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February 20, 2017

By: Holt

6 An Act relating to athlete agents; creating the  
7 Revised Uniform Athlete Agents Act of 2015, providing  
8 short title; defining terms; providing for  
9 applicability of the Administrative Procedures Act;  
10 authorizing adoption of certain rules; specifying  
11 role of Secretary of State; requiring certain  
12 registration; providing exceptions; declaring certain  
13 contracts void; establishing procedures for certain  
14 registration; requiring certain information on  
15 application; providing authority for issuance of  
16 certain registration; specifying considerations for  
17 certain refusal; establishing requirements for  
18 renewal of certain registration; establishing  
19 procedures for suspension, revocation or refusal to  
20 renew certain registrations; authorizing issuance of  
21 certain temporary registration; imposing fees for  
22 certain registration; providing requirements for  
certain contracts; providing for voidability of  
certain contracts; defining term; establishing  
requirements for notice to certain educational  
institutions; authorizing cancellation of contracts  
under certain circumstances; requiring creation and  
retention of certain records; authorizing inspection  
of certain records; prohibiting certain actions;  
establishing misdemeanor offense; imposing certain  
punishments; providing for civil remedy; imposing  
certain civil penalty; construing provisions;  
clarifying applicability of certain acts; repealing  
70 O.S. 2011, Sections 821.81 through 821.84, 821.85,  
as amended by Section 1, Chapter 173, O.S.L. 2012,  
and 821.86 through 821.99 (70 O.S. Supp. 2016,  
Section 821.85), which relate to the Uniform Athlete  
Agents Act; providing for codification; and providing  
an effective date.

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

2 SECTION 1. NEW LAW A new section of law to be codified  
3 in the Oklahoma Statutes as Section 821.81-1 of Title 70, unless  
4 there is created a duplication in numbering, reads as follows:

5 This act shall be known and may be cited as the "Revised Uniform  
6 Athlete Agents Act of 2015".

7 SECTION 2. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 821.81-2 of Title 70, unless  
9 there is created a duplication in numbering, reads as follows:

10 In this act:

11 1. "Agency contract" means an agreement in which a student  
12 athlete authorizes a person to negotiate or solicit on behalf of the  
13 athlete a professional-sports-services contract or endorsement  
14 contract;

15 2. "Athlete agent":

16 a. means an individual, whether or not registered under  
17 this act, who:

18 (1) directly or indirectly recruits or solicits a  
19 student athlete to enter into an agency contract  
20 or, for compensation, procures employment or  
21 offers, promises, attempts or negotiates to  
22 obtain employment for a student athlete as a  
23 professional athlete or member of a professional  
24 sports team or organization,

1           (2)   for compensation or in anticipation of  
2                    compensation related to a student athlete's  
3                    participation in athletics:

4                   (a)   serves the athlete in an advisory capacity  
5                           on a matter related to finances, business  
6                           pursuits or career management decisions,  
7                           unless the individual is an employee of an  
8                           educational institution acting exclusively  
9                           as an employee of the institution for the  
10                          benefit of the institution, or

11                   (b)   manages the business affairs of the athlete  
12                           by providing assistance with bills,  
13                           payments, contracts or taxes; or

14           (3)   in anticipation of representing a student athlete  
15                   for a purpose related to the athlete's  
16                   participation in athletics:

17                   (a)   gives consideration to the student athlete  
18                           or another person,

19                   (b)   serves the athlete in an advisory capacity  
20                           on a matter related to finances, business  
21                           pursuits or career management decisions, or

22                   (c)   manages the business affairs of the athlete  
23                           by providing assistance with bills,  
24                           payments, contracts or taxes; but

1           b.    does not include an individual who:

2               (1)   acts solely on behalf of a professional sports  
3               team or organization, or

4               (2)   is a licensed, registered or certified  
5               professional and offers or provides services to a  
6               student athlete customarily provided by members  
7               of the profession, unless the individual:

8                   (a)   also recruits or solicits the athlete to  
9                   enter into an agency contract,

