

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

ACT #2016-415



1 SB317

2

3

4 ENROLLED, An Act,

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21

22

23

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

24

25

Chapter 26B. Revised Uniform Athlete Agents Act.  
Article 1.

1           General Provisions.

2           §8-26B-1. Short title. This chapter may be cited as  
3 the Revised Uniform Athlete Agents Act (2016).

4           §8-26B-2. Definitions. In this chapter:

5           (1) "Agency contract" means an agreement in which a  
6 student athlete authorizes a person to negotiate or solicit on  
7 behalf of the athlete a professional-sports-services contract  
8 or endorsement contract.

9           (2) "Athlete agent":

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

12           (i) directly or indirectly recruits or solicits a  
13 student athlete to enter into an agency contract or, for  
14 compensation, procures employment or offers, promises,  
15 attempts, or negotiates to obtain employment for a student  
16 athlete as a professional athlete or member of a professional  
17 sports team or organization;

18           (ii) for compensation or in anticipation of  
19 compensation related to a student athlete's participation in  
20 athletics:

21           (I) serves the athlete in an advisory capacity on a  
22 matter related to finances, business pursuits, or career  
23 management decisions, unless the individual is an employee of  
24 an educational institution acting exclusively as an employee  
25 of the institution for the benefit of the institution; or

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

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

7           (I) gives consideration to the student athlete or  
8 another person;

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

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

15           (B) does not include an individual who:

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

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

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

24           (II) also, for compensation, procures employment or  
25 offers, promises, attempts, or negotiates to obtain employment

1 for the athlete as a professional athlete or member of a  
2 professional sports team or organization; or

3 (III) receives consideration for providing the  
4 services calculated using a different method than for an  
5 individual who is not a student athlete.

6 (3) "Athletic director" means the individual  
7 responsible for administering the overall athletic program of  
8 an educational institution or, if an educational institution  
9 has separately administered athletic programs for male  
10 students and female students, the athletic program for males  
11 or the athletic program for females, as appropriate.

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

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

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

23 (7) "Intercollegiate sport" means a sport played at  
24 the collegiate level for which eligibility requirements for  
25 participation by a student athlete are established by a

1 national association that promotes or regulates collegiate  
2 athletics.

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

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

15 (10) "Person" means an individual, estate, business  
16 or nonprofit entity, public corporation, government or  
17 governmental subdivision, agency, or instrumentality, or other  
18 legal entity.

19 (11) "Professional-sports-services contract" means  
20 an agreement under which an individual is employed as a  
21 professional athlete or agrees to render services as a player  
22 on a professional sports team or with a professional sports  
23 organization.

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

4           (13) "Recruit or solicit" means attempt to influence  
5 the choice of an athlete agent by a student athlete or, if the  
6 athlete is a minor, a parent or guardian of the athlete. The  
7 term does not include giving advice on the selection of a  
8 particular agent in a family, coaching, or social situation  
9 unless the individual giving the advice does so because of the  
10 receipt or anticipated receipt of an economic benefit,  
11 directly or indirectly, from the agent.

12           (14) "Registration" means registration as an athlete  
13 agent under this chapter.

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

16           (A) to execute or adopt a tangible symbol; or

17           (B) to attach to or logically associate with the  
18 record an electronic symbol, sound, or process.

19           (16) "State" means a state of the United States, the  
20 District of Columbia, Puerto Rico, the United States Virgin  
21 Islands, or any territory or insular possession subject to the  
22 jurisdiction of the United States.

23           (17) "Student athlete" means an individual who is  
24 eligible to attend an educational institution and engages in,  
25 is eligible to engage in, or may be eligible in the future to

1 engage in, any interscholastic or intercollegiate sport. The  
2 term does not include an individual permanently ineligible to  
3 participate in a particular interscholastic or intercollegiate  
4 sport for that sport.

5 §8-26B-3. Secretary of State; authority; procedure.

6 (a) The Alabama Administrative Procedure Act applies  
7 to this chapter. The Secretary of State may adopt rules under  
8 the act to implement this chapter.

