

1 SB317  
2 172521-3  
3 By Senators Allen and Waggoner  
4 RFD: Governmental Affairs  
5 First Read: 01-MAR-16

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8 SYNOPSIS: Under existing law, in 2001, Alabama enacted  
9 the Uniform Athlete Agents Act proposed by the  
10 Uniform Law Commission. The act provided generally  
11 for the licensing of athlete agents by the  
12 Secretary of State and the regulation of the  
13 relationship between athlete agents and student  
14 athletes.

15 This bill would repeal that act and enact  
16 the Revised Uniform Athlete Agents Act which would  
17 continue the registration of athlete agents by the  
18 Secretary of State and, among other things, would  
19 revise the definition of athlete agent, provide for  
20 reciprocal registration of athlete agents  
21 registered in other states that have enacted the  
22 Revised Uniform Act, revise the required contents  
23 of any agency contract, require athlete agents to  
24 notify educational institutions prior to contacting  
25 a student athlete enrolled at the institution, and  
26 give student athletes a cause of action against an

1 athlete agent for damages caused by a violation of  
2 the act by the agent.

3 Amendment 621 of the Constitution of Alabama  
4 of 1901, now appearing as Section 111.05 of the  
5 Official Recompilation of the Constitution of  
6 Alabama of 1901, as amended, prohibits a general  
7 law whose purpose or effect would be to require a  
8 new or increased expenditure of local funds from  
9 becoming effective with regard to a local  
10 governmental entity without enactment by a 2/3 vote  
11 unless: it comes within one of a number of  
12 specified exceptions; it is approved by the  
13 affected entity; or the Legislature appropriates  
14 funds, or provides a local source of revenue, to  
15 the entity for the purpose.

16 The purpose or effect of this bill would be  
17 to require a new or increased expenditure of local  
18 funds within the meaning of the amendment. However,  
19 the bill does not require approval of a local  
20 governmental entity or enactment by a 2/3 vote to  
21 become effective because it comes within one of the  
22 specified exceptions contained in the amendment.

23  
24 A BILL  
25 TO BE ENTITLED  
26 AN ACT  
27

1                   Relating to athlete agents, to enact the Revised  
2 Uniform Athlete Agents Act, to provide for the registration of  
3 athlete agents and the regulation of the relationship between  
4 athlete agents and student athletes; to provide definitions,  
5 licensing requirements, reciprocal licensing, agency contract  
6 requirements, notification requirements, criminal and civil  
7 penalties, and civil remedies; and, in this connection, to add  
8 Chapter 26B (commencing with Section 8-26B-1), and repeal  
9 Chapter 26A (commencing with Section 8-26A-1) of, Title 8 of  
10 the Code of Alabama 1975; and in connection therewith would  
11 have as its purpose or effect the requirement of a new or  
12 increased expenditure of local funds within the meaning of  
13 Amendment 621 of the Constitution of Alabama of 1901, now  
14 appearing as Section 111.05 of the Official Recompilation of  
15 the Constitution of Alabama of 1901, as amended.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17                   Section 1. Chapter 26B (commencing with Section  
18 8-26B-1) is added to Title 8 of the Code of Alabama 1975, to  
19 read as follows:

20                   Chapter 26B. Revised Uniform Athlete Agents Act.

21                   Article 1.

22                   General Provisions.

23                   §8-26B-1. Short title. This chapter may be cited as  
24 the Revised Uniform Athlete Agents Act (2016).

25                   §8-26B-2. Definitions. In this chapter:

26                   (1) "Agency contract" means an agreement in which a  
27 student athlete authorizes a person to negotiate or solicit on

1       behalf of the athlete a professional-sports-services contract  
2       or endorsement contract.

