

OKLAHOMA STATE SENATE  
CONFERENCE  
COMMITTEE REPORT

May 10, 2021

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

SB48

By: Daniels of the Senate and Kannady of the House




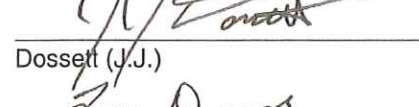

Title: Athlete agents; creating the Revised Uniform Athlete Agents Act. Effective date.

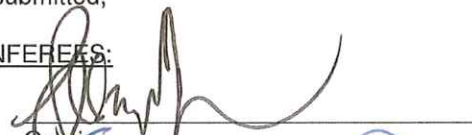
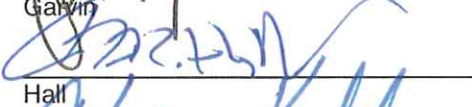


together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the House recede from all Amendments.
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

SENATE CONFEREES:

  
\_\_\_\_\_  
Daniels  
  
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Boren  
  
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Coleman  
  
\_\_\_\_\_  
Dossett (J.J.)  
  
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Dugger

  
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Gavin  
  
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Hall  
  
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Kidd  
  
\_\_\_\_\_  
Rader

HOUSE CONFEREES:

Conference Committee on Higher Education and Career Tech

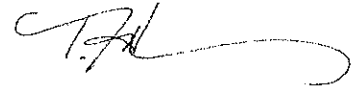
Senate Action \_\_\_\_\_ Date \_\_\_\_\_ House Action \_\_\_\_\_ Date \_\_\_\_\_

SB48 CCR (A)  
**HOUSE CONFEREES**

Conley, Sherrie



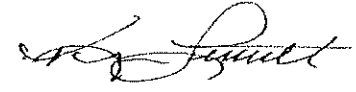
Hasenbeck, Toni



Lowe, Dick

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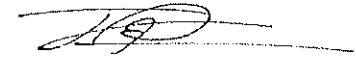
Luttrell, Ken



Nollan, Jadine



Phillips, Logan



Ranson, Trish



Talley, John



Vancuren, Mark



Virgin, Emily



1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 CONFERENCE COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED

5 SENATE BILL NO. 48

By: Daniels of the Senate

and

6 Kannady of the House

7  
8  
9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to student athletes; creating the  
11 Revised Uniform Athlete Agents Act; providing short  
12 title; defining terms; providing for application of  
13 the Administrative Procedures Act; providing for  
14 promulgation of rules; making Secretary of State  
15 agent for service of process for nonresident athlete  
16 agents; requiring registration; providing acts that  
17 may occur before registration; providing that certain  
18 contracts are void; providing for return of  
19 consideration; providing registration procedure;  
20 requiring application for registration to contain  
21 certain information; providing for issuance of  
22 certificate of registration; requiring the Secretary  
23 of State to cooperate and exchange information with  
24 certain organizations; authorizing the Secretary of  
State to refuse to issue a certificate of  
registration for specified reasons; providing for  
renewal of registration; providing for suspension,  
revocation and refusal to renew registrations;  
authorizing issuance of temporary certificate of  
registration; providing registration and renewal  
fees; providing for certificates issued under prior  
law; providing for deposit of fees in the Revolving  
Fund for the Office of Secretary of State; providing  
requirements for contracts; specifying information to  
be contained in contract; requiring inclusion of  
warning; requiring certain notice be given to  
educational institution and athletic director;  
requiring educational institution to notify the

Secretary of State of known violations; providing right to cancel contract; providing that right cannot be waived; providing that consideration need not be returned; requiring athlete agent to keep certain records for specified period of time; prohibiting certain conduct; providing criminal penalties; providing that certain portion of fines be deposited in the Attorney General's Law Enforcement Revolving Fund; authorizing the Secretary of State to assess civil penalties; specifying maximum amount of civil penalties; providing for uniformity of application and construction; providing relation to Electronic Signatures in Global and National Commerce Act; creating the Student Athlete Name, Image and Likeness Rights Act; providing short title; defining terms; authorizing student athlete to earn compensation under certain circumstances; prohibiting compensation to student athlete for certain purposes; prohibiting certain entities from providing representation or compensation to student athlete for specified purposes; prohibiting certain actions by collegiate athletic associations or member institutions; authorizing student athlete to obtain professional representation for specified purposes; establishing qualifications for certain representation; requiring disclosure of certain contract to postsecondary institution within certain time period; prohibiting student athlete from entering into certain contracts; prohibiting team contracts from preventing certain activities of student athlete; prohibiting certain agreement involving commercial products or services; prohibiting extension of certain contract beyond certain time period; construing provisions; requiring determination of date of recognition of provisions by postsecondary institutions; amending 78 O.S. 2011, Sections 53 and 54, which relate to the Oklahoma Deceptive Trade Practices Act; expanding acts that constitute deceptive trade practices to include violations of the Revised Uniform Athlete Agents Act; expanding authority of the Attorney General and district attorneys; repealing 70 O.S. 2011, Sections 821.81, 821.82, 821.83, 821.84, 821.85, as amended by Section 1, Chapter 173, O.S.L. 2012, 821.86, 821.87, 821.88, 821.89, 821.90, 821.91, 821.92, 821.93, 821.94, 821.95, 821.96, 821.97, 821.98 and 821.99 (70 O.S. Supp. 2020, Section 821.85), which relate to the

