

SECOND REGULAR SESSION

HOUSE BILL NO. 2100

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KNIGHT.

4623H.021

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 436.218, 436.221, 436.224, 436.227, 436.230, 436.236, 436.242, 436.245, 436.248, 436.254, 436.257, 436.260, 436.263, and 436.266, RSMo, and to enact in lieu thereof thirteen new sections relating to athlete agents, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 436.218, 436.221, 436.224, 436.227, 436.230, 436.236, 436.242, 2 436.245, 436.248, 436.254, 436.257, 436.260, 436.263, and 436.266, RSMo, are repealed and 3 thirteen new sections enacted in lieu thereof, to be known as sections 436.218, 436.221, 436.224, 4 436.227, 436.230, 436.236, 436.242, 436.245, 436.248, 436.254, 436.260, 436.263, and 436.266, 5 to read as follows:

436.218. As used in sections 436.215 to 436.272, the following terms mean:

2 (1) "Agency contract", an agreement in which a student athlete authorizes a person to 3 negotiate or solicit on behalf of the student athlete a professional sports services contract or an 4 endorsement contract;

5 (2) "Athlete agent"~~], an individual who enters into an agency contract with a student 6 athlete or directly or indirectly recruits or solicits a student athlete to enter into an agency 7 contract. The term does not include a spouse, parent, sibling, grandparent, or guardian of the 8 student athlete or an individual acting solely on behalf of a professional sports team or 9 professional sports organization. The term includes an individual who represents to the public 10 that the individual is an athlete agent] :~~

11 (a) **An individual, registered or unregistered under sections 436.215 to 436.272,** 12 **who:**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 **a. Directly or indirectly recruits or solicits a student athlete to enter into an agency**
14 **contract or, for compensation, procures employment or offers, promises, attempts, or**
15 **negotiates to obtain employment for a student athlete as a professional athlete or member**
16 **of a professional sports team or organization;**

17 **b. For compensation or in anticipation of compensation related to a student**
18 **athlete's participation in athletics:**

19 **(i) Serves the student athlete in an advisory capacity on a matter related to finances,**
20 **business pursuits, or career management decisions, unless the individual is an employee**
21 **of an educational institution acting exclusively as an employee of the institution for the**
22 **benefit of the institution; or**

23 **(ii) Manages the business affairs of the student athlete by providing assistance with**
24 **bills, payments, contracts, or taxes; or**

25 **c. In anticipation of representing a student athlete for a purpose related to the**
26 **student athlete's participation in athletics:**

27 **(i) Gives consideration to the student athlete or another person;**

28 **(ii) Serves the student athlete in an advisory capacity on a matter related to**
29 **finances, business pursuits, or career management decisions; or**

30 **(iii) Manages the business affairs of the student athlete by providing assistance with**
31 **bills, payments, contracts, or taxes;**

32 **(b) "Athlete agent" does not include an individual who:**

33 **a. Acts solely on behalf of a professional sports team or organization; or**

34 **b. Is a licensed, registered, or certified professional and offers or provides services**
35 **to a student athlete customarily provided by members of the profession, unless the**
36 **individual:**

37 **(i) Recruits or solicits the student athlete to enter into an agency contract;**

38 **(ii) For compensation, procures employment or offers, promises, attempts, or**
39 **negotiates to obtain employment for the student athlete as a professional athlete or member**
40 **of a professional sports team or organization; or**

41 **(iii) Receives consideration for providing the services calculated using a different**
42 **method than for an individual who is not a student athlete;**

43 **(3) "Athletic director", an individual responsible for administering the overall athletic**
44 **program of an educational institution or, if an educational institution has separately administered**
45 **athletic programs for male students and female students, the athletic program for males or the**
46 **athletic program for females, as appropriate;**

47 **(4) ["Contact", a direct or indirect communication between an athlete agent and a student**
48 **athlete to recruit or solicit the student athlete to enter into an agency contract;**

