

SENATE No. 825

The Commonwealth of Massachusetts

PRESENTED BY:

Barry R. Finegold

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to college athlete compensation and agent regulation.

PETITION OF:

NAME:

Barry R. Finegold

DISTRICT/ADDRESS:

Second Essex and Middlesex

SENATE No. 825

By Mr. Finegold, a petition (accompanied by bill, Senate, No. 825) of Barry R. Finegold for legislation relative to college athlete compensation and agent regulation. Higher Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2813 OF 2021-2022.]

The Commonwealth of Massachusetts

—————
**In the One Hundred and Ninety-Third General Court
(2023-2024)**
—————

An Act relative to college athlete compensation and agent regulation.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The General Laws are hereby amended by inserting after chapter 78A the
2 following chapter:-

3 CHAPTER 78B. Student-Athlete Compensation and Agent Regulation

4 Section 1. Definitions

5 As used in this chapter, the following words shall have the following meanings, unless
6 the context clearly requires otherwise:

7 “Agency contract”, an agreement in which a student-athlete authorizes a person to
8 negotiate or solicit on behalf of the student-athlete any of the following:

9 (i) a professional-sports-services contract;

10 (ii) an endorsement contract; or

11 (iii) a name, image or likeness agreement.

12 “Athlete agent”, an individual, whether or not registered pursuant to section 32 of chapter
13 9, who:

14 (i) directly or indirectly recruits or solicits a student-athlete to enter into an agency
15 contract;

16 (ii) for compensation, procures employment or offers, promises, attempts or negotiates to
17 obtain employment for a student-athlete as a professional athlete or member of a professional
18 sports team or organization;

19 (iii) for compensation or in anticipation of compensation related to a student-athlete’s
20 participation in athletics: (1) serves the student-athlete in an advisory capacity on a matter related
21 to finances, business pursuits or career management decisions, unless the individual is an
22 employee of an educational institution acting exclusively as an employee of the educational
23 institution for the benefit of the educational institution; or (2) manages the business affairs of the
24 student-athlete by providing assistance with bills, payments, contracts or taxes; or

25 (iv) in anticipation of representing a student-athlete for a purpose related to the student-
26 athlete’s participation in athletics: (1) gives consideration to the student-athlete or another
27 individual; (2) serves the student-athlete in an advisory capacity on a matter related to finances,
28 business pursuits or career management decisions; or (3) manages the business affairs of the
29 student-athlete by providing assistance with bills, payments, contracts or taxes.

30 An individual shall not be considered an “athlete agent” if the individual:

31 (i) acts solely on behalf of a professional sports team or organization;
32 (ii) is the spouse, parent or legal guardian of the student-athlete; or
33 (iii) is a licensed, registered or certified professional and offers or provides services to a
34 student-athlete customarily provided by members of the profession; provided, however, that the
35 individual does not: (1) recruit or solicit the student-athlete to enter into an agency contract; (2)
36 for compensation, procure employment or offer, promise, attempt or negotiate to obtain
37 employment for the student-athlete as a professional athlete or member of a professional sports
38 team or organization; or (3) receive consideration for providing the services calculated using a
39 different method than for an individual who is not a student-athlete.

40 “Athletic director”, the individual responsible for administering the overall athletic
41 program of an educational institution or, if an educational institution has separately administered
42 athletic programs for male student-athletes and female student-athletes, the athletic program for
43 male student-athletes or the athletic program for female student-athletes, as appropriate.

44 “College”, a university, community college, junior college, graduate school or other
45 public or private institution of higher education.

46 “Educational institution”, a college, secondary school, technical or vocational school,
47 school district as defined in section 2 of chapter 70 or public or private elementary school.

48 “Endorsement contract”, an agreement under which a student-athlete is employed or
49 receives consideration to use on behalf of the other party any value that the student-athlete may
50 have because of publicity, reputation, following or fame because of athletic ability or
51 performance.

52 “Enrolled”, registered for courses and attending athletic practice or class.

53 “Intercollegiate sport”, a sport played at the collegiate level for which eligibility
54 requirements for participation by a student-athlete are established by a national association that
55 promotes or regulates collegiate athletics.

56 “Interscholastic sport”, a sport played between educational institutions that are not
57 colleges.

