

HOUSE BILL No. 2521

By Committee on Judiciary

1-29

Proposed Amendments to HB 2521 - Patton
House Judiciary
Prepared by: Natalie Scott, Assistant Revisor
February 5, 2020

1 AN ACT concerning athlete agents; enacting the revised uniform athlete
2 agents act; repealing K.S.A. 44-1516, 44-1517, 44-1518, 44-1519, 44-
3 1520, 44-1521, 44-1522, 44-1523, 44-1524, 44-1525, 44-1526, 44-
4 1527, 44-1528, 44-1529, 44-1530, 44-1531, 44-1532, 44-1533, 44-
5 1534, 44-1535 and 44-1536.

6

7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. Sections 1 through 19, and amendment thereto, shall be
9 known and may be cited as the revised uniform athlete agents act.

10 Sec. 2. As used in this act:

11 (a) "Agency contract" means an agreement in which a student athlete
12 authorizes a person to negotiate or solicit on behalf of the athlete a
13 professional sports services contract or endorsement contract.

14 (b) (1) "Athlete agent" means an individual, regardless of whether
15 such individual is required to register pursuant to this act, who:

16 (A) Directly or indirectly recruits or solicits a student athlete to enter
17 into an agency contract or, for compensation, procures employment or
18 offers, promises, attempts or negotiates to obtain employment for a student
19 athlete as a professional athlete or member of a professional sports team or
20 organization;

21 (B) for compensation or in anticipation of compensation related to a
22 student athlete's participation in athletics:

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

27 (ii) manages the business affairs of the athlete by providing assistance
28 with bills, payments, contracts or taxes; or

29 (C) in anticipation of representing a student athlete for a purpose
30 related to the athlete's participation in athletics:

31 (i) Gives consideration to the student athlete or another person;

32 (ii) serves the athlete in an advisory capacity on a matter related to
33 finances, business pursuits or career management decisions; or

34 (iii) manages the business affairs of the athlete by providing
35 assistance with bills, payments, contracts or taxes.

36 (2) "Athlete agent" does not mean an individual who:

- 1 (A) Acts solely on behalf of a professional sports team or
2 organization; or
- 3 (B) is a licensed, registered or certified professional and offers or
4 provides services to a student athlete customarily provided by members of
5 the profession, unless the individual:
- 6 (i) Recruits or solicits the athlete to enter into an agency contract;
7 (ii) for compensation, procures employment or offers, promises,
8 attempts or negotiates to obtain employment for the athlete as a
9 professional athlete or member of a professional sports team or
10 organization; or
- 11 (iii) receives consideration for providing the services calculated using
12 a different method than for an individual who is not a student athlete.
- 13 (c) "Athletic director" means the individual responsible for
14 administering the overall athletic program of an educational institution or,
15 if an educational institution has separately administered athletic programs
16 for male students and female students, the athletic program for males or
17 the athletic programs for females, as appropriate.
- 18 (d) "Communicates or attempts to communicate" means contacting or
19 attempting to contact by an in-person meeting, a record or any other
20 method that conveys or attempts to convey a message.
- 21 (e) "Educational institution" means a public or private elementary
22 school, secondary school, technical college, municipal university,
23 community college, college, university, state educational institution and
24 not-for-profit corporation controlled by an educational institution for the
25 sole purpose of operating its athletic program.
- 26 (f) "Endorsement contract" means an agreement under which a
27 student athlete is employed or receives consideration to use on behalf of
28 the other party any value that the athlete may have because of publicity,
29 reputation, following or fame obtained because of athletic ability or
30 performance.
- 31 (g) "Enrolled" or "enrolls" means registered for courses and attending
32 athletic practice or class.
- 33 (h) "Intercollegiate sport" means a sport played at the collegiate level
34 for which eligibility requirements for participation by a student athlete are
35 established by a national association that promotes or regulates collegiate
36 athletics.
- 37 (i) "Interscholastic sport" means a sport played between educational
38 institutions that are not community colleges, colleges or universities.
- 39 (j) "Licensed, registered or certified professional" means an
40 individual licensed, registered or certified as an attorney, dealer in
41 securities, financial planner, insurance agent, real estate broker or sales
42 agent, tax consultant, accountant or member of a profession, other than
43 that of athlete agent, who is licensed, registered or certified by the state or

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

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

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

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

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

20 (o) "Registration" means registration as an athlete agent pursuant to
 21 this act.

