

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 53rd Legislature (2012)

4   HOUSE BILL 2967

                                  By: Thomsen

7                                   AS INTRODUCED

8           An Act relating to athlete agents; amending 70 O.S.  
9           2011, Sections 821.85 and 821.94, which relate to the  
10          Uniform Athlete Agents Act; reducing certain surety  
11          bond amount; requiring submission of a surety bond if  
12          an athlete agent is charged with a violation; setting  
13          amount of the surety bond; modifying prohibition from  
14          contact with a student-athlete; and providing an  
15          effective date.

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

16           SECTION 1.        AMENDATORY        70 O.S. 2011, Section 821.85, is  
17          amended to read as follows:

18           Section 821.85   A.   An applicant for registration shall submit  
19          an application for registration to the Secretary of State in a form  
20          prescribed by the Secretary of State.   An application filed under  
21          this section is a public record.   The application shall be in the  
22          name of an individual and, except as provided in subsection B of

1 this section, signed or otherwise authenticated by the applicant  
2 under penalty of perjury and state or contain:

3 1. The name of the applicant and the address of the applicant's  
4 principal place of business;

5 2. The name of the applicant's business or employer, if  
6 applicable;

7 3. Any business or occupation engaged in by the applicant for  
8 the five (5) years next preceding the date of submission of the  
9 application;

10 4. A description of the applicant's:

11 a. formal training as an athlete agent,

12 b. practical experience as an athlete agent, and

13 c. educational background relating to the applicant's  
14 activities as an athlete agent;

15 5. The names and addresses of three individuals not related to  
16 the applicant who are willing to serve as references;

17 6. The name, sport, and last-known team for each individual for  
18 whom the applicant acted as an athlete agent during the five (5)  
19 years next preceding the date of submission of the application;

20 7. The names and addresses of all persons who are:

21 a. with respect to the athlete agent's business if it is  
22 not a corporation, the partners, members, officers,

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1 managers, associates, or profit-sharers of the  
2 business, and

3 b. with respect to a corporation employing the athlete  
4 agent, the officers, directors, and any shareholder of  
5 the corporation having an interest of five percent  
6 (5%) or greater;

7 8. Whether the applicant or any person named pursuant to  
8 paragraph 7 of this subsection has been convicted of a crime that,  
9 if committed in this state, would be a crime involving moral  
10 turpitude or a felony, and identify the crime;

11 9. Whether there has been any administrative or judicial  
12 determination that the applicant or any person named pursuant to  
13 paragraph 7 of this subsection made a false, misleading, deceptive,  
14 or fraudulent representation;

15 10. Any instance in which the conduct of the applicant or any  
16 person named pursuant to paragraph 7 of this subsection resulted in  
17 the imposition of a sanction, suspension, or declaration of  
18 ineligibility to participate in an interscholastic or  
19 intercollegiate athletic event on a student-athlete or educational  
20 institution;

21 11. Any sanction, suspension, or disciplinary action taken  
22 against the applicant or any person named pursuant to paragraph 7 of  
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1 this subsection arising out of occupational or professional conduct;  
2 and

3 12. Whether there has been any denial of an application for,  
4 suspension or revocation of, or refusal to renew, the registration  
5 or licensure of the applicant or any person named pursuant to  
6 paragraph 7 of this subsection as an athlete agent in any state.

7 B. An individual who has submitted an application for, and  
8 holds a certificate of, registration or licensure as an athlete  
9 agent in another state, may submit a copy of the application and  
10 certificate in lieu of submitting an application in the form  
11 prescribed pursuant to subsection A of this section. The Secretary  
12 of State shall accept the application and the certificate from the  
13 other state as an application for registration in this state if the  
14 application to the other state:

15 1. Was submitted in the other state within six (6) months next  
16 preceding the submission of the application in this state and the  
17 applicant certifies that the information contained in the  
18 application is current;

19 2. Contains information substantially similar to or more  
20 comprehensive than that required in an application submitted in this  
21 state; and

22 3. Was signed by the applicant under penalty of perjury.  
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1 C. 1. Every applicant for registration shall also submit to  
2 the Secretary of State a valid surety bond in the penal sum of ~~Two~~  
3 ~~Hundred Fifty Thousand Dollars (\$250,000.00)~~ Fifty Thousand Dollars  
4 (\$50,000.00) conditioned upon the athlete agent not violating any  
5 provision of this act. Every athlete agent registered under the  
6 provisions of this act shall thereafter maintain such a surety bond  
7 in like amount as a condition of continued registration.

8 2. In the event an athlete agent is charged with a violation of  
9 any provision of the Uniform Athlete Agents Act, the athlete agent  
10 shall submit to the Secretary of State a valid surety bond in the  
11 penal sum of Two Hundred Fifty Thousand Dollars (\$250,000.00).

12 SECTION 2. AMENDATORY 70 O.S. 2011, Section 821.94, is  
13 amended to read as follows:

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

- 16 1. Give any materially false or misleading information or make  
17 a materially false promise or representation;
- 18 2. Furnish anything of value to a student-athlete before the  
19 student-athlete enters into the agency contract; or
- 20 3. Furnish anything of value to any individual other than the  
21 student-athlete or another registered athlete agent.

22 B. An athlete agent shall not:

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UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1 1. Initiate contact with a student-athlete unless the athlete  
2 agent is currently registered pursuant to the Uniform Athlete Agents  
3 Act;

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

6 3. Fail to register when required by Section 821.84 of this  
7 title;

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

10 5. Predate or postdate an agency contract; or

11 6. Fail to notify a student-athlete before the student-athlete  
12 signs or otherwise authenticates an agency contract for a particular  
13 sport that the signing or authentication may make the student-  
14 athlete ineligible to participate as a student-athlete in that  
15 sport.

16 C. An athlete agent is prohibited from any contact with a  
17 student-athlete who is not eligible to ~~enter into a professional-~~  
18 ~~sports-services contract~~ be contacted pursuant to the athlete agent  
19 regulations adopted by the appropriate governing body of the  
20 professional sport in which the student-athlete may participate.

21 For the purposes of this subsection, "contact" shall not include  
22 general promotional brochures.

1 D. The Attorney General or a district attorney may bring an  
2 action to prosecute any civil or criminal actions as provided by  
3 this act. The Attorney General or a district attorney may also  
4 bring an action to recover actual damages, expenses, restitution,  
5 disgorgement of all compensation, consideration, gifts or profits,  
6 and penalties attributed to or flowing from a violation of this act.

7 SECTION 3. This act shall become effective November 1, 2012.

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9 COMMITTEE REPORT BY: COMMITTEE ON HIGHER EDUCATION AND CAREER TECH,  
10 dated 02/22/2012 - DO PASS.

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