

SECOND REGULAR SESSION

# SENATE BILL NO. 1016

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CRAWFORD.

Read 1st time February 18, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5406S.011

## AN ACT

To repeal sections 436.218, 436.224, 436.227, 436.230, 436.236, 436.242, 436.245, 436.248, 436.254, 436.257, 436.260, 436.263, and 436.266, RSMo, and to enact in lieu thereof twelve new sections relating to athlete agents, with penalty provisions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 436.218, 436.224, 436.227, 436.230, 436.236, 436.242, 436.245, 436.248, 436.254, 436.257, 436.260, 436.263, and 436.266, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 436.218, 436.224, 436.227, 436.230, 436.236, 436.242, 436.245, 436.248, 436.254, 436.260, 436.263, and 436.266, to read as follows:

436.218. As used in sections 436.215 to 436.272, the following terms mean:

(1) "Agency contract", an agreement in which a student athlete authorizes a person to negotiate or solicit on behalf of the student athlete a professional sports services contract or an endorsement contract;

(2) "Athlete agent"[, an individual who enters into an agency contract with a student athlete or directly or indirectly recruits or solicits a student athlete to enter into an agency contract. The term does not include a spouse, parent, sibling, grandparent, or guardian of the student athlete or an individual acting solely on behalf of a professional sports team or professional sports organization. The term includes an individual who represents to the public that the individual is an athlete agent]:

**(a) An individual, registered or unregistered under sections 436.215 to 436.272, who:**

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

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

20           b. For compensation or in anticipation of compensation related  
21 to a student athlete's participation in athletics:

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

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

29           c. In anticipation of representing a student athlete for a purpose  
30 related to the student athlete's participation in athletics:

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

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

35           (iii) Manages the business affairs of the student athlete by  
36 providing assistance with bills, payments, contracts, or taxes;

37           (b) "Athlete agent" does not include an individual who:

38           a. Acts solely on behalf of a professional sports team or  
39 organization; or

40           b. Is a licensed, registered, or certified professional and offers  
41 or provides services to a student athlete customarily provided by  
42 members of the profession, unless the individual:

43           (i) Recruits or solicits the student athlete to enter into an agency  
44 contract;

45           (ii) For compensation, procures employment or offers, promises,  
46 attempts, or negotiates to obtain employment for the student athlete as  
47 a professional athlete or member of a professional sports team or  
48 organization; or

49           (iii) Receives consideration for providing the services calculated  
50 using a different method than for an individual who is not a student  
51 athlete;

52 (3) "Athletic director", an individual responsible for administering the  
53 overall athletic program of an educational institution or, if an educational  
54 institution has separately administered athletic programs for male students and  
55 female students, the athletic program for males or the athletic program for  
56 females, as appropriate;

57 (4) ["Contact", a direct or indirect communication between an athlete  
58 agent and a student athlete to recruit or solicit the student athlete to enter into  
59 an agency contract;

60 (5)] "Director", the director of the division of professional registration;

61 [(6)] (5) "Division", the division of professional registration;

62 (6) **"Educational institution", a public or private elementary  
63 school, secondary school, technical or vocational school, community  
64 college, college, or university;**

65 (7) "Endorsement contract", an agreement under which a student athlete  
66 is employed or receives consideration to use on behalf of the other party any value  
67 that the student athlete may have because of publicity, reputation, following, or  
68 fame obtained because of athletic ability or performance;

69 (8) **"Enrolled" or "enrolls", the act of registering, or having  
70 already registered, for courses at an educational institution and  
71 attending or planning to attend athletic practice or class;**

72 (9) "Intercollegiate sport", a sport played at the collegiate level for which  
73 eligibility requirements for participation by a student athlete are established by  
74 a national association for the promotion or regulation of collegiate athletics;

75 (10) **"Interscholastic sport", a sport played between educational  
76 institutions that are not community colleges, colleges, or universities;**

77 (11) **"Licensed, registered, or certified professional", an  
78 individual licensed, registered, or certified as an attorney, dealer in  
79 securities, financial planner, insurance agent, real estate broker or  
80 sales agent, tax consultant, accountant, or member of a profession,  
81 other than that of athlete agent, who is licensed, registered, or certified  
82 by the state or a nationally recognized organization that licenses,  
83 registers, or certifies members of the profession on the basis of  
84 experience, education, or testing;**

