

1 AN ACT to create the Uniform Athlete Agents Act.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the
5 Uniform Athlete Agents Act.

6 Section 2. Definitions. In this Act:

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

12 (2) "Athlete agent" means an individual who enters
13 into an agency contract with a student-athlete or,
14 directly or indirectly, recruits or solicits a
15 student-athlete to enter into an agency contract. The
16 term includes an individual who represents to the public
17 that the individual is an athlete agent. The term does
18 not include a spouse, parent, sibling, grandparent, or
19 guardian of the student-athlete or an individual acting
20 solely on behalf of a professional sports team or
21 professional sports organization.

22 (3) "Athletic director" means an individual
23 responsible for administering the overall athletic
24 program of an educational institution or, if an
25 educational institution has separately administered
26 athletic programs for male students and female students,
27 the athletic program for males or the athletic program
28 for females, as appropriate.

29 (4) "Contact" means a communication, direct or
30 indirect, between an athlete agent and a student-athlete,
31 to recruit or solicit the student-athlete to enter into

1 an agency contract.

2 (4.5) "Department" means the Department of
3 Professional Regulation.

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

10 (6) "Intercollegiate sport" means a sport played at
11 the collegiate level for which eligibility requirements
12 for participation by a student-athlete are established by
13 a national association for the promotion or regulation of
14 collegiate athletics.

15 (7) "Person" means an individual, corporation,
16 business trust, estate, trust, partnership, limited
17 liability company, association, joint venture,
18 government; governmental subdivision, agency, or
19 instrumentality; public corporation, or any other legal
20 or commercial entity.

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

26 (9) "Record" means information that is inscribed on
27 a tangible medium or that is stored in an electronic or
28 other medium and is retrievable in perceivable form.

29 (10) "Registration" means registration as an
30 athlete agent pursuant to this Act.

31 (11) "State" means a State of the United States,
32 the District of Columbia, Puerto Rico, the United States
33 Virgin Islands, or any territory or insular possession
34 subject to the jurisdiction of the United States.

1 (12) "Student-athlete" means an individual who
2 engages in, is eligible to engage in, or may be eligible
3 in the future to engage in, any intercollegiate sport.
4 If an individual is permanently ineligible to participate
5 in a particular intercollegiate sport, the individual is
6 not a student-athlete for purposes of that sport.

7 Section 3. Service of process; subpoenas.

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

13 (b) The Department may issue subpoenas for any material
14 that is relevant to the administration of this Act.

15 Section 4. Athlete agents: registration required; void
16 contracts.

17 (a) Except as otherwise provided in subsection (b), an
18 individual may not act as an athlete agent in this State
19 without holding a certificate of registration under Section 6
20 or 8.

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

24 (1) a student-athlete or another person acting on
25 behalf of the student-athlete initiates communication
26 with the individual; and

27 (2) within seven days after an initial act as an
28 athlete agent, the individual submits an application for
29 registration as an athlete agent in this State.

30 (c) An agency contract resulting from conduct in
31 violation of this section is void and the athlete agent shall
32 return any consideration received under the contract.

1 Section 5. Registration as athlete agent; form;
2 requirements.

3 (a) An applicant for registration shall submit an
4 application for registration to the Department in a form
5 prescribed by the Department. An application filed under this
6 Section is a public record. The application must be in the
7 name of an individual and, except as otherwise provided in
8 subsection (b), signed or otherwise authenticated by the
9 applicant under penalty of perjury and state or contain:

10 (1) the name of the applicant and the address of
11 the applicant's principal place of business;

12 (2) the name of the applicant's business or
13 employer, if applicable;

14 (3) any business or occupation engaged in by the
15 applicant for the five years next preceding the date of
16 submission of the application;

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

18 (A) formal training as an athlete agent;

19 (B) practical experience as an athlete agent;

20 and

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

23 (5) the names and addresses of three individuals
24 not related to the applicant who are willing to serve as
25 references;

26 (6) the name, sport, and last known team for each
27 individual for whom the applicant acted as an athlete
28 agent during the five years next preceding the date of
29 submission of the application;

30 (7) the names and addresses of all persons who are:

