

FIRST REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 263

101ST GENERAL ASSEMBLY

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ADRIANE D. CROUSE, Secretary

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## AN ACT

To repeal sections 436.218, 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 twelve new sections relating to athlete agents, with penalty provisions.

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

Section A. Sections 436.218, 436.224, 436.227, 436.230, 2 436.236, 436.242, 436.245, 436.248, 436.254, 436.257, 436.260, 3 436.263, and 436.266, RSMo, are repealed and twelve new sections 4 enacted in lieu thereof, to be known as sections 436.218, 5 436.224, 436.227, 436.230, 436.236, 436.242, 436.245, 436.248, 6 436.254, 436.260, 436.263, and 436.266, to read as follows:

436.218. As used in sections 436.215 to 436.272, the 2 following terms mean:

3 (1) "Agency contract", an agreement in which a student 4 athlete authorizes a person to negotiate or solicit on 5 behalf of the student athlete a professional sports services 6 contract or an endorsement contract;

7 (2) "Athlete agent", [an individual who enters into an 8 agency contract with a student athlete or directly or 9 indirectly recruits or solicits a student athlete to enter 10 into an agency contract. The term does not include a 11 spouse, parent, sibling, grandparent, or guardian of the 12 student athlete or an individual acting solely on behalf of 13 a professional sports team or professional sports

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

14 organization. The term includes an individual who  
15 represents to the public that the individual is an athlete  
16 agent]:

17 (a) An individual, registered or unregistered under  
18 sections 436.215 to 436.272, who:

19 a. Directly or indirectly recruits or solicits a  
20 student athlete to enter into an agency contract or, for  
21 compensation, procures employment or offers, promises,  
22 attempts, or negotiates to obtain employment for a student  
23 athlete as a professional athlete or member of a  
24 professional sports team or organization;

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

27 (i) Serves the student athlete in an advisory capacity  
28 on a matter related to finances, business pursuits, or  
29 career management decisions, unless the individual is an  
30 employee of an educational institution acting exclusively as  
31 an employee of the institution for the benefit of the  
32 institution; or

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

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

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

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

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

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

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

50 b. Is a licensed, registered, or certified  
51 professional and offers or provides services to a student  
52 athlete customarily provided by members of the profession,  
53 unless the individual:

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

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

60 (iii) Receives consideration for providing the  
61 services calculated using a different method than for an  
62 individual who is not a student athlete;

63 (3) "Athletic director", an individual responsible for  
64 administering the overall athletic program of an educational  
65 institution or if an educational institution has separately  
66 administered athletic programs for male students and female  
67 students, the athletic program for males or the athletic  
68 program for females, as appropriate;

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

72 (5)] "Director", the director of the division of  
73 professional registration;

74 [(6)] (5) "Division", the division of professional  
75 registration;

76           (6) **"Educational institution", a public or private**  
77 **elementary school, secondary school, technical or vocational**  
78 **school, community college, college, or university;**

79           (7) **"Endorsement contract", an agreement under which a**  
80 **student athlete is employed or receives consideration to use**  
81 **on behalf of the other party any value that the student**  
82 **athlete may have because of publicity, reputation,**  
83 **following, or fame obtained because of athletic ability or**  
84 **performance;**

85           (8) **"Enrolled" or "enrolls", the act of registering,**  
86 **or having already registered, for courses at an educational**  
87 **institution and attending or planning to attend athletic**  
88 **practice or class;**

89           [(8)] (9) **"Intercollegiate sport", a sport played at**  
90 **the collegiate level for which eligibility requirements for**  
91 **participation by a student athlete are established by a**  
92 **national association for the promotion or regulation of**  
93 **collegiate athletics;**

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

97           (11) **"Licensed, registered, or certified**  
98 **professional", an individual licensed, registered, or**  
99 **certified as an attorney, dealer in securities, financial**  
100 **planner, insurance agent, real estate broker or sales agent,**  
101 **tax consultant, accountant, or member of a profession, other**  
102 **than that of athlete agent, who is licensed, registered, or**  
103 **certified by the state or a nationally recognized**  
104 **organization that licenses, registers, or certifies members**  
105 **of the profession on the basis of experience, education, or**  
106 **testing;**