85 [(9)] (12) "Person", an individual, corporation, business trust, estate,  
86 trust, partnership, limited liability company, association, joint venture,  
87 government, governmental subdivision, agency, or instrumentality, public

88 corporation, or any other legal or commercial entity;

89 [(10)] **(13)** "Professional sports services contract", an agreement under  
90 which an individual is employed [or] **as a professional athlete and** agrees to  
91 render services as a player on a professional sports team[,] **or** with a professional  
92 sports organization[, or as a professional athlete];

93 [(11)] **(14)** "Record", information that is inscribed on a tangible medium  
94 or that is stored in an electronic or other medium and is retrievable in  
95 perceivable form;

96 **(15)** "Recruit or solicit", an attempt to influence the choice of an  
97 athlete agent by a student athlete or, if the student athlete is a minor,  
98 a parent or guardian of the student athlete. "Recruit or solicit" does  
99 not include giving advice on the selection of a particular agent in a  
100 family, coaching, or social situation unless the individual giving the  
101 advice does so because of the receipt or anticipated receipt of an  
102 economic benefit, directly or indirectly, from the agent;

103 [(12)] **(16)** "Registration", registration as an athlete agent under sections  
104 436.215 to 436.272;

105 **(17)** "Sign", the intent to authenticate or adopt a record:

106 **(a)** To execute or adopt a tangible symbol; or

107 **(b)** To attach to or logically associate with the record an  
108 electronic symbol, sound, or process;

109 [(13)] **(18)** "State", a state of the United States, the District of Columbia,  
110 Puerto Rico, the United States Virgin Islands, or any territory or insular  
111 possession subject to the jurisdiction of the United States;

112 [(14)] **(19)** "Student athlete", [a current student who engages in, has  
113 engaged in, is eligible to engage in, or may be eligible in the future to engage in,  
114 any intercollegiate sport] **an individual who is eligible to attend an**  
115 **educational institution and engages in, is eligible to engage in, or may**  
116 **be eligible in the future to engage in any interscholastic or**  
117 **intercollegiate sport. "Student athlete" does not include an individual**  
118 **permanently ineligible to participate in a particular interscholastic or**  
119 **intercollegiate sport.**

436.224. 1. Except as otherwise provided in subsection 2 of this section,  
2 an individual may not act as an athlete agent in this state [before] **without**  
3 being issued a certificate of registration under section 436.230 or 436.236.

4 2. [An individual with a temporary license] **Before being issued a**

5 **certificate of registration** under section 436.236, **an individual** may act as  
6 an athlete agent [before being issued a certificate of registration] for all purposes  
7 except signing an agency contract if:

8 (1) A student athlete or another acting on behalf of the student athlete  
9 initiates communication with the individual; and

10 (2) Within seven days after an initial act [as an athlete agent] **that**  
11 **requires the individual to register as an athlete agent**, the individual  
12 submits an application to register as an athlete agent in this state.

13 3. An agency contract resulting from conduct in violation of this section  
14 is void. The athlete agent shall return any consideration received under the  
15 contract.

436.227. 1. An applicant for registration shall submit an application for  
2 registration to the director in a form prescribed by the director. The application  
3 [must] **shall** be in the name of an individual and signed by the applicant under  
4 penalty of perjury and [must] **shall** state or contain **at least the following**:

5 (1) The name, **date of birth, and place of birth** of the applicant [and];

6 (2) The address **and telephone numbers** of the applicant's principal  
7 place of business;

8 (3) **The applicant's mobile telephone numbers and any means of**  
9 **communicating electronically, including a facsimile number, email**  
10 **address, and personal, business, or employer websites, as applicable;**

11 [(2)] (4) The name of the applicant's business or employer, if applicable,  
12 **including for each business or employer, the mailing address, telephone**  
13 **number, organization form, and the nature of the business;**

14 (5) **Each social media account with which the applicant or the**  
15 **applicant's business or employer is affiliated;**