31 (A) with respect to the athlete agent's
32 business if it is not a corporation, the partners,
33 members, officers, managers, associates, or
34 profit-sharers of the business; and

1 (B) with respect to a corporation employing
2 the athlete agent, the officers, directors, and any
3 shareholder of the corporation having an interest of
4 five percent or greater;

5 (8) whether the applicant or any person named
6 pursuant to paragraph (7) has been convicted of a crime
7 that, if committed in this State, would be a crime
8 involving moral turpitude or a felony, and identify the
9 crime;

10 (9) whether there has been any administrative or
11 judicial determination that the applicant or any person
12 named pursuant to paragraph (7) has made a false,
13 misleading, deceptive, or fraudulent representation;

14 (10) any instance in which the conduct of the
15 applicant or any person named pursuant to paragraph (7)
16 resulted in the imposition of a sanction, suspension, or
17 declaration of ineligibility to participate in an
18 interscholastic or intercollegiate athletic event on a
19 student-athlete or educational institution;

20 (11) any sanction, suspension, or disciplinary
21 action taken against the applicant or any person named
22 pursuant to paragraph (7) arising out of occupational or
23 professional conduct; and

24 (12) whether there has been any denial of an
25 application for, suspension or revocation of, or refusal
26 to renew, the registration or licensure of the applicant
27 or any person named pursuant to paragraph (7) as an
28 athlete agent in any State.

29 (b) An individual who has submitted an application for,
30 and holds a certificate of, registration or licensure as an
31 athlete agent in another State, may submit a copy of the
32 application and certificate in lieu of submitting an
33 application in the form prescribed pursuant to subsection
34 (a). The Department shall accept the application and the

1 certificate from the other State as an application for
2 registration in this State if the application to the other
3 State:

4 (1) was submitted in the other State within six
5 months next preceding the submission of the application
6 in this State and the applicant certifies that the
7 information contained in the application is current;

8 (2) contains information substantially similar to
9 or more comprehensive than that required in an
10 application submitted in this State; and

11 (3) was signed by the applicant under penalty of
12 perjury.

13 Section 6. Certificate of registration; issuance or
14 denial; renewal.

15 (a) Except as otherwise provided in subsection (b), the
16 Department shall issue a certificate of registration to an
17 individual who complies with Section 5(a) or whose
18 application has been accepted under Section 5(b).

19 (b) The Department may refuse to issue a certificate of
20 registration if the Department determines that the applicant
21 has engaged in conduct that has a significant adverse effect
22 on the applicant's fitness to act as an athlete agent. In
23 making the determination, the Department may consider whether
24 the applicant has:

25 (1) been convicted of a crime that, if committed in
26 this State, would be a crime involving moral turpitude or
27 a felony;

28 (2) made a materially false, misleading, deceptive,
29 or fraudulent representation in the application or as an
30 athlete agent;

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

33 (4) engaged in conduct prohibited by Section 14;

1 (5) had a registration or licensure as an athlete
2 agent suspended, revoked, or denied or been refused
3 renewal of registration or licensure as an athlete agent
4 in any State;

5 (6) engaged in conduct the consequence of which was
6 that a sanction, suspension, or declaration of
7 ineligibility to participate in an interscholastic or
8 intercollegiate athletic event was imposed on a
9 student-athlete or educational institution; or

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

13 (c) In making a determination under subsection (b), the
14 Department shall consider:

15 (1) how recently the conduct occurred;

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

18 (3) any other relevant conduct of the applicant.

19 (d) An athlete agent may apply to renew a registration
20 by submitting an application for renewal in a form prescribed
21 by the Department. An application filed under this section is
22 a public record. The application for renewal must be signed
23 by the applicant under penalty of perjury and must contain
24 current information on all matters required in an original
25 registration.

