

1 **SENATE FLOOR VERSION**

2 February 20, 2017

3 SENATE BILL NO. 656

By: Holt

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5
6 An Act relating to athlete agents; creating the
7 Revised Uniform Athlete Agents Act of 2015, providing
8 short title; defining terms; providing for
9 applicability of the Administrative Procedures Act;
10 authorizing adoption of certain rules; specifying
11 role of Secretary of State; requiring certain
12 registration; providing exceptions; declaring certain
13 contracts void; establishing procedures for certain
14 registration; requiring certain information on
15 application; providing authority for issuance of
16 certain registration; specifying considerations for
17 certain refusal; establishing requirements for
18 renewal of certain registration; establishing
19 procedures for suspension, revocation or refusal to
20 renew certain registrations; authorizing issuance of
21 certain temporary registration; imposing fees for
22 certain registration; providing requirements for
23 certain contracts; providing for voidability of
24 certain contracts; defining term; establishing
requirements for notice to certain educational
institutions; authorizing cancellation of contracts
under certain circumstances; requiring creation and
retention of certain records; authorizing inspection
of certain records; prohibiting certain actions;
establishing misdemeanor offense; imposing certain
punishments; providing for civil remedy; imposing
certain civil penalty; construing provisions;
clarifying applicability of certain acts; repealing
70 O.S. 2011, Sections 821.81 through 821.84, 821.85,
as amended by Section 1, Chapter 173, O.S.L. 2012,
and 821.86 through 821.99 (70 O.S. Supp. 2016,
Section 821.85), which relate to the Uniform Athlete
Agents Act; providing for codification; and providing
an effective date.

1 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 821.81-1 of Title 70, unless
4 there is created a duplication in numbering, reads as follows:

5 This act shall be known and may be cited as the "Revised Uniform
6 Athlete Agents Act of 2015".

7 SECTION 2. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 821.81-2 of Title 70, unless
9 there is created a duplication in numbering, reads as follows:

10 In this act:

11 1. "Agency contract" means an agreement in which a student
12 athlete authorizes a person to negotiate or solicit on behalf of the
13 athlete a professional-sports-services contract or endorsement
14 contract;

15 2. "Athlete agent":

16 a. means an individual, whether or not registered under
17 this act, who:

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

1 (2) for compensation or in anticipation of
2 compensation related to a student athlete's
3 participation in athletics:

4 (a) serves the athlete in an advisory capacity
5 on a matter related to finances, business
6 pursuits or career management decisions,
7 unless the individual is an employee of an
8 educational institution acting exclusively
9 as an employee of the institution for the
10 benefit of the institution, or

11 (b) manages the business affairs of the athlete
12 by providing assistance with bills,
13 payments, contracts or taxes; or

14 (3) in anticipation of representing a student athlete
15 for a purpose related to the athlete's
16 participation in athletics:

17 (a) gives consideration to the student athlete
18 or another person,

19 (b) serves the athlete in an advisory capacity
20 on a matter related to finances, business
21 pursuits or career management decisions, or

22 (c) manages the business affairs of the athlete
23 by providing assistance with bills,
24 payments, contracts or taxes; but

1 b. does not include an individual who:

2 (1) acts solely on behalf of a professional sports
3 team or organization, or

4 (2) is a licensed, registered or certified
5 professional and offers or provides services to a
6 student athlete customarily provided by members
7 of the profession, unless the individual:

8 (a) also recruits or solicits the athlete to
9 enter into an agency contract,

10 (b) also, for compensation, procures employment
11 or offers, promises, attempts or negotiates
12 to obtain employment for the athlete as a
13 professional athlete or member of a
14 professional sports team or organization, or

15 (c) receives consideration for providing the
16 services calculated using a different method
17 than for an individual who is not a student
18 athlete;

19 3. "Athletic director" means the individual responsible for
20 administering the overall athletic program of an educational
21 institution or, if an educational institution has separately
22 administered athletic programs for male students and female
23 students, the athletic program for males or the athletic program for
24 females, as appropriate;

1 4. "Educational institution" includes a public or private
2 elementary school, secondary school, technical or vocational school,
3 community college, college and university;