16 [(3)] (6) Any business or occupation engaged in by the applicant for the  
17 five years [next] preceding the date of submission of the application, **including**  
18 **self-employment and employment by others, and any professional or**  
19 **occupational license, registration, or certification held by the applicant**  
20 **during that time;**

21 [(4)] (7) A description of the applicant's:

22 (a) Formal training as an athlete agent;

23 (b) Practical experience as an athlete agent; and

24 (c) Educational background relating to the applicant's activities as an  
25 athlete agent;

26 [(5) The names and addresses of three individuals not related to the  
27 applicant who are willing to serve as references;

28 (6)] (8) The name[, sport, and last known team for each individual] of  
29 **each student athlete** for whom the applicant [provided services] **acted** as an  
30 athlete agent during the five years [next] preceding the date of submission of the  
31 application **or, if the student athlete is a minor, the name of the parent**  
32 **or guardian of the minor, together with the student athlete's sport and**  
33 **last known team;**

34 [(7)] (9) The names and addresses of all persons who are:

35 (a) With respect to the athlete agent's business if it is not a corporation,  
36 the partners, officers, **managers**, associates, or profit-sharers, **or persons who**  
37 **directly or indirectly hold an equity interest of five percent or greater;**  
38 and

39 (b) With respect to a corporation employing the [athlete agent]  
40 **applicant**, the officers, directors, and any shareholder of the corporation with a  
41 five percent or greater interest;

42 (10) **A description of the status of any application by the**  
43 **applicant, or any person named under subdivision (9) of this**  
44 **subsection, for a state or federal business, professional, or occupational**  
45 **license, other than as an athlete agent, from a state or federal agency,**  
46 **including any denial, refusal to renew, suspension, withdrawal, or**  
47 **termination of the license and any reprimand or censure related to the**  
48 **license;**

49 [(8)] (11) Whether the applicant or any other person named under  
50 subdivision [(7)] (9) of this [section] **subsection** has [been convicted] **pled**  
51 **guilty to or been found guilty** of a crime that if committed in this state would  
52 be a felony or other crime involving moral turpitude, and [a description of]  
53 **information regarding** the crime, **including the crime, the law**  
54 **enforcement agency involved, and, if applicable, the date of the verdict**  
55 **and the penalty imposed;**

56 (12) **Whether, within fifteen years before the date of application,**  
57 **the applicant or any person named under subdivision (9) of this**  
58 **subsection has been a defendant or respondent in a civil proceeding,**  
59 **including a proceeding seeking an adjudication of legal incompetence**  
60 **and, if so, the date and a full explanation of each proceeding;**

61           **(13) Whether the applicant or any person named under**  
62 **subdivision (9) of this subsection has an unsatisfied judgment or a**  
63 **judgment of continuing effect, including alimony or a domestic order**  
64 **in the nature of child support, that is not current on the date of the**  
65 **application;**

66           **(14) Whether, within ten years before the date of application, the**  
67 **applicant or any person named under subdivision (9) of this subsection**  
68 **was adjudicated bankrupt or was an owner of a business that was**  
69 **adjudicated bankrupt;**

70           [(9)] **(15) Whether there has been any administrative or judicial**  
71 **determination that the applicant or any other person named under subdivision**  
72 **[(7)] (9) of this [section] subsection has made a false, misleading, deceptive, or**  
73 **fraudulent representation;**

74           [(10)] **(16) Any instance in which the prior conduct of the applicant or**  
75 **any other person named under subdivision [(7)] (9) of this [section] subsection**  
76 **resulted in the imposition of a sanction, suspension, or declaration of ineligibility**  
77 **to participate in an interscholastic or intercollegiate athletic event on a student**  
78 **athlete or educational institution;**

79           [(11)] **(17) Any sanction, suspension, or disciplinary action taken against**  
80 **the applicant or any other person named under subdivision [(7)] (9) of this**  
81 **[section] subsection arising out of occupational or professional conduct; [and]**

82           [(12)] **(18) Whether there has been any denial of an application for,**  
83 **suspension or revocation of, or refusal to renew the registration or licensure of**  
84 **the applicant or any other person named under subdivision [(7)] (9) of this**  
85 **[section] subsection as an athlete agent in any state;**

