

REVISED UNIFORM ATHLETE AGENTS ACT

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lyle W. Hillyard

House Sponsor: V. Lowry Snow

LONG TITLE

General Description:

This bill modifies the Uniform Athlete Agents Act (the act).

Highlighted Provisions:

This bill:

- ▶ changes the name of the act to the Revised Uniform Athlete Agents Act;
- ▶ renumbers and amends the act;
- ▶ defines terms, including expanding the definitions of athlete agent and student athlete;
- ▶ modifies the requirements for being registered as an athlete agent;
- ▶ provides for the reciprocal registration of athlete agents between states;
- ▶ modifies requirements for the signing of an agency contract;
- ▶ expands notification requirements; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

RENUMBERS AND AMENDS:

58-87-101, (Renumbered from 15-9-101, as enacted by Laws of Utah 2001, Chapter



28 237)
29 **58-87-102**, (Renumbered from 15-9-102, as enacted by Laws of Utah 2001, Chapter
30 237)
31 **58-87-103**, (Renumbered from 15-9-103, as last amended by Laws of Utah 2014,
32 Chapter 189)
33 **58-87-201**, (Renumbered from 15-9-104, as enacted by Laws of Utah 2001, Chapter
34 237)
35 **58-87-202**, (Renumbered from 15-9-105, as last amended by Laws of Utah 2010,
36 Chapter 378)
37 **58-87-203**, (Renumbered from 15-9-106, as last amended by Laws of Utah 2010,
38 Chapter 378)
39 **58-87-204**, (Renumbered from 15-9-107, as last amended by Laws of Utah 2010,
40 Chapter 74)
41 **58-87-205**, (Renumbered from 15-9-108, as enacted by Laws of Utah 2001, Chapter
42 237)
43 **58-87-206**, (Renumbered from 15-9-109, as last amended by Laws of Utah 2010,
44 Chapter 378)
45 **58-87-301**, (Renumbered from 15-9-110, as last amended by Laws of Utah 2010,
46 Chapter 378)
47 **58-87-302**, (Renumbered from 15-9-111, as enacted by Laws of Utah 2001, Chapter
48 237)
49 **58-87-303**, (Renumbered from 15-9-112, as enacted by Laws of Utah 2001, Chapter
50 237)
51 **58-87-304**, (Renumbered from 15-9-113, as enacted by Laws of Utah 2001, Chapter
52 237)
53 **58-87-401**, (Renumbered from 15-9-114, as enacted by Laws of Utah 2001, Chapter
54 237)
55 **58-87-402**, (Renumbered from 15-9-115, as enacted by Laws of Utah 2001, Chapter
56 237)
57 **58-87-403**, (Renumbered from 15-9-116, as enacted by Laws of Utah 2001, Chapter
58 237)

59 **58-87-404**, (Renumbered from 15-9-117, as last amended by Laws of Utah 2010,
60 Chapter 278)

61 **58-87-501**, (Renumbered from 15-9-118, as last amended by Laws of Utah 2010,
62 Chapter 378)

63 **58-87-502**, (Renumbered from 15-9-119, as enacted by Laws of Utah 2001, Chapter
64 237)



66 *Be it enacted by the Legislature of the state of Utah:*

67 Section 1. Section **58-87-101**, which is renumbered from Section 15-9-101 is
68 renumbered and amended to read:

69 **CHAPTER 87. REVISED UNIFORM ATHLETE AGENTS ACT**

70 **Part 1. General Provisions**

71 ~~[15-9-101].~~ **58-87-101. Title.**

72 This chapter is known as the "Revised Uniform Athlete Agents Act."

73 Section 2. Section **58-87-102**, which is renumbered from Section 15-9-102 is
74 renumbered and amended to read:

75 ~~[15-9-102].~~ **58-87-102. Definitions.**

76 As used in this chapter:

77 (1) "Agency contract" means an agreement in which a ~~[student-athlete]~~ student athlete
78 authorizes a person to negotiate or solicit on behalf of the ~~[student-athlete]~~ athlete a
79 professional-sports-services contract or an endorsement contract.

80 (2) (a) "Athlete agent" means an individual ~~[who enters into an agency contract with a~~
81 ~~student-athlete or, directly or indirectly, recruits or solicits a student-athlete to enter into an~~
82 ~~agency contract. The term includes an individual who represents to the public that the~~
83 ~~individual is an athlete agent. The term does not include a spouse, parent, sibling, or~~
84 ~~grandparent of the student-athlete or an individual acting solely on behalf of a professional~~
85 ~~sports team or professional sports organization.],~~ whether or not registered under this chapter,
86 who:

87 (i) directly or indirectly recruits or solicits a student athlete to enter into an agency
88 contract or, for compensation, procures employment or offers, promises, attempts, or negotiates
89 to obtain employment for a student athlete as a professional athlete or member of a professional

90 sports team or organization;

91 (ii) for compensation or in anticipation of compensation related to a student athlete's
92 participation in athletics:

93 (A) serves the athlete in an advisory capacity on a matter related to finances, business
94 pursuits, or career management decisions, unless the individual is an employee of an
95 educational institution acting exclusively as an employee of the institution for the benefit of the
96 institution; or

97 (B) manages the business affairs of the athlete by providing assistance with bills,
98 payments, contracts, or taxes; or

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

101 (A) gives consideration to the student athlete or another person;

102 (B) serves the athlete in an advisory capacity on a matter related to finances, business
103 pursuits, or career management decisions; or

104 (C) manages the business affairs of the athlete by providing assistance with bills,
105 payments, contracts, or taxes.

106 (b) "Athlete agent" does not include an individual who:

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

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

110 (A) also recruits or solicits the athlete to enter into an agency contract;

111 (B) also, for compensation, procures employment or offers, promises, attempts, or
112 negotiates to obtain employment for the athlete as a professional athlete or member of a
113 professional sports team or organization; or

114 (C) receives consideration for providing the services calculated using a different
115 method than for an individual who is not a student athlete.