4 5. "Endorsement contract" means an agreement under which a
5 student athlete is employed or receives consideration to use on
6 behalf of the other party any value that the athlete may have
7 because of publicity, reputation, following or fame obtained because
8 of athletic ability or performance;

9 6. "Enrolled" means registered for courses and attending
10 athletic practice or class. "Enrolls" has a corresponding meaning;

11 7. "Intercollegiate sport" means a sport played at the
12 collegiate level for which eligibility requirements for
13 participation by a student athlete are established by a national
14 association that promotes or regulates collegiate athletics;

15 8. "Interscholastic sport" means a sport played between
16 educational institutions that are not community colleges, colleges
17 or universities;

18 9. "Licensed, registered or certified professional" means an
19 individual licensed, registered or certified as an attorney, dealer
20 in securities, financial planner, insurance agent, real estate
21 broker or sales agent, tax consultant, accountant or member of a
22 profession, other than that of athlete agent, who is licensed,
23 registered or certified by the state or a nationally-recognized
24

1 organization that licenses, registers or certifies members of the
2 profession on the basis of experience, education or testing;

3 10. "Person" means an individual, estate, business or nonprofit
4 entity, public corporation, government or governmental subdivision,
5 agency or instrumentality or other legal entity;

6 11. "Professional-sports-services contract" means an agreement
7 under which an individual is employed as a professional athlete or
8 agrees to render services as a player on a professional sports team
9 or with a professional sports organization;

10 12. "Record" means information that is inscribed on a tangible
11 medium or that is stored in an electronic or other medium and is
12 retrievable in perceivable form;

13 13. "Recruit or solicit" means attempt to influence the choice
14 of an athlete agent by a student athlete or, if the athlete is a
15 minor, a parent or guardian of the athlete. The term does not
16 include giving advice on the selection of a particular agent in a
17 family, coaching or social situation unless the individual giving
18 the advice does so because of the receipt or anticipated receipt of
19 an economic benefit, directly or indirectly, from the agent;

20 14. "Registration" means registration as an athlete agent under
21 this act;

22 15. "Sign" means, with present intent to authenticate or adopt
23 a record:

24 a. to execute or adopt a tangible symbol, or

1 b. to attach to or logically associate with the record an
2 electronic symbol, sound, or process;

3 16. "State" means a state of the United States, the District of
4 Columbia, Puerto Rico, the United States Virgin Islands or any
5 territory or insular possession subject to the jurisdiction of the
6 United States; and

7 17. "Student athlete" means an individual who is eligible to
8 attend an educational institution and engages in, is eligible to
9 engage in, or may be eligible in the future to engage in, any
10 interscholastic or intercollegiate sport. The term does not include
11 an individual permanently ineligible to participate in a particular
12 interscholastic or intercollegiate sport for that sport.

13 SECTION 3. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 821.81-3 of Title 70, unless
15 there is created a duplication in numbering, reads as follows:

16 A. The Administrative Procedure Act applies to this act. The
17 Secretary of State may adopt rules under the Administrative
18 Procedure Act to implement this act.

19 B. By acting as an athlete agent in this state, a nonresident
20 individual appoints the Secretary of State as the individual's agent
21 for service of process in any civil action in this state related to
22 the individual acting as an athlete agent in this state.

23 C. The Secretary of State may issue a subpoena for material
24 that is relevant to the administration of this act.

1 SECTION 4. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 821.81-4 of Title 70, unless
3 there is created a duplication in numbering, reads as follows:

4 A. Except as otherwise provided in subsection B of this
5 section, an individual may not act as an athlete agent in this state
6 without holding a certificate of registration under this act.

7 B. Before being issued a certificate of registration under this
8 act, an individual may act as an athlete agent in this state for all
9 purposes except signing an agency contract, if:

10 1. A student athlete or another person acting on behalf of the
11 athlete initiates communication with the individual; and

12 2. Not later than seven days after an initial act that requires
13 the individual to register as an athlete agent, the individual
14 submits an application for registration as an athlete agent in this
15 state.

16 C. An agency contract resulting from conduct in violation of
17 this section is void, and the athlete agent shall return any
18 consideration received under the contract.