22 (p) "Sign" means, with present intent to authenticate or adopt a
 23 record, to:

- 24 (1) Execute or adopt a tangible symbol; or
- 25 (2) attach to or logically associate with the record an electronic
 26 symbol, sound or process.

27 (q) "State" means a state of the United States, the District of
 28 Columbia, Puerto Rico, the United States Virgin Islands or any territory or
 29 insular possession subject to the jurisdiction of the United States.

30 (r) "Student athlete" means an individual who is eligible to attend an
 31 educational institution and engages in, is eligible to engage in, or may be
 32 eligible in the future to engage in, any interscholastic or intercollegiate
 33 sport. "Student athlete" does not include an individual permanently
 34 ineligible to participate in a particular interscholastic or intercollegiate
 35 sport for that sport.

36 Sec. 3. (a) By acting as an athlete agent in this state, a nonresident
 37 individual appoints the secretary of state as the individual's ~~athlete~~ agent
 38 for service of process in any civil action in this state related to the
 39 individual acting as an athlete agent in this state.

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40 (b) The secretary of state may adopt rules and regulations to carry out
 41 the provisions of this act. Any rules and regulations adopted by the
 42 secretary of state pursuant to the uniform sports agents act, K.S.A. 44-
 43 1535, prior to its repeal, shall continue into effect until modified by the

1 secretary.

2 (c) All administrative proceedings pursuant to this act shall be
3 conducted in accordance with the provisions of the Kansas administrative
4 procedure act. The secretary may issue a subpoena for any material that is
5 relevant to the administration of this act.

6 Sec. 4. (a) Except as provided in subsection (b), an individual may
7 not act as an athlete agent in this state without holding a certificate of
8 registration pursuant to this act.

9 (b) Before being issued a certificate of registration pursuant to this
10 act, an individual may act as an athlete agent in this state for all purposes
11 except signing an agency contract if:

12 (1) A student athlete or another person acting on behalf of the athlete
13 initiates communication with the individual; and

14 (2) the individual submits an application for registration as an athlete
15 agent in this state no later than seven days after an initial act that requires
16 the individual to register as an athlete agent.

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

20 Sec. 5. (a) An applicant for registration as an athlete agent shall
21 submit an application for registration to the secretary of state in a form
22 prescribed by the secretary of state in rules and regulations. The applicant
23 shall be an individual, and the application shall be signed by the applicant
24 under penalty of perjury. The application shall contain the following:

25 (1) The name and date and place of birth of the applicant;

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

27 (3) the applicant's work and mobile telephone numbers;

28 (4) any means of communicating electronically with the applicant,
29 including a facsimile number, electronic mail address and any personal or
30 business websites;

31 (5) the name of the applicant's business or employer, if applicable,
32 and the employer's mailing address, telephone number, organization form
33 and the nature of its business;

34 (6) each social media account with which the applicant or the
35 applicant's business is affiliated;

36 (7) each business or occupation in which the applicant was engaged
37 within the five years immediately preceding the date of application,
38 including self-employment and employment by others, and any
39 professional or occupational license, registration or certification held by
40 the applicant during that time;

41 (8) a description of the applicant's formal training and practical
42 experience as an athlete agent and educational background relating to the
43 applicant's activities as an athlete agent;

