, or any other method by which an athlete  
2 agent conveys or attempts to convey a message to a student athlete.

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

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

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

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

11 (b) (c) An athlete agent may not intentionally:

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

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

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

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

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

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

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

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

## 12 **SECTION 15. CRIMINAL PENALTIES.**

### 13 **Alternative A**

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

### 16 **Alternative B**

17 (a) An athlete agent or ~~athlete agent's representative or employee~~ who violates Section  
18 14 is guilty of a misdemeanor and shall be punished by a fine of not more than \$50,000, or  
19 ~~imprisonment in a county jail~~ confinement not exceeding one year, or ~~by~~ both.

20 (b) The court shall suspend for a period of not less than one year or, when appropriate,  
21 revoke the privilege of an individual convicted of a violation of this [act] to conduct the business  
22 of an athlete agent. In deciding whether to suspend or revoke the privilege ~~to conduct the~~  
23 ~~business of an athlete agent~~, the court shall consider the relevant circumstances presented by any

1 of the parties party to the case, including the nature and seriousness of the misconduct, the  
2 number of violations, the persistence of the misconduct, the length of time over which the  
3 misconduct occurred, and the willfulness of the defendant's misconduct.

4 (c) ~~Upon~~ On a conviction of a violation of ~~this [act]~~ Section 14 ~~relating to an athlete~~  
5 ~~agent and a student athlete or educational institution, or both,~~ the court, in addition to the  
6 punishment imposed under subsection (a), shall order ~~an~~ the athlete agent ~~or athlete agent's~~  
7 ~~representative or employee~~ to disgorge all consideration received in connection with the  
8 violation.

9 (d) ~~Fines~~ A fine in an action under this section ~~shall~~ must be distributed as follows:

10 (1) If the action is brought by the Attorney General, the fine ~~shall~~ must be paid  
11 into the [state General Fund].

12 (2) If the action is brought by a district attorney, two-thirds of the fine ~~shall~~ must  
13 be paid into the general fund of the county in which the action was brought and one-third ~~shall~~  
14 must be paid into the [state General Fund].

15 (3) If the action is brought by a city attorney, two-thirds of the fine ~~shall~~ must be  
16 paid into the general fund of the city and one-third shall ~~must~~ be paid into the [state General  
17 Fund].

18 **SECTION 16. CIVIL REMEDIES.**

19 **Alternative A**

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

1 (b) Damages of an educational institution under subsection (a) include losses and  
2 expenses incurred because, as a result of the conduct of an athlete agent or former ~~student-athlete~~  
3 student athlete, the educational institution was injured by a violation of this [~~Aet act~~] or was  
4 penalized, disqualified, or suspended from participation in athletics by a national association ~~for~~  
5 ~~the promotion and regulation of~~ that promotes or regulates athletics, ~~by~~ an athletic conference, or  
6 ~~by~~ reasonable self-imposed disciplinary action taken to mitigate sanctions likely to be imposed  
7 by such an ~~organization~~ association or conference.

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

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

13 (e) This [~~Aet act~~] does not restrict rights, remedies, or defenses of any person under law  
14 ~~or equity of this state other than this [act]~~.

15 **Alternative B**

16  
17 (a) An individual ~~may bring an~~ has a right of action for ~~recovery of damages from~~  
18 against an athlete agent if the individual is adversely affected by an act in violation of this [act]  
19 by the ~~athlete agent or a representative or employee of the agent~~. If the individual was a ~~student-~~  
20 ~~athlete~~ student athlete at the time the act occurred, the ~~student-athlete~~ is presumed to be  
21 adversely affected by an act of ~~an athlete~~ the agent or a representative or employee of the agent  
22 if, because of the act, the ~~student-athlete~~ is:

23 (1) suspended or disqualified from participation in one or more interscholastic or  
24 intercollegiate sports events by or pursuant to the rules of a state or national ~~federation or~~

1 association ~~for the promotion and regulation of~~ that promotes or regulates interscholastic or  
2 intercollegiate sports ~~or~~;

3 (2) suffers financial damage; or

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

5 (b) An elementary or secondary school, college, university, or other educational  
6 institution or a league, conference, association, or federation of educational institutions ~~may~~  
7 ~~bring an~~ has a right of action for ~~recovery of damages from~~ against an athlete agent if the  
8 institution or any member of the league, conference, association, or federation of which the  
9 institution is a member is adversely affected by an act in violation of this [act] by the ~~athlete~~  
10 ~~agent or a representative or employee of the agent~~. An institution is presumed to be adversely  
11 affected by an act of ~~an athlete~~ the agent or a representative or employee of the agent if, because  
12 of the act, ~~because of the act~~, the educational institution or an individual who was a ~~student-~~  
13 ~~athlete~~ student athlete at the time of the act and admitted to or enrolled in the institution is:

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

17 (2) suffers financial damage; or

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

19 (c) A plaintiff that prevails in an action brought under this section may recover actual  
20 damages or ~~\$~~[\$50,000], whichever is greater, punitive damages, ~~court~~ costs, and reasonable  
21 attorney's fees. An athlete agent found liable under this section shall forfeit any right or  
22 repayment for anything of benefit or value provided to a ~~student-athlete~~ student athlete and shall  
23 refund any consideration paid to the agent by or on behalf of the ~~student-~~athlete.

1 **End of Alternatives**

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

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

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

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

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



1 application, and to this end the provisions of this [~~Act~~ act] are severable.]

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

4  
5 **SECTION 21. REPEALS; CONFORMING AMENDMENTS.** The following acts  
6 and parts of acts are hereby repealed:

7 (a)

8 (b)

9 (c)

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