107            [(9)] (12) "Person", an individual, corporation,  
108 business trust, estate, trust, partnership, limited  
109 liability company, association, joint venture, government,  
110 governmental subdivision, agency, or instrumentality, public  
111 corporation, or any other legal or commercial entity;

112            [(10)] (13) "Professional sports services contract",  
113 an agreement under which an individual is employed [or] **as a**  
114 **professional athlete and** agrees to render services as a  
115 player on a professional sports team[, ] **or** with a  
116 professional sports organization[, or as a professional  
117 athlete];

118            [(11)] (14) "Record", information that is inscribed on  
119 a tangible medium or that is stored in an electronic or  
120 other medium and is retrievable in perceivable form;

121            (15) "Recruit or solicit", **an attempt to influence the**  
122 **choice of an athlete agent by a student athlete or, if the**  
123 **student athlete is a minor, a parent or guardian of the**  
124 **student athlete. "Recruit or solicit" does not include**  
125 **giving advice on the selection of a particular agent in a**  
126 **family, coaching, or social situation unless the individual**  
127 **giving the advice does so because of the receipt or**  
128 **anticipated receipt of an economic benefit, directly or**  
129 **indirectly, from the agent;**

130            [(12)] (16) "Registration", registration as an athlete  
131 agent under sections 436.215 to 436.272;

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

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

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

137            [(13)] (18) "State", a state of the United States, the  
138 District of Columbia, Puerto Rico, the United States Virgin

139 Islands, or any territory or insular possession subject to  
140 the jurisdiction of the United States;

141       [(14)] **(19)** "Student athlete", [a current student who  
142 engages in, has engaged in, is eligible to engage in, or may  
143 be eligible in the future to engage in, any] **an individual**  
144 **who is eligible to attend an educational institution and**  
145 **engages in, is eligible to engage in, or may be eligible in**  
146 **the future to engage in any interscholastic or**  
147 **intercollegiate sport. "Student athlete" does not include**  
148 **an individual permanently ineligible to participate in a**  
149 **particular interscholastic or** intercollegiate sport.

436.224. 1. Except as otherwise provided in  
2 subsection 2 of this section, an individual may not act as  
3 an athlete agent in this state [before] **without** being issued  
4 a certificate of registration under section 436.230 or  
5 436.236.

6       2. [An individual with a temporary license] **Before**  
7 **being issued a certificate of registration** under section  
8 436.236, **an individual** may act as an athlete agent [before  
9 being issued a certificate of registration] for all purposes  
10 except signing an agency contract if:

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

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

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

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

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

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

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

15 [(2)] (4) The name of the applicant's business or  
16 employer, if applicable, **including for each business or**  
17 **employer, the mailing address, telephone number,**  
18 **organization form, and the nature of the business;**

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

21 [(3)] (6) Any business or occupation engaged in by the  
22 applicant for the five years [next] preceding the date of  
23 submission of the application, **including self-employment and**  
24 **employment by others, and any professional or occupational**  
25 **license, registration, or certification held by the**  
26 **applicant during that time;**

27 [(4)] (7) A description of the applicant's:

28 (a) Formal training as an athlete agent;

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

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

32            [(5) The names and addresses of three individuals not  
33 related to the applicant who are willing to serve as  
34 references;

35            (6)] **(8)** The name[, sport, and last known team for  
36 each individual] **of each student athlete** for whom the  
37 applicant [provided services] **acted** as an athlete agent  
38 during the five years [next] preceding the date of  
39 submission of the application **or, if the student athlete is**  
40 **a minor, the name of the parent or guardian of the minor,**  
41 **together with the student athlete's sport and last known**  
42 **team;**

43            [(7)] **(9)** The names and addresses of all persons who  
44 are:

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

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

54            **(10) A description of the status of any application by**  
55 **the applicant, or any person named under subdivision (9) of**  
56 **this subsection, for a state or federal business,**  
57 **professional, or occupational license, other than as an**  
58 **athlete agent, from a state or federal agency, including any**  
59 **denial, refusal to renew, suspension, withdrawal, or**  
60 **termination of the license and any reprimand or censure**  
61 **related to the license;**