3               (2) "Athlete agent":

4               (A) means an individual, whether or not registered  
5       under this chapter, who:

6               (i) directly or indirectly recruits or solicits a  
7       student athlete to enter into an agency contract or, for  
8       compensation, procures employment or offers, promises,  
9       attempts, or negotiates to obtain employment for a student  
10      athlete as a professional athlete or member of a professional  
11      sports team or organization;

12              (ii) for compensation or in anticipation of  
13      compensation related to a student athlete's participation in  
14      athletics:

15              (I) serves the athlete in an advisory capacity on a  
16      matter related to finances, business pursuits, or career  
17      management decisions, unless the individual is an employee of  
18      an educational institution acting exclusively as an employee  
19      of the institution for the benefit of the institution; or

20              (II) manages the business affairs of the athlete by  
21      providing assistance with bills, payments, contracts, or  
22      taxes; or

23              (iii) in anticipation of representing a student  
24      athlete for a purpose related to the athlete's participation  
25      in athletics:

26              (I) gives consideration to the student athlete or  
27      another person;

1 (II) serves the athlete in an advisory capacity on a  
2 matter related to finances, business pursuits, or career  
3 management decisions; or

4 (III) manages the business affairs of the athlete by  
5 providing assistance with bills, payments, contracts, or  
6 taxes; but

7 (B) does not include an individual who:

8 (i) acts solely on behalf of a professional sports  
9 team or organization; or

10 (ii) is a licensed, registered, or certified  
11 professional and offers or provides services to a student  
12 athlete customarily provided by members of the profession,  
13 unless the individual:

14 (I) also recruits or solicits the athlete to enter  
15 into an agency contract;

16 (II) also, for compensation, procures employment or  
17 offers, promises, attempts, or negotiates to obtain employment  
18 for the athlete as a professional athlete or member of a  
19 professional sports team or organization; or

20 (III) receives consideration for providing the  
21 services calculated using a different method than for an  
22 individual who is not a student athlete.

23 (3) "Athletic director" means the individual  
24 responsible for administering the overall athletic program of  
25 an educational institution or, if an educational institution  
26 has separately administered athletic programs for male

1 students and female students, the athletic program for males  
2 or the athletic program for females, as appropriate.

3 (4) "Educational institution" includes a public or  
4 private elementary school, secondary school, technical or  
5 vocational school, community college, college, and university.

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

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

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

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

22 (9) "Licensed, registered, or certified  
23 professional" means an individual licensed, registered, or  
24 certified as an attorney, dealer in securities, financial  
25 planner, insurance agent, real estate broker or sales agent,  
26 tax consultant, accountant, or member of a profession, other  
27 than that of athlete agent, who is licensed, registered, or

1 certified by the state or a nationally recognized organization  
2 that licenses, registers, or certifies members of the  
3 profession on the basis of experience, education, or testing.

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

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

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

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

24 (14) "Registration" means registration as an athlete  
25 agent under this chapter.

26 (15) "Sign" means, with present intent to  
27 authenticate or adopt a record:



1 (A) to execute or adopt a tangible symbol; or  
2 (B) to attach to or logically associate with the  
3 record an electronic symbol, sound, or process.

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

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

15 §8-26B-3. Secretary of State; authority; procedure.

16 (a) The Alabama Administrative Procedure Act applies  
17 to this chapter. The Secretary of State may adopt rules under  
18 the act to implement this chapter.

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

24 §8-26B-4. Athlete agent: Registration required; void  
25 contract.

26 (a) Except as otherwise provided in subsection (b),  
27 an individual may not act as an athlete agent in this state

1 without holding a certificate of registration under this  
2 chapter.

3 (b) Before being issued a certificate of  
4 registration under this chapter, an individual may act as an  
5 athlete agent in this state for all purposes except signing an  
6 agency contract, if:

7 (1) a student athlete or another person acting on  
8 behalf of the athlete initiates communication with the  
9 individual; and

10 (2) not later than seven days after an initial act  
11 that requires the individual to register as an athlete agent,  
12 the individual submits an application for registration as an  
13 athlete agent in this state.

14 (c) An agency contract resulting from conduct in  
15 violation of this section is void, and the athlete agent shall  
16 return any consideration received under the contract.

17 §8-26B-5. Registration as athlete agent;  
18 application; requirements; reciprocal registration.