9 (b) By acting as an athlete agent in this state, a  
10 nonresident individual appoints the Secretary of State as the  
11 individual's agent for service of process in any civil action  
12 in this state related to the individual acting as an athlete  
13 agent in this state.

14 §8-26B-4. Athlete agent: Registration required; void  
15 contract.

16 (a) Except as otherwise provided in subsection (b),  
17 an individual may not act as an athlete agent in this state  
18 without holding a certificate of registration under this  
19 chapter.

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

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

4           (2) not later than seven days after an initial act  
5           that requires the individual to register as an athlete agent,  
6           the individual submits an application for registration as an  
7           athlete agent in this state.

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

11          §8-26B-5. Registration as athlete agent;  
12          application; requirements; reciprocal registration.

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

19                 (1) the name and date and place of birth of the  
20                 applicant and the following contact information for the  
21                 applicant:

22                         (A) the address of the applicant's principal place  
23                         of business;

24                         (B) work and mobile telephone numbers; and

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

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

8 (3) each social-media account with which the  
9 applicant or the applicant's business or employer is  
10 affiliated;

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

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

18 (A) formal training as an athlete agent;

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

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

22 (6) the name of each student athlete for whom the  
23 applicant acted as an athlete agent within five years before  
24 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

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

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

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

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

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

22 (14) each instance in which conduct of the  
23 applicant, or any person named under paragraph (7), resulted  
24 in the imposition of a sanction, suspension, or declaration of  
25 ineligibility to participate in an interscholastic,

1 intercollegiate, or professional athletic event on a student  
2 athlete or a sanction on an educational institution;

3 (15) each sanction, suspension, or disciplinary  
4 action taken against the applicant, or any person named under  
5 paragraph (7), arising out of occupational or professional  
6 conduct;

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

12 (17) each state in which the applicant currently is  
13 registered as an athlete agent or has applied to be registered  
14 as an athlete agent;

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

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

18 (B) the date of certification or registration, and  
19 the date of expiration of the certification or registration,  
20 if any; and

21 (C) if applicable, the date of any denial of an  
22 application for, suspension or revocation of, refusal to  
23 renew, withdrawal of, or termination of, the certification or  
24 registration or any reprimand or censure related to the  
25 certification or registration; and

1           (19) any additional information required by the  
2 Secretary of State.

3           (b) Instead of proceeding under subsection (a), an  
4 individual registered as an athlete agent in another state may  
5 apply for registration as an athlete agent in this state by  
6 submitting to the Secretary of State:

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

9           (2) a statement that identifies any material change  
10 in the information on the application or verifies there is no  
11 material change in the information, signed under penalty of  
12 perjury; and

13           (3) a copy of the certificate of registration from  
14 the other state.

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

18           (1) the application and registration requirements of  
19 the other state are substantially similar to or more  
20 restrictive than this chapter; and

21           (2) the registration has not been revoked or  
22 suspended and no action involving the individual's conduct as  
23 an athlete agent is pending against the individual or the  
24 individual's registration in any state.

1           (d) For purposes of implementing subsection (c), the  
2 Secretary of State shall:

3           (1) cooperate with national organizations concerned  
4 with athlete agent issues and agencies in other states which  
5 register athlete agents to develop a common registration form  
6 and determine which states have laws that are substantially  
7 similar to or more restrictive than this chapter; and

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

11           §8-26B-6. Certificate of registration; issuance or  
12 denial; renewal.