10                  (b)   also, for compensation, procures employment  
11                  or offers, promises, attempts or negotiates  
12                  to obtain employment for the athlete as a  
13                  professional athlete or member of a  
14                  professional sports team or organization, or

15                  (c)   receives consideration for providing the  
16                  services calculated using a different method  
17                  than for an individual who is not a student  
18                  athlete;

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

1        4. "Educational institution" includes a public or private  
2 elementary school, secondary school, technical or vocational school,  
3 community college, college and university;

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

9        6. "Enrolled" means registered for courses and attending  
10 athletic practice or class. "Enrolls" has a corresponding meaning;

11       7. "Intercollegiate sport" means a sport played at the  
12 collegiate level for which eligibility requirements for  
13 participation by a student athlete are established by a national  
14 association that promotes or regulates collegiate athletics;

15       8. "Interscholastic sport" means a sport played between  
16 educational institutions that are not community colleges, colleges  
17 or universities;

18       9. "Licensed, registered or certified professional" means an  
19 individual licensed, registered or certified as an attorney, dealer  
20 in securities, financial planner, insurance agent, real estate  
21 broker or sales agent, tax consultant, accountant or member of a  
22 profession, other than that of athlete agent, who is licensed,  
23 registered or certified by the state or a nationally-recognized  
24

1 organization that licenses, registers or certifies members of the  
2 profession on the basis of experience, education or testing;

3 10. "Person" means an individual, estate, business or nonprofit  
4 entity, public corporation, government or governmental subdivision,  
5 agency or instrumentality or other legal entity;

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

10 12. "Record" means information that is inscribed on a tangible  
11 medium or that is stored in an electronic or other medium and is  
12 retrievable in perceivable form;

13 13. "Recruit or solicit" means attempt to influence the choice  
14 of an athlete agent by a student athlete or, if the athlete is a  
15 minor, a parent or guardian of the athlete. The term does not  
16 include giving advice on the selection of a particular agent in a  
17 family, coaching or social situation unless the individual giving  
18 the advice does so because of the receipt or anticipated receipt of  
19 an economic benefit, directly or indirectly, from the agent;

20 14. "Registration" means registration as an athlete agent under  
21 this act;

22 15. "Sign" means, with present intent to authenticate or adopt  
23 a record:

24 a. to execute or adopt a tangible symbol, or

1           b.    to attach to or logically associate with the record an  
2                electronic symbol, sound, or process;

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

7       17.   "Student athlete" means an individual who is eligible to  
8   attend an educational institution and engages in, is eligible to  
9   engage in, or may be eligible in the future to engage in, any  
10   interscholastic or intercollegiate sport. The term does not include  
11   an individual permanently ineligible to participate in a particular  
12   interscholastic or intercollegiate sport for that sport.

13       SECTION 3.       NEW LAW       A new section of law to be codified  
14   in the Oklahoma Statutes as Section 821.81-3 of Title 70, unless  
15   there is created a duplication in numbering, reads as follows:

16       A.   The Administrative Procedure Act applies to this act. The  
17   Secretary of State may adopt rules under the Administrative  
18   Procedure Act to implement this act.

19       B.   By acting as an athlete agent in this state, a nonresident  
20   individual appoints the Secretary of State as the individual's agent  
21   for service of process in any civil action in this state related to  
22   the individual acting as an athlete agent in this state.

23       C.   The Secretary of State may issue a subpoena for material  
24   that is relevant to the administration of this act.

1       SECTION 4.       NEW LAW       A new section of law to be codified  
2 in the Oklahoma Statutes as Section 821.81-4 of Title 70, unless  
3 there is created a duplication in numbering, reads as follows:

4       A. Except as otherwise provided in subsection B of this  
5 section, an individual may not act as an athlete agent in this state  
6 without holding a certificate of registration under this act.