19 (a) An applicant for registration as an athlete  
20 agent shall submit an application for registration to the  
21 Secretary of State in a form prescribed by the Secretary of  
22 State. The applicant must be an individual, and the  
23 application must be signed by the applicant under penalty of  
24 perjury. The application must contain at least the following:

25 (1) the name and date and place of birth of the  
26 applicant and the following contact information for the  
27 applicant:

1 (A) the address of the applicant's principal place  
2 of business;

3 (B) work and mobile telephone numbers; and

4 (C) any means of communicating electronically,  
5 including a facsimile number, electronic-mail address, and  
6 personal and business or employer websites;

7 (2) the name of the applicant's business or  
8 employer, if applicable, including for each business or  
9 employer, its mailing address, telephone number, organization  
10 form, and the nature of the business;

11 (3) each social-media account with which the  
12 applicant or the applicant's business or employer is  
13 affiliated;

14 (4) each business or occupation in which the  
15 applicant engaged within five years before the date of the  
16 application, including self-employment and employment by  
17 others, and any professional or occupational license,  
18 registration, or certification held by the applicant during  
19 that time;

20 (5) a description of the applicant's:

21 (A) formal training as an athlete agent;

22 (B) practical experience as an athlete agent; and

23 (C) educational background relating to the  
24 applicant's activities as an athlete agent;

25 (6) the name of each student athlete for whom the  
26 applicant acted as an athlete agent within five years before  
27 the date of the application or, if the individual is a minor,

1 the name of the parent or guardian of the minor, together with  
2 the athlete's sport and last-known team;

3 (7) the name and address of each person that:

4 (A) is a partner, member, officer, manager,  
5 associate, or profit sharer or directly or indirectly holds an  
6 equity interest of five percent or greater of the athlete  
7 agent's business if it is not a corporation; and

8 (B) is an officer or director of a corporation  
9 employing the athlete agent or a shareholder having an  
10 interest of five percent or greater in the corporation;

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

18 (9) whether the applicant, or any person named under  
19 paragraph (7), has pleaded guilty or no contest to, has been  
20 convicted of, or has charges pending for, a crime that would  
21 involve moral turpitude or be a felony if committed in this  
22 state and, if so, identification of:

23 (A) the crime;

24 (B) the law-enforcement agency involved; and

25 (C) if applicable, the date of the conviction and  
26 the fine or penalty imposed;

1           (10) whether, within 15 years before the date of  
2 application, the applicant, or any person named under  
3 paragraph (7), has been a defendant or respondent in a civil  
4 proceeding, including a proceeding seeking an adjudication of  
5 legal incompetence and, if so, the date and a full explanation  
6 of each proceeding;

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

12           (12) whether, within 10 years before the date of  
13 application, the applicant, or any person named under  
14 paragraph (7), was adjudicated bankrupt or was an owner of a  
15 business that was adjudicated bankrupt;

16           (13) whether there has been any administrative or  
17 judicial determination that the applicant, or any person named  
18 under paragraph (7), made a false, misleading, deceptive, or  
19 fraudulent representation;

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

26           (15) each sanction, suspension, or disciplinary  
27 action taken against the applicant, or any person named under

1 paragraph (7), arising out of occupational or professional  
2 conduct;

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

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

11 (18) if the applicant is certified or registered by  
12 a professional league or players association:

13 (A) the name of the league or association;

14 (B) the date of certification or registration, and  
15 the date of expiration of the certification or registration,  
16 if any; and

17 (C) if applicable, the date of any denial of an  
18 application for, suspension or revocation of, refusal to  
19 renew, withdrawal of, or termination of, the certification or  
20 registration or any reprimand or censure related to the  
21 certification or registration; and

22 (19) any additional information required by the  
23 Secretary of State.

24 (b) Instead of proceeding under subsection (a), an  
25 individual registered as an athlete agent in another state may  
26 apply for registration as an athlete agent in this state by  
27 submitting to the Secretary of State:

1           (1) a copy of the application for registration in  
2 the other state;

3           (2) a statement that identifies any material change  
4 in the information on the application or verifies there is no  
5 material change in the information, signed under penalty of  
6 perjury; and

7           (3) a copy of the certificate of registration from  
8 the other state.

9           (c) The Secretary of State shall issue a certificate  
10 of registration to an individual who applies for registration  
11 under subsection (b) if the Secretary of State determines:

12           (1) the application and registration requirements of  
13 the other state are substantially similar to or more  
14 restrictive than this chapter; and

15           (2) the registration has not been revoked or  
16 suspended and no action involving the individual's conduct as  
17 an athlete agent is pending against the individual or the  
18 individual's registration in any state.