- 1 (9) the name of each student athlete, or parent or guardian if the
2 student athlete is a minor, for whom the applicant acted as an athlete agent
3 within the five years immediately preceding the date of the application,
4 and the athlete's sport and last-known team;
- 5 (10) the name and address of each person that is:
- 6 (A) A partner, member, officer, manager, associate or profit sharer, or
7 directly or indirectly holds an equity interest of 5% or greater, of the
8 athlete agent's business if it is not a corporation; and
- 9 (B) an officer or director of a corporation employing the athlete agent
10 or a shareholder having an interest of 5% or greater in the corporation;
- 11 (11) a description of the status of any application by the applicant, or
12 any person named pursuant to paragraph (10), for a state or federal
13 business, professional or occupational license, other than as an athlete
14 agent, from a state or federal agency, including any denial, refusal to
15 renew, suspension, withdrawal or termination of the license and any
16 reprimand or censure related to the license;
- 17 (12) whether the applicant, or any person named pursuant to
18 paragraph (10), has charges pending for, been convicted of, plead guilty or
19 no contest to, or entered into a diversion agreement for, a crime that is a
20 felony or involves moral turpitude, and, if so, identification of the crime,
21 any law enforcement agency involved and the date of the conviction or
22 penalty imposed;
- 23 (13) whether, within the 15 years immediately preceding the date of
24 application, the applicant, or any person named pursuant to paragraph (10),
25 has been a defendant or respondent in a civil proceeding, and, if so, the
26 date and a full explanation of the proceeding;
- 27 (14) whether, within the 10 years immediately preceding the date of
28 application, the applicant, or any person named pursuant to paragraph (10),
29 was adjudicated bankrupt or was an owner of a business that was
30 adjudicated bankrupt;
- 31 (15) whether there has been any administrative or judicial
32 determination that the applicant, or any person named pursuant to
33 paragraph (10), made a false, misleading, deceptive or fraudulent
34 representation;
- 35 (16) each instance in which the conduct of the applicant, or any
36 person named pursuant to paragraph (10), resulted in the imposition of a
37 sanction, suspension or declaration of ineligibility to participate in an
38 interscholastic, intercollegiate or professional athletic event on a student
39 athlete or a sanction on an educational institution;
- 40 (17) each sanction, suspension or disciplinary action taken against the
41 applicant, or any person named pursuant to paragraph (10), arising out of
42 occupational or professional conduct;
- 43 (18) whether there has been a denial of an application for, suspension

1 or revocation of, refusal to renew or abandonment of the registration of the
2 applicant, or any person named pursuant to paragraph (10), as an athlete
3 agent in any state;

4 (19) each state in which the applicant currently is registered as an
5 athlete agent or has applied to be registered as an athlete agent;

6 (20) if the applicant is certified or registered by a professional league
7 or players association:

8 (A) The name of the league or association;

9 (B) the date of certification or registration and the date of expiration
10 of the certification or registration, if any; and

11 (C) the date of any denial of an application for, suspension or
12 revocation of, refusal to renew, withdrawal or termination of the
13 certification or registration or any reprimand or censure related to the
14 certification or registration, if any; and

15 (21) any additional information required by the secretary of state.

16 (b) An individual registered as an athlete agent in another state may
17 apply for registration as an athlete agent in this state by submitting to the
18 secretary of state:

19 (1) A copy of the application for registration in the other state;

20 (2) a statement that identifies any material change in the information
21 on the application or certifies that there is no material change in the
22 information, signed under penalty of perjury; and

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

24 (c) The secretary of state shall issue a certificate of registration to an
25 individual who applies for registration pursuant to subsection (b) if the
26 secretary determines:

27 (1) The application and registration requirements of the other state are
28 substantially similar to or more restrictive than this act; and

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

32 (d) For the purposes of implementing subsection (c), the secretary of
33 state shall:

34 (1) Cooperate with national organizations concerned with athlete
35 agent issues and agencies in other states that register athlete agents to
36 develop a common registration form and determine which states have laws
37 that are substantially similar to or more restrictive than this act; and

38 (2) exchange information, including information related to actions
39 taken against registered athlete agents or their registrations, with the
40 organizations and agencies described in paragraph (1).

41 Sec. 6. (a) Except as provided in subsection (b), the secretary of state
42 shall issue a certificate of registration to an applicant for registration who
43 complies with section 5(a), and amendments thereto.

1 (b) The secretary may refuse to issue a certificate of registration to an
2 applicant for registration under section 5(a), and amendments thereto, if
3 the secretary determines that the applicant has engaged in conduct that
4 significantly adversely reflects on the applicant's fitness to act as an athlete
5 agent. In making such determination, the secretary may consider whether
6 the applicant has:

7 (1) Charges pending for, been convicted of, plead guilty or no contest
8 to, or entered into a diversion agreement for, a crime that is a felony or
9 involves moral turpitude;

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

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

14 (4) engaged in conduct prohibited by section 14, and amendments
15 thereto;

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

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

20 (7) engaged in conduct resulting in the imposition of a sanction,
21 suspension or declaration of ineligibility to participate in an
22 interscholastic, intercollegiate or professional athletic event on a student
23 athlete or a sanction on an educational institution; or

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

26 (c) In making a determination under subsection (b), the secretary of
27 state shall consider:

28 (1) How recently the conduct occurred;

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

30 (3) other relevant conduct of the applicant.

31 (d) An athlete agent registered pursuant to subsection (a) may apply
32 to renew the registration by submitting an application for renewal in a
33 form prescribed by the secretary of state. The applicant shall sign the
34 application for renewal under penalty of perjury and include current
35 information on all matters required in an original application for
36 registration.