19 SECTION 5. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 821.81-5 of Title 70, unless
21 there is created a duplication in numbering, reads as follows:

22 A. An applicant for registration as an athlete agent shall
23 submit an application for registration to the Secretary of State in
24 a form prescribed by the Secretary of State. The applicant shall be

1 an individual, and the application shall be signed by the applicant
2 under penalty of perjury. The application shall contain at least
3 the following:

4 1. The name and date and place of birth of the applicant and
5 the following contact information for the applicant:

6 a. the address of the applicant's principal place of
7 business,

8 b. work and mobile telephone numbers, and

9 c. any means of communicating electronically, including a
10 facsimile number, electronic-mail address and personal
11 and business or employer websites;

12 2. The name of the applicant's business or employer, if
13 applicable, including for each business or employer, its mailing
14 address, telephone number, organization form and the nature of the
15 business;

16 3. Each social-media account with which the applicant or the
17 applicant's business or employer is affiliated;

18 4. Each business or occupation in which the applicant engaged
19 within five years before the date of the application, including
20 self-employment and employment by others, and any professional or
21 occupational license, registration or certification held by the
22 applicant during that time;

23 5. A description of the applicant's:

24 a. formal training as an athlete agent,

- 1 b. practical experience as an athlete agent, and
2 c. educational background relating to the applicant's
3 activities as an athlete agent;

4 6. The name of each student athlete for whom the applicant
5 acted as an athlete agent within five (5) years before the date of
6 the application or, if the individual is a minor, the name of the
7 parent or guardian of the minor, together with the athlete's sport
8 and last-known team;

9 7. The name and address of each person that:

10 a. is a partner, member, officer, manager, associate, or
11 profit sharer or directly or indirectly holds an
12 equity interest of five percent (5%) or greater of the
13 athlete agent's business if it is not a corporation,
14 and

15 b. is an officer or director of a corporation employing
16 the athlete agent or a shareholder having an interest
17 of five percent (5%) or greater in the corporation;

18 8. A description of the status of any application by the
19 applicant, or any person named under paragraph 7 of this subsection,
20 for a state or federal business, professional or occupational
21 license, other than as an athlete agent, from a state or federal
22 agency, including any denial, refusal to renew, suspension,
23 withdrawal or termination of the license and any reprimand or
24 censure related to the license;

1 9. Whether the applicant, or any person named under paragraph 7
2 of this subsection, has pleaded guilty or no contest to, has been
3 convicted of, or has charges pending for, a crime that would involve
4 moral turpitude or be a felony if committed in this state and, if
5 so, identification of:

- 6 a. the crime,
- 7 b. the law-enforcement agency involved, and
- 8 c. if applicable, the date of the conviction and the fine
9 or penalty imposed;

10 10. Whether, within fifteen (15) years before the date of
11 application, the applicant, or any person named under paragraph 7 of
12 this subsection, has been a defendant or respondent in a civil
13 proceeding, including a proceeding seeking an adjudication of legal
14 incompetence and, if so, the date and a full explanation of each
15 proceeding;

16 11. Whether the applicant, or any person named under paragraph
17 7 of this section, has an unsatisfied judgment or a judgment of
18 continuing effect, including alimony or a domestic order in the
19 nature of child support, which is not current at the date of the
20 application;

21 12. Whether, within ten (10) years before the date of
22 application, the applicant, or any person named under paragraph 7 of
23 this section, was adjudicated bankrupt or was an owner of a business
24 that was adjudicated bankrupt;

1 13. Whether there has been any administrative or judicial
2 determination that the applicant, or any person named under
3 paragraph 7 of this subsection, made a false, misleading, deceptive
4 or fraudulent representation;

5 14. Each instance in which conduct of the applicant, or any
6 person named under paragraph 7 of this subsection, resulted in the
7 imposition of a sanction, suspension or declaration of ineligibility
8 to participate in an interscholastic, intercollegiate or
9 professional athletic event on a student athlete or a sanction on an
10 educational institution;

11 15. Each sanction, suspension or disciplinary action taken
12 against the applicant, or any person named under paragraph 7 of this
13 subsection, arising out of occupational or professional conduct;

14 16. Whether there has been a denial of an application for,
15 suspension or revocation of, refusal to renew, or abandonment of,
16 the registration of the applicant, or any person named under
17 paragraph 7 of this subsection, as an athlete agent in any state;

18 17. Each state in which the applicant currently is registered
19 as an athlete agent or has applied to be registered as an athlete
20 agent;

21 18. If the applicant is certified or registered by a
22 professional league or players association:

23 a. the name of the league or association,
24

- 1 b. the date of certification or registration, and the
2 date of expiration of the certification or
3 registration, if any, and
- 4 c. if applicable, the date of any denial of an
5 application for, suspension or revocation of, refusal
6 to renew, withdrawal of, or termination of, the
7 certification or registration or any reprimand or
8 censure related to the certification or registration;
9 and

10 19. Any additional information required by the Secretary of
11 State.

