



**Statement of Libby Snyder, Legislative Counsel at the Uniform Law Commission, to the
Judiciary Committee in Support of House Bill 2521 – Enacting the Revised Uniform
Athlete Agents Act.**

Public Hearing of February 3, 2020

Chair Patton and Members of the Committee:

Thank you for introducing House Bill 2521, enacting the Revised Uniform Athlete Agents Act, promulgated by the Uniform Law Commission (ULC). The ULC is a non-profit organization formed in 1892 to draft non-partisan model legislation in the areas of state law for which uniformity among the states is advisable.

The state of Kansas has a long and successful history of enacting ULC acts, including the Uniform Athlete Agents Act, the Uniform Commercial Code, the Uniform Anatomical Gifts Act, the Uniform Trade Secrets Act, and the Uniform Transfers to Minors Act, as well as others.

The impetus for revising the Uniform Athlete Agents Act was to provide modernized legislation for the ever-evolving sports commercial marketplace and the increasing improper activity between athlete agents and student athletes. Under the National Collegiate Athletic Association (NCAA) rules (Bylaw 12.3), if a student athlete has agreed to be represented by an athlete agent for the purpose of marketing his or her athletics ability or reputation in a sport, or has accepted benefits from an athlete agent, that individual becomes ineligible to participate in an intercollegiate sport. This can cause student athletes to lose scholarships and face sanctions they might not expect. If the ineligibility is not disclosed to the school, and an ineligible athlete is allowed to compete in violation of NCAA rules, that school may face a wide variety of sanctions, including suspensions, fines, and the possible loss of post-season play and all the revenue that this might represent.

House Bill 2521 is necessary because it improves current athlete agent law in Kansas, in order to adapt to changing activities in the extremely competitive environment in which athlete agents operate. House Bill 2521 provides rules to not only protect educational institutions in Kansas, but student athletes that attend them as well. This legislation also delivers clear and succinct guidelines for athlete agents operating within the state.

The term “athlete agent”, defined in House Bill 2521, now includes financial advisors, business advisors, career managers and individuals who give something of value to a student athlete or another person in anticipation of representing the athlete for a purpose related to the athlete’s participation in athletics.

House Bill 2521 enhances information required to be disclosed by an athlete agent in an application for registration to the Kansas Secretary of State. These disclosure requirements

create transparency in the interactions between athlete agents and student athletes.

House Bill 2521 also enhances agency contract requirements by now requiring an agency contract to contain provisions for parents or guardians to execute or void an agency contract if the athlete is a minor; as well a separate record, signed by the student athlete, acknowledging that signing the contract may result in loss of eligibility to participate in the athlete's sport.

House Bill 2521 adds notification requirements to mandating an athlete agent to notify the educational institution where a student athlete is enrolled before contacting a student athlete; and when a preexisting relationship between themselves and the student athlete exists, if the relationship was motivated by the intention to recruit the student athlete to enter an agency contract or the agent actually recruited the student athlete to enter a contract and the athlete agent knew or should have known of the enrollment.

House Bill 2521 also allows athlete agents to cover limited expenses of a prospective or enrolled student athlete and their family for meals, hotel and travel in connection with the agent selection process. This accommodates changes the NCAA made to its bylaws on August 8, 2018.

House Bill 2521 further provides remedies for student athletes by giving student athletes the right to sue an athlete agent for damages caused by a violation of the bill.

If passed, House Bill 2521 will be an important step in modernizing athlete agent regulation in Kansas. I ask for your support to advance this important legislation. Thank you for your time and consideration.

Libby Snyder
Legislative Counsel
Uniform Law Commission