37 (e) An athlete agent registered pursuant to section 5(c), and
38 amendments thereto, may renew such registration in accordance with
39 subsection (d) or, if the registration in the other state has been renewed, by
40 submitting copies of the application for renewal in the other state and the
41 renewed registration from the other state to the secretary of state. The
42 secretary of state shall renew the registration if the secretary of state
43 determines:

1 (1) The registration requirements of the other state are substantially
2 similar to or more restrictive than this act; and

3 (2) the renewed registration has not been suspended or revoked, and
4 no action involving the individual's conduct as an athlete agent is pending
5 against the individual or the individual's registration in any state.

6 (f) A certificate of registration or renewal of registration pursuant to
7 this act is valid for two years from the date of issuance

8 Sec. 7. (a) The secretary of state may limit, suspend, revoke or refuse
9 to renew a registration of an individual registered pursuant to section 6(a),
10 and amendments thereto, for conduct that would have justified refusal to
11 issue a certificate of registration pursuant to section 6(b), and amendments
12 thereto.

13 (b) The secretary of state may suspend or revoke the registration of
14 an individual registered pursuant to section 5(c), and amendments thereto,
15 or renewed pursuant to section 6(e), and amendments thereto, for any
16 reason for which the secretary could have refused to grant or renew
17 registration or for conduct that would justify refusal to issue a certification
18 pursuant to section 6(b), and amendments thereto.

19 Sec. 8. The secretary of state may issue a temporary certificate of
20 registration as an athlete agent while an application for registration or
21 renewal of registration is pending.

22 Sec. 9. An application for registration or renewal of registration as an
23 athlete agent shall be accompanied by a fee in the following amount:

24 (a) \$500 for an initial application for registration;

25 (b) \$500 for registration based on a certificate of registration issued
26 by another state;

27 (c) \$500 for an application for renewal of registration; or

28 (d) \$500 for renewal of registration based on a renewal of registration
29 in another state.

30 Sec. 10. (a) An agency contract shall be in a record signed by the
31 parties and shall contain:

32 (1) A statement that the athlete agent is registered as an athlete agent
33 in this state and a list of any other states where the athlete agent is
34 registered as an athlete agent;

35 (2) the amount and method of calculating the consideration to be paid
36 by the student athlete for services to be provided by the athlete agent under
37 the contract and any other consideration the athlete agent has received or
38 will receive from any other source for entering into the contract or
39 providing the services;

40 (3) the name of any person ~~not listed in the athlete agent's application~~
41 ~~for registration or renewal of registration that will be compensated because~~
42 ~~the athlete agent signed the contract;~~

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

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- 1 (5) a description of the services to be provided to the athlete;
- 2 (6) the duration of the contract; and
- 3 (7) the date of execution of the contract.

4 (b) Subject to subsection (f), an agency contract shall contain a
 5 conspicuous notice in boldface type and in substantially the following
 6 form:

7 "WARNING TO STUDENT ATHLETE
 8 IF YOU SIGN THIS CONTRACT:

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

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

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

CANCELLATION

23 (c) An agency contract shall be accompanied by a separate record
 24 signed by the student athlete, or if the athlete is a minor, a parent or
 25 guardian, acknowledging that signing the contract may result in the loss of
 26 the athlete's eligibility to participate in the athlete's sport.

27 (d) A student athlete, or if the athlete is a minor, a parent or guardian,
 28 may void an agency contract that does not conform with this section. If the
 29 contract is voided, any consideration received from the athlete agent under
 30 the contract to induce entering into the contract is not required to be
 31 returned.

32 (e) At the time an agency contract is executed, the athlete agent shall
 33 give the student athlete, or if the athlete is a minor, a parent or guardian, a
 34 copy in a record of the contract and the separate acknowledgment required
 35 by subsection (c).

36 (f) If a student athlete is a minor, an agency contract shall be signed
 37 by a parent or guardian of the minor, and the notice required by subsection
 38 (b) shall be revised accordingly.

39 Sec. 11. (a) An athlete agent shall give notice in a record of the
 40 existence of a contract to the athletic director of the educational institution
 41 where the athlete is enrolled, or where the athlete agent has reasonable
 42 grounds to believe the athlete intends to enroll, no later than 72 hours after
 43 entering into an agency contract or before the next scheduled athletic event

1 in which the student athlete may participate, whichever occurs first.