1 Uniform Athlete Agents Act; providing for  
2 codification; and declaring an emergency.

3  
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 820.1 of Title 70, unless there  
7 is created a duplication in numbering, reads as follows:

8 SHORT TITLE. This act shall be known and may be cited as the  
9 "Revised Uniform Athlete Agents Act".

10 SECTION 2. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 820.2 of Title 70, unless there  
12 is created a duplication in numbering, reads as follows:

13 DEFINITIONS. As used in the Revised Uniform Athlete Agents Act:

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

18 2. "Athlete agent":

19 a. means an individual, whether or not registered under  
20 the Revised Uniform Athlete Agents Act, who:

21 (1) directly or indirectly recruits or solicits a  
22 student athlete to enter into an agency contract  
23 or, for compensation, procures employment or  
24 offers, promises, attempts or negotiates to

1 obtain employment for a student athlete as a  
2 professional athlete or member of a professional  
3 sports team or organization,

4 (2) for compensation or in anticipation of  
5 compensation related to a student athlete's  
6 participation in athletics:

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

14 (b) manages the business affairs of the athlete  
15 by providing assistance with bills,  
16 payments, contracts, or taxes, or

17 (3) in anticipation of representing a student athlete  
18 for a purpose related to the athlete's  
19 participation in athletics:

20 (a) gives consideration to the student athlete  
21 or another person,

22 (b) serves the athlete in an advisory capacity  
23 on a matter related to finances, business  
24 pursuits or career management decisions, or

1 (c) manages the business affairs of the athlete  
2 by providing assistance with bills,  
3 payments, contracts or taxes, but

4 b. does not include an individual who:

5 (1) acts solely on behalf of a professional sports  
6 team or organization, or

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

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

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

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

22 3. "Athletic director" means the individual responsible for  
23 administering the overall athletic program of an educational  
24 institution or, if an educational institution has separately

1 administered athletic programs for male students and female  
2 students, the athletic program for males or the athletic program for  
3 females, as appropriate;

4 4. "Educational institution" includes a public or private  
5 elementary school, secondary school, technical or vocational school,  
6 community college, college or university;

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

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

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

18 8. "Interscholastic sport" means a sport played between  
19 educational institutions that are not community colleges, colleges  
20 or universities;

21 9. "Licensed, registered or certified professional" means an  
22 individual licensed, registered or certified as an attorney, dealer  
23 in securities, financial planner, insurance agent, real estate  
24 broker or sales agent, tax consultant, accountant, or member of a



1 profession other than that of athlete agent who is licensed,  
2 registered or certified by the state or a nationally recognized  
3 organization that licenses, registers or certifies members of the  
4 profession on the basis of experience, education or testing;

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

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

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

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

22 14. "Registration" means registration as an athlete agent under  
23 the Revised Uniform Athlete Agents Act;

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

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

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

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

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

16       SECTION 3.        NEW LAW        A new section of law to be codified  
17 in the Oklahoma Statutes as Section 820.3 of Title 70, unless there  
18 is created a duplication in numbering, reads as follows:

19        SECRETARY OF STATE; AUTHORITY; PROCEDURE.

20        A. The Administrative Procedures Act applies to the Revised  
21 Uniform Athlete Agents Act. The Secretary of State may adopt rules  
22 under the Administrative Procedures Act to implement the Revised  
23 Uniform Athlete Agents Act.  
24

1 B. By acting as an athlete agent in this state, a nonresident  
2 individual appoints the Secretary of State as the individual's agent  
3 for service of process in any civil action in this state related to  
4 the individual acting as an athlete agent in this state.

5 C. The Secretary of State may issue a subpoena for material  
6 that is relevant to the administration of the Revised Uniform  
7 Athlete Agents Act pursuant to Section 315 of Title 75 of the  
8 Oklahoma Statutes.

9 SECTION 4. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 820.4 of Title 70, unless there  
11 is created a duplication in numbering, reads as follows:

12 ATHLETE AGENT; REGISTRATION REQUIRED; VOID CONTRACT.

13 A. Except as otherwise provided in subsection B of this  
14 section, an individual may not act as an athlete agent in this state  
15 without holding a certificate of registration under the Revised  
16 Uniform Athlete Agents Act.

17 B. Before being issued a certificate of registration under the  
18 Revised Uniform Athlete Agents Act an individual may act as an  
19 athlete agent in this state for all purposes except signing an  
20 agency contract, if:

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

23 2. Not later than seven (7) days after an initial act that  
24 requires the individual to register as an athlete agent, the

1 individual submits an application for registration as an athlete  
2 agent in this state.