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

17           (b) The Secretary of State may refuse to issue a  
18 certificate of registration to an applicant for registration  
19 under Section 8-26B-5(a) if the Secretary of State determines  
20 that the applicant has engaged in conduct that significantly  
21 adversely reflects on the applicant's fitness to act as an  
22 athlete agent. In making the determination, the Secretary of  
23 State may consider whether the applicant has:

24           (1) pleaded guilty or no contest to, has been  
25 convicted of, or has charges pending for, a crime that would

1 involve moral turpitude or be a felony if committed in this  
2 state;

3 (2) made a materially false, misleading, deceptive,  
4 or fraudulent representation in the application or as an  
5 athlete agent;

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

8 (4) engaged in conduct prohibited by Section  
9 8-26B-14;

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

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

14 (7) engaged in conduct resulting in imposition of a  
15 sanction, suspension, or declaration of ineligibility to  
16 participate in an interscholastic, intercollegiate, or  
17 professional athletic event on a student athlete or a sanction  
18 on an educational institution; or

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

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

23 (1) how recently the conduct occurred;

24 (2) the nature of the conduct and the context in  
25 which it occurred; and

1 (3) other relevant conduct of the applicant.

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

9 (e) An athlete agent registered under Section  
10 8-26B-5(c) may renew the registration by proceeding under  
11 subsection (d) or, if the registration in the other state has  
12 been renewed, by submitting to the Secretary of State copies  
13 of the application for renewal in the other state and the  
14 renewed registration from the other state. The Secretary of  
15 State shall renew the registration if the Secretary of State  
16 determines:

17 (1) the registration requirements of the other state  
18 are substantially similar to or more restrictive than this  
19 chapter; and

20 (2) the renewed registration has not been suspended  
21 or revoked and no action involving the individual's conduct as  
22 an athlete agent is pending against the individual or the  
23 individual's registration in any state.

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

1           §8-26B-7. Suspension, revocation, or refusal to  
2 renew registration.

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

8           (b) The Secretary of State may suspend or revoke the  
9 registration of an individual registered under Section  
10 8-26B-5(c) or renewed under Section 8-26B-6(e) for any reason  
11 for which the Secretary of State could have refused to grant  
12 or renew registration or for conduct that would justify  
13 refusal to issue a certificate of registration under Section  
14 8-26B-6(b).

15           §8-26B-8. Temporary registration.

16           The Secretary of State may issue a temporary  
17 certificate of registration as an athlete agent while an  
18 application for registration or renewal of registration is  
19 pending.

20           §8-26B-9. Registration and renewal fees.

21           An application for registration or renewal of  
22 registration as an athlete agent must be accompanied by a fee  
23 in the following amount:

24           (1) Two hundred dollars (\$200) for an initial  
25 application for registration;

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

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

6                   (4) One hundred dollars (\$100) for renewal of  
7 registration based on a renewal of registration in another  
8 state.

9                   §8-26B-10. Required form of agency contract.

10                   (a) An agency contract must be in a record signed by  
11 the parties.

12                   (b) An agency contract must contain:

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

16                   (2) the amount and method of calculating the  
17 consideration to be paid by the student athlete for services  
18 to be provided by the agent under the contract and any other  
19 consideration the agent has received or will receive from any  
20 other source for entering into the contract or providing the  
21 services;

22                   (3) the name of any person not listed in the agent's  
23 application for registration or renewal of registration which  
24 will be compensated because the athlete signed the contract;

1 (4) a description of any expenses the athlete agrees  
2 to reimburse;

3 (5) a description of the services to be provided to  
4 the athlete;

5 (6) the duration of the contract; and

6 (7) the date of execution.

7 (c) Subject to subsection (g), an agency contract  
8 must contain a conspicuous notice in boldface type and in sub-  
9 stantially the following form:

10 WARNING TO STUDENT ATHLETE

11 IF YOU SIGN THIS CONTRACT:

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

14 (2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72  
15 HOURS AFTER SIGNING THIS CONTRACT OR BEFORE THE NEXT SCHEDULED  
16 ATHLETIC EVENT IN WHICH YOU PARTICIPATE, WHICHEVER OCCURS  
17 FIRST, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR  
18 ATHLETIC DIRECTOR THAT YOU HAVE ENTERED INTO THIS CONTRACT AND  
19 PROVIDE THE NAME AND CONTACT INFORMATION OF THE ATHLETE AGENT;  
20 AND

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

1           (d) An agency contract must be accompanied by a  
2 separate record signed by the student athlete or, if the  
3 athlete is a minor, the parent or guardian of the athlete  
4 acknowledging that signing the contract may result in the loss  
5 of the athlete's eligibility to participate in the athlete's  
6 sport.