86           **(19) Each state in which the applicant is currently registered as**  
87 **an athlete agent or has applied to be registered as an athlete agent;**

88           **(20) If the applicant is certified or registered by a professional**  
89 **league or players association:**

90           **(a) The name of the league or association;**

91           **(b) The date of certification or registration, and the date of**  
92 **expiration of the certification or registration, if any; and**

93           **(c) If applicable, the date of any denial of an application for,**  
94 **suspension or revocation of, refusal to renew, withdrawal of, or**  
95 **termination of the certification or registration or any reprimand or**  
96 **censure related to the certification or registration; and**

97           **(21) Any additional information as required by the director.**

98           **2. In lieu of submitting the application and information required**  
99 **under subsection 1 of this section, an applicant who is registered as an**  
100 **athlete agent in another state may apply for registration as an athlete**  
101 **agent by submitting the following:**

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

103           **(2) A statement that identifies any material change in the**  
104 **information on the application or verifies there is no material change**  
105 **in the information, signed under penalty of perjury; and**

106           **(3) A copy of the certificate of registration from the other state.**

107           **3. The director shall issue a certificate of registration to an**  
108 **applicant who applies for registration under subsection 2 of this**  
109 **section if the director determines:**

110           **(1) The application and registration requirements of the other**  
111 **state are substantially similar to or more restrictive than the**  
112 **requirements provided under sections 436.215 to 436.272; and**

113           **(2) The registration has not been revoked or suspended and no**  
114 **action involving the applicant's conduct as an athlete agent is pending**  
115 **against the applicant or the applicant's registration in any state.**

116           **4. For purposes of implementing subsection 3 of this section, the**  
117 **director shall:**

118           **(1) Cooperate with national organizations concerned with athlete**  
119 **agent issues and agencies in other states that register athlete agents to**  
120 **develop a common registration form and determine which states have**  
121 **laws that are substantially similar to or more restrictive than sections**  
122 **436.215 to 436.272; and**

123           **(2) Exchange information, including information related to**  
124 **actions taken against registered athlete agents or their registrations,**  
125 **with those organizations and agencies.**

          436.230. 1. Except as otherwise provided in subsection 2 of this section,  
2 the director shall issue a certificate of registration to an individual who complies  
3 with section 436.227.

4           2. The director may refuse to issue a certificate of registration if the  
5 director determines that the applicant has engaged in conduct that has a  
6 significant adverse effect on the applicant's fitness to serve as an athlete agent.  
7 In making the determination, the director may consider whether the applicant  
8 has:



9 (1) Been convicted of a crime that if committed in this state would be a  
10 felony or other crime involving moral turpitude;

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

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

15 (4) Engaged in conduct prohibited by section 436.254;

16 (5) Had a registration or licensure as an athlete agent suspended,  
17 revoked, or denied or been refused renewal of registration or licensure in any  
18 state;

19 (6) Engaged in conduct or failed to engage in conduct the consequence of  
20 which was that a sanction, suspension, or declaration of ineligibility to participate  
21 in an interscholastic or intercollegiate athletic event was imposed on a student  
22 athlete or educational institution; or

23 (7) Engaged in conduct that significantly adversely reflects on the  
24 applicant's credibility, honesty, or integrity.

25 3. In making a determination under subsection [3] 2 of this section, the  
26 director shall consider:

27 (1) How recently the conduct occurred;

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

29 (3) Any other relevant conduct of the applicant.

30 4. An athlete agent may apply to renew a registration by submitting an  
31 application for renewal in a form prescribed by the director. The application for  
32 renewal [must] **shall** be signed by the applicant under penalty of perjury under  
33 section 575.040 and shall contain current information on all matters required in  
34 an original registration.

35 **5. An athlete agent registered under subsection 3 of section**  
36 **436.227 may renew the registration by proceeding under subsection 4**  
37 **of this section or, if the registration in the other state has been**  
38 **renewed, by submitting to the director copies of the application for**  
39 **renewal in the other state and the renewed registration from the other**  
40 **state. The director shall renew the registration if the director**  
41 **determines:**

42 (1) **The registration requirements of the other state are**  
43 **substantially similar to or more restrictive than the requirements**  
44 **provided under sections 436.215 to 436.272; and**

45           **(2) The renewed registration has not been suspended or revoked**  
46 **and no action involving the individual's conduct as an athlete agent is**  
47 **pending against the individual or the individual's registration in any**  
48 **state.**

49           **6.** A certificate of registration or a renewal of a registration is valid for  
50 two years.