- 49 ———~~(5)~~ "Director", the director of the division of professional registration;
- 50 ~~[(6)]~~ (5) "Division", the division of professional registration;
- 51 (6) "Educational institution", a public or private elementary school, secondary
- 52 school, technical or vocational school, community college, college, or university;
- 53 (7) "Endorsement contract", an agreement under which a student athlete is employed or
- 54 receives consideration to use on behalf of the other party any value that the student athlete may
- 55 have because of publicity, reputation, following, or fame obtained because of athletic ability or
- 56 performance;
- 57 (8) "Enrolled" or "enrolls", the act of registering, or having already registered, for
- 58 courses at an educational institution and attending or planning to attend athletic practice
- 59 or class;
- 60 (9) "Intercollegiate sport", a sport played at the collegiate level for which eligibility
- 61 requirements for participation by a student athlete are established by a national association for
- 62 the promotion or regulation of collegiate athletics;
- 63 (10) "Interscholastic sport", a sport played between educational institutions that
- 64 are not community colleges, colleges, or universities;
- 65 (11) "Licensed, registered, or certified professional", an individual licensed,
- 66 registered, or certified as an attorney, dealer in securities, financial planner, insurance
- 67 agent, real estate broker or sales agent, tax consultant, accountant, or member of a
- 68 profession, other than that of athlete agent, who is licensed, registered, or certified by the
- 69 state or a nationally recognized organization that licenses, registers, or certifies members
- 70 of the profession on the basis of experience, education, or testing;
- 71 ~~[(9)]~~ (12) "Person", an individual, corporation, business trust, estate, trust, partnership,
- 72 limited liability company, association, joint venture, government, governmental subdivision,
- 73 agency, or instrumentality, public corporation, or any other legal or commercial entity;
- 74 ~~[(10)]~~ (13) "Professional sports services contract", an agreement under which an
- 75 individual is employed ~~[or]~~ as a professional athlete and agrees to render services as a player
- 76 on a professional sports team~~;~~ or with a professional sports organization~~[-or as a professional~~
- 77 ~~athlete];~~
- 78 ~~[(11)]~~ (14) "Record", information that is inscribed on a tangible medium or that is stored
- 79 in an electronic or other medium and is retrievable in perceivable form;
- 80 (15) "Recruit or solicit", an attempt to influence the choice of an athlete agent by
- 81 a student athlete or, if the student athlete is a minor, a parent or guardian of the student
- 82 athlete. "Recruit or solicit" does not include giving advice on the selection of a particular
- 83 agent in a family, coaching, or social situation unless the individual giving the advice does

84 **so because of the receipt or anticipated receipt of an economic benefit, directly or**
85 **indirectly, from the agent;**

86 ~~[(12)]~~ **(16)** "Registration", registration as an athlete agent under sections 436.215 to
87 436.272;

88 **(17) "Sign", the intent to authenticate or adopt a record:**

89 **(a) To execute or adopt a tangible symbol; or**

90 **(b) To attach to or logically associate with the record an electronic symbol, sound,**
91 **or process;**

92 ~~[(13)]~~ **(18)** "State", a state of the United States, the District of Columbia, Puerto Rico,
93 the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction
94 of the United States;

95 ~~[(14)]~~ **(19)** "Student athlete", ~~[a current student who engages in, has engaged in, is~~
96 ~~eligible to engage in, or may be eligible in the future to engage in, any intercollegiate sport]~~ **an**
97 **individual who is eligible to attend an educational institution and engages in, is eligible to**
98 **engage in, or may be eligible in the future to engage in any interscholastic or intercollegiate**
99 **sport. "Student athlete" does not include an individual permanently ineligible to**
100 **participate in a particular interscholastic or intercollegiate sport.**

436.221. 1. The director shall administer the provisions of sections 436.215 to 436.272.

2 2. By engaging in the business of an athlete agent in this state, a nonresident individual
3 appoints the director as the individual's agent to accept service of process in any civil action
4 related to the individual's business as an athlete agent in this state.

5 3. The director may subpoena witnesses, issue subpoenas duces tecum and require
6 production of documents and records. Subpoenas including subpoenas duces tecum shall be
7 served by a person authorized to serve subpoenas of courts of record. In lieu of requiring
8 attendance of a person to produce original documents in response to a subpoena duces tecum,
9 the board may require sworn copies of such documents to be filed with it or delivered to its
10 designated representative.

11 4. The director may enforce its subpoenas including subpoenas duces tecum by applying
12 to a circuit court of Cole County, the county of the investigation, hearing or proceeding, or any
13 county where the person resides or may be found for an order upon any person who shall fail to
14 obey a subpoena to show cause why such subpoena should not be enforced, which such order and
15 a copy of the application therefor shall be served upon the person in the same manner as a
16 summons in a civil action and if the circuit court shall after a hearing determine that the
17 subpoena should be sustained and enforced such court shall proceed to enforce the subpoena in
18 the same manner as though the subpoena had been issued in a civil case in the circuit court.