62            [(8)] **(11)** Whether the applicant or any other person  
63 named under subdivision [(7)] **(9)** of this [section]



64 **subsection** has [been convicted] **pled guilty to or been found**  
65 **guilty** of a crime that if committed in this state would be a  
66 felony or other crime involving moral turpitude, and [a  
67 description of the crime] **information regarding the crime,**  
68 **including the crime, the law enforcement agency involved,**  
69 **and, if applicable, the date of the verdict and the penalty**  
70 **imposed;**

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

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

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

86 [(9)] (15) Whether there has been any administrative  
87 or judicial determination that the applicant or any other  
88 person named under subdivision [(7)] (9) of this [section]  
89 **subsection** has made a false, misleading, deceptive, or  
90 fraudulent representation;

91 [(10)] (16) Any instance in which the prior conduct of  
92 the applicant or any other person named under subdivision  
93 [(7)] (9) of this [section] **subsection** resulted in the  
94 imposition of a sanction, suspension, or declaration of  
95 ineligibility to participate in an interscholastic or

96 intercollegiate athletic event on a student athlete or  
97 educational institution;

98        [(11)] **(17)** Any sanction, suspension, or disciplinary  
99 action taken against the applicant or any other person named  
100 under subdivision [(7)] **(9)** of this [section] **subsection**  
101 arising out of occupational or professional conduct; and

102        [(12)] **(18)** Whether there has been any denial of an  
103 application for, suspension or revocation of, or refusal to  
104 renew the registration or licensure of the applicant or any  
105 other person named under subdivision [(7)] **(9)** of this  
106 [section] **subsection** as an athlete agent in any state.

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

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

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

113        **(b)** The date of certification or registration, and the  
114 date of expiration of the certification or registration, if  
115 any; and

116        **(c)** If applicable, the date of any denial of an  
117 application for, suspension or revocation of, refusal to  
118 renew, withdrawal of, or termination of the certification or  
119 registration or any reprimand or censure related to the  
120 certification or registration; and

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

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

128           (1) A copy of the application for registration in the  
129 other state;

130           (2) A statement that identifies any material change in  
131 the information on the application or verifies there is no  
132 material change in the information, signed under penalty of  
133 perjury; and

134           (3) A copy of the certificate of registration from the  
135 other state.

136           3. The director shall issue a certificate of  
137 registration to an applicant who applies for registration  
138 under subsection 2 of this section if the director  
139 determines:

140           (1) The application and registration requirements of  
141 the other state are substantially similar to or more  
142 restrictive than the requirements provided under sections  
143 436.215 to 436.272; and

144           (2) The registration has not been revoked or suspended  
145 and no action involving the applicant's conduct as an  
146 athlete agent is pending against the applicant or the  
147 applicant's registration in any state.

148           4. For purposes of implementing subsection 3 of this  
149 section, the director shall:

150           (1) Cooperate with national organizations concerned  
151 with athlete agent issues and agencies in other states that  
152 register athlete agents to develop a common registration  
153 form and determine which states have laws that are  
154 substantially similar to or more restrictive than sections  
155 436.215 to 436.272; and

156           (2) Exchange information, including information  
157 related to actions taken against registered athlete agents  
158 or their registrations, with those organizations and  
159 agencies.

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

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

11 (1) Been finally adjudicated and found guilty, or  
12 entered a plea of guilty or nolo contendere, in a criminal  
13 prosecution under the laws of any state, of the United  
14 States, or of any country, for any offense directly related  
15 to the duties and responsibilities of the occupation, as set  
16 forth in section 324.012, regardless of whether or not  
17 sentence is imposed;

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

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

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

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

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

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

35           3. In making a determination under subsection 2 of  
36 this section, the director shall consider:

37           (1) How recently the conduct occurred;

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

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

41           4. An athlete agent may apply to renew a registration  
42 by submitting an application for renewal in a form  
43 prescribed by the director. The application for renewal  
44 **[must] shall** be signed by the applicant under penalty of  
45 perjury under section 575.040 and shall contain current  
46 information on all matters required in an original  
47 registration.