58 “Licensed, registered or certified professional”, an individual licensed, registered or
59 certified as an attorney, dealer in securities, financial planner, insurance agent, real estate broker
60 or sales agent, tax consultant, accountant or member of a profession, other than that of athlete
61 agent, who is licensed, registered or certified by the commonwealth or a nationally recognized
62 organization that licenses, registers or certifies members of the profession on the basis of
63 experience, education or testing.

64 “Name, image or likeness agreement”, an express or implied agreement, oral or in a
65 record, under which a third party provides money or any other thing of value in exchange for use
66 of a student-athlete's name, image or likeness.

67 “Person”, an individual, estate, business or nonprofit entity, public corporation,
68 government or governmental subdivision, agency or instrumentality, or other legal entity.

69 “Professional-sports-services contract”, an agreement under which an individual is
70 employed as a professional athlete or agrees to render services as a player on a professional
71 sports team or with a professional sports organization.

72 “Record”, information that is inscribed on a tangible medium or that is stored in an
73 electronic or other medium and is retrievable in perceivable form.

74 “Recruit or solicit”, attempt to influence the choice of an athlete agent by a student-
75 athlete or, if the student-athlete is a minor, a parent or guardian of the student-athlete. “Recruit or
76 solicit” shall not include giving advice on the selection of a particular athlete agent in a family,
77 coaching or social situation, unless the individual giving the advice does so because of the
78 receipt or anticipated receipt of an economic benefit, directly or indirectly, from the athlete
79 agent.

80 “Registration”, registration as an athlete agent pursuant to section 32 of chapter 9.

81 “Sign”, intentionally authenticate or adopt a record by:

82 (i) executing or adopting a tangible symbol; or

83 (ii) attaching to or logically associating with the record an electronic symbol, sound or
84 process.

85 “Student-athlete”, an individual who engages in, is eligible to engage in or may be
86 eligible in the future to engage in any intercollegiate or interscholastic sport; provided, however,
87 that an individual shall not be considered a “student-athlete” with respect to a particular
88 intercollegiate or interscholastic sport in which the individual is permanently ineligible to
89 participate.

90 Section 2. Name, Image and Likeness Compensation

91 (a) A college shall not uphold any rule, requirement, standard or other limitation, except
92 as otherwise provided for in this section, that prevents a student-athlete enrolled in that college

93 from earning compensation as a result of the use of the student-athlete's name, image or likeness.
94 A student-athlete's scholarship eligibility shall not be affected by the student-athlete earning
95 compensation pursuant to this section as a result of the use of the student-athlete's name, image
96 or likeness.

97 (b) An athletic association, conference or other group or organization with authority over
98 intercollegiate sports, including, but not limited to, the National Collegiate Athletic Association,
99 shall not prevent:

100 (i) a student-athlete enrolled in a college from earning compensation as a result of the use
101 of the student-athlete's name, image or likeness; or

102 (ii) a college from participating in intercollegiate sports as a result of a student-athlete
103 earning compensation from third parties for the use of the student's name, image or likeness.

104 (c) A college, athletic association, conference or other group or organization with
105 authority over intercollegiate sports shall not prevent a student-athlete enrolled in a college from
106 obtaining professional representation in relation to agency contracts or other legal matters,
107 including, but not limited to, representation provided by athlete agents or legal representation
108 provided by an attorney.

109 (d) A scholarship from the college in which a student-athlete is enrolled that provides the
110 student-athlete with the cost of attendance at that college shall not be considered compensation
111 for the purposes of this section. A scholarship shall not be revoked as a result of earning
112 compensation or obtaining athlete agent or legal representation pursuant to this section.

113 (e) A student-athlete enrolled in a college shall not enter into a name, image or likeness
114 agreement if a provision of the name, image or likeness agreement is in conflict with a provision
115 of the student-athlete's team contract; provided, however, that following the effective date of this
116 section, a new team contract or a renewal or modification of a team contract of a college's
117 athletic program shall not prevent a student-athlete from using the student-athlete's name, image
118 or likeness for a commercial purpose when the student-athlete is not engaged in official team
119 activities; and provided, further, that a student-athlete who enters into a name, image or likeness
120 agreement shall disclose the name, image or likeness agreement to the athletic director of the
121 student-athlete's college.