116 (3) "Athletic director" means ~~[an]~~ the individual responsible for administering the
117 overall athletic program of an educational institution or, if an educational institution has
118 separately administered athletic programs for male students and female students, the athletic
119 program for males or the athletic program for females, as appropriate.

120 ~~[(4) "Contact" means a communication, direct or indirect, between an athlete agent and~~

121 a student-athlete, to recruit or solicit the student-athlete to enter into an agency contract.]

122 [~~(5)~~ "Division" means the Division of Occupational and Professional Licensing created
123 in Section ~~58-1-103~~.]

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

126 [~~(6)~~ (5) "Endorsement contract" means an agreement under which a [~~student-athlete~~]
127 student athlete is employed or receives consideration to use on behalf of the other party any
128 value that the [~~student-athlete~~] student athlete may have because of publicity, reputation,
129 following, or fame obtained because of athletic ability or performance.

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

132 (7) "Intercollegiate sport" means a sport played at the collegiate level for which
133 eligibility requirements for participation by a [~~student-athlete~~] student athlete are established by
134 a national association [~~for the promotion or regulation of~~] that promotes or regulates collegiate
135 athletics.

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

138 (9) "Licensed, registered, or certified professional" means an individual licensed,
139 registered, or certified as an attorney, dealer in securities, financial planner, insurance agent,
140 real estate broker or sales agent, tax consultant, accountant, or member of a profession, other
141 than that of athlete agent, who is licensed, registered, or certified by the state or a nationally
142 recognized organization that licenses, registers, or certifies members of the profession on the
143 basis of experience, education, or testing.

144 [~~(8)~~ (10) "Person" means an individual, [~~corporation, business trust, estate, trust,~~
145 ~~partnership, limited liability company, association, joint venture, government, governmental~~
146 ~~subdivision, agency, or instrumentality, public corporation, or any other legal or commercial~~
147 ~~entity~~] estate, business or nonprofit entity, public corporation, government or governmental
148 subdivision, agency, or instrumentality, or other legal entity.

149 [~~(9)~~ (11) "Professional-sports-services contract" means an agreement under which an
150 individual is employed [~~or agrees to render services as a player on a professional sports team,~~
151 ~~with a professional sports organization, or as a professional athlete~~] as a professional athlete or

152 agrees to render services as a player on a professional sports team or with a professional sports
153 organization.

154 ~~[(10)]~~ (12) "Record" means information that is inscribed on a tangible medium or that
155 is stored in an electronic or other medium and is retrievable in perceivable form.

156 (13) (a) "Recruit or solicit" means attempting to influence the choice of an athlete
157 agent by a student athlete or, if the athlete is a minor, a parent or guardian of the athlete.

158 (b) "Recruit or solicit" does not include giving advice on the selection of a particular
159 agent in a family, coaching, or social situation unless the individual giving the advice does so
160 because of the receipt or anticipated receipt of an economic benefit, directly or indirectly, from
161 the agent.

162 ~~[(11)]~~ (14) "Registration" means registration as an athlete agent ~~[pursuant to]~~ under this
163 chapter.

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

165 (a) to execute or adopt a tangible symbol; or

166 (b) to attach to or logically associate with the record an electronic symbol, sound, or
167 process.

168 ~~[(12)]~~ (16) "State" means a state of the United States, the District of Columbia, Puerto
169 Rico, the United States Virgin Islands, or any territory or insular possession subject to the
170 jurisdiction of the United States.

171 ~~[(13)]~~ (17) (a) ~~["Student-athlete"]~~ "Student athlete" means an individual who ~~[engages~~
172 ~~in, is eligible to engage in, or may be eligible in the future to engage in, any intercollegiate~~
173 ~~sport. If an individual is permanently ineligible to participate in a particular intercollegiate~~
174 ~~sport, the individual is not a student-athlete for purposes of that sport] is eligible to attend an~~
175 educational institution and engages in, is eligible to engage in, or may be eligible in the future
176 to engage in, any interscholastic or intercollegiate sport.

177 (b) "Student athlete" does not include an individual permanently ineligible to
178 participate in a particular interscholastic or intercollegiate sport for that sport.

179 Section 3. Section **58-87-103**, which is renumbered from Section 15-9-103 is
180 renumbered and amended to read:

181 ~~[15-9-103].~~ **58-87-103. Administration -- Rulemaking -- Service of process.**

182 (1) (a) This chapter shall be administered by the division and is subject to the

183 requirements of [~~Title 58,~~] Chapter 1, Division of Occupational and Professional Licensing
 184 Act, so long as the requirements of [~~Title 58,~~] Chapter 1, Division of Occupational and
 185 Professional Licensing Act, are not inconsistent with the requirements of this chapter.

186 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 187 division may make rules necessary to implement this chapter.

188 (2) By acting as an athlete agent in this state, a nonresident individual appoints the
 189 director of the division as the individual's agent for service of process in any civil action in this
 190 state related to the [~~individual's~~] individual acting as an athlete agent in this state.

191 Section 4. Section **58-87-201**, which is renumbered from Section 15-9-104 is
 192 renumbered and amended to read:

193 **Part 2. Registration of athlete agents**

194 [~~15-9-104~~]. **58-87-201. Athlete agents -- Registration required -- Void contracts.**

195 (1) Except as otherwise provided in Subsection (2), an individual may not act as an
 196 athlete agent in this state without holding a certificate of registration under [~~Section 15-9-106~~
 197 ~~or 15-9-108~~] this chapter.

