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THE STATE SENATE
Wednesday, April 1, 2009

Committee Substitute for
ENGROSSED
House Bill No. 1095

COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 1095 - By:
Thomsen, Denney, Shumate, Wright (Harold), Kern and Pittman of the
House and Bingman of the Senate.

[schools - Uniform Athlete Agents Act - contact of -
student-athletes by athlete agents - effective date]

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

SECTION 1. AMENDATORY Section 2, Chapter 375, O.S.L.

2003 (70 O.S. Supp. 2008, Section 821.82), is amended to read as
follows:

Section 821.82 As used in the Uniform Athlete Agents Act:

1. "Agency contract" means 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" means 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 includes an individual who represents to the
public that the individual is an athlete agent. The term does not
include a spouse, parent, sibling, grandparent, or guardian of the

1 student-athlete or an individual acting solely on behalf of a
2 professional sports team or professional sports organization;

3 3. "Athletic director" means an individual responsible for
4 administering the overall athletic program of an educational
5 institution or, if an educational institution has separately
6 administered athletic programs for male students and female
7 students, the athletic program for males or the athletic program for
8 females, as appropriate;

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

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

17 6. "Intercollegiate sport" means a sport played at the
18 collegiate level for which eligibility requirements for
19 participation by a student-athlete are established by a national
20 association for the promotion or regulation of collegiate athletics;

21 7. "Person" means an individual, corporation, business trust,
22 estate, trust, partnership, limited liability company, association,
23 joint venture, government, governmental subdivision, agency, or

1 instrumentality, public corporation, or any other legal or
2 commercial entity;

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

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

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

12 11. "State" means a state of the United States, the District of
13 Columbia, Puerto Rico, the United States Virgin Islands, or any
14 territory or insular possession subject to the jurisdiction of the
15 United States; and

16 12. "Student-athlete" means an individual who engages in, is
17 eligible to engage in, or may be eligible in the future to engage
18 in, any intercollegiate sport. If an individual is permanently
19 ineligible to participate in a particular intercollegiate sport, the
20 individual is not a student-athlete for purposes of that sport.

21 SECTION 2. AMENDATORY Section 14, Chapter 375, O.S.L.
22 2003 (70 O.S. Supp. 2008, Section 821.94), is amended to read as
23 follows:

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

3 1. Give any materially false or misleading information or make
4 a materially false promise or representation;

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

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

9 B. An athlete agent shall not intentionally:

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

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

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

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

18 5. Predate or postdate an agency contract; or

19 6. Fail to notify a student-athlete before the student-athlete
20 signs or otherwise authenticates an agency contract for a particular
21 sport that the signing or authentication may make the student-
22 athlete ineligible to participate as a student-athlete in that
23 sport.

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

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

6 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION, dated 3-30-09 - DO
7 PASS, As Amended.