

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2967

By: Thomsen

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5  
6 AS INTRODUCED

7 An Act relating to athlete agents; amending 70 O.S.  
8 2011, Sections 821.85 and 821.94, which relate to the  
9 Uniform Athlete Agents Act; reducing certain surety  
10 bond amount; requiring submission of a surety bond if  
11 an athlete agent is charged with a violation; setting  
12 amount of the surety bond; modifying prohibition from  
13 contact with a student-athlete; and providing an  
14 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  
23 this section, signed or otherwise authenticated by the applicant  
24 under penalty of perjury and state or contain:

- 1        1. The name of the applicant and the address of the applicant's  
2 principal place of business;
- 3        2. The name of the applicant's business or employer, if  
4 applicable;
- 5        3. Any business or occupation engaged in by the applicant for  
6 the five (5) years next preceding the date of submission of the  
7 application;
- 8        4. A description of the applicant's:
  - 9            a. formal training as an athlete agent,
  - 10           b. practical experience as an athlete agent, and
  - 11           c. educational background relating to the applicant's  
12           activities as an athlete agent;
- 13       5. The names and addresses of three individuals not related to  
14 the applicant who are willing to serve as references;
- 15       6. The name, sport, and last-known team for each individual for  
16 whom the applicant acted as an athlete agent during the five (5)  
17 years next preceding the date of submission of the application;
- 18       7. The names and addresses of all persons who are:
  - 19           a. with respect to the athlete agent's business if it is  
20           not a corporation, the partners, members, officers,  
21           managers, associates, or profit-sharers of the  
22           business, and
  - 23           b. with respect to a corporation employing the athlete  
24           agent, the officers, directors, and any shareholder of

1           the corporation having an interest of five percent  
2           (5%) or greater;

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

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

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

17          11. Any sanction, suspension, or disciplinary action taken  
18 against the applicant or any person named pursuant to paragraph 7 of  
19 this subsection arising out of occupational or professional conduct;  
20 and

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

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

9 1. Was submitted in the other state within six (6) months next  
10 preceding the submission of the application in this state and the  
11 applicant certifies that the information contained in the  
12 application is current;

13 2. Contains information substantially similar to or more  
14 comprehensive than that required in an application submitted in this  
15 state; and

16 3. Was signed by the applicant under penalty of perjury.

17 C. 1. Every applicant for registration shall also submit to  
18 the Secretary of State a valid surety bond in the penal sum of ~~Two~~  
19 ~~Hundred Fifty Thousand Dollars (\$250,000.00)~~ Fifty Thousand Dollars  
20 (\$50,000.00) conditioned upon the athlete agent not violating any  
21 provision of this act. Every athlete agent registered under the  
22 provisions of this act shall thereafter maintain such a surety bond  
23 in like amount as a condition of continued registration.

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

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

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

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

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

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

15        B. An athlete agent shall not:

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

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

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

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

1 5. Predate or postdate an agency contract; or

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

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

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

14 D. The Attorney General or a district attorney may bring an  
15 action to prosecute any civil or criminal actions as provided by  
16 this act. The Attorney General or a district attorney may also  
17 bring an action to recover actual damages, expenses, restitution,  
18 disgorgement of all compensation, consideration, gifts or profits,  
19 and penalties attributed to or flowing from a violation of this act.

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

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22 53-2-8242 KB 01/16/12  
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