12 B. Instead of proceeding under subsection A of this section, an
13 individual registered as an athlete agent in another state may apply
14 for registration as an athlete agent in this state by submitting to
15 the Secretary of State:

16 1. A copy of the application for registration in the other
17 state;

18 2. A statement that identifies any material change in the
19 information on the application or verifies there is no material
20 change in the information, signed under penalty of perjury; and

21 3. A copy of the certificate of registration from the other
22 state.

1 C. The Secretary of State shall issue a certificate of
2 registration to an individual who applies for registration under
3 subsection B of this section if the Secretary of State determines:

4 1. The application and registration requirements of the other
5 state are substantially similar to or more restrictive than this
6 act; and

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

11 D. For purposes of implementing subsection C of this section,
12 the Secretary of State shall:

13 1. Cooperate with national organizations concerned with athlete
14 agent issues and agencies in other states which register athlete
15 agents to develop a common registration form and determine which
16 states have laws that are substantially similar to or more
17 restrictive than this act; and

18 2. Exchange information, including information related to
19 actions taken against registered athlete agents or their
20 registrations, with those organizations and agencies.

21 SECTION 6. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 821.81-6 of Title 70, unless
23 there is created a duplication in numbering, reads as follows:

1 A. Except as otherwise provided in subsection B of this
2 section, the Secretary of State shall issue a certificate of
3 registration to an applicant for registration who complies with
4 subsection A of Section 5 of this act.

5 B. The Secretary of State may refuse to issue a certificate of
6 registration to an applicant for registration under subsection A of
7 Section 5 of this act if the Secretary of State determines that the
8 applicant has engaged in conduct that significantly adversely
9 reflects on the applicant's fitness to act as an athlete agent. In
10 making the determination, the Secretary of State may consider
11 whether the applicant has:

12 1. Pleaded guilty or no contest to, has been convicted of, or
13 has charges pending for, a crime that would involve moral turpitude
14 or be a felony if committed in this state;

15 2. Made a materially false, misleading, deceptive, or
16 fraudulent representation in the application or as an athlete agent;

17 3. Engaged in conduct that would disqualify the applicant from
18 serving in a fiduciary capacity;

19 4. Engaged in conduct prohibited by Section 14 of this act;

20 5. Had a registration as an athlete agent suspended, revoked,
21 or denied in any state;

22 6. Been refused renewal of registration as an athlete agent in
23 any state;

24

1 7. Engaged in conduct resulting in imposition of a sanction,
2 suspension, or declaration of ineligibility to participate in an
3 interscholastic, intercollegiate or professional athletic event on a
4 student athlete or a sanction on an educational institution; or

5 8. Engaged in conduct that adversely reflects on the
6 applicant's credibility, honesty or integrity.

7 C. In making a determination under subsection B of this
8 section, the Secretary of State shall consider:

9 1. How recently the conduct occurred;

10 2. The nature of the conduct and the context in which it
11 occurred; and

12 3. Other relevant conduct of the applicant.

13 D. An athlete agent registered under subsection A of this
14 section may apply to renew the registration by submitting an
15 application for renewal in a form prescribed by the Secretary of
16 State. The applicant shall sign the application for renewal under
17 penalty of perjury and include current information on all matters
18 required in an original application for registration.

19 E. An athlete agent registered under subsection C of Section 5
20 of this act may renew the registration by proceeding under
21 subsection D of this section or, if the registration in the other
22 state has been renewed, by submitting to the Secretary of State
23 copies of the application for renewal in the other state and the
24

1 renewed registration from the other state. The Secretary of State
2 shall renew the registration if the Secretary of State determines:

3 1. The registration requirements of the other state are
4 substantially similar to or more restrictive than this act; and

5 2. The renewed registration has not been suspended or revoked
6 and no action involving the individual's conduct as an athlete agent
7 is pending against the individual or the individual's registration
8 in any state.