          436.236. The director may issue a temporary certificate of registration  
2 [valid for sixty days] while an application for registration or renewal is pending.

          436.242. 1. An agency contract [must] **shall** be in a record signed by the  
2 parties.

3           2. An agency contract [must] **shall** state or contain:

4           (1) **A statement that the athlete agent is registered as an athlete**  
5 **agent in this state and a list of any other states in which the agent is**  
6 **registered as an athlete agent;**

7           **(2)** The amount and method of calculating the consideration to be paid by  
8 the student athlete for services to be provided by the athlete agent under the  
9 contract and any other consideration the athlete agent has received or will receive  
10 from any other source for entering into the contract or for providing the services;

11           [(2)] **(3)** The name of any person not listed in the application for  
12 registration or renewal who will be compensated because the student athlete  
13 signed the agency contract;

14           [(3)] **(4)** A description of any expenses that the student athlete agrees to  
15 reimburse;

16           [(4)] **(5)** A description of the services to be provided to the student  
17 athlete;

18           [(5)] **(6)** The duration of the contract; and

19           [(6)] **(7)** The date of execution.

20           3. An agency contract shall contain in close proximity to the signature of  
21 the student athlete a conspicuous notice in boldface type in capital letters stating:

22           "WARNING TO STUDENT ATHLETE IF YOU SIGN THIS  
23 CONTRACT:

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

26           (2) BOTH YOU AND YOUR ATHLETE AGENT ARE REQUIRED  
27 TO TELL YOUR ATHLETIC DIRECTOR, IF YOU HAVE AN  
28 ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER

29 ENTERING INTO AN AGENCY CONTRACT **OR BEFORE THE**  
30 **NEXT ATHLETIC EVENT IN WHICH YOU PARTICIPATE,**  
31 **WHICHEVER OCCURS FIRST, AND PROVIDE THE**  
32 **NAME AND CONTACT INFORMATION OF THE ATHLETE**  
33 **AGENT; AND**

34 (3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS  
35 AFTER SIGNING IT. CANCELLATION OF THE CONTRACT  
36 MAY NOT REINSTATE YOUR ELIGIBILITY."

37 4. **An agency contract shall be accompanied by a separate record**  
38 **signed by the student athlete or, if the student athlete is a minor, the**  
39 **parent or guardian of the student athlete acknowledging that signing**  
40 **the contract may result in the loss of the student athlete's eligibility to**  
41 **participate in the student athlete's sport.**

42 5. **An agency contract that does not conform to this section is voidable by**  
43 **the student athlete or, if the student athlete is a minor, by the parent or**  
44 **guardian of the student athlete. If the contract is voided, any**  
45 **consideration received by the student athlete from the athlete agent**  
46 **under the contract to induce entering into the contract is not required**  
47 **to be returned.**

48 [5.] 6. **The athlete agent shall give a copy of the signed agency contract**  
49 **to the student athlete or, if the student athlete is a minor, to the parent**  
50 **or guardian of the student athlete [at the time of signing].**

51 7. **If a student athlete is a minor, an agency contract shall be**  
52 **signed by the parent or guardian of the minor, and the notice required**  
53 **by subsection 3 of this section shall be revised accordingly.**

436.245. 1. **As used in this section, "communicating or attempting**  
2 **to communicate" shall mean contacting or attempting to contact by an**  
3 **in-person meeting, a record, or any other method that conveys or**  
4 **attempts to convey a message.**

5 2. **Within seventy-two hours after entering into an agency contract or**  
6 **before the next scheduled athletic event in which the student athlete may**  
7 **participate, whichever occurs first, the athlete agent shall give notice in [writing]**  
8 **a record of the existence of the contract to the athletic director of the**  
9 **educational institution at which the student athlete is enrolled or the athlete**  
10 **agent has reasonable grounds to believe the student athlete intends to enroll.**

11 3. **If an athlete agent enters into an agency contract with a**

12 student athlete and the student athlete subsequently enrolls at an  
13 educational institution, the athlete agent shall notify the athletic  
14 director of the educational institution of the existence of the contract  
15 within seventy-two hours after the agent knows or should have known  
16 the student athlete enrolled.