436.224. 1. Except as otherwise provided in subsection 2 of this section, an individual may not act as an athlete agent in this state ~~[before]~~ **without** being issued a certificate of registration under section 436.230 or 436.236.

2. ~~[An individual with a temporary license]~~ **Before being issued a certificate of registration** under section 436.236, **an individual** may act as an athlete agent ~~[before being issued a certificate of registration]~~ for all purposes except signing an agency contract if:

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

(2) Within seven days after an initial act ~~[as an athlete agent]~~ **that requires the individual to register as an athlete agent**, the individual submits an application to register as an athlete agent in this state.

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

436.227. 1. An applicant for registration shall submit an application for registration to the director in a form prescribed by the director. The application ~~[must]~~ **shall** be in the name of an individual and signed by the applicant under penalty of perjury and ~~[must]~~ **shall** state or contain **at least the following**:

(1) The name, **date of birth, and place of birth** of the applicant ~~[and]~~ ;

(2) The address **and telephone numbers** of the applicant's principal place of business;

(3) **The applicant's mobile telephone numbers and any means of communicating electronically, including a facsimile number, email address, or personal, business, or employer websites, as applicable;**

~~[(2)]~~ (4) The name of the applicant's business or employer, if applicable, **including for each business or employer, the mailing address, telephone number, organization form, and the nature of the business;**

(5) **Each social media account with which the applicant or the applicant's business or employer is affiliated;**

~~[(3)]~~ (6) Any business or occupation engaged in by the applicant for the five years ~~[next]~~ preceding the date of submission of the application, **including self-employment and employment by others, and any professional or occupational license, registration, or certification held by the applicant during that time;**

~~[(4)]~~ (7) A description of the applicant's:

(a) Formal training as an athlete agent;

(b) Practical experience as an athlete agent; and

(c) Educational background relating to the applicant's activities as an athlete agent;

23 ~~[(5) The names and addresses of three individuals not related to the applicant who are~~
24 ~~willing to serve as references;~~

25 ~~———(6)]~~ **(8) The name[, sport, and last known team for each individual] of each student**
26 **athlete for whom the applicant [provided services] acted as an athlete agent during the five years**
27 **[next] preceding the date of submission of the application or, if the student athlete is a minor,**
28 **the name of the parent or guardian of the minor, together with the student athlete's sport**
29 **and last known team;**

30 ~~[(7)]~~ **(9) The names and addresses of all persons who are:**

31 (a) With respect to the athlete agent's business if it is not a corporation, the partners,
32 officers, **managers**, associates, or profit-sharers, **or persons who directly or indirectly hold**
33 **an equity interest of five percent or greater;** and

34 (b) With respect to a corporation employing the ~~[athlete agent]~~ **applicant**, the officers,
35 directors, and any shareholder of the corporation with a five percent or greater interest;

36 **(10) A description of the status of any application by the applicant, or any person**
37 **named under subdivision (9) of this subsection, for a state or federal business, professional,**
38 **or occupational license, other than as an athlete agent, from a state or federal agency,**
39 **including any denial, refusal to renew, suspension, withdrawal, or termination of the**
40 **license and any reprimand or censure related to the license;**

41 ~~[(8)]~~ **(11) Whether the applicant or any other person named under subdivision [(7)] (9)**
42 **of this section has [been convicted] pled or been found guilty of a crime that if committed in**
43 **this state would be a felony or other crime involving moral turpitude, and [a description of]**
44 **information regarding the crime, including the crime, the law enforcement agency involved,**
45 **and, if applicable, the date of the verdict and the penalty imposed;**

46 **(12) Whether, within fifteen years before the date of application, the applicant or**
47 **any person named under subdivision (9) of this subsection has been a defendant or**
48 **respondent in a civil proceeding, including a proceeding seeking an adjudication of legal**
49 **incompetence and, if so, the date and a full explanation of each proceeding;**

50 **(13) Whether the applicant or any person named under subdivision (9) of this**
51 **subsection has an unsatisfied judgment or a judgment of continuing effect, including**
52 **alimony or a domestic order in the nature of child support, that is not current on the date**
53 **of the application;**

54 **(14) Whether, within ten years before the date of application, the applicant or any**
55 **person named under subdivision (9) of this subsection was adjudicated bankrupt or was**
56 **an owner of a business that was adjudicated bankrupt;**