19           (d) For purposes of implementing subsection (c), the  
20 Secretary of State shall:

21           (1) cooperate with national organizations concerned  
22 with athlete agent issues and agencies in other states which  
23 register athlete agents to develop a common registration form  
24 and determine which states have laws that are substantially  
25 similar to or more restrictive than this chapter; and

1           (2) exchange information, including information  
2 related to actions taken against registered athlete agents or  
3 their registrations, with those organizations and agencies.

4           §8-26B-6. Certificate of registration; issuance or  
5 denial; renewal.

6           (a) Except as otherwise provided in subsection (b),  
7 the Secretary of State shall issue a certificate of  
8 registration to an applicant for registration who complies  
9 with Section 8-26B-5(a).

10           (b) The Secretary of State may refuse to issue a  
11 certificate of registration to an applicant for registration  
12 under Section 8-26B-5(a) if the Secretary of State determines  
13 that the applicant has engaged in conduct that significantly  
14 adversely reflects on the applicant's fitness to act as an  
15 athlete agent. In making the determination, the Secretary of  
16 State may consider whether the applicant has:

17           (1) pleaded guilty or no contest to, has been  
18 convicted of, or has charges pending for, a crime that would  
19 involve moral turpitude or be a felony if committed in this  
20 state;

21           (2) made a materially false, misleading, deceptive,  
22 or fraudulent representation in the application or as an  
23 athlete agent;

24           (3) engaged in conduct that would disqualify the  
25 applicant from serving in a fiduciary capacity;

26           (4) engaged in conduct prohibited by Section  
27 8-26B-14;



1           (5) had a registration as an athlete agent  
2 suspended, revoked, or denied in any state;

3           (6) been refused renewal of registration as an  
4 athlete agent in any state;

5           (7) engaged in conduct resulting in imposition of a  
6 sanction, suspension, or declaration of ineligibility to  
7 participate in an interscholastic, intercollegiate, or  
8 professional athletic event on a student athlete or a sanction  
9 on an educational institution; or

10          (8) engaged in conduct that adversely reflects on  
11 the applicant's credibility, honesty, or integrity.

12          (c) In making a determination under subsection (b),  
13 the Secretary of State shall consider:

14           (1) how recently the conduct occurred;

15           (2) the nature of the conduct and the context in  
16 which it occurred; and

17           (3) other relevant conduct of the applicant.

18          (d) An athlete agent registered under subsection (a)  
19 may apply to renew the registration by submitting an  
20 application for renewal in a form prescribed by the Secretary  
21 of State. The applicant shall sign the application for renewal  
22 under penalty of perjury and include current information on  
23 all matters required in an original application for  
24 registration.

25          (e) An athlete agent registered under Section  
26 8-26B-5(c) may renew the registration by proceeding under  
27 subsection (d) or, if the registration in the other state has

1       been renewed, by submitting to the Secretary of State copies  
2       of the application for renewal in the other state and the  
3       renewed registration from the other state. The Secretary of  
4       State shall renew the registration if the Secretary of State  
5       determines:

6               (1) the registration requirements of the other state  
7       are substantially similar to or more restrictive than this  
8       chapter; and

9               (2) the renewed registration has not been suspended  
10      or revoked and no action involving the individual's conduct as  
11      an athlete agent is pending against the individual or the  
12      individual's registration in any state.

13              (f) A certificate of registration or renewal of  
14      registration under this chapter is valid for two years.

15              §8-26B-7. Suspension, revocation, or refusal to  
16      renew registration.

17              (a) The Secretary of State may limit, suspend,  
18      revoke, or refuse to renew a registration of an individual  
19      registered under Section 8-26B-6(a) for conduct that would  
20      have justified refusal to issue a certificate of registration  
21      under Section 8-26B-6(b).