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

6 SECTION 5. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 820.5 of Title 70, unless there  
8 is created a duplication in numbering, reads as follows:

9 REGISTRATION AS ATHLETE AGENT; APPLICATION; REQUIREMENTS;  
10 RECIPROCAL REGISTRATION.

11 A. An applicant for registration as an athlete agent shall  
12 submit an application for registration to the Secretary of State in  
13 a form prescribed by the Secretary of State. The applicant must be  
14 an individual, and the application must be signed by the applicant  
15 under penalty of perjury. The application must contain at least the  
16 following:

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

- 19 a. the address of the applicant's principal place of  
20 business,
- 21 b. work and mobile telephone numbers, and
- 22 c. any means of communicating electronically including a  
23 facsimile number, electronic-mail address, and  
24 personal and business or employer websites;

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

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

7        4. Each business or occupation in which the applicant engaged  
8 within five (5) years before the date of the application including  
9 self-employment and employment by others, and any professional or  
10 occupational license, registration or certification held by the  
11 applicant during that time;

12        5. A description of the applicant's:

- 13            a. formal training as an athlete agent,
- 14            b. practical experience as an athlete agent, and
- 15            c. educational background relating to the applicant's
- 16            activities as an athlete agent;

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

22        7. The name and address of each person that:

- 23            a. is a partner, member, officer, manager, associate or
- 24            profit sharer or directly or indirectly holds an

1 equity interest of five percent (5%) or greater of the  
2 athlete agent's business if it is not a corporation,  
3 and

4 b. is an officer or director of a corporation employing  
5 the athlete agent or a shareholder having an interest  
6 of five percent (5%) or greater in the corporation;

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

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

19 a. the crime,

20 b. the law enforcement agency involved, and

21 c. if applicable, the date of the conviction and the fine  
22 or penalty imposed;

23 10. Whether, within fifteen (15) years before the date of  
24 application, the applicant or any person named under paragraph 7 of

1 this subsection has been a defendant or respondent in a civil  
2 proceeding including a proceeding seeking a judicial determination  
3 of incapacity pursuant to Sections 3-101 through 3-115 of Title 30  
4 of the Oklahoma Statutes and, if so, the date and a full explanation  
5 of each proceeding;

6 11. Whether the applicant or any person named under paragraph 7  
7 of this subsection has an unsatisfied judgment or a judgment of  
8 continuing effect including alimony or a domestic order in the  
9 nature of child support, which is not current at the date of the  
10 application;

11 12. Whether, within ten (10) years before the date of  
12 application, the applicant or any person named under paragraph 7 of  
13 this subsection was adjudicated bankrupt or was an owner of a  
14 business that was adjudicated bankrupt;

15 13. Whether there has been any administrative or judicial  
16 determination that the applicant or any person named under paragraph  
17 7 of this subsection made a false, misleading, deceptive or  
18 fraudulent representation;

19 14. Each instance in which conduct of the applicant or any  
20 person named under paragraph 7 of this subsection resulted in the  
21 imposition of a sanction, suspension or declaration of ineligibility  
22 to participate in an interscholastic, intercollegiate or  
23 professional athletic event on a student athlete or a sanction on an  
24 educational institution;

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

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

8        17. Each state in which the applicant currently is registered  
9 as an athlete agent or has applied to be registered as an athlete  
10 agent;

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

- 13           a. the name of the league or association,
- 14           b. the date of certification or registration, and the  
15              date of expiration of the certification or  
16              registration, if any, and
- 17           c. if applicable, the date of any denial of an  
18              application for, suspension or revocation of, refusal  
19              to renew, withdrawal of, or termination of, the  
20              certification or registration or any reprimand or  
21              censure related to the certification or registration;  
22              and

23       19. Any additional information required by the Secretary of  
24 State.



1 B. Instead of proceeding under subsection A of this section, an  
2 individual registered as an athlete agent in another state may apply  
3 for registration as an athlete agent in this state by submitting to  
4 the Secretary of State:

5 1. A copy of the application for registration in the other  
6 state;

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

10 3. A copy of the certificate of registration from the other  
11 state.

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

15 1. The application and registration requirements of the other  
16 state are substantially similar to or more restrictive than the  
17 Revised Uniform Athlete Agents Act; and

18 2. The registration has not been revoked or suspended and no  
19 action involving the individual's conduct as an athlete agent is  
20 pending against the individual or the individual's registration in  
21 any state.

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

1        1. Cooperate with national organizations concerned with athlete  
2 agent issues and agencies in other states which register athlete  
3 agents to develop a common registration form and determine which  
4 states have laws that are substantially similar to or more  
5 restrictive than the Revised Uniform Athlete Agents Act; and

6        2. Exchange information including information related to  
7 actions taken against registered athlete agents or their  
8 registrations, with those organizations and agencies.

9        SECTION 6.        NEW LAW        A new section of law to be codified  
10 in the Oklahoma Statutes as Section 820.6 of Title 70, unless there  
11 is created a duplication in numbering, reads as follows:

12        CERTIFICATE OF REGISTRATION; ISSUANCE OR DENIAL; RENEWAL.

13        A. Except as otherwise provided in subsection B of this  
14 section, the Secretary of State shall issue a certificate of  
15 registration to an applicant for registration who complies with  
16 subsection A of Section 5 of this act.

17        B. The Secretary of State may refuse to issue a certificate of  
18 registration to an applicant for registration under subsection A of  
19 Section 5 of this act if the Secretary of State determines that the  
20 applicant has engaged in conduct that significantly adversely  
21 reflects on the applicant's fitness to act as an athlete agent. In  
22 making the determination, the Secretary of State may consider  
23 whether the applicant has:  
24

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

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

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

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

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

11 6. Been refused renewal of registration as an athlete agent in  
12 any state;

13 7. Engaged in conduct resulting in imposition of a sanction,  
14 suspension or declaration of ineligibility to participate in an  
15 interscholastic, intercollegiate or professional athletic event on a  
16 student athlete or a sanction on an educational institution; or

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

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

21 1. How recently the conduct occurred;

22 2. The nature of the conduct and the context in which it  
23 occurred; and

24 3. Other relevant conduct of the applicant.