7       B. Before being issued a certificate of registration under this  
8 act, an individual may act as an athlete agent in this state for all  
9 purposes except signing an agency contract, if:

10      1. A student athlete or another person acting on behalf of the  
11 athlete initiates communication with the individual; and

12      2. Not later than seven days after an initial act that requires  
13 the individual to register as an athlete agent, the individual  
14 submits an application for registration as an athlete agent in this  
15 state.

16      C. An agency contract resulting from conduct in violation of  
17 this section is void, and the athlete agent shall return any  
18 consideration received under the contract.

19       SECTION 5.       NEW LAW       A new section of law to be codified  
20 in the Oklahoma Statutes as Section 821.81-5 of Title 70, unless  
21 there is created a duplication in numbering, reads as follows:

22      A. An applicant for registration as an athlete agent shall  
23 submit an application for registration to the Secretary of State in  
24 a form prescribed by the Secretary of State. The applicant shall be



1 an individual, and the application shall be signed by the applicant  
2 under penalty of perjury. The application shall contain at least  
3 the following:

4 1. The name and date and place of birth of the applicant and  
5 the following contact information for the applicant:

6 a. the address of the applicant's principal place of  
7 business,

8 b. work and mobile telephone numbers, and

9 c. any means of communicating electronically, including a  
10 facsimile number, electronic-mail address and personal  
11 and business or employer websites;

12 2. The name of the applicant's business or employer, if  
13 applicable, including for each business or employer, its mailing  
14 address, telephone number, organization form and the nature of the  
15 business;

16 3. Each social-media account with which the applicant or the  
17 applicant's business or employer is affiliated;

18 4. Each business or occupation in which the applicant engaged  
19 within five years before the date of the application, including  
20 self-employment and employment by others, and any professional or  
21 occupational license, registration or certification held by the  
22 applicant during that time;

23 5. A description of the applicant's:

24 a. formal training as an athlete agent,

- b. practical experience as an athlete agent, and
- c. educational background relating to the applicant's activities as an athlete agent;

6. The name of each student athlete for whom the applicant acted as an athlete agent within five (5) years before the date of the application or, if the individual is a minor, the name of the parent or guardian of the minor, together with the athlete's sport and last-known team;

7. The name and address of each person that:

- a. is a partner, member, officer, manager, associate, or profit sharer or directly or indirectly holds an equity interest of five percent (5%) or greater of the athlete agent's business if it is not a corporation, and
- b. is an officer or director of a corporation employing the athlete agent or a shareholder having an interest of five percent (5%) or greater in the corporation;

8. A description of the status of any application by the applicant, or any person named under paragraph 7 of this subsection, for a state or federal business, professional or occupational license, other than as an athlete agent, from a state or federal agency, including any denial, refusal to renew, suspension, withdrawal or termination of the license and any reprimand or censure related to the license;

1        9. Whether the applicant, or any person named under paragraph 7  
2 of this subsection, has pleaded guilty or no contest to, has been  
3 convicted of, or has charges pending for, a crime that would involve  
4 moral turpitude or be a felony if committed in this state and, if  
5 so, identification of:

6            a. the crime,

7            b. the law-enforcement agency involved, and

8            c. if applicable, the date of the conviction and the fine  
9                or penalty imposed;

10       10. Whether, within fifteen (15) years before the date of  
11 application, the applicant, or any person named under paragraph 7 of  
12 this subsection, has been a defendant or respondent in a civil  
13 proceeding, including a proceeding seeking an adjudication of legal  
14 incompetence and, if so, the date and a full explanation of each  
15 proceeding;

16       11. Whether the applicant, or any person named under paragraph  
17 7 of this section, has an unsatisfied judgment or a judgment of  
18 continuing effect, including alimony or a domestic order in the  
19 nature of child support, which is not current at the date of the  
20 application;

21       12. Whether, within ten (10) years before the date of  
22 application, the applicant, or any person named under paragraph 7 of  
23 this section, was adjudicated bankrupt or was an owner of a business  
24 that was adjudicated bankrupt;

1       13. Whether there has been any administrative or judicial  
2 determination that the applicant, or any person named under  
3 paragraph 7 of this subsection, made a false, misleading, deceptive  
4 or fraudulent representation;