7           (e) A student athlete or, if the athlete is a minor,  
8 the parent or guardian of the athlete may void an agency  
9 contract that does not conform to this section. If the  
10 contract is voided, any consideration received from the  
11 athlete agent under the contract to induce entering into the  
12 contract is not required to be returned.

13           (f) At the time an agency contract is executed, the  
14 athlete agent shall give the student athlete or, if the  
15 athlete is a minor, the parent or guardian of the athlete a  
16 copy in a record of the contract and the separate  
17 acknowledgement required by subsection (d).

18           (g) If a student athlete is a minor, an agency  
19 contract must be signed by the parent or guardian of the minor  
20 and the notice required by subsection (c) must be revised  
21 accordingly.

22           §8-26B-11. Notice to educational institution.

23           (a) In this section, "communicating or attempting to  
24 communicate" means contacting or attempting to contact by an

1 in-person meeting, a record, or any other method that conveys  
2 or attempts to convey a message.

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

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

18 (d) If an athlete agent enters into an agency  
19 contract with a student athlete and the athlete subsequently  
20 enrolls at an educational institution, the agent shall notify  
21 the athletic director of the institution of the existence of  
22 the contract not later than 72 hours after the agent knew or  
23 should have known the athlete enrolled.

24 (e) If an athlete agent has a relationship with a  
25 student athlete before the athlete enrolls in an educational

1 institution and receives an athletic scholarship from the  
2 institution, the agent shall notify the institution of the  
3 relationship not later than 10 days after the enrollment if  
4 the agent knows or should have known of the enrollment and:

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

8 (2) the agent directly or indirectly recruited or  
9 solicited the athlete to enter an agency contract before the  
10 enrollment.

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

15 (1) the athlete or, if the athlete is a minor, a  
16 parent or guardian of the athlete, to influence the athlete or  
17 parent or guardian to enter into an agency contract; or

18 (2) another individual to have that individual  
19 influence the athlete or, if the athlete is a minor, the  
20 parent or guardian of the athlete to enter into an agency  
21 contract.

22 (g) If a communication or attempt to communicate  
23 with an athlete agent is initiated by a student athlete or  
24 another individual on behalf of the athlete, the agent shall  
25 notify in a record the athletic director of any educational

1 institution at which the athlete is enrolled. The notification  
2 must be made not later than 10 days after the communication or  
3 attempt.

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

9 §8-26B-12. Student athlete's right to cancel.

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

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

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

23 §8-26B-13. Required records.

24 (a) An athlete agent shall create and retain for  
25 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.

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

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

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

11           (3) fail to register when required by Section  
12 8-26B-4;

13           (4) provide materially false or misleading  
14 information in an application for registration or renewal of  
15 registration;

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

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

23           §8-26B-15. Criminal penalties.

24           (a) The commission of any conduct prohibited in  
25 subsection (a) of Section 8-26B-14 by an individual required

1 by this chapter to register as an athlete agent who has  
2 intentionally not registered under this chapter is a Class B  
3 felony.

4 (b) Except for subdivision (1) of subsection (b) of  
5 Section 8-26B-14, the commission of any conduct prohibited in  
6 Section 8-26B-14 by an athlete agent who has registered under  
7 this chapter is a Class C felony.

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

12 §8-26B-16. Civil remedy.

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

22 (1) is suspended or disqualified from participation  
23 in an interscholastic or intercollegiate sports event by or  
24 under the rules of a state or national federation or

1 association that promotes or regulates interscholastic or  
2 intercollegiate sports; or

3 (2) suffers financial damage.

4 (b) A plaintiff that prevails in an action under  
5 this section may recover actual damages, costs, and reasonable  
6 attorney's fees. An athlete agent found liable under this  
7 section forfeits any right of payment for anything of benefit  
8 or value provided to the student athlete and shall refund any  
9 consideration paid to the agent by or on behalf of the  
10 athlete.