198 (2) Before being issued a certificate of registration[;] under this chapter an individual
 199 may act as an athlete agent in this state for all purposes except signing an agency contract, if:

200 (a) a [~~student-athlete~~] student athlete or another person acting on behalf of the
 201 student-athlete initiates communication with the individual; and

202 (b) [~~within~~] no later than seven days after an initial act that requires the individual to
 203 register as an athlete agent, the individual submits an application for registration as an athlete
 204 agent in this state.

205 (3) An agency contract resulting from conduct in violation of this section is void and
 206 the athlete agent shall return any consideration received under the contract.

207 Section 5. Section **58-87-202**, which is renumbered from Section 15-9-105 is
 208 renumbered and amended to read:

209 [~~15-9-105~~]. **58-87-202. Registration as an athlete agent -- Form --**
 210 **Requirements.**

211 (1) An applicant for registration shall submit an application for registration as an
 212 athlete agent to the division in a form prescribed by the division. An application filed under
 213 this section is a public record under Title 63G, Chapter 2, Government Records Access and

214 Management Act. ~~[The application shall be in the name of an individual and, except as~~
215 ~~otherwise provided in Subsection (2), signed or otherwise authenticated by the applicant under~~
216 ~~penalty of perjury and state or contain]~~ The applicant must be an individual, and the application
217 must be signed by the applicant under penalty of perjury. Except as otherwise provided in
218 Subsections (2) and (3), the application must contain at least the following:

219 ~~[(a) the name of the applicant and the address of the applicant's principal place of~~
220 ~~business;]~~

221 ~~[(b) the name of the applicant's business or employer, if applicable;]~~

222 ~~[(c) any business or occupation engaged in by the applicant for the five years~~
223 ~~immediately preceding the date of submission of the application;]~~

224 ~~[(d) a description of the applicant's:]~~

225 ~~[(i) formal training as an athlete agent;]~~

226 ~~[(ii) practical experience as an athlete agent; and]~~

227 ~~[(iii) educational background relating to the applicant's activities as an athlete agent;]~~

228 ~~[(e) the names and addresses of three individuals not related to the applicant who are~~
229 ~~willing to serve as references;]~~

230 ~~[(f) the name, sport, and last-known team for each individual for whom the applicant~~
231 ~~acted as an athlete agent during the five years next preceding the date of submission of the~~
232 ~~application;]~~

233 ~~[(g) the names and addresses of all persons who are:]~~

234 ~~[(i) with respect to the athlete agent's business if it is not a corporation, the partners,~~
235 ~~members, officers, managers, associates, or profit-sharers of the business; and]~~

236 ~~[(ii) with respect to a corporation employing the athlete agent, the officers, directors,~~
237 ~~and any shareholder of the corporation having an interest of 5% or greater;]~~

238 ~~[(h) whether the applicant or any person named pursuant to Subsection (1)(g) has been~~
239 ~~convicted of a crime that, if committed in this state, would be a crime involving moral~~
240 ~~turpitude or a felony, and identify the crime;]~~

241 ~~[(i) whether there has been any administrative or judicial determination that the~~
242 ~~applicant or any person named pursuant to Subsection (1)(g) has made a false, misleading,~~
243 ~~deceptive, or fraudulent representation;]~~

244 ~~[(j) any instance in which the conduct of the applicant or any person named pursuant to~~

245 ~~Subsection (1)(g) resulted in the imposition of a sanction, suspension, or declaration of~~
246 ~~ineligibility to participate in an interscholastic or intercollegiate athletic event on a~~
247 ~~student-athlete or educational institution;]~~

248 ~~[(k) any sanction, suspension, or disciplinary action taken against the applicant or any~~
249 ~~person named pursuant to Subsection (1)(g) arising out of occupational or professional~~
250 ~~conduct; and]~~

251 ~~[(l) whether there has been any denial of an application for, suspension or revocation~~
252 ~~of, or refusal to renew, the registration or licensure of the applicant or any person named~~
253 ~~pursuant to Subsection (1)(g) as an athlete agent in any state.]~~

254 ~~[(2) An individual who has submitted an application for, and holds a certificate of,~~
255 ~~registration or licensure as an athlete agent in another state, may submit a copy of the~~
256 ~~application and certificate in lieu of submitting an application in the form prescribed pursuant~~
257 ~~to Subsection (1). The division shall accept the application and the certificate from the other~~
258 ~~state as an application for registration in this state if the application to the other state:]~~

259 ~~[(a) was submitted in the other state within six months immediately preceding the~~
260 ~~submission of the application in this state and the applicant certifies that the information~~
261 ~~contained in the application is current;]~~

262 ~~[(b) contains information substantially similar to or more comprehensive than that~~
263 ~~required in an application submitted in this state; and]~~

264 ~~[(c) was signed by the applicant under penalty of perjury.]~~

265 (a) the name and date and place of birth of the applicant and the following contact
266 information for the applicant:

267 (i) the address of the applicant's principal place of business;

268 (ii) work and mobile telephone numbers; and

269 (iii) any means of communicating electronically, including a facsimile number, email
270 address, and personal and business or employer websites;

271 (b) the name of the applicant's business or employer, if applicable, including for each
272 business or employer, its mailing address, telephone number, organization form, and the nature
273 of the business;

274 (c) each social-media account with which the applicant or the applicant's business or
275 employer is affiliated;

276 (d) each business or occupation in which the applicant engaged within five years before
277 the date of the application, including self-employment and employment by others, and any
278 professional or occupational license, registration, or certification held by the applicant during
279 that time;

280 (e) a description of the applicant's:

281 (i) formal training as an athlete agent;

282 (ii) practical experience as an athlete agent; and

283 (iii) educational background relating to the applicant's activities as an athlete agent;

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

287 (g) the name and address of each person that:

288 (i) is a partner, member, officer, manager, associate, or profit sharer or directly or
289 indirectly holds an equity interest of 5% or greater of the athlete agent's business if it is not a
290 corporation; and

