

**HOUSE BILL No. 2521**

By Committee on Judiciary

1-29

Proposed Amendments to HB 2521 - Carmichael 2  
House Judiciary  
Prepared by: Natalie Scott, Assistant Revisor  
February 11, 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.

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

shall

by January 1, 2021

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;



- 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. CALCELLTION OF THIS CONTRACT MAY  
21 NOT REINSTATE YOUR ELIGIBILITY AS A STUDENT ATHLETE IN  
22 YOUR SPORT."
- 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.
- 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.

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.