48           5. **An athlete agent registered under subsection 3 of**  
49 **section 436.227 may renew the registration by proceeding**  
50 **under subsection 4 of this section or, if the registration**  
51 **in the other state has been renewed, by submitting to the**  
52 **director copies of the application for renewal in the other**  
53 **state and the renewed registration from the other state.**  
54 **The director shall renew the registration if the director**  
55 **determines:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29           (2) BOTH YOU AND YOUR ATHLETE AGENT ARE REQUIRED TO  
30 TELL YOUR ATHLETIC DIRECTOR, IF YOU HAVE AN ATHLETIC  
31 DIRECTOR, WITHIN 72 HOURS AFTER ENTERING INTO AN AGENCY  
32 CONTRACT **OR BEFORE THE NEXT ATHLETIC EVENT IN WHICH YOU**  
33 **PARTICIPATE, WHICHEVER OCCURS FIRST, AND PROVIDE THE NAME**  
34 **AND CONTACT INFORMATION OF THE ATHLETE AGENT; AND**

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

38           4. **An agency contract shall be accompanied by a**  
39 **separate record signed by the student athlete or, if the**  
40 **student athlete is a minor, the parent or guardian of the**  
41 **student athlete acknowledging that signing the contract may**  
42 **result in the loss of the student athlete's eligibility to**  
43 **participate in the student athlete's sport.**

44           5. An agency contract that does not conform to this  
45 section is voidable by the student athlete **or, if the**  
46 **student athlete is a minor, by the parent or guardian of the**  
47 **student athlete. If the contract is voided, any**  
48 **consideration received by the student athlete from the**  
49 **athlete agent under the contract to induce entering into the**  
50 **contract is not required to be returned.**

51           [5.] 6. The athlete agent shall give a copy of the  
52 signed agency contract to the student athlete **or, if the**  
53 **student athlete is a minor, to the parent or guardian of the**  
54 **student athlete [at the time of signing].**

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

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

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

15 3. If an athlete agent enters into an agency contract  
16 with a student athlete and the student athlete subsequently  
17 enrolls at an educational institution, the athlete agent  
18 shall notify the athletic director of the educational  
19 institution of the existence of the contract within seventy-  
20 two hours after the agent knows or should have known the  
21 student athlete enrolled.

22 4. If an athlete agent has a relationship with a  
23 student athlete before the student athlete enrolls in an  
24 educational institution and receives an athletic scholarship  
25 from the educational institution, the athlete agent shall  
26 notify the athletic director of the educational institution  
27 of the relationship no later than ten days after the  
28 enrollment if the athlete agent knows or should have known  
29 of the enrollment and:

30 (1) The relationship was motivated in whole or in part  
31 by the intention of the athlete agent to recruit or solicit



32 the student athlete to enter an agency contract in the  
33 future; or

34 (2) The athlete agent directly or indirectly recruited  
35 or solicited the student athlete to enter an agency contract  
36 before the enrollment.

37 5. An athlete agent shall give notice in a record to  
38 the athletic director of any educational institution at  
39 which a student athlete is enrolled before the agent  
40 communicates or attempts to communicate with:

41 (1) The student athlete or, if the student athlete is  
42 a minor, a parent or guardian of the student athlete to  
43 influence the student athlete or parent or guardian to enter  
44 into an agency contract; or

45 (2) Another individual to have that individual  
46 influence the student athlete or, if the student athlete is  
47 a minor, the parent or guardian of the student athlete to  
48 enter into an agency contract.

49 6. If a communication or attempted communication with  
50 an athlete agent is initiated by a student athlete or  
51 another individual on behalf of the student athlete, the  
52 athlete agent shall give notice in a record to the athletic  
53 director of any educational institution at which the student  
54 athlete is enrolled. The notification shall be made no  
55 later than ten days after the communication or attempted  
56 communication.

57 7. An educational institution that becomes aware of a  
58 violation of sections 436.215 to 436.272 by an athlete agent  
59 shall notify the director of the violation and any  
60 professional league or players' association with which the  
61 educational institution is aware the agent is licensed or  
62 registered.