291 (ii) is an officer or director of a corporation employing the athlete agent or a
292 shareholder having an interest of 5% or greater in the corporation;

293 (h) a description of the status of any application by the applicant, or any person named
294 under Subsection (1)(g), for a state or federal business, professional, or occupational license,
295 other than as an athlete agent, from a state or federal agency, including any denial, refusal to
296 renew, suspension, withdrawal, or termination of the license and any reprimand or censure
297 related to the license;

298 (i) whether the applicant, or any person named under Subsection (1)(g), has pleaded
299 guilty or no contest to, has been convicted of, or has charges pending for, a crime that would
300 involve moral turpitude or be a felony if committed in this state and, if so, identification of:

301 (i) the crime;

302 (ii) the law-enforcement agency involved; and

303 (iii) if applicable, the date of the conviction and the fine or penalty imposed;

304 (j) whether, within 15 years before the date of application, the applicant, or any person
305 named under Subsection (1)(g), has been a defendant or respondent in a civil proceeding,
306 including a proceeding seeking an adjudication of incompetence and, if so, the date and a full

307 explanation of each proceeding;

308 (k) whether the applicant, or any person named under Subsection (1)(g), has an
309 unsatisfied judgment or a judgment of continuing effect, including alimony or a domestic order
310 in the nature of child support, which is not current at the date of the application;

311 (l) whether, within 10 years before the date of application, the applicant, or any person
312 named under Subsection (1)(g), was adjudicated bankrupt or was an owner of a business that
313 was adjudicated bankrupt;

314 (m) whether there has been any administrative or judicial determination that the
315 applicant, or any person named under Subsection (1)(g), made a false, misleading, deceptive, or
316 fraudulent representation;

317 (n) each instance in which conduct of the applicant, or any person named under
318 Subsection (1)(g), resulted in the imposition of a sanction, suspension, or declaration of
319 ineligibility to participate in an interscholastic, intercollegiate, or professional athletic event on
320 a student athlete or a sanction on an educational institution;

321 (o) each sanction, suspension, or disciplinary action taken against the applicant, or any
322 person named under Subsection (1)(g), arising out of occupational or professional conduct;

323 (p) whether there has been a denial of an application for, suspension or revocation of,
324 refusal to renew, or abandonment of, the registration of the applicant, or any person named
325 under Subsection (1)(g), as an athlete agent in any state;

326 (q) each state in which the applicant currently is registered as an athlete agent or has
327 applied to be registered as an athlete agent;

328 (r) if the applicant is certified or registered by a professional league or players
329 association;

330 (i) the name of the league or association;

331 (ii) the date of certification or registration, and the date of expiration of the certification
332 or registration, if any; and

333 (iii) if applicable, the date of any denial of an application for, suspension or revocation
334 of, refusal to renew, withdrawal of, or termination of, the certification or registration or any
335 reprimand or censure related to the certification or registration; and

336 (s) any additional information required by the division.

337 (2) Instead of proceeding under Subsection (1), an individual registered as an athlete

338 agent in another state may apply for registration as an athlete agent in this state by submitting
 339 to the division:

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

341 (b) a statement that identifies any material change in the information on the application
 342 or verifies there is no material change in the information, signed under penalty of perjury; and

343 (c) a copy of the certificate of registration from the other state.

344 (3) The division shall issue a certificate of registration to an individual who applies for
 345 registration under Subsection (2) if the division determines:

346 (a) the application and registration requirements of the other state are substantially
 347 similar to or more restrictive than this chapter; and

348 (b) the registration has not been revoked or suspended and no action involving the
 349 individual's conduct as an athlete agent is pending against the individual or the individual's
 350 registration in any state.

351 (4) For purposes of implementing Subsection (3), the division shall:

352 (a) cooperate with national organizations concerned with athlete agent issues and
 353 agencies in other states that register athlete agents to develop a common registration form and
 354 determine which states have laws that are substantially similar to or more restrictive than this
 355 chapter; and

356 (b) exchange information, including information related to actions taken against
 357 registered athlete agents or their registrations, with those organizations and agencies.

358 Section 6. Section **58-87-203**, which is renumbered from Section 15-9-106 is
 359 renumbered and amended to read:

360 **[15-9-106]. 58-87-203. Certificate of registration -- Issuance or denial --**
 361 **Renewal.**

362 (1) Except as otherwise provided in Subsection (2), the division shall issue a certificate
 363 of registration to an ~~[individual]~~ applicant for registration who complies with ~~[Subsection~~
 364 ~~15-9-105(1) or whose application has been accepted under Subsection 15-9-105(2)]~~ Subsection
 365 58-87-202(1).

366 ~~[(2) The division may refuse to issue a certificate of registration if the division~~
 367 ~~determines that the applicant has engaged in conduct that has a significant adverse effect on the~~
 368 ~~applicant's fitness to act as an athlete agent. In making the determination, the division may~~

369 consider whether the applicant has:]

370 [~~(a) been convicted of a crime that, if committed in this state, would be a crime~~
371 ~~involving moral turpitude or a felony;~~]

372 [~~(b) made a materially false, misleading, deceptive, or fraudulent representation in the~~
373 ~~application or as an athlete agent;~~]

374 [~~(c) engaged in conduct that would disqualify the applicant from serving in a fiduciary~~
375 ~~capacity;~~]

376 [~~(d) engaged in conduct prohibited by Section 15-9-114;~~]

377 [~~(e) had a registration or licensure as an athlete agent suspended, revoked, or denied or~~
378 ~~been refused renewal of registration or licensure as an athlete agent in any state;~~]

379 [~~(f) engaged in conduct the consequence of which was that a sanction, suspension, or~~
380 ~~declaration of ineligibility to participate in an interscholastic or intercollegiate athletic event~~
381 ~~was imposed on a student-athlete or educational institution; or]~~