122 Section 3. Professional Sports Drafts

123 (a) An athletic association, conference, or other group or organization with authority over
124 intercollegiate sports, including, but not limited to, the National Collegiate Athletic Association,
125 shall not prevent a student-athlete from: (i) entering a professional sports draft while still
126 enrolled in a college; or (ii) returning to a college and participating in intercollegiate sports after
127 the student-athlete has been drafted to a professional sports team.

128 (b) A college shall not revoke a student-athlete's scholarship or eligibility to participate in
129 intercollegiate sports with the college as a result of the student-athlete being drafted to a
130 professional sports team or earning compensation from a professional sports team to which the
131 student-athlete was drafted.

132 Section 4. Requirements for Contracts Between Student-Athletes and Agents

133 (a) An agency contract between an athlete agent and a student-athlete shall be in a record
134 that is signed by the parties; provided, however, that the record shall be signed by the parent or

135 guardian of the student-athlete if the student-athlete is a minor. The agency contract shall
136 include, but not be limited to, the following:

137 (i) a statement that the athlete agent is registered as an athlete agent in the commonwealth
138 pursuant to section 32 of chapter 9 and a list of all other states in which the agent is registered as
139 an athlete agent;

140 (ii) the amount and method of calculating the consideration to be paid by the student-
141 athlete for services to be provided by the athlete agent under the agency contract and any other
142 consideration the athlete agent has received or will receive from any other source for entering
143 into the agency contract or for providing the services;

144 (iii) the name of any person who: (1) is not listed in the athlete agent's application for
145 registration or renewal of registration pursuant to section 32 of chapter 9; and (2) will be
146 compensated because the student-athlete signed the agency contract;

147 (iv) a description of any expenses that the student-athlete agrees to reimburse;

148 (v) a description of the services to be provided to the student-athlete;

149 (vi) the duration of the agency contract;

150 (vii) the date of execution of the agency contract; and

151 (viii) a conspicuous notice in boldface type informing the student-athlete that by signing
152 the agency contract: (1) the student-athlete and the athlete agent are both obligated to notify the
153 student-athlete's athletic director pursuant to section 5 of this chapter; and (2) the student-athlete,
154 or, if the student-athlete is a minor, the parent or guardian of the student-athlete, has the right to
155 cancel the contract pursuant to section 6 of this chapter.

156 (b) An agency contract shall be accompanied by a separate record signed by the student-
157 athlete or, if the student-athlete is a minor, the parent or guardian of the student-athlete
158 acknowledging receipt and understanding of the notice described in clause (viii) of subsection (a)
159 of this section.

160 (c) At the time an agency contract is executed, the athlete agent shall give the student-
161 athlete or, if the student-athlete is a minor, the parent or guardian of the student-athlete a copy of
162 the contract and the separate acknowledgment required by subsection (b).

163 Section 5. Notice to Educational Institution

164 (a) For the purposes of this section, “communicating or attempting to communicate” shall
165 mean contacting or attempting to contact by an in-person meeting, a record or any other method
166 that conveys or attempts to convey a message.

167 (b) Not later than 72 hours after entering into an agency contract or before the next
168 scheduled interscholastic or intercollegiate sports event in which the student-athlete may
169 participate, whichever occurs first, both the athlete agent and the student-athlete shall inform the
170 athletic director of the educational institution at which the student-athlete is enrolled or at which
171 the athlete agent has reasonable grounds to believe the student-athlete intends to enroll. Notice
172 provided by the athlete agent shall consist of a record of the existence of the agency contract.

173 (c) If an athlete agent enters into an agency contract with a student-athlete, or, if the
174 student-athlete is a minor, the parent or guardian of the student-athlete, and the student-athlete
175 subsequently enrolls at an educational institution, the athlete agent shall notify the athletic
176 director of the educational institution of the existence of the contract not later than 72 hours after
177 the athlete agent knew or should reasonably have known the student-athlete enrolled.

178 (d) If an athlete agent has a relationship with a student-athlete before the student-athlete
179 enrolls in an educational institution and the student-athlete receives an athletic scholarship from
180 the educational institution, the agent shall notify the athletic director of the educational
181 institution of the relationship not later than 10 days after the enrollment if the athlete agent
182 knows or reasonably should have known of the enrollment and:

183 (i) the relationship was motivated in whole or in part by the intention of the athlete agent
184 to recruit or solicit the student-athlete, or, if the student-athlete is a minor, a parent or guardian of
185 the student-athlete to enter into an agency contract in the future; or

186 (ii) the athlete agent directly or indirectly recruited or solicited the student-athlete, or, if
187 the student-athlete is a minor, a parent or guardian of the student-athlete to enter into an agency
188 contract before the enrollment.