1 D. An athlete agent registered under subsection A of this  
2 section may apply to renew the registration by submitting an  
3 application for renewal in a form prescribed by the Secretary of  
4 State. The applicant shall sign the application for renewal under  
5 penalty of perjury and include current information on all matters  
6 required in an original application for registration.

7 E. An athlete agent registered under subsection C of Section 5  
8 of this act may renew the registration by proceeding under  
9 subsection D of this section or, if the registration in the other  
10 state has been renewed, by submitting to the Secretary of State  
11 copies of the application for renewal in the other state and the  
12 renewed registration from the other state. The Secretary of State  
13 shall renew the registration if the Secretary of State determines:

14 1. The registration requirements of the other state are  
15 substantially similar to or more restrictive than the Revised  
16 Uniform Athlete Agents Act; and

17 2. The renewed registration has not been suspended or revoked  
18 and no action involving the individual's conduct as an athlete agent  
19 is pending against the individual or the individual's registration  
20 in any state.

21 F. A certificate of registration or renewal of registration  
22 under the Revised Uniform Athlete Agents Act is valid for two (2)  
23 years.

1       SECTION 7.       NEW LAW       A new section of law to be codified  
2 in the Oklahoma Statutes as Section 820.7 of Title 70, unless there  
3 is created a duplication in numbering, reads as follows:

4       SUSPENSION, REVOCATION OR REFUSAL TO RENEW REGISTRATION.

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

10       B.   The Secretary of State may suspend or revoke the  
11 registration of an individual registered under subsection C of  
12 Section 5 of this act or renewed under subsection E of Section 6 of  
13 this act for any reason for which the Secretary of State could have  
14 refused to grant or renew registration or for conduct that would  
15 justify refusal to issue a certificate of registration under  
16 subsection B of Section 6 of this act.

17       SECTION 8.       NEW LAW       A new section of law to be codified  
18 in the Oklahoma Statutes as Section 820.8 of Title 70, unless there  
19 is created a duplication in numbering, reads as follows:

20       TEMPORARY REGISTRATION.

21       The Secretary of State may issue a temporary certificate of  
22 registration as an athlete agent while an application for  
23 registration or renewal of registration is pending.  
24

1       SECTION 9.       NEW LAW       A new section of law to be codified  
2 in the Oklahoma Statutes as Section 820.9 of Title 70, unless there  
3 is created a duplication in numbering, reads as follows:

4       REGISTRATION AND RENEWAL FEES.

5       A. An application for registration or renewal of registration  
6 as an athlete agent must be accompanied by a fee in the following  
7 amount:

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

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

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

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

16       B. Any registration in this state as an athlete agent under  
17 prior law which has not expired before January 1, 2022, shall  
18 continue to be valid until the date the registration expires.

19       C. All registration fees collected pursuant to this section  
20 shall be deposited in the Revolving Fund for the Office of the  
21 Secretary of State.

22       SECTION 10.       NEW LAW       A new section of law to be codified  
23 in the Oklahoma Statutes as Section 820.10 of Title 70, unless there  
24 is created a duplication in numbering, reads as follows:

1       REQUIRED FORM OF AGENCY CONTRACT.

2       A. An agency contract must be in a record signed by the  
3 parties.

4       B. An agency contract must contain:

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

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

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

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

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

19       6. The duration of the contract; and

20       7. The date of execution.

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

24                       WARNING TO STUDENT ATHLETE

1 IF YOU SIGN THIS CONTRACT:

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

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

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

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

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

23 F. At the time an agency contract is executed, the athlete  
24 agent shall give the student athlete or, if the athlete is a minor,



1 the parent or guardian of the athlete a copy in a record of the  
2 contract and the separate acknowledgement required by subsection D  
3 of this section.

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

8 SECTION 11. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 820.11 of Title 70, unless there  
10 is created a duplication in numbering, reads as follows:

11 NOTICE TO EDUCATIONAL INSTITUTION.

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

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

23 C. Not later than seventy-two (72) hours after entering into an  
24 agency contract or before the next scheduled athletic event in which

1 the student athlete may participate, whichever occurs first, the  
2 athlete shall inform the athletic director of the educational  
3 institution at which the athlete is enrolled that the athlete has  
4 entered into an agency contract and the name and contact information  
5 of the athlete agent.

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

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

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

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

23 F. An athlete agent shall give notice in a record to the  
24 athletic director of any educational institution at which a student

1 athlete is enrolled before the agent communicates or attempts to  
2 communicate with:

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

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

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

15 H. An educational institution that becomes aware of a violation  
16 of the Revised Uniform Athlete Agents Act by an athlete agent shall  
17 notify the Secretary of State and any professional league or players  
18 association with which the institution is aware the agent is  
19 licensed or registered of the violation.

20 SECTION 12. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 820.12 of Title 70, unless there  
22 is created a duplication in numbering, reads as follows:

23 STUDENT ATHLETE'S RIGHT TO CANCEL.  
24

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

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

8       C. If a student athlete, parent or guardian cancels an agency  
9 contract, the athlete, parent or guardian is not required to pay any  
10 consideration under the contract or return any consideration  
11 received from the athlete agent to influence the athlete to enter  
12 into the contract.