5       14. Each instance in which conduct of the applicant, or any  
6 person named under paragraph 7 of this subsection, resulted in the  
7 imposition of a sanction, suspension or declaration of ineligibility  
8 to participate in an interscholastic, intercollegiate or  
9 professional athletic event on a student athlete or a sanction on an  
10 educational institution;

11       15. Each sanction, suspension or disciplinary action taken  
12 against the applicant, or any person named under paragraph 7 of this  
13 subsection, arising out of occupational or professional conduct;

14       16. Whether there has been a denial of an application for,  
15 suspension or revocation of, refusal to renew, or abandonment of,  
16 the registration of the applicant, or any person named under  
17 paragraph 7 of this subsection, as an athlete agent in any state;

18       17. Each state in which the applicant currently is registered  
19 as an athlete agent or has applied to be registered as an athlete  
20 agent;

21       18. If the applicant is certified or registered by a  
22 professional league or players association:

23           a. the name of the league or association,  
24

- 1           b.    the date of certification or registration, and the  
2                date of expiration of the certification or  
3                registration, if any, and
- 4           c.    if applicable, the date of any denial of an  
5                application for, suspension or revocation of, refusal  
6                to renew, withdrawal of, or termination of, the  
7                certification or registration or any reprimand or  
8                censure related to the certification or registration;  
9                and

10       19. Any additional information required by the Secretary of  
11 State.

12       B. Instead of proceeding under subsection A of this section, an  
13 individual registered as an athlete agent in another state may apply  
14 for registration as an athlete agent in this state by submitting to  
15 the Secretary of State:

16       1. A copy of the application for registration in the other  
17 state;

18       2. A statement that identifies any material change in the  
19 information on the application or verifies there is no material  
20 change in the information, signed under penalty of perjury; and

21       3. A copy of the certificate of registration from the other  
22 state.

1 C. The Secretary of State shall issue a certificate of  
2 registration to an individual who applies for registration under  
3 subsection B of this section if the Secretary of State determines:

4 1. The application and registration requirements of the other  
5 state are substantially similar to or more restrictive than this  
6 act; and

7 2. The registration has not been revoked or suspended and no  
8 action involving the individual's conduct as an athlete agent is  
9 pending against the individual or the individual's registration in  
10 any state.

11 D. For purposes of implementing subsection C of this section,  
12 the Secretary of State shall:

13 1. Cooperate with national organizations concerned with athlete  
14 agent issues and agencies in other states which register athlete  
15 agents to develop a common registration form and determine which  
16 states have laws that are substantially similar to or more  
17 restrictive than this act; and

18 2. Exchange information, including information related to  
19 actions taken against registered athlete agents or their  
20 registrations, with those organizations and agencies.

21 SECTION 6. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 821.81-6 of Title 70, unless  
23 there is created a duplication in numbering, reads as follows:  
24

1       A. Except as otherwise provided in subsection B of this  
2 section, the Secretary of State shall issue a certificate of  
3 registration to an applicant for registration who complies with  
4 subsection A of Section 5 of this act.

5       B. The Secretary of State may refuse to issue a certificate of  
6 registration to an applicant for registration under subsection A of  
7 Section 5 of this act if the Secretary of State determines that the  
8 applicant has engaged in conduct that significantly adversely  
9 reflects on the applicant's fitness to act as an athlete agent. In  
10 making the determination, the Secretary of State may consider  
11 whether the applicant has:

12       1. Pleaded guilty or no contest to, has been convicted of, or  
13 has charges pending for, a crime that would involve moral turpitude  
14 or be a felony if committed in this state;

15       2. Made a materially false, misleading, deceptive, or  
16 fraudulent representation in the application or as an athlete agent;

17       3. Engaged in conduct that would disqualify the applicant from  
18 serving in a fiduciary capacity;

19       4. Engaged in conduct prohibited by Section 14 of this act;

20       5. Had a registration as an athlete agent suspended, revoked,  
21 or denied in any state;

22       6. Been refused renewal of registration as an athlete agent in  
23 any state;

1       7. Engaged in conduct resulting in imposition of a sanction,  
2 suspension, or declaration of ineligibility to participate in an  
3 interscholastic, intercollegiate or professional athletic event on a  
4 student athlete or a sanction on an educational institution; or

5       8. Engaged in conduct that adversely reflects on the  
6 applicant's credibility, honesty or integrity.