382 [~~(g) engaged in conduct that significantly, adversely reflects on the applicant's~~
383 ~~credibility, honesty, or integrity.~~]

384 [~~(3) In making a determination under Subsection (2), the division shall consider:]~~

385 [~~(a) how recently the conduct occurred;~~]

386 [~~(b) the nature of the conduct and the context in which it occurred; and]~~

387 [~~(c) any other relevant conduct of the applicant.~~]

388 [~~(4) An athlete agent may apply to renew a registration by submitting an application for~~
389 ~~renewal in a form prescribed by the division. An application filed under this section is a public~~
390 ~~record under Title 63G, Chapter 2, Government Records Access and Management Act. The~~
391 ~~application for renewal shall be signed by the applicant under penalty of perjury and shall~~
392 ~~contain current information on all matters required in an original registration.]~~

393 [~~(5) An individual who has submitted an application for renewal of registration or~~
394 ~~licensure in another state, in lieu of submitting an application for renewal in the form~~
395 ~~prescribed pursuant to Subsection (4), may file a copy of the application for renewal and a valid~~
396 ~~certificate of registration or licensure from the other state. The division shall accept the~~
397 ~~application for renewal from the other state as an application for renewal in this state if the~~
398 ~~application to the other state:]~~

399 [~~(a) was submitted in the other state within six months immediately preceding the~~

400 ~~filing in this state and the applicant certifies the information contained in the application for~~
401 ~~renewal is current;]~~

402 ~~[(b) contains information substantially similar to or more comprehensive than that~~
403 ~~required in an application for renewal submitted in this state; and]~~

404 ~~[(c) was signed by the applicant under penalty of perjury.]~~

405 (2) The division may refuse to issue a certificate of registration to an applicant for
406 registration under Subsection 58-87-202(1) if the division determines that the applicant has
407 engaged in conduct that significantly adversely reflects on the applicant's fitness to act as an
408 athlete agent. In making the determination, the division may consider whether the applicant
409 has:

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

412 (b) made a materially false, misleading, deceptive, or fraudulent representation in the
413 application or as an athlete agent;

414 (c) engaged in conduct that would disqualify the applicant from serving in a fiduciary
415 capacity;

416 (d) engaged in conduct prohibited by Section 58-87-401;

417 (e) had a registration as an athlete agent suspended, revoked, or denied in any state;

418 (f) been refused renewal of registration as an athlete agent in any state;

419 (g) engaged in conduct resulting in imposition of a sanction, suspension, or declaration
420 of ineligibility to participate in an interscholastic, intercollegiate, or professional athletic event
421 on a student athlete or a sanction on an educational institution; or

422 (h) engaged in conduct that adversely reflects on the applicant's credibility, honesty, or
423 integrity.

424 (3) In making a determination under Subsection (2), the division shall consider:

425 (a) how recently the conduct occurred;

426 (b) the nature of the conduct and the context in which it occurred; and

427 (c) other relevant conduct of the applicant.

428 (4) An athlete agent registered under Subsection (1) may apply to renew the
429 registration by submitting an application for renewal in a form prescribed by the division. The
430 applicant shall sign the application for renewal under penalty of perjury and include current

431 information on all matters required in an original application for registration.

432 (5) An athlete agent registered under Subsection 58-87-202(2) may renew the
433 registration by proceeding under Subsection (4) or, if the registration in the other state has been
434 renewed, by submitting to the division copies of the application for renewal in the other state
435 and the renewed registration from the other state. The division shall renew the registration if
436 the division determines:

437 (a) the registration requirements of the other state are substantially similar to or more
438 restrictive than this chapter; and

439 (b) the renewed registration has not been suspended or revoked and no action involving
440 the individual's conduct as an athlete agent is pending against the individual or the individual's
441 registration in any state.

442 (6) A certificate of registration or a renewal of a registration is valid for two years.

443 Section 7. Section **58-87-204**, which is renumbered from Section 15-9-107 is
444 renumbered and amended to read:

445 **[15-9-107]. 58-87-204. Suspension, revocation, or refusal to renew registration.**

446 (1) The division may limit, suspend, revoke, or refuse to renew a registration of an
447 individual registered under Subsection 58-87-203(1) for conduct that would have justified
448 [denial of registration] refusal to issue a certificate of registration under Subsection
449 [15-9-106(2)] 58-87-203(2).

450 ~~[(2) The division may suspend, revoke, or refuse to renew a certificate of registration~~
451 ~~only after proper notice and an opportunity for a hearing. Title 63G, Chapter 4, Administrative~~
452 ~~Procedures Act, applies to this chapter.]~~

453 (2) The division may suspend or revoke the registration of an individual registered
454 under Subsection 58-87-202(2) or renewed under Subsection 58-87-203(5) for any reason for
455 which the division could have refused to grant or renew registration or for conduct that would
456 justify refusal to issue a certificate of registration under Subsection 58-87-203(2).

457 Section 8. Section **58-87-205**, which is renumbered from Section 15-9-108 is
458 renumbered and amended to read:

459 **[15-9-108]. 58-87-205. Temporary registration.**

460 The division may issue a temporary certificate of registration as an athlete agent while
461 an application for registration or renewal of registration is pending.

462 Section 9. Section **58-87-206**, which is renumbered from Section 15-9-109 is
 463 renumbered and amended to read:

464 ~~[15-9-109].~~ **58-87-206. Registration and renewal fees.**

465 (1) An application for registration or renewal of registration shall be accompanied by a
 466 fee in an amount determined by the division in accordance with Section **63J-1-504**.

467 (2) The division shall establish fees for:

468 (a) an initial application for registration;

469 (b) an application for registration based upon a certificate of registration or licensure
 470 issued by another state;

471 (c) an application for renewal of registration; and

472 (d) an application for renewal of registration based upon an application for renewal of
 473 registration [~~or licensure~~] submitted in another state.