189 (e) An athlete agent shall give notice in a record to the athletic director of the educational
190 institution at which a student-athlete is enrolled before the athlete agent communicates or
191 attempts to communicate with:

192 (i) the student-athlete, or, if the student-athlete is a minor, a parent or guardian of the
193 student-athlete, to influence the student-athlete or parent or guardian to enter into an agency
194 contract; or

195 (ii) another individual to have that individual influence the student-athlete, or, if the
196 student-athlete is a minor, the parent or guardian of the student-athlete, to enter into an agency
197 contract.

198 (f) If a communication or attempt to communicate with an athlete agent is initiated by a
199 student-athlete or another individual on behalf of the student-athlete, the athlete agent shall
200 notify in a record the athletic director of any educational institution at which the student-athlete
201 is enrolled. The notification shall be made not later than 10 days after the communication or
202 attempt.

203 (g) An educational institution that becomes aware of a violation of this section by an
204 athlete agent shall give notice about the violation to the secretary of the commonwealth and any
205 professional league or players association with which the educational institution is aware the
206 athlete agent is licensed or registered.

207 Section 6. Student-Athlete's Right to Cancel a Contract

208 (a) A student-athlete or, if the student-athlete is a minor, the parent or guardian of the
209 student-athlete, may cancel an agency contract by giving notice of the cancellation to the athlete
210 agent in a record within 14 days after the agency contract is signed.

211 (b) Any agreement that purports to waive or limit in any way the right of a student-
212 athlete, or, if the student-athlete is a minor, the parent or guardian of the student-athlete, to
213 cancel an agency contract pursuant to this section shall be deemed contrary to public policy and
214 the agreement shall be void and unenforceable.

215 (c) If a student-athlete, parent or guardian cancels an agency contract, the student-athlete
216 shall not be required to pay any consideration under such contract or return any consideration
217 received from the athlete agent to induce the student-athlete to enter into such contract.

218 Section 7. Prohibited Conduct

219 (a) An athlete agent, with the intent to induce a student-athlete or, if the student-athlete is
220 a minor, a parent or guardian of the student-athlete to enter into an agency contract, shall not:

221 (i) give any materially false or misleading information or make a materially false promise
222 or representation; or

223 (ii) furnish anything of value to a student-athlete or any other individual before the
224 student-athlete or, if the student-athlete is a minor, the parent or guardian of the student-athlete
225 enters into the agency contract.

226 (b) An athlete agent shall not willfully:

227 (i) initiate contact, directly or indirectly, with a student-athlete or, if the student-athlete is
228 a minor, a parent or guardian of the student-athlete to recruit or solicit the student-athlete, parent
229 or guardian to enter an agency contract, prior to registering as an athlete agent pursuant to
230 section 32 of chapter 9;

231 (ii) predate or postdate an agency contract; or

232 (iii) encourage another individual to do or assist another individual in doing any of the
233 acts described in this subsection.

234 (c) Athlete agents representing student-athletes shall comply with the federal Sports
235 Agent Responsibility and Trust Act, 15 U.S.C. §7801-7807, in their relationships with student-
236 athletes.

237 Section 8. Penalties

238 (a) A student-athlete or, if the student-athlete is a minor, the parent or guardian of the
239 student-athlete may bring an action for damages against an athlete agent if the student-athlete is
240 adversely affected by an act or omission of the athlete agent in violation of this section. A
241 student-athlete is adversely affected by an act or omission of the athlete agent only if, because of
242 the act or omission, the individual who was a student-athlete at the time of the act or omission
243 and was enrolled in an educational institution:

244 (i) is suspended or disqualified from participation in an interscholastic or intercollegiate
245 sport by or under the rules of a state or national federation or association that promotes or
246 regulates interscholastic sports or intercollegiate sports; or

247 (ii) suffers financial damage.

248 (b) A plaintiff that prevails in an action under this section may recover actual damages,
249 reasonable attorneys' fees and costs incurred in such action. An athlete agent found liable under
250 this section forfeits any right of payment for anything of benefit or value provided to the student-
251 athlete and shall refund any consideration paid to the athlete agent by or on behalf of the student-
252 athlete.