57 ~~[(9)]~~ **(15)** Whether there has been any administrative or judicial determination that the
58 applicant or any other person named under subdivision ~~[(7)]~~ **(9)** of this section has made a false,
59 misleading, deceptive, or fraudulent representation;

60 ~~[(10)]~~ **(16)** Any instance in which the prior conduct of the applicant or any other person
61 named under subdivision ~~[(7)]~~ **(9)** of this section resulted in the imposition of a sanction,
62 suspension, or declaration of ineligibility to participate in an interscholastic or intercollegiate
63 athletic event on a student athlete or educational institution;

64 ~~[(11)]~~ **(17)** Any sanction, suspension, or disciplinary action taken against the applicant
65 or any other person named under subdivision ~~[(7)]~~ **(9)** of this section arising out of occupational
66 or professional conduct; ~~[and]~~

67 ~~[(12)]~~ **(18)** Whether there has been any denial of an application for, suspension or
68 revocation of, or refusal to renew the registration or licensure of the applicant or any other person
69 named under subdivision ~~[(7)]~~ **(9)** of this section as an athlete agent in any state;

70 **(19) Each state in which the applicant is currently registered as an athlete agent or**
71 **has applied to be registered as an athlete agent;**

72 **(20) If the applicant is certified or registered by a professional league or players**
73 **association:**

74 **(a) The name of the league or association;**

75 **(b) The date of certification or registration, and the date of expiration of the**
76 **certification or registration, if any; and**

77 **(c) If applicable, the date of any denial of an application for, suspension or**
78 **revocation of, refusal to renew, withdrawal of, or termination of the certification or**
79 **registration or any reprimand or censure related to the certification or registration; and**

80 **(21) Any additional information as required by the director.**

81 **2. In lieu of submitting the application and information required under subsection**
82 **1 of this section, an applicant who is registered as an athlete agent in another state may**
83 **apply for registration as an athlete agent by submitting the following:**

84 **(1) A copy of the application for registration in the other state;**

85 **(2) A statement that identifies any material change in the information on the**
86 **application or verifies there is no material change in the information, signed under penalty**
87 **of perjury; and**

88 **(3) A copy of the certificate of registration from the other state.**

89 **3. The director shall issue a certificate of registration to an applicant who applies**
90 **for registration under subsection 2 of this section if the director determines:**

91 **(1) The application and registration requirements of the other state are**
92 **substantially similar to or more restrictive than the requirements provided under sections**
93 **436.215 to 436.272; and**

94 **(2) The registration has not been revoked or suspended and no action involving the**
95 **applicant's conduct as an athlete agent is pending against the applicant or the applicant's**
96 **registration in any state.**

97 **4. For purposes of implementing subsection 3 of this section, the director shall:**

98 **(1) Cooperate with national organizations concerned with athlete agent issues and**
99 **agencies in other states that register athlete agents to develop a common registration form**
100 **and determine which states have laws that are substantially similar to or more restrictive**
101 **than sections 436.215 to 436.272; and**

102 **(2) Exchange information, including information related to actions taken against**
103 **registered athlete agents or their registrations, with those organizations and agencies.**

 436.230. 1. Except as otherwise provided in subsection 2 of this section, the director
2 shall issue a certificate of registration to an individual who complies with section 436.227.

3 2. The director may refuse to issue a certificate of registration if the director determines
4 that the applicant has engaged in conduct that has a significant adverse effect on the applicant's
5 fitness to serve as an athlete agent. In making the determination, the director may consider
6 whether the applicant has:

7 (1) Been convicted of a crime that if committed in this state would be a felony or other
8 crime involving moral turpitude;

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

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

13 (4) Engaged in conduct prohibited by section 436.254;

14 (5) Had a registration or licensure as an athlete agent suspended, revoked, or denied or
15 been refused renewal of registration or licensure in any state;

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

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

21 3. In making a determination under subsection [3] 2 of this section, the director shall
22 consider:

23 (1) How recently the conduct occurred;

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

25 (3) Any other relevant conduct of the applicant.

26 4. An athlete agent may apply to renew a registration by submitting an application for
27 renewal in a form prescribed by the director. The application for renewal ~~[must]~~ **shall** be signed
28 by the applicant under penalty of perjury under section 575.040 and shall contain current
29 information on all matters required in an original registration.