22              (b) The Secretary of State may suspend or revoke the  
23      registration of an individual registered under Section  
24      8-26B-5(c) or renewed under Section 8-26B-6(e) for any reason  
25      for which the Secretary of State could have refused to grant  
26      or renew registration or for conduct that would justify

1 refusal to issue a certificate of registration under Section 8-26B-6(b).

2 §8-26B-8. Temporary registration.

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

7 §8-26B-9. Registration and renewal fees.

8 An application for registration or renewal of  
9 registration as an athlete agent must be accompanied by a fee  
10 in the following amount:

11 (1) Two hundred dollars (\$200) for an initial  
12 application for registration;

13 (2) One hundred dollars (\$100) for registration  
14 based on a certificate of registration issued by another  
15 state;

16 (3) One hundred dollars (\$100) for an application  
17 for renewal of registration; or

18 (4) One hundred dollars (\$100) for renewal of  
19 registration based on a renewal of registration in another  
20 state.

21 §8-26B-10. Required form of agency contract.

22 (a) An agency contract must be in a record signed by  
23 the parties.

24 (b) An agency contract must contain:

25 (1) a statement that the athlete agent is registered  
26 as an athlete agent in this state and a list of any other  
27 states in which the agent is registered as an athlete agent;



1 ATHLETIC EVENT IN WHICH YOU PARTICIPATE, WHICHEVER OCCURS  
2 FIRST, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR  
3 ATHLETIC DIRECTOR THAT YOU HAVE ENTERED INTO THIS CONTRACT AND  
4 PROVIDE THE NAME AND CONTACT INFORMATION OF THE ATHLETE AGENT;  
5 AND

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

9 (d) An agency contract must be accompanied by a  
10 separate record signed by the student athlete or, if the  
11 athlete is a minor, the parent or guardian of the athlete  
12 acknowledging that signing the contract may result in the loss  
13 of the athlete's eligibility to participate in the athlete's  
14 sport.

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

21 (f) At the time an agency contract is executed, the  
22 athlete agent shall give the student athlete or, if the  
23 athlete is a minor, the parent or guardian of the athlete a  
24 copy in a record of the contract and the separate  
25 acknowledgement required by subsection (d).

26 (g) If a student athlete is a minor, an agency  
27 contract must be signed by the parent or guardian of the minor

1 and the notice required by subsection (c) must be revised  
2 accordingly.

3 §8-26B-11. Notice to educational institution.

4 (a) In this section, "communicating or attempting to  
5 communicate" means contacting or attempting to contact by an  
6 in-person meeting, a record, or any other method that conveys  
7 or attempts to convey a message.

8 (b) Not later than 72 hours after entering into an  
9 agency contract or before the next scheduled athletic event in  
10 which the student athlete may participate, whichever occurs  
11 first, the athlete agent shall give notice in a record of the  
12 existence of the contract to the athletic director of the  
13 educational institution at which the athlete is enrolled or at  
14 which the agent has reasonable grounds to believe the athlete  
15 intends to enroll.

16 (c) Not later than 72 hours after entering into an  
17 agency contract or before the next scheduled athletic event in  
18 which the student athlete may participate, whichever occurs  
19 first, the athlete shall inform the athletic director of the  
20 educational institution at which the athlete is enrolled that  
21 the athlete has entered into an agency contract and the name  
22 and contact information of the athlete agent.

23 (d) If an athlete agent enters into an agency  
24 contract with a student athlete and the athlete subsequently  
25 enrolls at an educational institution, the agent shall notify  
26 the athletic director of the institution of the existence of

1 the contract not later than 72 hours after the agent knew or  
2 should have known the athlete enrolled.

3 (e) If an athlete agent has a relationship with a  
4 student athlete before the athlete enrolls in an educational  
5 institution and receives an athletic scholarship from the  
6 institution, the agent shall notify the institution of the  
7 relationship not later than 10 days after the enrollment if  
8 the agent knows or should have known of the enrollment and:

9 (1) the relationship was motivated in whole or part  
10 by the intention of the agent to recruit or solicit the  
11 athlete to enter an agency contract in the future; or

12 (2) the agent directly or indirectly recruited or  
13 solicited the athlete to enter an agency contract before the  
14 enrollment.