253 SECTION 2. Chapter 9 of the General Laws is hereby amended by inserting after section
254 31 the following section:-

255 Section 32. Athlete Agent Registration

256 (a) For the purposes of this section the following terms shall, unless the context clearly
257 requires otherwise, have the same meanings as such terms are defined in section 1 of chapter
258 78B of the General Laws: (i) "agency contract"; (ii) "athlete agent"; (iii) "college"; (iv)

259 “educational institution”; (v) “endorsement contract”; (vi) “intercollegiate sport”; (vii)
260 “interscholastic sport”; (viii) “licensed, registered or certified professional”; (ix) “name, image or
261 likeness agreement”; (x) “person”; (xi) “professional-sports-services contract”; (xii) “record”;
262 (xiii) “recruit or solicit”; (xiv) “registration”; (xv) “sign”; and (xvi) “student-athlete”.

263 (b) Except as otherwise provided in subsection (c), a person shall not act as an athlete
264 agent in the commonwealth without holding a certificate of registration issued pursuant to this
265 section.

266 (c) Before being issued a certificate of registration pursuant to this section, a person may
267 act as an athlete agent in the commonwealth for all purposes except signing an agency contract,
268 if: (i) a student-athlete or another person acting on behalf of the student-athlete initiates
269 communication with such individual; and (ii) within 7 days after an initial act that requires an
270 individual to register as an athlete agent, such individual submits an application for registration
271 as an athlete agent under this section.

272 (d) An applicant for registration or renewal of registration shall submit an application
273 therefor to the state secretary in such form as shall be prescribed by the state secretary. An
274 application filed pursuant to this section shall be a public record pursuant to chapter 66. The
275 application shall be in the name of an individual and signed by the applicant under penalty of
276 perjury and shall include, but not be limited to, the following:

277 (i) the name of the applicant;

278 (ii) the applicant’s contact information, including, but not limited to: (1) the address of
279 the applicant’s principal place of business; (2) the applicant’s work and mobile telephone

280 numbers; and (3) any means of communicating electronically with the applicant, including an
281 electronic mail address and personal and business or employer websites;

282 (iii) the name of the applicant's business or employer, if applicable;

283 (iv) any business or occupation engaged in by the applicant for the 5 years preceding the
284 date of submission of the application, including any professional or occupational license,
285 registration or certification held by the applicant during that time;

286 (v) a description of the applicant's: (1) formal training as an athlete agent; (2) practical
287 experience as an athlete agent; and (3) educational background relating to the applicant's
288 activities as an athlete agent;

289 (vi) the names and addresses of 3 individuals not related to the applicant who are willing
290 to serve as references;

291 (vii) the name, intercollegiate sport or interscholastic sport and last-known team for each
292 student-athlete for whom the applicant acted as an athlete agent during the 5 years preceding the
293 date of submission of the application, and, if any such student-athlete is a minor, the name of the
294 parent or guardian of the minor;

295 (viii) the names and addresses of all persons who are: (1) with respect to the athlete
296 agent's business if it is not a corporation, the partners, members, officers, managers, associates
297 or profit-sharers having an interest of 5 percent or greater of the business; and (2) with respect to
298 a corporation employing the athlete agent, the officers, directors and any shareholder of the
299 corporation having an interest of 5 percent or greater;

300 (ix) whether the applicant or any person named pursuant to clause (viii) has been
301 convicted of a crime that, if committed in this state, would be a crime involving moral turpitude
302 or a felony, identifying such crime if applicable;

303 (x) whether there has been any administrative or judicial determination that the applicant
304 or any person named pursuant to clause (viii) has made a false, misleading, deceptive or
305 fraudulent representation;

306 (xi) any instance in which the conduct of the applicant or any person named pursuant to
307 clause (viii) resulted in the imposition of a sanction, suspension or declaration of ineligibility to
308 participate in an interscholastic sport or intercollegiate sport on a student-athlete or educational
309 institution;

310 (xii) any sanction, suspension or disciplinary action taken against the applicant or any
311 person named pursuant to clause (viii) by a governmental or quasi-governmental licensing entity
312 or adjudicatory process arising out of occupational or professional conduct;

313 (xiii) whether there has been any denial of an application for, suspension or revocation of,
314 or refusal to renew the registration or licensure of the applicant or any person named pursuant to
315 clause (viii) as an athlete agent in any state;

316 (xiv) each state in which the applicant currently is registered as an athlete agent or has
317 applied to be registered as an athlete agent; and

318 (xv) any additional information required by the state secretary.