13       SECTION 13.       NEW LAW       A new section of law to be codified  
14 in the Oklahoma Statutes as Section 820.13 of Title 70, unless there  
15 is created a duplication in numbering, reads as follows:

16       REQUIRED RECORDS.

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

19       1. The name and address of each individual represented by the  
20 agent;

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

22       3. The direct costs incurred by the agent in the recruitment or  
23 solicitation of each student athlete to enter into an agency  
24 contract.

1 B. Records described in subsection A of this section are open  
2 to inspection by the Secretary of State during normal business  
3 hours.

4 SECTION 14. NEW LAW A new section of law to be codified  
5 in the Oklahoma Statutes as Section 820.14 of Title 70, unless there  
6 is created a duplication in numbering, reads as follows:

7 PROHIBITED CONDUCT.

8 An athlete agent may not intentionally:

9 1. Give a student athlete or, if the athlete is a minor, a  
10 parent or guardian of the athlete materially false or misleading  
11 information or make a materially false promise or representation  
12 with the intent to influence the athlete, parent or guardian to  
13 enter into an agency contract;

14 2. Furnish a thing of value to the athlete or any other  
15 individual, if to do so may result in the loss of the athlete's  
16 eligibility to participate in the athlete's sport, unless:

17 a. the agent notifies the athletic director of the  
18 educational institution at which the athlete is  
19 enrolled or at which the agent has reasonable grounds  
20 to believe the athlete intends to enroll, not later  
21 than seventy-two (72) hours after giving the thing of  
22 value, and

23 b. the athlete or, if the athlete is a minor, a parent or  
24 guardian of the athlete acknowledges to the agent in a

1 record that receipt of the thing of value may result  
2 in the loss of the athlete's eligibility to  
3 participate in the athlete's sport;

4 3. Initiate contact, directly or indirectly, with a student  
5 athlete or, if the athlete is a minor, a parent or guardian of the  
6 athlete to recruit or solicit the athlete, parent or guardian to  
7 enter an agency contract unless registered under the Revised Uniform  
8 Athlete Agents Act;

9 4. Fail to create or retain or to permit inspection of the  
10 records required by Section 13 of this act;

11 5. Fail to register when required by Section 4 of this act;

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

14 7. Predate or postdate an agency contract;

15 8. Fail to notify a student athlete or, if the athlete is a  
16 minor, a parent or guardian of the athlete before the athlete,  
17 parent or guardian signs an agency contract for a particular sport  
18 that the signing may result in the loss of the athlete's eligibility  
19 to participate in the athlete's sport;

20 9. Encourage another individual to do any of the acts described  
21 in paragraphs 1 through 8 of this section; or

22 10. Encourage another individual to assist any other individual  
23 in doing any of the acts described in paragraphs 1 through 8 of this  
24 section on behalf of the agent.

1       SECTION 15.       NEW LAW       A new section of law to be codified  
2 in the Oklahoma Statutes as Section 820.15 of Title 70, unless there  
3 is created a duplication in numbering, reads as follows:

4       CRIMINAL PENALTY.

5       A. An athlete agent who violates Section 14 of this act is  
6 guilty of a misdemeanor and, upon conviction, shall be subject to a  
7 fine of not less than Ten Thousand Dollars (\$10,000.00) and not more  
8 than Two Hundred Fifty Thousand Dollars (\$250,000.00), or to  
9 imprisonment not to exceed one (1) year, or to both such fine and  
10 imprisonment.

11       B. An athlete agent who violates Section 14 of this act upon a  
12 second or subsequent conviction shall be guilty of a felony and  
13 subject to a fine of not less than Fifty Thousand Dollars  
14 (\$50,000.00) and not more than Five Hundred Thousand Dollars  
15 (\$500,000.00), or to imprisonment not to exceed three (3) years, or  
16 to both such fine and imprisonment. All prior convictions in any  
17 state of acts that would constitute a violation under Section 14 of  
18 this act shall also constitute prior convictions under this section.

19       C. Fifty percent (50%) of all fines collected pursuant to this  
20 section shall be deposited in the Attorney General's Law Enforcement  
21 Revolving Fund created in Section 19.1 of Title 74 of the Oklahoma  
22 Statutes.

1       SECTION 16.       NEW LAW       A new section of law to be codified  
2 in the Oklahoma Statutes as Section 820.16 of Title 70, unless there  
3 is created a duplication in numbering, reads as follows:

4       CIVIL REMEDY.

5       A. An educational institution or student athlete may bring an  
6 action for damages against an athlete agent if the institution or  
7 athlete is adversely affected by an act or omission of the agent in  
8 violation of the Revised Uniform Athlete Agents Act. An educational  
9 institution or student athlete is adversely affected by an act or  
10 omission of the agent only if, because of the act or omission, the  
11 institution or an individual who was a student athlete at the time  
12 of the act or omission and enrolled in the institution:

13       1. Is suspended or disqualified from participation in an  
14 interscholastic or intercollegiate sports event by or under the  
15 rules of a state or national federation or association that promotes  
16 or regulates interscholastic or intercollegiate sports; or

17       2. Suffers financial damage.

18       B. A plaintiff that prevails in an action under this section  
19 may recover actual damages, exemplary damages, costs and reasonable  
20 attorney fees. An athlete agent found liable under this section  
21 forfeits any right of payment for anything of benefit or value  
22 provided to the student athlete and shall refund any consideration  
23 paid to the agent by or on behalf of the athlete.