15 (f) An athlete agent shall give notice in a record  
16 to the athletic director of any educational institution at  
17 which a student athlete is enrolled before the agent  
18 communicates or attempts to communicate with:

19 (1) the athlete or, if the athlete is a minor, a  
20 parent or guardian of the athlete, to influence the athlete or  
21 parent or guardian to enter into an agency contract; or

22 (2) another individual to have that individual  
23 influence the athlete or, if the athlete is a minor, the  
24 parent or guardian of the athlete to enter into an agency  
25 contract.

26 (g) If a communication or attempt to communicate  
27 with an athlete agent is initiated by a student athlete or

1 another individual on behalf of the athlete, the agent shall  
2 notify in a record the athletic director of any educational  
3 institution at which the athlete is enrolled. The notification  
4 must be made not later than 10 days after the communication or  
5 attempt.

6 (h) An educational institution that becomes aware of  
7 a violation of this chapter by an athlete agent shall notify  
8 the Secretary of State and any professional league or players  
9 association with which the institution is aware the agent is  
10 licensed or registered of the violation.

11 §8-26B-12. Student athlete's right to cancel.

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

17 (b) A student athlete or, if the athlete is a minor,  
18 the parent or guardian of the athlete may not waive the right  
19 to cancel an agency contract.

20 (c) If a student athlete, parent, or guardian  
21 cancels an agency contract, the athlete, parent, or guardian  
22 is not required to pay any consideration under the contract or  
23 return any consideration received from the athlete agent to  
24 influence the athlete to enter into the contract.

25 §8-26B-13. Required records.

26 (a) An athlete agent shall create and retain for  
27 five years records of the following:



1 (1) the name and address of each individual  
2 represented by the agent;

3 (2) each agency contract entered into by the agent;  
4 and

5 (3) the direct costs incurred by the agent in the  
6 recruitment or solicitation of each student athlete to enter  
7 into an agency contract.

8 (b) Records described in subsection (a) are open to  
9 inspection by the Secretary of State during normal business  
10 hours.

11 §8-26B-14. Prohibited conduct.

12 (a) An athlete agent, with the intent to influence a  
13 student athlete or, if the athlete is a minor, a parent or  
14 guardian of the athlete to enter into an agency contract, may  
15 not take any of the following actions or encourage any other  
16 individual to take or assist any other individual in taking  
17 any of the following actions on behalf of the agent:

18 (1) give materially false or misleading information  
19 or make a materially false promise or representation;

20 (2) furnish anything of value to the athlete before  
21 the athlete enters into the contract; or

22 (3) furnish anything of value to an individual other  
23 than the athlete or another registered athlete agent.

24 (b) An athlete agent may not intentionally do any of  
25 the following or encourage any other individual to do any of  
26 the following on behalf of the agent:

1 (1) initiate contact, directly or indirectly, with a  
2 student athlete or, if the athlete is a minor, a parent or  
3 guardian of the athlete, to recruit or solicit the athlete,  
4 parent, or guardian to enter an agency contract unless  
5 registered under this chapter;

6 (2) fail to create or retain or to permit inspection  
7 of the records required by Section 8-26B-13;

8 (3) fail to register when required by Section  
9 8-26B-4;

10 (4) provide materially false or misleading  
11 information in an application for registration or renewal of  
12 registration;

13 (5) predate or postdate an agency contract; or

14 (6) fail to notify a student athlete or, if the  
15 athlete is a minor, a parent or guardian of the athlete,  
16 before the athlete, parent, or guardian signs an agency  
17 contract for a particular sport that the signing may make the  
18 athlete ineligible to participate as a student athlete in that  
19 sport.

20 §8-26B-15. Criminal penalties.

21 (a) The commission of any conduct prohibited in  
22 subsection (a) of Section 8-26B-14 by an individual required  
23 by this chapter to register as an athlete agent who has  
24 intentionally not registered under this chapter is a Class B  
25 felony.

26 (b) Except for subdivision (1) of subsection (b) of  
27 Section 8-26B-14, the commission of any conduct prohibited in

1 Section 8-26B-14 by an athlete agent who has registered under  
2 this chapter is a Class C felony.

3 (c) The commission of any conduct prohibited in  
4 subdivision (1) of subsection (b) of Section 8-26B-14 by an  
5 athlete agent who has registered under this chapter is a Class  
6 A misdemeanor.