319 (e) An individual who has submitted an application for, and holds a certificate of,
320 registration or licensure as an athlete agent in another state, may submit in lieu of an application

321 for registration or renewal in the form prescribed by the state secretary: (i) a copy of the
322 application for registration or renewal in the other state; (ii) a statement that identifies any
323 material change in the information on the application or verifies that there is no material change
324 in the information, signed under penalty of perjury; and (iii) a copy of the certificate of
325 registration from the other state.

326 The state secretary shall accept the application and the certificate from the other state as
327 an application for registration or renewal in this commonwealth if:

328 (i) the application to the other state:

329 (1) was submitted in the other state within the 6 months preceding the submission of the
330 application in this commonwealth and the applicant certifies that the information contained in the
331 application is current or substantively corrected by the applicant's statement identifying any
332 material change in the information on the application;

333 (2) contains information substantially similar to or more comprehensive than that
334 required in an application submitted in this commonwealth; and

335 (3) was signed by the applicant under penalty of perjury; and

336 (ii) the registration has not been revoked or suspended and no action involving the
337 individual's conduct as an athlete agent is pending against the individual or the individual's
338 registration in any state.

339 (f) For purposes of implementing this section, the state secretary may: (i) cooperate with
340 national organizations concerned with athlete agent issues and agencies in other states which
341 register athlete agents to develop a common registration form and determine which states have

342 laws that are substantially similar to or more restrictive than this section; and (ii) exchange
343 information, including information related to actions taken against registered athlete agents or
344 their registrations, with those organizations and agencies.

345 (g) Except as otherwise provided in this section, the state secretary shall issue a
346 certificate of registration to an individual who complies with the requirements of this section.

347 (h) The state secretary may refuse to issue a certificate of registration if the state secretary
348 determines that the applicant has engaged in conduct that has an adverse effect on the applicant's
349 fitness to act as an athlete agent. In making the determination, the state secretary may consider
350 whether the applicant has:

351 (i) been convicted of a crime that, if committed in this commonwealth, would be a crime
352 involving moral turpitude or a felony;

353 (ii) made a materially false, misleading, deceptive or fraudulent representation in the
354 application or as an athlete agent;

355 (iii) engaged in conduct that would disqualify the applicant from serving in a fiduciary
356 capacity;

357 (iv) engaged in conduct prohibited by this section or section 7 of chapter 78B;

358 (v) had a registration or licensure as an athlete agent suspended, revoked or denied, or
359 been refused renewal of registration or licensure as an athlete agent in any state;

360 (vi) engaged in conduct the consequence of which was that a sanction, suspension or
361 declaration of ineligibility to participate in an interscholastic sport or intercollegiate sport was
362 imposed on a student-athlete or educational institution; or

363 (vii) engaged in conduct that significantly adversely reflects on the applicant's credibility,
364 honesty or integrity.

365 (i) A certificate of registration or a renewal of a registration shall be valid for 2 years.

366 (j) The state secretary may suspend, revoke or refuse to renew a registration for conduct
367 that would have justified denial of registration under this section.

368 (k) The state secretary may deny, suspend, revoke or refuse to renew a certificate of
369 registration or licensure only after proper notice and an opportunity for a hearing as provided
370 pursuant to chapter 30A.

371 (l) An application for registration or renewal of registration shall be accompanied by a fee
372 to be determined by the commissioner of administration pursuant to section 3B of chapter 7.

373 (m) An athlete agent shall retain the following records for a period of 5 years and the
374 records shall be open to inspection by the state secretary during normal business hours:

375 (i) the name and address of each student-athlete represented by the athlete agent and, if
376 any such student-athlete is a minor, the name and address of a parent or guardian of the
377 represented student-athlete;

378 (ii) any agency contract entered into by the athlete agent; and

379 (iii) any direct costs incurred by the athlete agent in the recruitment or solicitation of a
380 student-athlete or, if the student-athlete is a minor, a parent or guardian of the student-athlete to
381 enter into an agency contract.

382 (n) The state secretary may assess a civil penalty against an athlete agent not to exceed
383 \$50,000 for a violation of the registration provisions of this section.