30 5. **An athlete agent registered under subsection 3 of section 436.227 may renew the**
31 **registration by proceeding under subsection 4 of this section or, if the registration in the**
32 **other state has been renewed, by submitting to the director copies of the application for**
33 **renewal in the other state and the renewed registration from the other state. The director**
34 **shall renew the registration if the director determines:**

35 (1) **The registration requirements of the other state are substantially similar to or**
36 **more restrictive than the requirements provided under sections 436.215 to 436.272; and**

37 (2) **The renewed registration has not been suspended or revoked and no action**
38 **involving the individual's conduct as an athlete agent is pending against the individual or**
39 **the individual's registration in any state.**

40 6. A certificate of registration or a renewal of a registration is valid for two years.

436.236. The director may issue a temporary certificate of registration ~~[valid for sixty~~
2 ~~days]~~ while an application for registration or renewal is pending.

436.242. 1. An agency contract ~~[must]~~ **shall** be in a record signed by the parties.

2 2. An agency contract ~~[must]~~ **shall** state or contain:

3 (1) **A statement that the athlete agent is registered as an athlete agent in this state**
4 **and a list of any other states in which the agent is registered as an athlete agent;**

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

9 ~~[(2)]~~ (3) The name of any person not listed in the application for registration or renewal
10 who will be compensated because the student athlete signed the agency contract;

11 ~~[(3)]~~ (4) A description of any expenses that the student athlete agrees to reimburse;

12 ~~[(4)]~~ (5) A description of the services to be provided to the student athlete;

13 ~~[(5)]~~ (6) The duration of the contract; and

14 ~~[(6)]~~ (7) The date of execution.

15 3. An agency contract shall contain in close proximity to the signature of the student
16 athlete a conspicuous notice in boldface type in capital letters stating:

17 "WARNING TO STUDENT ATHLETE IF YOU SIGN THIS CONTRACT:

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

20 (2) BOTH YOU AND YOUR ATHLETE AGENT ARE REQUIRED TO TELL YOUR
21 ATHLETIC DIRECTOR, IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS
22 AFTER ENTERING INTO AN AGENCY CONTRACT **OR BEFORE THE NEXT**
23 **ATHLETIC EVENT IN WHICH YOU PARTICIPATE, WHICHEVER OCCURS FIRST,**
24 **AND PROVIDE THE NAME AND CONTACT INFORMATION OF THE ATHLETE**
25 **AGENT; AND**

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

29 4. **An agency contract shall be accompanied by a separate record signed by the**
30 **student athlete or, if the student athlete is a minor, the parent or guardian of the student**
31 **athlete acknowledging that signing the contract may result in the loss of the student**
32 **athlete's eligibility to participate in the student athlete's sport.**

33 5. An agency contract that does not conform to this section is voidable by the student
34 athlete **or, if the student athlete is a minor, by the parent or guardian of the student athlete.**
35 **If the contract is voided, any consideration received by the student athlete from the athlete**
36 **agent under the contract to induce entering into the contract is not required to be returned.**

37 ~~[5-]~~ 6. The athlete agent shall give a copy of the signed agency contract to the student
38 athlete **or, if the student athlete is a minor, to the parent or guardian of the student athlete**
39 ~~[at the time of signing].~~

40 7. **If a student athlete is a minor, an agency contract shall be signed by the parent**
41 **or guardian of the minor, and the notice required by subsection 3 of this section shall be**
42 **revised accordingly.**

436.245. 1. **As used in this section, "communicating or attempting to**
2 **communicate" shall mean contacting or attempting to contact by an in-person meeting, a**
3 **record, or any other method that conveys or attempts to convey a message.**

4 2. Within seventy-two hours after entering into an agency contract or before the next
5 scheduled athletic event in which the student athlete may participate, whichever occurs first, the
6 athlete agent shall give notice in ~~[writing]~~ **a record** of the existence of the contract to the athletic
7 director of the educational institution at which the student athlete is enrolled or the athlete agent
8 has reasonable grounds to believe the student athlete intends to enroll.