7       C. In making a determination under subsection B of this  
8 section, the Secretary of State shall consider:

9       1. How recently the conduct occurred;

10      2. The nature of the conduct and the context in which it  
11 occurred; and

12      3. Other relevant conduct of the applicant.

13      D. An athlete agent registered under subsection A of this  
14 section may apply to renew the registration by submitting an  
15 application for renewal in a form prescribed by the Secretary of  
16 State. The applicant shall sign the application for renewal under  
17 penalty of perjury and include current information on all matters  
18 required in an original application for registration.

19      E. An athlete agent registered under subsection C of Section 5  
20 of this act may renew the registration by proceeding under  
21 subsection D of this section or, if the registration in the other  
22 state has been renewed, by submitting to the Secretary of State  
23 copies of the application for renewal in the other state and the  
24



1 renewed registration from the other state. The Secretary of State  
2 shall renew the registration if the Secretary of State determines:

3 1. The registration requirements of the other state are  
4 substantially similar to or more restrictive than this act; and

5 2. The renewed registration has not been suspended or revoked  
6 and no action involving the individual's conduct as an athlete agent  
7 is pending against the individual or the individual's registration  
8 in any state.

9 F. A certificate of registration or renewal of registration  
10 under this act is valid for two (2) years.

11 SECTION 7. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 821.81-7 of Title 70, unless  
13 there is created a duplication in numbering, reads as follows:

14 A. The Secretary of State may limit, suspend, revoke or refuse  
15 to renew a registration of an individual registered under subsection  
16 A of Section 6 of this act for conduct that would have justified  
17 refusal to issue a certificate of registration under subsection B of  
18 Section 6 of this act.

19 B. The Secretary of State may suspend or revoke the  
20 registration of an individual registered under subsection C of  
21 Section 5 of this act or renewed under subsection E of Section 6 of  
22 this act for any reason for which the Secretary of State could have  
23 refused to grant or renew registration or for conduct that would  
24

1 justify refusal to issue a certificate of registration under  
2 subsection B of Section 6 of this act.

3 SECTION 8. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 821.81-8 of Title 70, unless  
5 there is created a duplication in numbering, reads as follows:

6 The Secretary of State may issue a temporary certificate of  
7 registration as an athlete agent while an application for  
8 registration or renewal of registration is pending.

9 SECTION 9. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 821.81-9 of Title 70, unless  
11 there is created a duplication in numbering, reads as follows:

12 An application for registration or renewal of registration as an  
13 athlete agent shall be accompanied by a fee in the following amount:

14 1. One Thousand Dollars (\$1,000.00) for an initial application  
15 for registration;

16 2. One Thousand Dollars (\$1,000.00) for registration based on a  
17 certificate of registration issued by another state;

18 3. One Thousand Dollars (\$1,000.00) for an application for  
19 renewal of registration; or

20 4. One Thousand Dollars (\$1,000.00) for renewal of registration  
21 based on a renewal of registration in another state.

22 SECTION 10. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 821.81-10 of Title 70, unless  
24 there is created a duplication in numbering, reads as follows:

1       A. An agency contract shall be in a record signed by the  
2 parties.

3       B. An agency contract shall contain:

4       1. A statement that the athlete agent is registered as an  
5 athlete agent in this state and a list of any other states in which  
6 the agent is registered as an athlete agent;

7       2. The amount and method of calculating the consideration to be  
8 paid by the student athlete for services to be provided by the agent  
9 under the contract and any other consideration the agent has  
10 received or will receive from any other source for entering into the  
11 contract or providing the services;

12       3. The name of any person not listed in the agent's application  
13 for registration or renewal of registration which will be  
14 compensated because the athlete signed the contract;

15       4. A description of any expenses the athlete agrees to  
16 reimburse;

17       5. A description of the services to be provided to the athlete;

18       6. The duration of the contract; and

19       7. The date of execution.

