

1 ENGROSSED HOUSE
2 BILL NO. 1586

By: Thomsen of the House

and

Bingman of the Senate

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7 An Act relating to schools; amending Sections 2, 14
8 and 15, Chapter 375, O.S.L. 2003, as amended by
9 Sections 1, 2 and 3, Chapter 222, O.S.L. 2009 (70
10 O.S. Supp. 2010, Sections 821.82, 821.94 and 821.95),
11 which relate to the Uniform Athlete Agents Act;
12 modifying certain definitions; modifying prohibited
13 conduct by an athlete agent; increasing criminal
14 penalty; and requiring certain percentage of fine to
15 be deposited in certain fund.

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, as amended by Section 1, Chapter 222, O.S.L. 2009 (70 O.S.
19 Supp. 2010, Section 821.82), is amended to read as 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. The term includes an agreement in which a
student-athlete authorizes a person to assess and plan the financial
situation of the student-athlete;

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 also
6 includes an individual who enters into an agreement with the
7 student-athlete to assess and plan the financial situation of the
8 student-athlete, including an individual who represents to the
9 general public that the individual is a financial advisor or planner
10 of any kind. The term does not include a spouse, parent, sibling,
11 grandparent, or guardian of the student-athlete or an individual
12 acting solely on behalf of a professional sports team or
13 professional sports organization;

14 3. "Athletic director" means an individual responsible for
15 administering the overall athletic program of an educational
16 institution or, if an educational institution has separately
17 administered athletic programs for male students and female
18 students, the athletic program for males or the athletic program for
19 females, as appropriate;

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

23 5. "Endorsement contract" means an agreement under which a
24 student-athlete is employed or receives consideration to use on

1 behalf of the other party any value that the student-athlete may
2 have because of publicity, reputation, following, or fame obtained
3 because of athletic ability or performance;

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

8 7. "Person" means an individual, corporation, business trust,
9 estate, trust, partnership, limited liability company, association,
10 joint venture, government, governmental subdivision, agency, or
11 instrumentality, public corporation, or any other legal or
12 commercial entity;

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

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

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

22 11. "State" means a state of the United States, the District of
23 Columbia, Puerto Rico, the United States Virgin Islands, or any
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1 territory or insular possession subject to the jurisdiction of the
2 United States; and

3 12. "Student-athlete" means an individual who engages in, is
4 eligible to engage in, or may be eligible in the future to engage
5 in, any intercollegiate sport. If an individual is permanently
6 ineligible to participate in a particular intercollegiate sport, the
7 individual is not a student-athlete for purposes of that sport.

8 SECTION 2. AMENDATORY Section 14, Chapter 375, O.S.L.
9 2003, as amended by Section 2, Chapter 222, O.S.L. 2009 (70 O.S.
10 Supp. 2010, Section 821.94), is amended to read as follows:

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

13 1. Give any materially false or misleading information or make
14 a materially false promise or representation;

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

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

19 B. An athlete agent shall not ~~intentionally~~:

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

22 2. Refuse or fail to retain or permit inspection of the records
23 required to be retained by Section 821.93 of this title;

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1 3. Fail to register when required by Section 821.84 of this
2 title;

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

5 5. Predate or postdate an agency contract; or

6 6. Fail to notify a student-athlete before the student-athlete
7 signs or otherwise authenticates an agency contract for a particular
8 sport that the signing or authentication may make the student-
9 athlete ineligible to participate as a student-athlete in that
10 sport.

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

15 SECTION 3. AMENDATORY Section 15, Chapter 375, O.S.L.
16 2003, as amended by Section 3, Chapter 222, O.S.L. 2009 (70 O.S.
17 Supp. 2010, Section 821.95), is amended to read as follows:

18 Section 821.95 A. An athlete agent who violates Section 821.94
19 of this title is guilty of a misdemeanor and, upon conviction, shall
20 be subject to a fine of not less than ~~One Thousand Dollars~~
21 ~~(\$1,000.00)~~ Ten Thousand Dollars (\$10,000.00) and not more than ~~Ten~~
22 ~~Thousand Dollars (\$10,000.00)~~ Two Hundred Fifty Thousand Dollars
23 (\$250,000.00), or by imprisonment not to exceed one (1) year, or by
24 both such fine and imprisonment.