9 3. **If an athlete agent enters into an agency contract with a student athlete and the**
10 **student athlete subsequently enrolls at an educational institution, the athlete agent shall**
11 **notify the athletic director of the educational institution of the existence of the contract**

12 **within seventy-two hours after the agent knows or should have known the student athlete**
13 **enrolled.**

14 **4. If an athlete agent has a relationship with a student athlete before the student**
15 **athlete enrolls in an educational institution and receives an athletic scholarship from the**
16 **educational institution, the athlete agent shall notify the athletic director of the educational**
17 **institution of the relationship no later than ten days after the enrollment if the athlete agent**
18 **knows or should have known of the enrollment and:**

19 **(1) The relationship was motivated in whole or in part by the intention of the**
20 **athlete agent to recruit or solicit the student athlete to enter an agency contract in the**
21 **future; or**

22 **(2) The athlete agent directly or indirectly recruited or solicited the student athlete**
23 **to enter an agency contract before the enrollment.**

24 **5. An athlete agent shall give notice in a record to the athletic director of any**
25 **educational institution at which a student athlete is enrolled before the agent communicates**
26 **or attempts to communicate with:**

27 **(1) The student athlete or, if the student athlete is a minor, a parent or guardian**
28 **of the student athlete to influence the student athlete or parent or guardian to enter into**
29 **an agency contract; or**

30 **(2) Another individual to have that individual influence the student athlete or, if**
31 **the student athlete is a minor, the parent or guardian of the student athlete to enter into**
32 **an agency contract.**

33 **6. If a communication or attempted communication with an athlete agent is**
34 **initiated by a student athlete or another individual on behalf of the student athlete, the**
35 **athlete agent shall give notice in a record to the athletic director of any educational**
36 **institution at which the student athlete is enrolled. The notification shall be made no later**
37 **than ten days after the communication or attempted communication.**

38 **7. An educational institution that becomes aware of a violation of sections 436.215**
39 **to 436.272 by an athlete agent shall notify the director of the violation and any professional**
40 **league or players' association with which the educational institution is aware the agent is**
41 **licensed or registered.**

42 **[2-] 8. Within seventy-two hours after entering into an agency contract or before the next**
43 **athletic event in which the student athlete may participate, whichever occurs first, the student**
44 **athlete shall in [writing] a record inform the athletic director of the educational institution at**
45 **which the student athlete is enrolled that he or she has entered into an agency contract and the**
46 **name and contact information of the athlete agent.**

436.248. 1. A student athlete **or, if the student athlete is a minor, the parent or guardian of the student athlete** may cancel an agency contract by giving notice in writing to the athlete agent of the cancellation within fourteen days after the contract is signed.

2. A student athlete **or, if the student athlete is a minor, the parent or guardian of the student athlete** may not waive the right to cancel an agency contract.

3. If a student athlete, **parent, or guardian** cancels an agency contract within fourteen days of signing the contract, the student athlete, **parent, or guardian** is not required to pay any consideration under the contract or to return any consideration received from the agent to induce the student athlete to enter into the contract.

436.254. 1. An athlete agent ~~[may]~~ **shall not intentionally** ~~[do any of the following with the intent to induce a student athlete to enter into an agency contract]:~~

(1) Give ~~[any]~~ **a student athlete or, if the student athlete is a minor, a parent or guardian of the student athlete** materially false or misleading information or make a materially false promise or representation **with the intent to influence the student athlete, parent, or guardian to enter into an agency contract;**

(2) Furnish anything of value to a student athlete ~~[before the student athlete enters into the agency contract;]~~ **or another individual, if to do so may result in loss of the student athlete's eligibility to participate in the student athlete's sport, unless:**

(a) **The athlete agent notifies the athletic director of the educational institution at which the student athlete is enrolled or at which the athlete agent has reasonable grounds to believe the student athlete intends to enroll, no later than seventy-two hours after giving the thing of value; and**

(b) **The student athlete or, if the student athlete is a minor, a parent or guardian of the student athlete acknowledges to the athlete agent in a record that receipt of the thing of value may result in loss of the student athlete's eligibility to participate in the student athlete's sport;**

(3) ~~[Furnish anything of value to any individual other than the student athlete or another registered athlete agent.~~

~~2. An athlete agent may not intentionally:~~

~~(1)]~~ **Initiate contact, directly or indirectly, with a student athlete or, if the student athlete is a minor, a parent or guardian of the student athlete to recruit or solicit the student athlete, parent, or guardian to enter into an agency contract** unless registered under sections 436.215 to 436.272;

~~[(2) Refuse or willfully]~~ **(4) Fail to create, retain, or permit inspection of the records** required by section 436.251;

27 ~~[(3) Violate section 436.224 by failing]~~ **(5) Fail to register if required under section**
 28 **436.224;**

29 ~~[(4)]~~ **(6) Provide materially false or misleading information in an application for**
 30 **registration or renewal of registration;**