2 (b) The athlete shall inform the athletic director of the educational
3 institution where the athlete is enrolled that the athlete has entered into an
4 agency contract, and the name and contact information of the athlete agent,
5 no later than 72 hours after entering into an agency contract or before the
6 next scheduled athletic event in which the student athlete may participate,
7 whichever occurs first.

8 (c) If an athlete agent enters into an agency contract with a student
9 athlete and the athlete subsequently enrolls at an educational institution,
10 the athlete agent shall notify the athletic director of the institution of the
11 existence of the contract no later than 72 hours after the athlete agent knew
12 or should have known the athlete enrolled.

13 (d) If an athlete agent has a relationship with a student athlete before
14 the athlete enrolls in an educational institution and receives an athletic
15 scholarship from the institution, the athlete agent shall notify the
16 institution of the relationship no later than 10 days after the enrollment if
17 the athlete agent knows or should have known about the enrollment and:

18 (1) The relationship was motivated in whole or in part by the
19 intention of the athlete agent to recruit or solicit the athlete to enter an
20 agency contract in the future; or

21 (2) the athlete agent directly or indirectly recruited or solicited the
22 athlete to enter an agency contract before the enrollment.

23 (e) An athlete agent shall give notice in a record to the athletic
24 director of any educational institution where a student athlete is enrolled
25 before the athlete agent communicates or attempts to communicate with:

26 (1) The athlete or, if the athlete is a minor, a parent or guardian, to
27 influence the athlete or parent or guardian to enter into an agency contract;
28 or

29 (2) another individual to have that individual influence the athlete or,
30 if the athlete is a minor, a parent or guardian, to enter into an agency
31 contract.

32 (f) If a communication or an attempt to communicate with an athlete
33 agent is initiated by a student athlete or another individual on behalf of the
34 athlete, the athlete agent shall notify in a record the athletic director of any
35 educational institution where the athlete is enrolled. Such notification shall
36 be made no later than 10 days after the communication or the attempt to
37 communicate.

38 (g) An educational institution that becomes aware of a violation of
39 this act by an athlete agent shall notify the secretary of state and any
40 professional league or players association ~~that the institution is aware the~~
41 athlete agent is licensed or registered of such violation.

with

42 Sec. 12. (a) A student athlete or, if the athlete is a minor, a parent or
43 guardian, may cancel an agency contract by giving notice in a record of

1 cancellation to the athlete agent no later than 14 days after the contract is
2 signed.

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

5 (c) If a student athlete, parent or guardian cancels an agency contract,
6 the athlete, parent or guardian is not required to pay any consideration
7 under the contract or return any consideration received from the athlete to
8 influence the athlete to enter into the contract.

agent

9 Sec. 13. (a) An athlete agent shall create and retain for five years
10 records of the following:

11 (1) The name and address of each individual represented by the
12 athlete agent;

13 (2) each agency contract entered into by the athlete agent; and

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

16 (b) Records made and maintained pursuant to this act are open to
17 inspection by the secretary of state during normal business hours.

18 Sec. 14. (a) An athlete agent shall not intentionally:

19 (1) Give a student athlete or, if the athlete is a minor, a parent or
20 guardian, materially false or misleading information to make a materially
21 false promise or representation with the intent to influence the athlete,
22 parent or guardian to enter into an agency contract;

23 (2) furnish anything of value to a student athlete or another individual
24 if to do so may result in loss of the athlete's eligibility to participate in the
25 athlete's sport, unless:

26 (A) The athlete agent notifies the athletic director of the educational
27 institution where the athlete is enrolled or where the athlete agent has
28 reasonable grounds to believe the athlete intends to enroll, no later than 72
29 hours after giving the thing of value; and

30 (B) the athlete or, if the athlete is a minor, a parent or guardian,
31 acknowledges to the athlete agent in a record that receipt of the thing of
32 value may result in loss of the athlete's eligibility to participate in the
33 athlete's sport;

34 (3) initiate contact, directly or indirectly, with a student athlete or, if
35 the athlete is a minor, a parent or guardian, to recruit or solicit the athlete,
36 parent or guardian to enter an agency contract unless registered pursuant to
37 this act;

38 (4) fail to create, retain or permit inspection of the records required
39 by section 13, and amendments thereto;

40 (5) fail to register when required by section 4, and amendments
41 thereto;

42 (6) provide materially false or misleading information in an
43 application for registration or renewal of registration;