26 (e) An individual who has submitted an application for
27 renewal of registration or licensure in another State, in
28 lieu of submitting an application for renewal in the form
29 prescribed pursuant to subsection (d), may file a copy of the
30 application for renewal and a valid certificate of
31 registration or licensure from the other State. The
32 Department shall accept the application for renewal from the
33 other State as an application for renewal in this State if
34 the application to the other State:

1 (1) was submitted in the other State within six
2 months next preceding the filing in this State and the
3 applicant certifies the information contained in the
4 application for renewal is current;

5 (2) contains information substantially similar to
6 or more comprehensive than that required in an
7 application for renewal submitted in this State; and

8 (3) was signed by the applicant under penalty of
9 perjury.

10 (f) A certificate of registration or a renewal of a
11 registration is valid for two years.

12 Section 7. Suspension, revocation, or refusal to renew
13 registration.

14 (a) The Department may suspend, revoke, or refuse to
15 renew a registration for conduct that would have justified
16 denial of registration under Section 6(b).

17 (b) The Department may deny, suspend, revoke, or refuse
18 to renew a certificate of registration or licensure only
19 after proper notice and an opportunity for a hearing. The
20 Illinois Administrative Procedure Act applies to this Act.

21 Section 8. Temporary registration. The Department may
22 issue a temporary certificate of registration while an
23 application for registration or renewal of registration is
24 pending.

25 Section 9. Registration and renewal fees. An application
26 for registration or renewal of registration must be
27 accompanied by a fee in the following amount:

28 (1) \$75 for an initial application for
29 registration;

30 (2) \$75 for an application for registration based
31 upon a certificate of registration or licensure issued by

1 another State;

2 (3) \$50 for an application for renewal of
3 registration; or

4 (4) \$50 for an application for renewal of
5 registration based upon an application for renewal of
6 registration or licensure submitted in another State.

7 Section 10. Required form of contract.

8 (a) An agency contract must be in a record, signed or
9 otherwise authenticated by the parties.

10 (b) An agency contract must state or contain:

11 (1) the amount and method of calculating the
12 consideration to be paid by the student-athlete for
13 services to be provided by the athlete agent under the
14 contract and any other consideration the athlete agent
15 has received or will receive from any other source for
16 entering into the contract or for providing the services;

17 (2) the name of any person not listed in the
18 application for registration or renewal of registration
19 who will be compensated because the student-athlete
20 signed the agency contract;

21 (3) a description of any expenses that the
22 student-athlete agrees to reimburse;

23 (4) a description of the services to be provided to
24 the student-athlete;

25 (5) the duration of the contract; and

26 (6) the date of execution.

27 (c) An agency contract must contain, in close proximity
28 to the signature of the student-athlete, a conspicuous notice
29 in boldface type in capital letters stating:

30 WARNING TO STUDENT-ATHLETE

31 IF YOU SIGN THIS CONTRACT:

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

1 (2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72
2 HOURS AFTER ENTERING INTO THIS CONTRACT, BOTH YOU AND
3 YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR;
4 AND

5 (3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS
6 AFTER SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT
7 REINSTATE YOUR ELIGIBILITY.

8 (d) An agency contract that does not conform to this
9 section is voidable by the student-athlete. If a
10 student-athlete voids an agency contract, the student-athlete
11 is not required to pay any consideration under the contract
12 or to return any consideration received from the athlete
13 agent to induce the student-athlete to enter into the
14 contract.

15 (e) The athlete agent shall give a record of the signed
16 or otherwise authenticated agency contract to the
17 student-athlete at the time of execution.

18 Section 11. Notice to educational institution.

19 (a) Within 72 hours after entering into an agency
20 contract or before the next scheduled athletic event in which
21 the student-athlete may participate, whichever occurs first,
22 the athlete agent shall give notice in a record of the
23 existence of the contract to the athletic director of the
24 educational institution at which the student-athlete is
25 enrolled or the athlete agent has reasonable grounds to
26 believe the student-athlete intends to enroll.

27 (b) Within 72 hours after entering into an agency
28 contract or before the next athletic event in which the
29 student-athlete may participate, whichever occurs first, the
30 student-athlete shall inform the athletic director of the
31 educational institution at which the student-athlete is
32 enrolled that he or she has entered into an agency contract.

1 Section 12. Student-athlete's right to cancel.

2 (a) A student-athlete may cancel an agency contract by
3 giving notice of the cancellation to the athlete agent in a
4 record within 14 days after the contract is signed.