474 Section 10. Section **58-87-301**, which is renumbered from Section 15-9-110 is
 475 renumbered and amended to read:

476 **Part 3. Agency Contract Requirements**

477 ~~[15-9-110].~~ **58-87-301. Required form of contract.**

478 (1) An agency contract [~~shall~~] must be in a record[;] signed [~~or otherwise~~
 479 ~~authenticated~~] by the parties.

480 (2) An agency contract [~~shall state or~~] must contain:

481 [~~(a) the amount and method of calculating the consideration to be paid by the~~
 482 ~~student-athlete for services to be provided by the athlete agent under the contract and any other~~
 483 ~~consideration the athlete agent has received or will receive from any other source for entering~~
 484 ~~into the contract or for providing the services;]~~

485 [~~(b) the name of any person not listed in the application for registration or renewal of~~
 486 ~~registration who will be compensated because the student-athlete signed the agency contract;]~~

487 [~~(c) a description of any expenses that the student-athlete agrees to reimburse;]~~

488 [~~(d) a description of the services to be provided to the student-athlete;]~~

489 [~~(e) the duration of the contract; and]~~

490 [~~(f) the date of execution.]~~

491 [~~(3) An agency contract shall contain, in close proximity to the signature of the~~
 492 ~~student-athlete, a conspicuous notice in boldface type in capital letters stating:]~~

493 ~~[WARNING TO STUDENT-ATHLETE]~~

494 ~~[IF YOU SIGN THIS CONTRACT:]~~

495 ~~[(1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A~~
496 ~~STUDENT-ATHLETE IN YOUR SPORT;]~~

497 ~~[(2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER~~
498 ~~ENTERING INTO THIS CONTRACT, BOTH YOU AND YOUR ATHLETE AGENT~~
499 ~~SHALL NOTIFY YOUR ATHLETIC DIRECTOR; AND]~~

500 ~~[(3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING~~
501 ~~IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR~~
502 ~~ELIGIBILITY.]~~

503 ~~[(4) An agency contract that does not conform to this section is voidable by the~~
504 ~~student-athlete. If a student-athlete voids an agency contract, the student-athlete is not required~~
505 ~~to pay any consideration under the contract or to return any consideration received from the~~
506 ~~athlete agent to induce the student-athlete to enter into the contract.]~~

507 ~~[(5) The athlete agent shall give a record of the signed or otherwise authenticated~~
508 ~~agency contract to the student-athlete at the time of execution.]~~

509 (a) a statement that the athlete agent is registered as an athlete agent in this state and a
510 list of any other states in which the agent is registered as an athlete agent;

511 (b) the amount and method of calculating the consideration to be paid by the student
512 athlete for services to be provided by the agent under the contract and any other consideration
513 the agent has received or will receive from any other source for entering into the contract or
514 providing the services;

515 (c) the name of any person not listed in the agent's application for registration or
516 renewal of registration which will be compensated because the athlete signed the contract;

517 (d) a description of any expenses the athlete agrees to reimburse;

518 (e) a description of the services to be provided to the athlete;

519 (f) the duration of the contract; and

520 (g) the date of execution.

521 (3) Subject to Subsection (7), an agency contract must contain a conspicuous notice in
522 boldface type and in substantially the following form:

523 WARNING TO STUDENT ATHLETE

524 IF YOU SIGN THIS CONTRACT:

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

527 (2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER
528 SIGNING THIS CONTRACT OR BEFORE THE NEXT SCHEDULED ATHLETIC EVENT
529 IN WHICH YOU PARTICIPATE, WHICHEVER OCCURS FIRST, BOTH YOU AND
530 YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR THAT YOU
531 HAVE ENTERED INTO THIS CONTRACT AND PROVIDE THE NAME AND CONTACT
532 INFORMATION OF THE ATHLETE AGENT; AND

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

536 (4) An agency contract must be accompanied by a separate record signed by the student
537 athlete or, if the athlete is a minor, the parent or guardian of the athlete acknowledging that
538 signing the contract may result in the loss of the athlete's eligibility to participate in the athlete's
539 sport.

540 (5) A student athlete or, if the athlete is a minor, the parent or guardian of the athlete
541 may void an agency contract that does not conform to this section. If the contract is voided, any
542 consideration received from the athlete agent under the contract to induce entering into the
543 contract is not required to be returned.

544 (6) At the time an agency contract is executed, the athlete agent shall give the student
545 athlete or, if the athlete is a minor, the parent or guardian of the athlete a copy in a record of the
546 contract and the separate acknowledgment required by Subsection (4).

547 (7) If a student athlete is a minor, an agency contract must be signed by the parent or
548 guardian of the minor and the notice required by Subsection (3) must be revised accordingly.

549 Section 11. Section **58-87-302**, which is renumbered from Section 15-9-111 is
550 renumbered and amended to read:

551 **[15-9-111]. 58-87-302. Notice to educational institution.**

552 ~~[(1) Within 72 hours after entering into an agency contract or before the next scheduled~~
553 ~~athletic event in which the student-athlete may participate, whichever occurs first, the athlete~~
554 ~~agent shall give notice in a record of the existence of the contract to the athletic director of the~~

555 ~~educational institution at which the student-athlete is enrolled or the athlete agent has~~
556 ~~reasonable grounds to believe the student-athlete intends to enroll.]~~

557 ~~[(2) Within 72 hours after entering into an agency contract or before the next athletic~~
558 ~~event in which the student-athlete may participate, whichever occurs first, the student-athlete~~
559 ~~shall inform the athletic director of the educational institution at which the student-athlete is~~
560 ~~enrolled that he or she has entered into an agency contract.]~~

561 (1) As used in this section, "communicating or attempting to communicate" means
562 contacting or attempting to contact by an in-person meeting, a record, or any other method that
563 conveys or attempts to convey a message.