63           [2.] 8. Within seventy-two hours after entering into  
64 an agency contract or before the next athletic event in  
65 which the student athlete may participate, whichever occurs  
66 first, the student athlete shall in [writing] a **record**  
67 inform the athletic director of the educational institution  
68 at which the student athlete is enrolled that he or she has  
69 entered into an agency contract **and the name and contact**  
70 **information of the athlete agent.**

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

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

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

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

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

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

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

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

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

29 2. An athlete agent may not intentionally:

30 (1)] Initiate contact, **directly or indirectly**, with a  
31 student athlete **or, if the student athlete is a minor, a**  
32 **parent or guardian of the student athlete to recruit or**  
33 **solicit the student athlete, parent, or guardian to enter**  
34 **into an agency contract** unless registered under sections  
35 436.215 to 436.272;

36 [(2) Refuse or willfully] (4) Fail to **create**, retain,  
37 or permit inspection of the records required by section  
38 436.251;

39 [(3) Violate section 436.224 by failing] (5) **Fail** to  
40 register **if required under section 436.224;**

41           [(4)] (6) Provide materially false or misleading  
42 information in an application for registration or renewal of  
43 registration;

44           [(5)] (7) Predate or postdate an agency contract; [or

45           (6)] (8) Fail to notify a student athlete **or, if the**  
46 **student athlete is a minor, a parent or guardian of the**  
47 **student athlete** [prior to] **before** the student [athlete's]  
48 **athlete, parent, or guardian** [signing] **signs** an agency  
49 contract for a particular sport that the signing [by the  
50 student athlete] may [make the student athlete ineligible]  
51 **result in loss of the student athlete's eligibility** to  
52 participate [as a student athlete in that] **in the student**  
53 **athlete's** sport;

54           (9) Encourage another individual to do any of the acts  
55 described in subdivisions (1) to (8) of this section on  
56 behalf of the athlete agent; or

57           (10) Encourage another individual to assist any other  
58 individual in doing any of the acts described in  
59 subdivisions (1) to (8) of this section on behalf of the  
60 athlete agent.

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

9           (1) In order for a student athlete to qualify as  
10 "adversely affected by an act or omission of the athlete  
11 agent" under this section, the student athlete shall  
12 demonstrate that he or she was a student athlete and

13 enrolled at the institution at the time the act or omission  
14 of the athlete agent occurred and that he or she:

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

19 (b) Suffered financial damage.

20 (2) In order for an educational institution to qualify  
21 as "adversely affected by an act or omission of the athlete  
22 agent" under this section, the institution shall demonstrate  
23 that the institution:

24 (a) Was disqualified from participation in an  
25 interscholastic or intercollegiate sports event by a state  
26 or national federation or association that promotes or  
27 regulates interscholastic or intercollegiate sports; or

28 (b) Suffered financial damage.

29 2. [Damages of an educational institution under  
30 subsection 1 of this section include losses and expenses  
31 incurred because as a result of the activities of an athlete  
32 agent or former student athlete the educational institution  
33 was injured by a violation of sections 436.215 to 436.272 or  
34 was penalized, disqualified, or suspended from participation  
35 in athletics by a national association for the promotion and  
36 regulation of athletics, by an athletic conference, or by  
37 reasonable self-imposed disciplinary action taken to  
38 mitigate sanctions.] **A plaintiff who prevails in an action  
39 under this section may recover actual damages, costs, and  
40 reasonable attorney's fees. An athlete agent found liable  
41 under this section forfeits any right of payment for  
42 anything of benefit or value provided to the student athlete  
43 and shall refund any consideration paid to the athlete agent  
44 by or on behalf of the student athlete.**

45           3. [A right of action under this section does not  
46 accrue until the educational institution discovers or by the  
47 exercise of reasonable diligence would have discovered the  
48 violation by the athlete agent or former student athlete.

49           4. Any liability of the athlete agent or the former  
50 student athlete under this section is several and not joint.

51           5. Sections 436.215 to 436.272 do not restrict rights,  
52 remedies, or defenses of any person under law or equity.] **A**  
53 **violation of any provision of sections 436.215 to 436.272 is**  
54 **an unfair trade practice for purposes of sections 375.930 to**  
55 **375.948.**

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

5           2. **Any individual who knowingly violates any provision**  
6 **of sections 436.215 to 436.272 is guilty of a class E felony**  
7 **and liable for a civil penalty not to exceed one hundred**  
8 **dollars.**

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

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

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