9 F. A certificate of registration or renewal of registration
10 under this act is valid for two (2) years.

11 SECTION 7. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 821.81-7 of Title 70, unless
13 there is created a duplication in numbering, reads as follows:

14 A. The Secretary of State may limit, suspend, revoke or refuse
15 to renew a registration of an individual registered under subsection
16 A of Section 6 of this act for conduct that would have justified
17 refusal to issue a certificate of registration under subsection B of
18 Section 6 of this act.

19 B. The Secretary of State may suspend or revoke the
20 registration of an individual registered under subsection C of
21 Section 5 of this act or renewed under subsection E of Section 6 of
22 this act for any reason for which the Secretary of State could have
23 refused to grant or renew registration or for conduct that would

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1 justify refusal to issue a certificate of registration under
2 subsection B of Section 6 of this act.

3 SECTION 8. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 821.81-8 of Title 70, unless
5 there is created a duplication in numbering, reads as follows:

6 The Secretary of State may issue a temporary certificate of
7 registration as an athlete agent while an application for
8 registration or renewal of registration is pending.

9 SECTION 9. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 821.81-9 of Title 70, unless
11 there is created a duplication in numbering, reads as follows:

12 An application for registration or renewal of registration as an
13 athlete agent shall be accompanied by a fee in the following amount:

14 1. One Thousand Dollars (\$1,000.00) for an initial application
15 for registration;

16 2. One Thousand Dollars (\$1,000.00) for registration based on a
17 certificate of registration issued by another state;

18 3. One Thousand Dollars (\$1,000.00) for an application for
19 renewal of registration; or

20 4. One Thousand Dollars (\$1,000.00) for renewal of registration
21 based on a renewal of registration in another state.

22 SECTION 10. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 821.81-10 of Title 70, unless
24 there is created a duplication in numbering, reads as follows:

1 A. An agency contract shall be in a record signed by the
2 parties.

3 B. An agency contract shall contain:

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

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

12 3. The name of any person not listed in the agent's application
13 for registration or renewal of registration which will be
14 compensated because the athlete signed the contract;

15 4. A description of any expenses the athlete agrees to
16 reimburse;

17 5. A description of the services to be provided to the athlete;

18 6. The duration of the contract; and

19 7. The date of execution.

20 C. Subject to subsection G of this section, an agency contract
21 shall contain a conspicuous notice in boldface type and in
22 substantially the following form:

23 WARNING TO STUDENT ATHLETE

24 IF YOU SIGN THIS CONTRACT:

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

3 (2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER
4 SIGNING THIS CONTRACT OR BEFORE THE NEXT SCHEDULED ATHLETIC EVENT IN
5 WHICH YOU PARTICIPATE, WHICHEVER OCCURS FIRST, BOTH YOU AND YOUR
6 ATHLETE AGENT SHALL NOTIFY YOUR ATHLETIC DIRECTOR THAT YOU HAVE
7 ENTERED INTO THIS CONTRACT AND PROVIDE THE NAME AND CONTACT
8 INFORMATION OF THE ATHLETE AGENT; AND

9 (3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING
10 IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR
11 ELIGIBILITY AS A STUDENT ATHLETE IN YOUR SPORT.

12 D. An agency contract shall be accompanied by a separate record
13 signed by the student athlete or, if the athlete is a minor, the
14 parent or guardian of the athlete acknowledging that signing the
15 contract may result in the loss of the athlete's eligibility to
16 participate in the athlete's sport.

17 E. A student athlete or, if the athlete is a minor, the parent
18 or guardian of the athlete may void an agency contract that does not
19 conform to this section. If the contract is voided, any
20 consideration received from the athlete agent under the contract to
21 induce entering into the contract is not required to be returned.

22 F. At the time an agency contract is executed, the athlete
23 agent shall give the student athlete or, if the athlete is a minor,
24 the parent or guardian of the athlete a copy in a record of the

1 contract and the separate acknowledgement required by subsection D
2 of this section.