564 (2) Not later than 72 hours after entering into an agency contract or before the next
565 scheduled athletic event in which the student athlete may participate, whichever occurs first,
566 the athlete agent shall give notice in a record of the existence of the contract to the athletic
567 director of the educational institution at which the athlete is enrolled or at which the agent has
568 reasonable grounds to believe the athlete intends to enroll.

569 (3) Not later than 72 hours after entering into an agency contract or before the next
570 scheduled athletic event in which the student athlete may participate, whichever occurs first,
571 the athlete shall inform the athletic director of the educational institution at which the athlete is
572 enrolled that the athlete has entered into an agency contract and the name and contact
573 information of the athlete agent.

574 (4) If an athlete agent enters into an agency contract with a student athlete and the
575 athlete subsequently enrolls at an educational institution, the agent shall notify the athletic
576 director of the institution of the existence of the contract not later than 72 hours after the agent
577 knew or should have known the athlete enrolled.

578 (5) If an athlete agent has a relationship with a student athlete before the athlete enrolls
579 in an educational institution and receives an athletic scholarship from the institution, the agent
580 shall notify the institution of the relationship not later than ten days after the enrollment if the
581 agent knows or should have known of the enrollment and:

582 (a) the relationship was motivated in whole or part by the intention of the agent to
583 recruit or solicit the athlete to enter an agency contract in the future; or

584 (b) the agent directly or indirectly recruited or solicited the athlete to enter an agency
585 contract before the enrollment.

586 (6) An athlete agent shall give notice in a record to the athletic director of any
587 educational institution at which a student athlete is enrolled before the agent communicates or
588 attempts to communicate with:

589 (a) the athlete or, if the athlete is a minor, a parent or guardian of the athlete, to
590 influence the athlete or parent or guardian to enter into an agency contract; or

591 (b) another individual to have that individual influence the athlete or, if the athlete is a
592 minor, the parent or guardian of the athlete to enter into an agency contract.

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

597 (8) An educational institution that becomes aware of a violation of this chapter by an
598 athlete agent shall notify the division and any professional league or players association with
599 which the institution is aware the agent is licensed or registered of the violation.

600 Section 12. Section **58-87-303**, which is renumbered from Section 15-9-112 is
601 renumbered and amended to read:

602 ~~[15-9-112].~~ **58-87-303. Student athlete's right to cancel.**

603 ~~[(1) A student-athlete may cancel an agency contract by giving notice of the~~
604 ~~cancellation to the athlete agent in a record within 14 days after the contract is signed.]~~

605 ~~[(2) A student-athlete may not waive the right to cancel an agency contract.]~~

606 ~~[(3) If a student-athlete cancels an agency contract, the student-athlete is not required to~~
607 ~~pay any consideration under the contract or to return any consideration received from the~~
608 ~~athlete agent to induce the student-athlete to enter into the contract.]~~

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

612 (2) A student athlete or, if the athlete is a minor, the parent or guardian of the athlete
613 may not waive the right to cancel an agency contract.

614 (3) If a student athlete, parent, or guardian cancels an agency contract, the athlete,
615 parent, or guardian is not required to pay any consideration under the contract or return any
616 consideration received from the athlete agent to influence the athlete to enter into the contract.

617 Section 13. Section **58-87-304**, which is renumbered from Section 15-9-113 is
618 renumbered and amended to read:

619 ~~[15-9-113].~~ **58-87-304. Required records.**

620 (1) An athlete agent shall create and retain ~~[the following records for a period of five~~
621 ~~years]~~ for five years records of the following:

622 (a) the name and address of each individual represented by the ~~[athlete]~~ agent;

623 (b) ~~[any]~~ each agency contract entered into by the ~~[athlete]~~ agent; and

624 (c) ~~[any]~~ the direct costs incurred by the ~~[athlete]~~ agent in the recruitment or

625 solicitation of ~~[a student-athlete]~~ each student athlete to enter into an agency contract.

626 (2) Records ~~[required by Subsection (1) to be retained]~~ described in Subsection (1) are
627 open to inspection by the division during normal business hours.

628 Section 14. Section **58-87-401**, which is renumbered from Section 15-9-114 is
629 renumbered and amended to read:

630 **Part 4. Prohibited Conduct and Penalties**

631 ~~[15-9-114].~~ **58-87-401. Prohibited conduct.**

632 ~~[(1) An athlete agent, with the intent to induce a student-athlete to enter into an agency~~
633 ~~contract, may not:]~~

634 ~~[(a) give any materially false or misleading information or make a materially false~~
635 ~~promise or representation;]~~

636 ~~[(b) furnish anything of value to a student-athlete before the student-athlete enters into~~
637 ~~the agency contract; or]~~

638 ~~[(c) furnish anything of value to any individual other than the student-athlete or another~~
639 ~~registered athlete agent.]~~

640 ~~[(2) An athlete agent may not intentionally:]~~

641 ~~[(a) initiate contact with a student-athlete unless registered under this chapter;]~~

642 ~~[(b) refuse or fail to retain or permit inspection of the records required to be retained by~~
643 ~~Section 15-9-113;]~~

644 ~~[(c) fail to register when required by Section 15-9-104;]~~

645 ~~[(d) provide materially false or misleading information in an application for~~
646 ~~registration or renewal of registration;]~~

647 ~~[(e) predate or postdate an agency contract; or]~~

648 ~~[(f) fail to notify a student-athlete before the student-athlete signs or otherwise~~
649 ~~authenticates an agency contract for a particular sport that the signing or authentication may~~
650 ~~make the student-athlete ineligible to participate as a student-athlete in that sport.]~~

651 (1) An athlete agent, with the intent to influence a student athlete or, if the athlete is a
652 minor, a parent or guardian of the athlete to enter into an agency contract, may not take any of
653 the following actions or encourage any other individual to take or assist any other individual in
654 taking any of the following actions on behalf of the agent:

655 (a) give materially false or misleading information or make a materially false promise
656 or representation;

657 (b) furnish anything of value to the athlete before the athlete enters into the contract; or

658 (c) furnish anything of value to an individual other than the athlete or another
659 registered athlete agent.