20       C. Subject to subsection G of this section, an agency contract  
21 shall contain a conspicuous notice in boldface type and in  
22 substantially the following form:

23       WARNING TO STUDENT ATHLETE

24       IF YOU SIGN THIS CONTRACT:

1 (1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT  
2 ATHLETE IN YOUR SPORT;

3 (2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER  
4 SIGNING THIS CONTRACT OR BEFORE THE NEXT SCHEDULED ATHLETIC EVENT IN  
5 WHICH YOU PARTICIPATE, WHICHEVER OCCURS FIRST, BOTH YOU AND YOUR  
6 ATHLETE AGENT SHALL NOTIFY YOUR ATHLETIC DIRECTOR THAT YOU HAVE  
7 ENTERED INTO THIS CONTRACT AND PROVIDE THE NAME AND CONTACT  
8 INFORMATION OF THE ATHLETE AGENT; AND

9 (3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING  
10 IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR  
11 ELIGIBILITY AS A STUDENT ATHLETE IN YOUR SPORT.

12 D. An agency contract shall be accompanied by a separate record  
13 signed by the student athlete or, if the athlete is a minor, the  
14 parent or guardian of the athlete acknowledging that signing the  
15 contract may result in the loss of the athlete's eligibility to  
16 participate in the athlete's sport.

17 E. A student athlete or, if the athlete is a minor, the parent  
18 or guardian of the athlete may void an agency contract that does not  
19 conform to this section. If the contract is voided, any  
20 consideration received from the athlete agent under the contract to  
21 induce entering into the contract is not required to be returned.

22 F. At the time an agency contract is executed, the athlete  
23 agent shall give the student athlete or, if the athlete is a minor,  
24 the parent or guardian of the athlete a copy in a record of the

1 contract and the separate acknowledgement required by subsection D  
2 of this section.

3 G. If a student athlete is a minor, an agency contract shall be  
4 signed by the parent or guardian of the minor and the notice  
5 required by subsection C of this section shall be revised  
6 accordingly.

7 SECTION 11. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 821.81-11 of Title 70, unless  
9 there is created a duplication in numbering, reads as follows:

10 A. In this section, "communicating or attempting to  
11 communicate" means contacting or attempting to contact by an in-  
12 person meeting, a record or any other method that conveys or  
13 attempts to convey a message.

14 B. Not later than seventy-two (72) hours after entering into an  
15 agency contract or before the next scheduled athletic event in which  
16 the student athlete may participate, whichever occurs first, the  
17 athlete agent shall give notice in a record of the existence of the  
18 contract to the athletic director of the educational institution at  
19 which the athlete is enrolled or at which the agent has reasonable  
20 grounds to believe the athlete intends to enroll.

21 C. Not later than seventy-two (72) hours after entering into an  
22 agency contract or before the next scheduled athletic event in which  
23 the student athlete may participate, whichever occurs first, the  
24 athlete shall inform the athletic director of the educational

1 institution at which the athlete is enrolled that the athlete has  
2 entered into an agency contract and the name and contact information  
3 of the athlete agent.

4 D. If an athlete agent enters into an agency contract with a  
5 student athlete and the athlete subsequently enrolls at an  
6 educational institution, the agent shall notify the athletic  
7 director of the institution of the existence of the contract not  
8 later than seventy-two (72) hours after the agent knew or should  
9 have known the athlete enrolled.

10 E. If an athlete agent has a relationship with a student  
11 athlete before the athlete enrolls in an educational institution and  
12 receives an athletic scholarship from the institution, the agent  
13 shall notify the institution of the relationship not later than ten  
14 (10) days after the enrollment if the agent knows or should have  
15 known of the enrollment and:

16 1. The relationship was motivated in whole or part by the  
17 intention of the agent to recruit or solicit the athlete to enter an  
18 agency contract in the future; or

19 2. The agent directly or indirectly recruited or solicited the  
20 athlete to enter an agency contract before the enrollment.