7 §8-26B-16. Civil remedy.

8 (a) An educational institution or student athlete  
9 may bring an action for damages against an athlete agent if  
10 the institution or athlete is adversely affected by an act or  
11 omission of the agent in violation of this chapter. An  
12 educational institution or student athlete is adversely  
13 affected by an act or omission of the agent only if, because  
14 of the act or omission, the institution or an individual who  
15 was a student athlete at the time of the act or omission and  
16 enrolled in the institution:

17 (1) is suspended or disqualified from participation  
18 in an interscholastic or intercollegiate sports event by or  
19 under the rules of a state or national federation or  
20 association that promotes or regulates interscholastic or  
21 intercollegiate sports; or

22 (2) suffers financial damage.

23 (b) A plaintiff that prevails in an action under  
24 this section may recover actual damages, costs, and reasonable  
25 attorney's fees. An athlete agent found liable under this  
26 section forfeits any right of payment for anything of benefit  
27 or value provided to the student athlete and shall refund any

1 consideration paid to the agent by or on behalf of the  
2 athlete.

3 §8-26B-17. Civil penalty.

4 The Secretary of State may assess a civil penalty  
5 against an athlete agent not to exceed fifty thousand dollars  
6 (\$50,000) for a violation of this chapter.

7 §8-26B-18. Uniformity of application and  
8 construction.

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

13 §8-26B-19. Relation to Electronic Signatures in  
14 Global and National Commerce Act.

15 This chapter modifies, limits, or supersedes the  
16 Electronic Signatures in Global and National Commerce Act, 15  
17 U.S.C. Section 7001 et seq., but does not modify, limit, or  
18 supersede Section 101(c) of that act, 15 U.S.C. Section  
19 7001(c), or authorize electronic delivery of any of the  
20 notices described in Section 103 (b) of that act, 15 U.S.C.  
21 Section 7003(b).

22 Article 2.

23 Commission and Disposition of Funds.

24 §8-26B-30.

25 (a) The Alabama Athlete Agents Commission is  
26 continued in existence. The commission shall consist of the  
27 Secretary of State and 18 members to be appointed as follows:

1 (1) One member appointed by the Governor.

2 (2) One member appointed by the Lieutenant Governor.

3 (3) One member appointed by the Speaker of the House  
4 of Representatives.

5 (4) The athletic director or an individual appointed  
6 by the athletic director at each of the following institutions  
7 of higher education:

8 a. Auburn University.

9 b. University of Alabama, Tuscaloosa.

10 c. University of South Alabama.

11 d. Alabama State University.

12 e. Alabama A & M University.

13 f. Tuskegee University.

14 g. Troy University.

15 h. Jacksonville State University.

16 i. University of North Alabama.

17 j. University of West Alabama.

18 k. Miles College.

19 l. University of Montevallo.

20 m. University of Alabama, Huntsville.

21 n. University of Alabama, Birmingham.

22 (5) One member appointed by the Alabama High School  
23 Athletic Association.

24 (b) In appointing members to the board, the  
25 appointing power shall select those persons whose  
26 appointments, to the extent possible, ensure that the  
27 membership of the board is inclusive and reflects the racial,

1 gender, urban/rural, and economic diversity of the state. All  
2 appointed members of the commission shall be citizens of the  
3 United States and residents of Alabama. The term of each  
4 appointed commission member shall be three years and members  
5 are eligible for reappointment. If a vacancy occurs, the  
6 appointing power for the vacant position shall appoint a  
7 successor who shall take office immediately and serve the  
8 remainder of the unexpired term. Members of the Alabama  
9 Athlete Agents Commission serving on October 1, 2016, shall  
10 continue to serve on the Alabama Athlete Agents Commission  
11 until their term expires.

12 (c) Within 15 days after their appointment, the  
13 members of the commission shall take an oath before any person  
14 lawfully authorized to administer oaths in this state to  
15 faithfully and impartially perform their duties as members of  
16 the commission, and the same shall be filed with the Secretary  
17 of State.