660 (2) An athlete agent may not intentionally do any of the following or encourage any
661 other individual to do any of the following on behalf of the agent:

662 (a) initiate contact, directly or indirectly, with a student athlete or, if the athlete is a
663 minor, a parent or guardian of the athlete, to recruit or solicit the athlete, parent, or guardian to
664 enter into an agency contract unless registered under this chapter;

665 (b) fail to create or retain or to permit inspection of the records required by Section
666 [58-87-305](#);

667 (c) fail to register when required by Section [58-87-201](#);

668 (d) provide materially false or misleading information in an application for registration
669 or renewal of registration;

670 (e) predate or postdate an agency contract; or

671 (f) fail to notify a student athlete or, if the athlete is a minor, a parent or guardian of the
672 athlete, before the athlete, parent, or guardian signs an agency contract for a particular sport
673 that the signing may make the athlete ineligible to participate as a student athlete in that sport.

674 Section 15. Section ~~58-87-402~~, which is renumbered from Section 15-9-115 is
675 renumbered and amended to read:

676 ~~[15-9-115].~~ **58-87-402. Criminal penalties.**

677 An athlete agent who violates Section ~~[15-9-114]~~ [58-87-401](#) is guilty of a class A
678 misdemeanor.

679 Section 16. Section ~~58-87-403~~, which is renumbered from Section 15-9-116 is
680 renumbered and amended to read:

681 ~~[15-9-116].~~ **58-87-403. Civil remedies.**

682 (1) An educational institution [~~has a right of action against an athlete agent or a former~~
683 ~~student-athlete for damages caused by a violation of this chapter. In an action under this~~
684 ~~section, the court may award to the prevailing party costs and reasonable attorney's fees.] or
685 student athlete may bring an action for damages against an athlete agent if the institution or
686 athlete is adversely affected by an act or omission of the agent in violation of this chapter. An
687 educational institution or student athlete is adversely affected by an act or omission of the agent
688 only if, because of the act or omission, the institution or an individual who was a student
689 athlete at the time of the act or omission and enrolled in the institution:~~

690 (a) is suspended or disqualified from participation in an interscholastic or
691 intercollegiate sports event by or under the rules of a state or national federation or association
692 that promotes or regulates interscholastic or intercollegiate sports; or

693 (b) suffers financial damage.

694 [~~(2) Damages of an educational institution under Subsection (1) include losses and~~
695 ~~expenses incurred because, as a result of the conduct of an athlete agent or former~~
696 ~~student-athlete, the educational institution was injured by a violation of this chapter or was~~
697 ~~penalized, disqualified, or suspended from participation in athletics by a national association~~
698 ~~for the promotion and regulation of athletics, by an athletic conference, or by reasonable~~
699 ~~self-imposed disciplinary action taken to mitigate sanctions likely to be imposed by such an~~
700 ~~organization.]~~

701 [~~(3) A right of action under this section does not accrue until the educational institution~~
702 ~~discovers or by the exercise of reasonable diligence would have discovered the violation by the~~
703 ~~athlete agent or former student-athlete.]~~

704 [~~(4) Any liability of the athlete agent or the former student-athlete under this section is~~
705 ~~several and not joint.]~~

706 [~~(5) This chapter does not restrict rights, remedies, or defenses of any person under law~~
707 ~~or equity.]~~

708 (2) A plaintiff that prevails in an action under this section may recover damages, costs,
709 and reasonable attorney fees. An athlete agent found liable under this section forfeits any right

710 of payment for anything of benefit or value provided to the student athlete and shall refund any
711 consideration paid to the agent by or on behalf of the athlete.

712 (3) This chapter does not restrict rights, remedies, or defenses of any person under law
713 or equity.

714 Section 17. Section **58-87-404**, which is renumbered from Section 15-9-117 is
715 renumbered and amended to read:

716 **[15-9-117]. 58-87-404. Civil and administrative penalty.**

717 (1) The division may assess a civil penalty against an athlete agent not to exceed
718 \$25,000 for a violation of this chapter.

719 (2) An administrative penalty collected under Subsection (1) shall be deposited into the
720 Commerce Service Account created in Section 13-1-2.

721 Section 18. Section **58-87-501**, which is renumbered from Section 15-9-118 is
722 renumbered and amended to read:

723 **Part 5. Application and Construction**

724 **[15-9-118]. 58-87-501. Uniformity of application and construction.**

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

727 Section 19. Section **58-87-502**, which is renumbered from Section 15-9-119 is
728 renumbered and amended to read:

729 **[15-9-119]. 58-87-502. Electronic Signatures in Global and National Commerce**
730 **Act.**

731 The provisions of this chapter [~~governing the legal effect, validity, or enforceability of~~
732 ~~electronic records or signatures, and of contracts formed or performed with the use of such~~
733 ~~records or signatures conform to the requirements of Section 102 of the Electronic Signatures~~
734 ~~in Global and National Commerce Act, Pub. L. No. 106-229, 114 Stat. 464 (2000), and~~
735 ~~supersede, modify, and limit the Electronic Signatures in Global and National Commerce Act.]
736 modify, limit, or supersede the Electronic Signatures in Global and National Commerce Act,
737 15 U.S.C. Sec. 7001 et seq., but do not modify, limit, or supersede 15 U.S.C. Sec. 7001(c) or
738 authorize electronic delivery of any of the notices described in 15 U.S.C. Sec. 7003(b).~~

Legislative Review Note
Office of Legislative Research and General Counsel