

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 HOUSE BILL NO. 1095

By: Thomsen, Denney, Shumate,
Wright (Harold), Kern and
Pittman of the House

6 and

7 Bingman of the Senate

8
9 COMMITTEE SUBSTITUTE

10 An Act relating to schools; amending Sections 2 and
11 14, Chapter 375, O.S.L. 2003 (70 O.S. Supp. 2008,
12 Sections 821.82 and 821.94), which relate to the
13 Uniform Athlete Agents Act; modifying certain
14 definition; prohibiting contact of certain student-
15 athletes by athlete agents; specifying certain
16 exception; and providing an effective date.

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

17 SECTION 1. AMENDATORY Section 2, Chapter 375, O.S.L.
18 2003 (70 O.S. Supp. 2008, Section 821.82), is amended to read as
19 follows:

20 Section 821.82 As used in the Uniform Athlete Agents Act:

21 1. "Agency contract" means an agreement in which a student-
22 athlete authorizes a person to negotiate or solicit on behalf of the
23 student-athlete a professional-sports-services contract or an
24 endorsement contract;

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

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

15 4. "Contact" means a any type of communication, direct or
16 indirect, between an athlete and a student-athlete, to recruit or
17 solicit the student-athlete to enter into an agency contract;

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

23 6. "Intercollegiate sport" means a sport played at the
24 collegiate level for which eligibility requirements for

1 participation by a student-athlete are established by a national
2 association for the promotion or regulation of collegiate athletics;

3 7. "Person" means an individual, corporation, business trust,
4 estate, trust, partnership, limited liability company, association,
5 joint venture, government, governmental subdivision, agency, or
6 instrumentality, public corporation, or any other legal or
7 commercial entity;

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

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

15 10. "Registration" means registration as an athlete agent
16 pursuant to the Uniform Athlete Agents Act;

17 11. "State" means a state of the United States, the District of
18 Columbia, Puerto Rico, the United States Virgin Islands, or any
19 territory or insular possession subject to the jurisdiction of the
20 United States; and

21 12. "Student-athlete" means an individual who engages in, is
22 eligible to engage in, or may be eligible in the future to engage
23 in, any intercollegiate sport. If an individual is permanently
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1 ineligible to participate in a particular intercollegiate sport, the
2 individual is not a student-athlete for purposes of that sport.

3 SECTION 2. AMENDATORY Section 14, Chapter 375, O.S.L.
4 2003 (70 O.S. Supp. 2008, Section 821.94), is amended to read as
5 follows:

6 Section 821.94 A. An athlete agent, with the intent to induce
7 a student-athlete to enter into an agency contract, shall not:

8 1. Give any materially false or misleading information or make
9 a materially false promise or representation;

10 2. Furnish anything of value to a student-athlete before the
11 student-athlete enters into the agency contract; or

12 3. Furnish anything of value to any individual other than the
13 student-athlete or another registered athlete agent.

14 B. An athlete agent shall not intentionally:

15 1. Initiate contact with a student-athlete unless the athlete
16 agent registered pursuant to the Uniform Athlete Agents Act;

17 2. Refuse or fail to retain or permit inspection of the records
18 required to be retained by Section ~~13~~ 821.93 of this ~~act~~ title;

19 3. Fail to register when required by Section 4 821.84 of this
20 ~~act~~ title;

21 4. Provide materially false or misleading information in an
22 application for registration or renewal of registration;

23 5. Predate or postdate an agency contract; or
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1 6. Fail to notify a student-athlete before the student-athlete
2 signs or otherwise authenticates an agency contract for a particular
3 sport that the signing or authentication may make the student-
4 athlete ineligible to participate as a student-athlete in that
5 sport.

6 C. An athlete agent is prohibited from any contact with a
7 student-athlete who is not eligible to enter into a professional-
8 sports-services contract. For the purposes of this subsection,
9 "contact" shall not include general promotional brochures.

10 SECTION 3. This act shall become effective November 1, 2009.

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