1 C. A violation of the Revised Uniform Athlete Agents Act shall  
2 constitute a deceptive trade practice for purposes of the Oklahoma  
3 Deceptive Trade Practices Act and, in addition to the remedies  
4 provided for in this section, shall be subject to the remedies  
5 provided in Section 54 of Title 78 of the Oklahoma Statutes.

6 SECTION 17. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 820.17 of Title 70, unless there  
8 is created a duplication in numbering, reads as follows:

9 CIVIL PENALTY.

10 The Secretary of State may assess a civil penalty against an  
11 athlete agent not to exceed Fifty Thousand Dollars (\$50,000.00) for  
12 a violation of the Revised Uniform Athlete Agents Act.

13 SECTION 18. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 820.18 of Title 70, unless there  
15 is created a duplication in numbering, reads as follows:

16 UNIFORMITY OF APPLICATION AND CONSTRUCTION.

17 In applying and construing this uniform act, consideration must  
18 be given to the need to promote uniformity of the law with respect  
19 to its subject matter among states that enact it.

20 SECTION 19. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 820.19 of Title 70, unless there  
22 is created a duplication in numbering, reads as follows:

23 RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL  
24 COMMERCE ACT.

1       The Revised Uniform Athlete Agents Act modifies, limits or  
2 supersedes the Electronic Signatures in Global and National Commerce  
3 Act, 15 U.S.C., Section 7001 et seq., but does not modify, limit or  
4 supersede Section 101(c) of that act, 15 U.S.C., Section 7001(c), or  
5 authorize electronic delivery of any of the notices described in  
6 Section 103(b) of that act, 15 U.S.C., Section 7003(b).

7       SECTION 20.       NEW LAW       A new section of law to be codified  
8 in the Oklahoma Statutes as Section 820.21 of Title 70, unless there  
9 is created a duplication in numbering, reads as follows:

10       This act shall be known and may be cited as the "Student Athlete  
11 Name, Image and Likeness Rights Act".

12       SECTION 21.       NEW LAW       A new section of law to be codified  
13 in the Oklahoma Statutes as Section 820.22 of Title 70, unless there  
14 is created a duplication in numbering, reads as follows:

15       As used in the Student Athlete Name, Image and Likeness Rights  
16 Act:

17       1. "Athletic grant-in-aid" shall have the meaning provided by  
18 the applicable collegiate athletic association as aid related to the  
19 student athlete's participation in an intercollegiate sport for a  
20 postsecondary institution. "Athletic grant-in-aid" shall not  
21 include compensation for the use of the student-athlete's name,  
22 image, or likeness rights or athletic reputation;

23       2. "Collegiate athletic association" means any athletic  
24 association, conference or other group or organization with

1 authority over intercollegiate sports including, but not limited to,  
2 the National Collegiate Athletic Association;

3 3. "Postsecondary institution" means any state educational  
4 institution or private educational institution as defined in Section  
5 3102 of Title 70 of the Oklahoma Statutes;

6 4. "Professional representation" includes, but is not limited  
7 to, representation provided by an athlete agent holding a  
8 certificate of registration under the Revised Uniform Athlete Agents  
9 Act or an attorney duly admitted to practice law in this state;

10 5. "Sponsor" means an individual or organization that receives  
11 institutional recognition for its financial support or other  
12 contributions in support of a postsecondary institution or its  
13 departments or programs;

14 6. "Student athlete" shall have the same meaning as defined in  
15 the Revised Uniform Athlete Agents Act; and

16 7. "Team contract" means a contract between a postsecondary  
17 institution or a postsecondary institution's athletic department and  
18 a sponsor or a third party authorized to enter into a sponsorship  
19 agreement or agreements on behalf of a postsecondary institution.

20 SECTION 22. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 820.23 of Title 70, unless there  
22 is created a duplication in numbering, reads as follows:

23 A. Except as otherwise provided in the Student Athlete Name,  
24 Image and Likeness Rights Act, a student athlete may earn

1 compensation commensurate with market value for the use of the name,  
2 image or likeness of the student athlete while enrolled at a  
3 postsecondary institution without penalty or resulting limitation on  
4 participation. Compensation for the use of a student athlete's  
5 name, image or likeness shall not affect the student athlete's  
6 eligibility for athletic grant-in-aid.

7 B. A student athlete shall not earn compensation in exchange  
8 for his or her athletic performance or participation in  
9 intercollegiate athletics or sports competition. Compensation shall  
10 not be provided as an inducement for athletic performance or to  
11 attend or enroll at a particular institution.

12 C. A postsecondary institution, an entity whose purpose  
13 includes supporting or benefitting the postsecondary institution or  
14 its athletic programs or an officer, director or employee of such  
15 postsecondary institution or entity shall not provide professional  
16 representation, compensate or cause compensation to be directed to a  
17 current or prospective student athlete for his or her name, image or  
18 likeness. A scholarship from a postsecondary institution in which a  
19 student athlete is enrolled that provides him or her with the cost  
20 of attendance, as defined by an applicable collegiate athletic  
21 association, at the institution shall not be considered compensation  
22 for purposes of this Act.