18 (d) The Governor may remove from the commission any  
19 appointed member for neglect of duty or other just cause.

20 (e) The commission shall elect annually a chair, a  
21 vice chair, and a secretary-treasurer from its members.

22 (f) A majority of the commission shall constitute a  
23 quorum for the transaction of business.

24 (g) The Secretary of State shall keep records of the  
25 proceedings of the commission; and, in any proceeding in  
26 court, civil or criminal, arising out of or founded upon any  
27 provision of this chapter, copies of those records certified

1 as correct by the Secretary of State shall be admissible in  
2 evidence as tending to prove the content of the records.

3 (h) The Secretary of State shall have printed and  
4 published for distribution an annual register which shall  
5 contain the names, arranged alphabetically, of all persons  
6 registered under this chapter. The Secretary of State shall  
7 also provide a quarterly report to the commission of all  
8 agents registered during the quarter, any suspension or  
9 revocation of registered agents during the quarter, and other  
10 disciplinary action taken against an agent.

11 (i) The Secretary of State may employ personnel and  
12 arrange for assistance, service, and supplies as the Secretary  
13 of State may require for the performance of the duties of the  
14 commission.

15 (j) The commission may promulgate and, from time to  
16 time, amend rules and standards of conduct for athlete agents  
17 appropriate for the protection of the residents of the state.  
18 At least 35 days prior to the completion of notice of any rule  
19 or amendment, the Secretary of State shall mail copies of the  
20 proposed rule or amendment to all persons registered under  
21 this chapter, with a notice advising them of the completion of  
22 notice of the rule or amendment and requesting that they  
23 submit advisory comments thereon at least 15 days prior to the  
24 completion of notice. Failure to receive by mail a rule,  
25 amendment, or notice by all persons registered under this  
26 chapter shall not affect the validity of the rule or  
27 amendment.

1           (k) Except for the Secretary of State, each member  
2 of the commission, who is not otherwise reimbursed by public  
3 funds for services provided to this commission, shall be paid  
4 fifty dollars (\$50) for each day the member is actively  
5 engaged in the discharge of official duties as a member of the  
6 commission, and shall also be entitled to, and shall receive,  
7 reimbursement for actual necessary expenses incurred in the  
8 discharge of official duties on behalf of the commission.

9           (1) The Alabama Athlete Agents Commission shall be  
10 subject to the Alabama Sunset Law, Chapter 20, Title 41, as an  
11 enumerated agency as provided in Section 41-20-3, and shall  
12 have a termination date of October 1, 2019, and every four  
13 years thereafter, unless continued pursuant to the Alabama  
14 Sunset Law.

15           §8-26B-31.

16           (a) All moneys collected for registrations and all  
17 fines collected for violations of this chapter shall be paid  
18 to the Secretary of State, who shall deposit them in a special  
19 fund in the State Treasury for the use of the commission.

20           (b) There is hereby created in the State Treasury a  
21 fund to be known and designated as the Alabama Athlete Agents  
22 Fund. All funds, fees, charges, costs, and collections  
23 accruing to or collected under the provisions of this chapter  
24 shall be deposited into the State Treasury to the credit of  
25 the Alabama Athlete Agents Fund.

26           (c) Funds now or hereafter deposited in the State  
27 Treasury to the credit of the Alabama Athlete Agents Fund may



1 not be expended for any purpose whatsoever unless the same  
2 shall have been allotted and budgeted in accordance with  
3 Article 4 of Chapter 4 of Title 41, and only in the amounts  
4 and for the purposes provided by the Legislature in the  
5 general appropriation bill or other appropriation bills.

6 Section 2. Chapter 26A (commencing with Section  
7 8-26A-1) of Title 8 of the Code of Alabama 1975, is repealed.

8 Section 3. Although this bill would have as its  
9 purpose or effect the requirement of a new or increased  
10 expenditure of local funds, the bill is excluded from further  
11 requirements and application under Amendment 621, now  
12 appearing as Section 111.05 of the Official Recompilation of  
13 the Constitution of Alabama of 1901, as amended, because the  
14 bill defines a new crime or amends the definition of an  
15 existing crime.

16 Section 4. This act shall take effect October 1,  
17 2016.