5 (b) A student-athlete may not waive the right to cancel
6 an agency contract.

7 (c) If a student-athlete cancels an agency contract, the
8 student-athlete is not required to pay any consideration
9 under the contract or to return any consideration received
10 from the athlete agent to induce the student-athlete to enter
11 into the contract.

12 Section 13. Required records.

13 (a) An athlete agent shall retain the following records
14 for a period of five years:

15 (1) the name and address of each individual
16 represented by the athlete agent;

17 (2) any agency contract entered into by the athlete
18 agent; and

19 (3) any direct costs incurred by the athlete agent
20 in the recruitment or solicitation of a student-athlete
21 to enter into an agency contract.

22 (b) Records required by subsection (a) to be retained
23 are open to inspection by the Department during normal
24 business hours.

25 Section 14. Prohibited conduct.

26 (a) An athlete agent, with the intent to induce a
27 student-athlete to enter into an agency contract, may not:

28 (1) give any materially false or misleading
29 information or make a materially false promise or
30 representation;

31 (2) furnish anything of value to a student-athlete
32 before the student-athlete enters into the agency

1 contract; or

2 (3) furnish anything of value to any individual
3 other than the student-athlete or another registered
4 athlete agent.

5 (b) An athlete agent may not intentionally:

6 (1) initiate contact with a student-athlete unless
7 registered under this Act;

8 (2) refuse or fail to retain or permit inspection
9 of the records required to be retained by Section 13;

10 (3) fail to register when required by Section 4;

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

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

15 (6) fail to notify a student-athlete before the
16 student-athlete signs or otherwise authenticates an
17 agency contract for a particular sport that the signing
18 or authentication may make the student-athlete ineligible
19 to participate as a student-athlete in that sport.

20 Section 15. Criminal penalties. An athlete agent who
21 violates Section 14 is guilty of a Class A misdemeanor.

22 Section 16. Civil remedies.

23 (a) An educational institution has a right of action
24 against an athlete agent or a former student-athlete for
25 damages caused by a violation of this Act. In an action
26 under this section, the court may award to the prevailing
27 party costs and reasonable attorney's fees.

28 (b) Damages of an educational institution under
29 subsection (a) include losses and expenses incurred because,
30 as a result of the conduct of an athlete agent or former
31 student-athlete, the educational institution was injured by a
32 violation of this Act or was penalized, disqualified, or

1 suspended from participation in athletics by a national
2 association for the promotion and regulation of athletics, by
3 an athletic conference, or by reasonable self-imposed
4 disciplinary action taken to mitigate sanctions likely to be
5 imposed by such an organization.

6 (c) A right of action under this section does not accrue
7 until the educational institution discovers or by the
8 exercise of reasonable diligence would have discovered the
9 violation by the athlete agent or former student-athlete.

10 (d) Any liability of the athlete agent or the former
11 student-athlete under this section is several and not joint.

12 (e) This Act does not restrict rights, remedies, or
13 defenses of any person under law or equity.

14 Section 17. Administrative penalty. The Department may
15 assess a civil penalty against an athlete agent not to exceed
16 \$5,000 for a violation of this Act.

17 Section 18. Uniformity of application and construction.
18 In applying and construing this Uniform Act, consideration
19 must be given to the need to promote uniformity of the law
20 with respect to its subject matter among States that enact
21 it.

22 Section 19. Electronic Signatures in Global and National
23 Commerce Act. The provisions of this Act governing the legal
24 effect, validity, or enforceability of electronic records or
25 signatures, and of contracts formed or performed with the use
26 of such records or signatures conform to the requirements of
27 Section 102 of the Electronic Signatures in Global and
28 National Commerce Act, Pub. L. No. 106-229, 114 Stat. 464
29 (2000), and supersede, modify, and limit the Electronic
30 Signatures in Global and National Commerce Act.

1 Section 20. Severability. If any provision of this Act
2 or its application to any person or circumstance is held
3 invalid, the invalidity does not affect other provisions or
4 applications of this Act which can be given effect without
5 the invalid provision or application, and to this end the
6 provisions of this Act are severable.