

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1586

By: Thomsen

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5
6 AS INTRODUCED

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; requiring certain percentage of fine to be
15 deposited in certain fund; providing an effective
16 date; and declaring an emergency.

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

18 SECTION 1. AMENDATORY Section 2, Chapter 375, O.S.L.
19 2003, as amended by Section 1, Chapter 222, O.S.L. 2009 (70 O.S.
20 Supp. 2010, Section 821.82), is amended to read as follows:

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

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

1 student-athlete authorizes a person to assess and plan the financial
2 situation of the student-athlete;

3 2. "Athlete agent" means an individual who enters into an
4 agency contract with a student-athlete or, directly or indirectly,
5 recruits or solicits a student-athlete to enter into an agency
6 contract. The term includes an individual who represents to the
7 public that the individual is an athlete agent. The term also
8 includes an individual who enters into an agreement with the
9 student-athlete to assess and plan the financial situation of the
10 student-athlete, including an individual who represents to the
11 general public that the individual is a financial advisor or planner
12 of any kind. The term does not include a spouse, parent, sibling,
13 grandparent, or guardian of the student-athlete or an individual
14 acting solely on behalf of a professional sports team or
15 professional sports organization;

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

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

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

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

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

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

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

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

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

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

10 SECTION 2. AMENDATORY Section 14, Chapter 375, O.S.L.
11 2003, as amended by Section 2, Chapter 222, O.S.L. 2009 (70 O.S.
12 Supp. 2010, Section 821.94), is amended to read as follows:

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

15 1. Give any materially false or misleading information or make
16 a materially false promise or representation;

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

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

21 B. An athlete agent shall not intentionally:

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

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

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

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

7 5. Predate or postdate an agency contract; or

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

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

17 SECTION 3. AMENDATORY Section 15, Chapter 375, O.S.L.
18 2003, as amended by Section 3, Chapter 222, O.S.L. 2009 (70 O.S.
19 Supp. 2010, Section 821.95), is amended to read as follows:

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

1 (\$250,000.00), or by imprisonment not to exceed one (1) year, or by
2 both such fine and imprisonment.

3 B. Fifty percent (50%) of all fines collected pursuant to this
4 section shall be deposited in the Attorney General's Law Enforcement
5 Revolving Fund created in Section 19.1 of Title 74 of the Oklahoma
6 Statutes.

7 SECTION 4. This act shall become effective July 1, 2011.

8 SECTION 5. It being immediately necessary for the preservation
9 of the public peace, health and safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

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