23 D. A collegiate athletic association shall not, and shall not  
24 authorize its member institutions to:

1        1. Prevent a student athlete at a postsecondary institution  
2 from earning compensation from the use of his or her name, image or  
3 likeness;

4        2. Prevent a postsecondary institution from participation in  
5 intercollegiate athletics because a student athlete in attendance  
6 has previously earned or intends to earn compensation for the use of  
7 his or her name, image or likeness;

8        3. Provide a prospective student athlete with compensation in  
9 relation to the use of his or her name, image or likeness;

10       4. Penalize a student athlete or prevent a student athlete from  
11 full participation in an intercollegiate sport because he or she  
12 obtains professional representation in relation to a contract or  
13 other legal matter; or

14       5. Allow compensation earned by a student athlete for the use  
15 of his or her name, image or likeness or athletic reputation to  
16 affect the amount, duration or renewal of or eligibility for any  
17 athletic grant-in-aid or other institutional scholarship; provided,  
18 however, compensation earned by a student athlete for the use of his  
19 or her name, image or likeness or athletic reputation may be used  
20 for the calculation of income for determining eligibility for need-  
21 based financial aid.

22       SECTION 23.       NEW LAW       A new section of law to be codified  
23 in the Oklahoma Statutes as Section 820.24 of Title 70, unless there  
24 is created a duplication in numbering, reads as follows:

1       A. A student athlete may obtain professional representation by  
2 an athlete agent or attorney for the purpose of securing  
3 compensation for the use of his or her name, image or likeness  
4 without penalty, resulting limitation on participation or effect on  
5 the student-athlete's athletic grant-in-aid eligibility.

6       B. Professional representation provided by athlete agents shall  
7 be by persons licensed pursuant to the Revised Uniform Athlete  
8 Agents Act or superseding law. An athlete agent representing a  
9 student athlete shall comply with the federal Sports Agent  
10 Responsibility and Trust Act, Chapter 104, Section 7801 et seq. of  
11 Title 15 of the United States Code.

12       C. A student athlete who enters into a contract providing  
13 compensation to the student athlete for use of his or her name,  
14 image or likeness shall disclose the contract in a manner designated  
15 by the postsecondary institution, but in any event within seventy-  
16 two (72) hours after entering into the contract or before the next  
17 athletic event in which the student athlete is eligible to  
18 participate, whichever occurs first.

19       SECTION 24.       NEW LAW       A new section of law to be codified  
20 in the Oklahoma Statutes as Section 820.25 of Title 70, unless there  
21 is created a duplication in numbering, reads as follows:

22       A. A student athlete shall not enter into a contract that  
23 provides compensation to the student athlete for use of his or her  
24 name, image or likeness if a provision of the contract is in

1 conflict with a provision of the postsecondary institution's team  
2 contract.

3 B. A student athlete shall not enter into a contract with a  
4 third party that provides compensation to the student athlete for  
5 use of his or her name, image or likeness or athletic reputation if:

6 1. The contract requires the student athlete to display the  
7 third party's apparel or to otherwise advertise for the third-party  
8 during team activities;

9 2. Compliance with the third-party contract would conflict with  
10 a team contract; or

11 3. The contract allows for the use or consents to the use of  
12 any institutional marks during the student athlete's third-party  
13 contract activities.

14 C. A team contract of a postsecondary institution entered into,  
15 modified or renewed on or after the effective date of this Act shall  
16 not prevent a student athlete from using his or her name, image or  
17 likeness for a commercial purpose when the student athlete is not  
18 engaged in team activities.

19 D. A student athlete shall not enter into a name, image and  
20 likeness agreement involving a commercial product or service that  
21 conflicts with a written policy of the postsecondary institution  
22 which is in compliance with the bylaws and legislation of the  
23 applicable collegiate athletic association including, but not  
24 limited to, sports wagering or banned substances or that negatively

1 impacts or reflects adversely on the postsecondary institution or  
2 its athletic programs including, but not limited to, generating  
3 public disrepute, embarrassment, scandal, ridicule or otherwise  
4 negatively impacting the reputation or the moral or ethical  
5 standards of the postsecondary institution.

6 E. A contract for the use of a student athlete's name, image or  
7 likeness that is formed while the student athlete is participating  
8 in an intercollegiate sport at a postsecondary educational  
9 institution may not extend beyond the student athlete's  
10 participation in the sport at the institution.

11 F. Nothing in the Student Athlete Name, Image and Likeness  
12 Rights Act shall be construed to authorize a student athlete to  
13 assert any right or interest as a party to or intended beneficiary  
14 of team contracts or to create a right of one or more student  
15 athletes to participate in the negotiation, awarding or earnings of  
16 team contracts.

17 SECTION 25. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 820.26 of Title 70, unless there  
19 is created a duplication in numbering, reads as follows:

20 Each postsecondary institution shall determine a date on or  
21 before July 1, 2023, upon which the provisions of the Student  
22 Athlete Name, Image and Likeness Rights Act will be recognized by  
23 the postsecondary institution.  
24



1       SECTION 26.       AMENDATORY       78 O.S. 2011, Section 53, is  
2 amended to read as follows:

3       Section 53. A. A person engages in a deceptive trade practice  
4 when in the course of business, vocation, or occupation, the person:

5       1. Passes off goods or services as those of another;

6       2. Knowingly makes a false representation as to the source,  
7 sponsorship, approval, or certification of goods or services;

8       3. Knowingly makes a false representation as to affiliation,  
9 connection, association with, or certification by another;

10      4. Uses deceptive representations or designations of geographic  
11 origin in connection with goods or services;