21 F. An athlete agent shall give notice in a record to the  
22 athletic director of any educational institution at which a student  
23 athlete is enrolled before the agent communicates or attempts to  
24 communicate with:

1        1. The athlete or, if the athlete is a minor, a parent or  
2 guardian of the athlete, to influence the athlete or parent or  
3 guardian to enter into an agency contract; or

4        2. Another individual to have that individual influence the  
5 athlete or, if the athlete is a minor, the parent or guardian of the  
6 athlete to enter into an agency contract.

7        G. If a communication or attempt to communicate with an athlete  
8 agent is initiated by a student athlete or another individual on  
9 behalf of the athlete, the agent shall notify in a record the  
10 athletic director of any educational institution at which the  
11 athlete is enrolled. The notification shall be made not later than  
12 ten (10) days after the communication or attempt.

13        H. An educational institution that becomes aware of a violation  
14 of this act by an athlete agent shall notify the Secretary of State  
15 and any professional league or players association with which the  
16 institution is aware the agent is licensed or registered of the  
17 violation.

18        SECTION 12.        NEW LAW        A new section of law to be codified  
19 in the Oklahoma Statutes as Section 821.81-12 of Title 70, unless  
20 there is created a duplication in numbering, reads as follows:

21        A. A student athlete or, if the athlete is a minor, the parent  
22 or guardian of the athlete may cancel an agency contract by giving  
23 notice in a record of cancellation to the athlete agent not later  
24 than fourteen (14) days after the contract is signed.

1 B. A student athlete or, if the athlete is a minor, the parent  
2 or guardian of the athlete may not waive the right to cancel an  
3 agency contract.

4 C. If a student athlete, parent, or guardian cancels an agency  
5 contract, the athlete, parent or guardian is not required to pay any  
6 consideration under the contract or return any consideration  
7 received from the athlete agent to influence the athlete to enter  
8 into the contract.

9 SECTION 13. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 821.81-13 of Title 70, unless  
11 there is created a duplication in numbering, reads as follows:

12 A. An athlete agent shall create and retain for five (5) years  
13 records of the following:

14 1. The name and address of each individual represented by the  
15 agent;

16 2. Each agency contract entered into by the agent; and

17 3. The direct costs incurred by the agent in the recruitment or  
18 solicitation of each student athlete to enter into an agency  
19 contract.

20 B. Records described in subsection A of this section are open  
21 to inspection by the Secretary of State during normal business  
22 hours.



1       SECTION 14.       NEW LAW       A new section of law to be codified

2 in the Oklahoma Statutes as Section 821.81-14 of Title 70, unless  
3 there is created a duplication in numbering, reads as follows:

4       A. An athlete agent, with the intent to influence a student  
5 athlete or, if the athlete is a minor, a parent or guardian of the  
6 athlete to enter into an agency contract, may not take any of the  
7 following actions or encourage any other individual to take or  
8 assist any other individual in taking any of the following actions  
9 on behalf of the agent:

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

12       2. Furnish anything of value to the athlete before the athlete  
13 enters into the contract; or

14       3. Furnish anything of value to an individual other than the  
15 athlete or another registered athlete agent.

16       B. An athlete agent may not intentionally do any of the  
17 following or encourage any other individual to do any of the  
18 following on behalf of the agent:

19       1. Initiate contact, directly or indirectly, with a student  
20 athlete or, if the athlete is a minor, a parent or guardian of the  
21 athlete, to recruit or solicit the athlete, parent or guardian to  
22 enter an agency contract unless registered under this act;

23       2. Fail to create or retain or to permit inspection of the  
24 records required by Section 13 of this act;

1        3. Fail to register when required by Section 4 of this act;

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

4        5. Predate or postdate an agency contract; or

5        6. Fail to notify a student athlete or, if the athlete is a  
6 minor, a parent or guardian of the athlete, before the athlete,  
7 parent or guardian signs an agency contract for a particular sport  
8 that the signing may make the athlete ineligible to participate as a  
9 student athlete in that sport.