31 ~~[(5)]~~ **(7) Predate or postdate an agency contract; [or**
 32 ~~——(6)]~~ **(8) Fail to notify a student athlete or, if the student athlete is a minor, a parent**
 33 **or guardian of the student athlete [prior to] before the student [athlete's] athlete, parent, or**
 34 **guardian [signing] signs an agency contract for a particular sport that the signing [by the student**
 35 **athlete] may [make the student athlete ineligible] result in loss of the student athlete's**
 36 **eligibility to participate [as a student athlete in that] in the student athlete's sport;**

37 **(9) Encourage another individual to do any of the acts described in subdivisions (1)**
 38 **to (8) of this subsection on behalf of the athlete agent; or**

39 **(10) Encourage another individual to assist any other individual in doing any of the**
 40 **acts described in subdivisions (1) to (8) of this subsection on behalf of the athlete agent.**

436.260. 1. An educational institution ~~[has a right of]~~ **or a student athlete may bring**
 2 **an action for damages against an athlete agent [or a former student athlete for damages caused**
 3 **by a] if the institution or student athlete is adversely affected by an act or omission of the**
 4 **athlete agent in violation of sections 436.215 to 436.272. [In an action under this section, the**
 5 **court may award to the prevailing party costs and reasonable attorney's fees.]**

6 **(1) In order for a student athlete to qualify as "adversely affected by an act or**
 7 **omission of the athlete agent" under this section, the student athlete shall demonstrate that**
 8 **he or she was a student athlete and enrolled at the institution at the time the act or**
 9 **omission of the athlete agent occurred and that he or she:**

10 **(a) Was suspended or disqualified from participation in an interscholastic or**
 11 **intercollegiate sports event by a state or national federation or association that promotes**
 12 **or regulates interscholastic or intercollegiate sports; or**

13 **(b) Suffered financial damage; and**

14 **(2) In order for an educational institution to qualify as "adversely affected by an**
 15 **act or omission of the athlete agent" under this section, the institution shall demonstrate**
 16 **that the institution:**

17 **(a) Was disqualified from participation in an interscholastic or intercollegiate**
 18 **sports event by a state or national federation or association that promotes or regulates**
 19 **interscholastic or intercollegiate sports; or**

20 **(b) Suffered financial damage.**

21 2. ~~[Damages of an educational institution under subsection 1 of this section include~~
 22 ~~losses and expenses incurred because as a result of the activities of an athlete agent or former~~

23 ~~student athlete the educational institution was injured by a violation of sections 436.215 to~~
 24 ~~436.272 or was penalized, disqualified, or suspended from participation in athletics by a national~~
 25 ~~association for the promotion and regulation of athletics, by an athletic conference, or by~~
 26 ~~reasonable self-imposed disciplinary action taken to mitigate sanctions.] A plaintiff who~~
 27 **prevails in an action under this section may recover actual damages, costs, and reasonable**
 28 **attorney's fees. An athlete agent found liable under this section forfeits any right of**
 29 **payment for anything of benefit or value provided to the student athlete and shall refund**
 30 **any consideration paid to the athlete agent by or on behalf of the student athlete.**

31 3. ~~[A right of action under this section does not accrue until the educational institution~~
 32 ~~discovers or by the exercise of reasonable diligence would have discovered the violation by the~~
 33 ~~athlete agent or former student athlete.~~

34 ~~4. Any liability of the athlete agent or the former student athlete under this section is~~
 35 ~~several and not joint.~~

36 ~~5. Sections 436.215 to 436.272 do not restrict rights, remedies, or defenses of any person~~
 37 ~~under law or equity.] A violation of any provision of sections 436.215 to 436.272 is an unfair~~
 38 **trade practice for purposes of sections 375.930 to 375.948.**

436.263. Any ~~[person]~~ **individual** who violates any ~~[provisions]~~ **provision** of sections
 2 436.215 to ~~[436.269]~~ **436.272** is guilty of a class A misdemeanor **and liable for a civil penalty**
 3 **not to exceed fifty thousand dollars.**

436.266. In applying and construing sections 436.215 to 436.272, consideration ~~[must]~~
 2 **shall** be given to the need to promote uniformity of the law with respect to the subject matter of
 3 sections 436.215 to 436.272 among states that enact it.

~~[436.257. The commission of any act prohibited by section~~
 2 ~~436.254 by an athlete agent is a class B misdemeanor.]~~

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