12      5. Knowingly makes a false representation as to the  
13 characteristics, ingredients, uses, benefits or quantities of goods  
14 or services or a false representation as to the sponsorship,  
15 approval, status, affiliation, or connection of a person therewith;

16      6. Represents that goods are original or new if they are not;

17      7. Represents that goods or services are a particular standard,  
18 quality, or grade, or that goods are a particular style or model, if  
19 they are another;

20      8. Disparages the goods, services, or business of another by  
21 false or misleading representation of fact;

22      9. Advertises goods or services which differ from those offered  
23 for sale in the advertisements;

1        10. Advertises goods or services with intent not to supply  
2 reasonably expectable public demand, unless the advertisement  
3 discloses a limitation of quantity;

4        11. Makes false or misleading statements of fact concerning the  
5 reasons for, existence of, or amounts of price reductions;

6        12. Advertises the price of an item after deduction of a rebate  
7 unless the actual selling price is advertised and clear and  
8 conspicuous notice is given in the advertisement that a mail-in  
9 rebate is required to achieve the lower net price;

10       13. Misrepresents the geographic location of the supplier by  
11 listing a fictitious business name or an assumed business name in a  
12 local telephone directory if:

13           a. the name misrepresents the geographic location of the  
14           supplier,

15           b. the listing fails to identify the locality and state  
16           of the business of the supplier,

17           c. calls to the local telephone number are routinely  
18           forwarded or otherwise transferred to a business  
19           location that is outside the calling area covered by  
20           the local telephone directory, or

21           d. the business location of the supplier is located in a  
22           county that is not contiguous to a county in the  
23           calling area covered by the local telephone directory;

24           or

1        14. Lists a fictitious business name or assumed business name  
2 in a directory assistance database if:

3            a. the name misrepresents the geographic location of the  
4                supplier,

5            b. calls to the local telephone number are routinely  
6                forwarded or otherwise transferred to a business  
7                location that is outside the local calling area, or

8            c. the business location of the supplier is located in a  
9                county that is not contiguous to a county in the local  
10               calling area; or

11        15. Violates any provision of the Revised Uniform Athlete  
12 Agents Act.

13        B. Evidence that a person has engaged in a deceptive trade  
14 practice shall be prima facie evidence of intent to injure  
15 competitors and to destroy or substantially lessen competition.

16        C. The deceptive trade practices listed in this section are in  
17 addition to and do not limit the types of unfair trade practices  
18 actionable at common law or under other statutes of this state.

19        SECTION 27.        AMENDATORY        78 O.S. 2011, Section 54, is  
20 amended to read as follows:

21        Section 54. A. Any person damaged or likely to be damaged by a  
22 deceptive trade practice of another may maintain an action in any  
23 court of equitable jurisdiction to prevent, restrain or enjoin such  
24 deceptive trade practice. Proof of actual monetary damages, loss of

1 profits or intent shall not be required. If in such action damages  
2 are alleged and proved, the plaintiff, in addition to injunctive  
3 relief, shall be entitled to recover from the defendant the actual  
4 damages sustained by the person.

5 B. With respect to the deceptive trade practices described in  
6 paragraphs 13 ~~and~~, 14 and 15 of subsection A of Section 53 of this  
7 title, the Attorney General or a district attorney of this state is  
8 authorized to bring actions seeking the following relief:

9 1. Injunctions directed against persons engaged in such  
10 deceptive trade practices;

11 2. Recovery of the money unlawfully received from aggrieved  
12 consumers by persons engaged in the deceptive trade practices to be  
13 held in escrow for distribution to the aggrieved consumers; and

14 3. Recovery by the state of the reasonable expenses incurred in  
15 the investigation of the deceptive trade practices.

16 C. In any action instituted under the provisions of ~~this act~~  
17 the Oklahoma Deceptive Trade Practices Act, the court may, in its  
18 discretion, award reasonable ~~attorneys'~~ attorney fees to the  
19 prevailing party. If in any such action the court finds either (1)  
20 that the defendant has willfully engaged in a deceptive trade  
21 practice or (2) that the plaintiff has acted in bad faith in  
22 instituting the action, the court shall award reasonable ~~attorneys'~~  
23 attorney fees to the prevailing party.

1 D. The relief provided for in this section is in addition to  
2 and not in exclusion of remedies otherwise available against the  
3 same conduct pursuant to the common law or other statutes of this  
4 state.

5 E. Any duly organized and existing trade association, whether  
6 incorporated or not, is hereby authorized to institute and prosecute  
7 a suit or suits for injunctive relief hereunder as the real party in  
8 interest, for or on behalf of one or more of its members, when a  
9 deceptive trade practice directly or indirectly affects or threatens  
10 to affect or injure such member or members.

11 SECTION 28. REPEALER 70 O.S. 2011, Sections 821.81,  
12 821.82, 821.83, 821.84, 821.85, as amended by Section 1, Chapter  
13 173, O.S.L. 2012, 821.86, 821.87, 821.88, 821.89, 821.90, 821.91,  
14 821.92, 821.93, 821.94, 821.95, 821.96, 821.97, 821.98 and 821.99  
15 (70 O.S. Supp. 2020, Section 821.85), are hereby repealed.

16 SECTION 29. It being immediately necessary for the preservation  
17 of the public peace, health or safety, an emergency is hereby  
18 declared to exist, by reason whereof this act shall take effect and  
19 be in full force from and after its passage and approval.

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