- 1 (7) predate or postdate an agency contract;
- 2 (8) fail to notify a student athlete or, if the athlete is a minor, a parent
3 or guardian before the athlete, parent or guardian signs an agency contract
4 for a particular sport that the signing may result in the loss of the athlete's
5 eligibility to participate in the athlete's sport; or
- 6 (9) encourage another individual to do, or assist any other individual
7 in doing, any of the acts described in this section on behalf of the athlete
8 agent.
- 9 (b) Violation of this section is a class A nonperson misdemeanor.
- 10 (c) The secretary of state may assess a civil penalty against an athlete
11 agent not to exceed \$25,000 for a violation of this act.
- 12 Sec. 15. (a) An educational institution or student athlete may bring an
13 action for damages against an athlete agent if the institution or athlete is
14 adversely affected by an act or omission of the athlete agent in violation of
15 this act. An educational institution or student athlete is adversely affected
16 by an act or omission of the athlete agent only if, because of such act or
17 omission, the institution or an individual who was a student athlete at the
18 time of the act or omission and enrolled in the institution:
- 19 (1) Is suspended or disqualified from participation in an
20 interscholastic or intercollegiate sports event by or under the rules of a
21 state or national federation or association that promotes or regulates
22 interscholastic or intercollegiate sports or by the institution during the
23 pendency of an investigation to determine whether the rules were violated;
24 or
- 25 (2) suffers financial damage.
- 26 (b) A plaintiff that prevails in an action under this section may
27 recover actual, punitive or other exemplary damages, costs and reasonable
28 attorney fees. An athlete agent found liable under this section forfeits any
29 right of payment for anything of benefit or value provided to the student
30 athlete and shall refund any consideration paid to the athlete agent by or on
31 behalf of the athlete.
- 32 (c) An educational institution is immune from a claim for injunctive
33 relief or damages by a student athlete who is adversely affected under
34 subsection (a)(1) by an act or omission of an athlete agent.
- 35 Sec. 16. (a) There is hereby created in the state treasury the uniform
36 athlete agents act fee fund, which shall be administered by the secretary of
37 state. All moneys credited to the uniform athlete agents act fee fund shall
38 be used for the expenses incurred for the performance of the duties and
39 functions of the secretary of state under the revised uniform athlete agents
40 act. All expenditures from the uniform athlete agents act fee fund shall be
41 made in accordance with the provisions of appropriation acts upon
42 warrants of the director of accounts and reports issued pursuant to
43 vouchers approved by the secretary of state or by a person or persons

1 designated by the secretary. Fees, civil penalties and other moneys
2 received under the revised uniform athlete agents act by the secretary of
3 state shall be remitted to the state treasurer in accordance with the
4 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
5 each such remittance, the state treasurer shall deposit the entire amount in
6 the state treasury to the credit of the uniform athlete agents act fee fund.

7 (b) On July 1, 2020, the director of accounts and reports shall transfer
8 all moneys in the athlete agent registration fee fund to the uniform athlete
9 agents act fee fund established in subsection (a). On July 1, 2020, all
10 liabilities of the athlete agent registration fee fund are hereby transferred to
11 and imposed on the uniform athlete agents act fee fund, and the athlete
12 agent registration fee fund is hereby abolished.

13 Sec. 17. In applying and construing this uniform act, consideration
14 shall be given to the need to promote uniformity of the law with respect to
15 its subject matter among states that enact it.

16 Sec. 18. This act modifies, limits or supersedes the electronic
17 signatures in global and national commerce act, 15 U.S.C. § 7001 et seq.,
18 but does not modify, limit or supersede section 101(c) of that act or
19 authorize electronic delivery of any of the notices described in section
20 103(b) of that act.

21 Sec. 19. If any provision of this act or its application to any person or
22 circumstances is held invalid, the invalidity does not affect other
23 provisions or applications of this act that can be given effect without the
24 invalid provision or application, and to this end, the provisions of this act
25 are severable.

26 Sec. 20. K.S.A. 44-1516, 44-1517, 44-1518, 44-1519, 44-1520, 44-
27 1521, 44-1522, 44-1523, 44-1524, 44-1525, 44-1526, 44-1527, 44-1528,
28 44-1529, 44-1530, 44-1531, 44-1532, 44-1533, 44-1534, 44-1535 and 44-
29 1536 are hereby repealed.

30 Sec. 21. This act shall take effect and be in force from and after its
31 publication in the statute book.