3 G. If a student athlete is a minor, an agency contract shall be
4 signed by the parent or guardian of the minor and the notice
5 required by subsection C of this section shall be revised
6 accordingly.

7 SECTION 11. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 821.81-11 of Title 70, unless
9 there is created a duplication in numbering, reads as follows:

10 A. In this section, "communicating or attempting to
11 communicate" means contacting or attempting to contact by an in-
12 person meeting, a record or any other method that conveys or
13 attempts to convey a message.

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

21 C. Not later than seventy-two (72) hours after entering into an
22 agency contract or before the next scheduled athletic event in which
23 the student athlete may participate, whichever occurs first, the
24 athlete shall inform the athletic director of the educational

1 institution at which the athlete is enrolled that the athlete has
2 entered into an agency contract and the name and contact information
3 of the athlete agent.

4 D. If an athlete agent enters into an agency contract with a
5 student athlete and the athlete subsequently enrolls at an
6 educational institution, the agent shall notify the athletic
7 director of the institution of the existence of the contract not
8 later than seventy-two (72) hours after the agent knew or should
9 have known the athlete enrolled.

10 E. If an athlete agent has a relationship with a student
11 athlete before the athlete enrolls in an educational institution and
12 receives an athletic scholarship from the institution, the agent
13 shall notify the institution of the relationship not later than ten
14 (10) days after the enrollment if the agent knows or should have
15 known of the enrollment and:

16 1. The relationship was motivated in whole or part by the
17 intention of the agent to recruit or solicit the athlete to enter an
18 agency contract in the future; or

19 2. The agent directly or indirectly recruited or solicited the
20 athlete to enter an agency contract before the enrollment.

21 F. An athlete agent shall give notice in a record to the
22 athletic director of any educational institution at which a student
23 athlete is enrolled before the agent communicates or attempts to
24 communicate with:

1 1. The athlete or, if the athlete is a minor, a parent or
2 guardian of the athlete, to influence the athlete or parent or
3 guardian to enter into an agency contract; or

4 2. Another individual to have that individual influence the
5 athlete or, if the athlete is a minor, the parent or guardian of the
6 athlete to enter into an agency contract.

7 G. If a communication or attempt to communicate with an athlete
8 agent is initiated by a student athlete or another individual on
9 behalf of the athlete, the agent shall notify in a record the
10 athletic director of any educational institution at which the
11 athlete is enrolled. The notification shall be made not later than
12 ten (10) days after the communication or attempt.

13 H. An educational institution that becomes aware of a violation
14 of this act by an athlete agent shall notify the Secretary of State
15 and any professional league or players association with which the
16 institution is aware the agent is licensed or registered of the
17 violation.

18 SECTION 12. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 821.81-12 of Title 70, unless
20 there is created a duplication in numbering, reads as follows:

21 A. A student athlete or, if the athlete is a minor, the parent
22 or guardian of the athlete may cancel an agency contract by giving
23 notice in a record of cancellation to the athlete agent not later
24 than fourteen (14) days after the contract is signed.

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

4 C. If a student athlete, parent, or guardian cancels an agency
5 contract, the athlete, parent or guardian is not required to pay any
6 consideration under the contract or return any consideration
7 received from the athlete agent to influence the athlete to enter
8 into the contract.

9 SECTION 13. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 821.81-13 of Title 70, unless
11 there is created a duplication in numbering, reads as follows:

12 A. An athlete agent shall create and retain for five (5) years
13 records of the following:

14 1. The name and address of each individual represented by the
15 agent;

16 2. Each agency contract entered into by the agent; and

17 3. The direct costs incurred by the agent in the recruitment or
18 solicitation of each student athlete to enter into an agency
19 contract.

20 B. Records described in subsection A of this section are open
21 to inspection by the Secretary of State during normal business
22 hours.

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1 SECTION 14. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 821.81-14 of Title 70, unless
3 there is created a duplication in numbering, reads as follows:

4 A. An athlete agent, with the intent to influence a student
5 athlete or, if the athlete is a minor, a parent or guardian of the
6 athlete to enter into an agency contract, may not take any of the
7 following actions or encourage any other individual to take or
8 assist any other individual in taking any of the following actions
9 on behalf of the agent:

10 1. Give materially false or misleading information or make a
11 materially false promise or representation;

12 2. Furnish anything of value to the athlete before the athlete
13 enters into the contract; or

14 3. Furnish anything of value to an individual other than the
15 athlete or another registered athlete agent.

