

FIRST REGULAR SESSION

# HOUSE BILL NO. 212

## 100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RAZER.

0677H.011

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, 436.263, and 436.266, RSMo, and to enact in lieu thereof twelve new sections relating to athlete agents, with a penalty clause.

*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436.221, 436.224, 436.227, 436.230, 436.236, 436.242, 436.245, 436.248, 436.254, 436.257, 436.263, 436.266, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 436.218, 436.221, 436.224, 436.227, 436.230, 436.236, 436.242, 436.245, 436.248, 436.254, 436.263, and 436.266, to read as follows:

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

- (1) "Agency contract", an agreement in which a student athlete authorizes a person to negotiate or solicit on behalf of the student athlete a professional sports services contract or an endorsement contract;
- (2) "Athlete agent"~~], an individual who enters into an agency contract with a student athlete or directly or indirectly recruits or solicits a student athlete to enter into an agency contract. The term does not include a spouse, parent, sibling, grandparent, or guardian of the student athlete or an individual acting solely on behalf of a professional sports team or professional sports organization. The term includes an individual who represents to the public that the individual is an athlete agent]~~ : **(a) A person, whether or not registered under sections 436.215 to 436.272, who:**
  - a. Directly or indirectly recruits or solicits a student athlete to enter into an agency contract or, for compensation, procures employment or offers, promises, attempts, or**

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.

14 negotiates to obtain employment for a student athlete as a professional athlete or member  
15 of a professional sports team or organization;

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

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

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

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

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

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

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

31 (b) "Athlete agent" does not include a person who:

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

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

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

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

39 (iii) Receives consideration for providing the services calculated using a different  
40 method than for a person who is not a student athlete;

41 (3) "Athletic director", ~~[an individual]~~ a person responsible for administering the overall  
42 athletic program of an educational institution or, if an educational institution has separately  
43 administered athletic programs for male students and female students, the athletic program for  
44 males or the athletic program for females, as appropriate;

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

47 ~~———(5)] "Director", the director of the division of professional registration;~~

48 ~~[(6)] (5) "Division", the division of professional registration;~~

49           **(6) "Educational institution", includes a public or private elementary school,**  
50 **secondary school, technical or vocational school, community college, college, or university;**

51           (7) "Endorsement contract", an agreement under which a student athlete is employed or  
52 receives consideration to use on behalf of the other party any value that the student athlete may  
53 have because of publicity, reputation, following, or fame obtained because of athletic ability or  
54 performance;

55           **(8) "Enrolled" or "enrolls", who registered or registers for courses at an**  
56 **educational institution and attending or planning to attend athletic practice or class;**

57           (9) "Intercollegiate sport", a sport played at the collegiate level for which eligibility  
58 requirements for participation by a student athlete are established by a national association for  
59 the promotion or regulation of collegiate athletics;

60           **(10) "Interscholastic sport", a sport played between educational institutions that**  
61 **are not community colleges, colleges, or universities;**

62           **(11) "Licensed, registered, or certified professional", a person licensed, registered,**  
63 **or certified as an attorney, dealer in securities, financial planner, insurance agent, real**  
64 **estate broker or sales agent, tax consultant, accountant, or member of a profession, other**  
65 **than that of athlete agent, who is licensed, registered, or certified by the state or a**  
66 **nationally recognized organization that licenses, registers, or certifies members of the**  
67 **profession on the basis of experience, education, or testing;**

68           ~~[(9)]~~ **(12) "Person", an individual, corporation, business trust, estate, trust, partnership,**  
69 **limited liability company, association, joint venture, government, governmental subdivision,**  
70 **agency, or instrumentality, public corporation, or any other legal or commercial entity;**

71           ~~[(10)]~~ **(13) "Professional sports services contract", an agreement under which an**  
72 **individual is employed ~~[or]~~ as a professional athlete and agrees to render services as a player**  
73 **on a professional sports team~~;~~ or with a professional sports organization~~], or as a professional~~**  
74 **athlete];**

75           ~~[(11)]~~ **(14) "Record", information that is inscribed on a tangible medium or that is stored**  
76 **in an electronic or other medium and is retrievable in perceivable form;**