11 §8-26B-17. Civil penalty.

12 The Secretary of State may assess a civil penalty  
13 against an athlete agent not to exceed fifty thousand dollars  
14 (\$50,000) for a violation of this chapter.

15 §8-26B-18. Uniformity of application and  
16 construction.

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

21 §8-26B-19. Relation to Electronic Signatures in  
22 Global and National Commerce Act.

23 This chapter modifies, limits, or supersedes the  
24 Electronic Signatures in Global and National Commerce Act, 15  
25 U.S.C. Section 7001 et seq., but does not modify, limit, or

1 supersede Section 101(c) of that act, 15 U.S.C. Section  
2 7001(c), or authorize electronic delivery of any of the  
3 notices described in Section 103 (b) of that act, 15 U.S.C.  
4 Section 7003(b).

5 Article 2.

6 Commission and Disposition of Funds.

7 §8-26B-30.

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

11 (1) One member appointed by the Governor.

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

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

15 (4) The athletic director or an individual appointed  
16 by the athletic director at each of the following institutions  
17 of higher education:

18 a. Auburn University.

19 b. University of Alabama, Tuscaloosa.

20 c. University of South Alabama.

21 d. Alabama State University.

22 e. Alabama A & M University.

23 f. Tuskegee University.

24 g. Troy University.

25 h. Jacksonville State University.

1 i. University of North Alabama.

2 j. University of West Alabama.

3 k. Miles College.

4 l. University of Montevallo.

5 m. University of Alabama, Huntsville.

6 n. University of Alabama, Birmingham.

7 (5) One member appointed by the Alabama High School  
8 Athletic Association.

9 (b) In appointing members to the board, the  
10 appointing power shall select those persons whose  
11 appointments, to the extent possible, ensure that the  
12 membership of the board is inclusive and reflects the racial,  
13 gender, urban/rural, and economic diversity of the state. All  
14 appointed members of the commission shall be citizens of the  
15 United States and residents of Alabama. The term of each  
16 appointed commission member shall be three years and members  
17 are eligible for reappointment. If a vacancy occurs, the  
18 appointing power for the vacant position shall appoint a  
19 successor who shall take office immediately and serve the  
20 remainder of the unexpired term. Members of the Alabama  
21 Athlete Agents Commission serving on October 1, 2016, shall  
22 continue to serve on the Alabama Athlete Agents Commission  
23 until their term expires.

24 (c) Within 15 days after their appointment, the  
25 members of the commission shall take an oath before any person

1 lawfully authorized to administer oaths in this state to  
2 faithfully and impartially perform their duties as members of  
3 the commission, and the same shall be filed with the Secretary  
4 of State.

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

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

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

11 (g) The Secretary of State shall keep records of the  
12 proceedings of the commission; and, in any proceeding in  
13 court, civil or criminal, arising out of or founded upon any  
14 provision of this chapter, copies of those records certified  
15 as correct by the Secretary of State shall be admissible in  
16 evidence as tending to prove the content of the records.

17 (h) The Secretary of State shall have printed and  
18 published for distribution an annual register which shall  
19 contain the names, arranged alphabetically, of all persons  
20 registered under this chapter. The Secretary of State shall  
21 also provide a quarterly report to the commission of all  
22 agents registered during the quarter, any suspension or  
23 revocation of registered agents during the quarter, and other  
24 disciplinary action taken against an agent.

1           (i) The Secretary of State may employ personnel and  
2           arrange for assistance, service, and supplies as the Secretary  
3           of State may require for the performance of the duties of the  
4           commission.

5           (j) The commission may promulgate and, from time to  
6           time, amend rules and standards of conduct for athlete agents  
7           appropriate for the protection of the residents of the state.  
8           At least 35 days prior to the completion of notice of any rule  
9           or amendment, the Secretary of State shall mail copies of the  
10          proposed rule or amendment to all persons registered under  
11          this chapter, with a notice advising them of the completion of  
12          notice of the rule or amendment and requesting that they  
13          submit advisory comments thereon at least 15 days prior to the  
14          completion of notice. Failure to receive by mail a rule,  
15          amendment, or notice by all persons registered under this  
16          chapter shall not affect the validity of the rule or  
17          amendment.