16 B. An athlete agent may not intentionally do any of the
17 following or encourage any other individual to do any of the
18 following on behalf of the agent:

19 1. Initiate contact, directly or indirectly, with a student
20 athlete or, if the athlete is a minor, a parent or guardian of the
21 athlete, to recruit or solicit the athlete, parent or guardian to
22 enter an agency contract unless registered under this act;

23 2. Fail to create or retain or to permit inspection of the
24 records required by Section 13 of this act;

- 1 3. Fail to register when required by Section 4 of this act;
- 2 4. Provide materially false or misleading information in an
- 3 application for registration or renewal of registration;
- 4 5. Predate or postdate an agency contract; or
- 5 6. Fail to notify a student athlete or, if the athlete is a
- 6 minor, a parent or guardian of the athlete, before the athlete,
- 7 parent or guardian signs an agency contract for a particular sport
- 8 that the signing may make the athlete ineligible to participate as a
- 9 student athlete in that sport.

10 SECTION 15. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 821.81-15 of Title 70, unless
12 there is created a duplication in numbering, reads as follows:

13 An athlete agent who violates Section 14 of this act is guilty
14 of a misdemeanor and, upon conviction, is shall be subject to a fine
15 of not less than Ten Thousand Dollars (\$10,000.00) and not more than
16 Two Hundred Fifty Thousand Dollars (\$250,000.00), or by imprisonment
17 not to exceed one year, or by both such fine and imprisonment.

18 SECTION 16. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 821.81-16 of Title 70, unless
20 there is created a duplication in numbering, reads as follows:

21 A. An educational institution or student athlete may bring an
22 action for damages against an athlete agent if the institution or
23 athlete is adversely affected by an act or omission of the agent in
24 violation of this act. An educational institution or student

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

5 1. Is suspended or disqualified from participation in an
6 interscholastic or intercollegiate sports event by or under the
7 rules of a state or national federation or association that promotes
8 or regulates interscholastic or intercollegiate sports; or

9 2. Suffers financial damage.

10 B. A plaintiff that prevails in an action under this section
11 may recover actual and punitive damages, costs, and reasonable
12 attorney's fees. An athlete agent found liable under this section
13 forfeits any right of payment for anything of benefit or value
14 provided to the student athlete and shall refund any consideration
15 paid to the agent by or on behalf of the athlete.

16 C. A violation of this act is an unfair trade or deceptive
17 practice for purposes of the Oklahoma Consumer Protection Act,
18 Section 751 et seq. of Title 15 of the Oklahoma Statutes.

19 SECTION 17. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 821.81-17 of Title 70, unless
21 there is created a duplication in numbering, reads as follows:

22 The Secretary of State may assess a civil penalty against an
23 athlete agent not to exceed Twenty-five Thousand Dollars
24 (\$25,000.00) for a violation of this act.

1 SECTION 18. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 821.81-18 of Title 70, unless
3 there is created a duplication in numbering, reads as follows:

4 In applying and construing this uniform act, consideration shall
5 be given to the need to promote uniformity of the law with respect
6 to its subject matter among states that enact it.

7 SECTION 19. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 821.81-19 of Title 70, unless
9 there is created a duplication in numbering, reads as follows:

10 This act modifies, limits or supersedes the Electronic
11 Signatures in Global and National Commerce Act, 15 U.S.C. Section
12 7001 et seq., but does not modify, limit or supersede Section 101(c)
13 of that act, 15 U.S.C. Section 7001(c), or authorize electronic
14 delivery of any of the notices described in Section 103 (b) of that
15 act, 15 U.S.C. Section 7003(b).

16 SECTION 20. REPEALER 70 O.S. 2011, Sections 821.81 through
17 821.84, 821.85, as amended by Section 1, Chapter 173, O.S.L. 2012,
18 and 821.86 through 821.99 (70 O.S. Supp. 2016, Section 821.85), are
19 hereby repealed.

20 SECTION 21. This act shall become effective November 1, 2017.

21 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
22 February 20, 2017 - DO PASS
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