77           **(15) "Recruit or solicit", attempt to influence the choice of an athlete agent by a**  
78 **student athlete or, if the student athlete is a minor, a parent or guardian of the student**  
79 **athlete. The term does not include giving advice on the selection of a particular agent in a**  
80 **family, coaching, or social situation unless the person giving the advice does so because of**  
81 **the receipt or anticipated receipt of an economic benefit, directly or indirectly, from the**  
82 **agent;**

83           ~~[(12)]~~ **(16) "Registration", registration as an athlete agent under sections 436.215 to**  
84 **436.272;**

85 (17) "Sign", with present intent to authenticate or adopt a record:

86 (a) To execute or adopt a tangible symbol; or

87 (b) To attach to or logically associate with the record an electronic symbol, sound,  
88 or process;

89 [(13)] (18) "State", a state of the United States, the District of Columbia, Puerto Rico,  
90 the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction  
91 of the United States;

92 [(14)] (19) "Student athlete", ~~[a current student who engages in, has engaged in, is~~  
93 ~~eligible to engage in, or may be eligible in the future to engage in, any intercollegiate sport]~~ a  
94 **person who is eligible to attend an educational institution and engages in, is eligible to**  
95 **engage in, or may be eligible in the future to engage in any interscholastic or**  
96 **intercollegiate sport. The term does not include a person permanently ineligible to**  
97 **participate in a particular interscholastic or intercollegiate sport for that 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 **person** appoints the director as the ~~[individuals]~~ **person's** agent to accept service of process in  
4 any civil action related to the ~~[individuals]~~ **person'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]~~  
2 **a person** may not act as an athlete agent in this state ~~[before]~~ **without** being issued a certificate  
3 of registration under section 436.230 or 436.236.

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

7           (1) A student athlete or another acting on behalf of the student athlete initiates  
 8 communication with the ~~[individual]~~ **person**; and

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

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

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

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

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

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

10           ~~[(2)]~~ (4) The name of the applicant's business or employer, if applicable, **including for**  
 11 **each business or employer, the mailing address, telephone number, organization form, and**  
 12 **the nature of the business;**

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

15           ~~[(3)]~~ (6) Any business or occupation engaged in by the applicant for the five years ~~[next]~~  
 16 preceding the date of submission of the application, **including self-employment and**  
 17 **employment by others, and any professional or occupational license, registration, or**  
 18 **certification held by the applicant during that time;**

19           ~~[(4)]~~ (7) A description of the applicant's:

20           (a) Formal training as an athlete agent;

21           (b) Practical experience as an athlete agent; and

22           (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, which 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 currently is 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 which register athlete agents to develop a common registration**  
100 **form and determine which states have laws that are substantially similar to or more**  
101 **restrictive 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 person to have that person influence the student athlete or, if the  
31 student athlete is a minor, the parent or guardian of the student athlete to enter into an  
32 agency contract.

33 6. If a communication or attempt to communicate with an athlete agent is initiated  
34 by a student athlete or another person on behalf of the student athlete, the athlete agent  
35 shall notify in a record the athletic director of any educational institution at which the  
36 student athlete is enrolled. The notification shall be made not later than ten days after the  
37 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**  
2 **guardian of the student athlete** may cancel an agency contract by giving notice in writing to  
3 the athlete agent of the cancellation within fourteen days after the contract is signed.

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

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

436.254. 1. An athlete agent ~~may~~ **shall** not do any of the following with the intent to  
2 induce a student athlete to enter into an agency contract **or encourage any other person to take**  
3 **or assist any other person in taking any of the following actions on behalf of the athlete**  
4 **agent:**

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 athlete before the student athlete enters into  
8 the agency contract; or

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

11 2. An athlete agent ~~may~~ **shall** not intentionally **do any of the following or encourage**  
12 **any other person to do any of the following:**

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

17 (2) Refuse or ~~willfully~~ fail to retain or permit inspection of the records required by  
18 section 436.251;

19 (3) Violate section 436.224 by failing to register;

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

22 (5) Predate or postdate an agency contract; or

23 (6) Fail to notify a student athlete **or, if the student athlete is a minor, a parent or**  
24 **guardian of the student athlete** prior to the student ~~athlete's~~ **athlete, parent, or guardian**  
25 signing an agency contract for a particular sport that the signing by the student athlete may make  
26 the student athlete ineligible to participate as a student athlete in that sport.

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

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

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