10       SECTION 15.       NEW LAW       A new section of law to be codified  
11 in the Oklahoma Statutes as Section 821.81-15 of Title 70, unless  
12 there is created a duplication in numbering, reads as follows:

13       An athlete agent who violates Section 14 of this act is guilty  
14 of a misdemeanor and, upon conviction, is shall be subject to a fine  
15 of not less than Ten Thousand Dollars (\$10,000.00) and not more than  
16 Two Hundred Fifty Thousand Dollars (\$250,000.00), or by imprisonment  
17 not to exceed one year, or by both such fine and imprisonment.

18       SECTION 16.       NEW LAW       A new section of law to be codified  
19 in the Oklahoma Statutes as Section 821.81-16 of Title 70, unless  
20 there is created a duplication in numbering, reads as follows:

21       A. An educational institution or student athlete may bring an  
22 action for damages against an athlete agent if the institution or  
23 athlete is adversely affected by an act or omission of the agent in  
24 violation of this act. An educational institution or student

1 athlete is adversely affected by an act or omission of the agent  
2 only if, because of the act or omission, the institution or an  
3 individual who was a student athlete at the time of the act or  
4 omission and enrolled in the institution:

5 1. Is suspended or disqualified from participation in an  
6 interscholastic or intercollegiate sports event by or under the  
7 rules of a state or national federation or association that promotes  
8 or regulates interscholastic or intercollegiate sports; or

9 2. Suffers financial damage.

10 B. A plaintiff that prevails in an action under this section  
11 may recover actual and punitive damages, costs, and reasonable  
12 attorney's fees. An athlete agent found liable under this section  
13 forfeits any right of payment for anything of benefit or value  
14 provided to the student athlete and shall refund any consideration  
15 paid to the agent by or on behalf of the athlete.

16 C. A violation of this act is an unfair trade or deceptive  
17 practice for purposes of the Oklahoma Consumer Protection Act,  
18 Section 751 et seq. of Title 15 of the Oklahoma Statutes.

19 SECTION 17. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 821.81-17 of Title 70, unless  
21 there is created a duplication in numbering, reads as follows:

22 The Secretary of State may assess a civil penalty against an  
23 athlete agent not to exceed Twenty-five Thousand Dollars  
24 (\$25,000.00) for a violation of this act.

1       SECTION 18.       NEW LAW       A new section of law to be codified  
2 in the Oklahoma Statutes as Section 821.81-18 of Title 70, unless  
3 there is created a duplication in numbering, reads as follows:

4       In applying and construing this uniform act, consideration shall  
5 be given to the need to promote uniformity of the law with respect  
6 to its subject matter among states that enact it.

7       SECTION 19.       NEW LAW       A new section of law to be codified  
8 in the Oklahoma Statutes as Section 821.81-19 of Title 70, unless  
9 there is created a duplication in numbering, reads as follows:

10       This act modifies, limits or supersedes the Electronic  
11 Signatures in Global and National Commerce Act, 15 U.S.C. Section  
12 7001 et seq., but does not modify, limit or supersede Section 101(c)  
13 of that act, 15 U.S.C. Section 7001(c), or authorize electronic  
14 delivery of any of the notices described in Section 103 (b) of that  
15 act, 15 U.S.C. Section 7003(b).

16       SECTION 20.       REPEALER       70 O.S. 2011, Sections 821.81 through  
17 821.84, 821.85, as amended by Section 1, Chapter 173, O.S.L. 2012,  
18 and 821.86 through 821.99 (70 O.S. Supp. 2016, Section 821.85), are  
19 hereby repealed.

20       SECTION 21.       This act shall become effective November 1, 2017.

21 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION  
22 February 20, 2017 - DO PASS  
23  
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