18          (k) Except for the Secretary of State, each member  
19          of the commission, who is not otherwise reimbursed by public  
20          funds for services provided to this commission, shall be paid  
21          fifty dollars (\$50) for each day the member is actively  
22          engaged in the discharge of official duties as a member of the  
23          commission, and shall also be entitled to, and shall receive,  
24          reimbursement for actual necessary expenses incurred in the  
25          discharge of official duties on behalf of the commission.

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

7           §8-26B-31.

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

12           (b) There is hereby created in the State Treasury a  
13 fund to be known and designated as the Alabama Athlete Agents  
14 Fund. All funds, fees, charges, costs, and collections  
15 accruing to or collected under the provisions of this chapter  
16 shall be deposited into the State Treasury to the credit of  
17 the Alabama Athlete Agents Fund.

18           (c) Funds now or hereafter deposited in the State  
19 Treasury to the credit of the Alabama Athlete Agents Fund may  
20 not be expended for any purpose whatsoever unless the same  
21 shall have been allotted and budgeted in accordance with  
22 Article 4 of Chapter 4 of Title 41, and only in the amounts  
23 and for the purposes provided by the Legislature in the  
24 general appropriation bill or other appropriation bills.

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

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

11          Section 4. This act shall take effect October 1,  
12          2016.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

*Kay Ivey*

President and Presiding Officer of the Senate

*[Signature]*

Speaker of the House of Representatives

SB317

Senate 26-APR-16

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris  
Secretary

House of Representatives  
Passed: 04-MAY-16

By: Senator Allen

**APPROVED** 5-13-16

**TIME** 8:30 AM

*Robert Bentley*  
**GOVERNOR**

Alabama Secretary Of State  
Act Num....: 2016-415  
Bill Num....: S-317  
Recv'd 05/13/16 10:19amSLF

SPONSOR

*Allen*

SPONSORS

*Wingerson* 49

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

SENATE ACTION

DATE: 3-1 2016  
RD 1 RFD GA

I hereby certify that the notice & proof is attached to the Bill, SB \_\_\_\_\_ as required in the General Acts of Alabama, 1975 Act No. 919.  
**PATRICK HARRIS,**  
Secretary

This Bill was referred to the Standing Committee of the Senate on GA and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amd(s) 0 w/sub 0 w/eng sub 0 years 6th days 0 abstain 0 this 6th day of April 2016  
*James M. Bailey*, Chairperson

DATE: 4-7 2016  
RF FAU RD 2 CAL

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB \_\_\_\_\_ years \_\_\_\_\_ nays \_\_\_\_\_ abstain \_\_\_\_\_  
**PATRICK HARRIS,**  
Secretary

DATE: 4-21-16 RD 3 at length  
PASSED  PASSED AS AMENDED   
years 26 nays 0 abstain 0  
And was ordered sent forthwith to the House.

HOUSE ACTION

DATE: 4-28 2016  
RD 1 RFD CASB

**REPORT OF STANDING COMMITTEE**  
This bill having been referred by the House to its standing committee on CASB

was acted upon by such Committee in session, and returned therefrom to the House with the recommendation that it be Passed, w/amd(s) \_\_\_\_\_ w/sub \_\_\_\_\_ this 28th day of April, 2016  
*[Signature]*, Chairperson

DATE: 4-28 2016  
RF \_\_\_\_\_ RD 2 CAL

DATE: \_\_\_\_\_ 20\_\_\_\_  
RE-REFERRED  RE-COMMITTED   
COMMITTEE \_\_\_\_\_

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB \_\_\_\_\_  
YEAS \_\_\_\_\_ NAYS \_\_\_\_\_  
**JEFF WOODARD,**