17 4. If an athlete agent has a relationship with a student athlete  
18 before the student athlete enrolls in an educational institution and  
19 receives an athletic scholarship from the educational institution, the  
20 athlete agent shall notify the athletic director of the educational  
21 institution of the relationship no later than ten days after the  
22 enrollment if the athlete agent knows or should have known of the  
23 enrollment and:

24 (1) The relationship was motivated in whole or in part by the  
25 intention of the athlete agent to recruit or solicit the student athlete to  
26 enter an agency contract in the future; or

27 (2) The athlete agent directly or indirectly recruited or solicited  
28 the student athlete to enter an agency contract before the enrollment.

29 5. An athlete agent shall give notice in a record to the athletic  
30 director of any educational institution at which a student athlete is  
31 enrolled before the agent communicates or attempts to communicate  
32 with:

33 (1) The student athlete or, if the student athlete is a minor, a  
34 parent or guardian of the student athlete to influence the student  
35 athlete or parent or guardian to enter into an agency contract; or

36 (2) Another individual to have that individual influence the  
37 student athlete or, if the student athlete is a minor, the parent or  
38 guardian of the student athlete to enter into an agency contract.

39 6. If a communication or attempted communication with an  
40 athlete agent is initiated by a student athlete or another individual on  
41 behalf of the student athlete, the athlete agent shall give notice in a  
42 record to the athletic director of any educational institution at which  
43 the student athlete is enrolled. The notification shall be made no later  
44 than ten days after the communication or attempted communication.

45 7. An educational institution that becomes aware of a violation  
46 of sections 436.215 to 436.272 by an athlete agent shall notify the  
47 director of the violation and any professional league or players'  
48 association with which the educational institution is aware the agent

49 **is licensed or registered.**

50 [2.] 8. Within seventy-two hours after entering into an agency contract  
51 or before the next athletic event in which the student athlete may participate,  
52 whichever occurs first, the student athlete shall in [writing] **a record** inform the  
53 athletic director of the educational institution at which the student athlete is  
54 enrolled that he or she has entered into an agency contract **and the name and**  
55 **contact information of the athlete agent.**

436.248. 1. A student athlete **or, if the student athlete is a minor,**  
2 **the parent or guardian of the student athlete** may cancel an agency  
3 contract by giving notice in writing to the athlete agent of the cancellation within  
4 fourteen days after the contract is signed.

5 2. A student athlete **or, if the student athlete is a minor, the parent**  
6 **or guardian of the student athlete** may not waive the right to cancel an  
7 agency contract.

8 3. If a student athlete, **parent, or guardian** cancels an agency contract  
9 within fourteen days of signing the contract, the student athlete, **parent, or**  
10 **guardian** is not required to pay any consideration under the contract or to  
11 return any consideration received from the agent to induce the student athlete  
12 to enter into the contract.

436.254. [1.] An athlete agent [may] **shall not intentionally** [do any of  
2 the following with the intent to induce a student athlete to enter into an agency  
3 contract]:

4 (1) Give [any] **a student athlete or, if the student athlete is a**  
5 **minor, a parent or guardian of the student athlete** materially false or  
6 misleading information or make a materially false promise or representation  
7 **with the intent to influence the student athlete, parent, or guardian to**  
8 **enter into an agency contract;**

9 (2) Furnish anything of value to a student athlete [before the student  
10 athlete enters into the agency contract;] or **another individual, if to do so**  
11 **may result in loss of the student athlete's eligibility to participate in**  
12 **the student athlete's sport, unless:**

13 (a) **The athlete agent notifies the athletic director of the**  
14 **educational institution at which the student athlete is enrolled or at**  
15 **which the athlete agent has reasonable grounds to believe the student**  
16 **athlete intends to enroll, no later than seventy-two hours after giving**  
17 **the thing of value; and**

18           **(b) The student athlete or, if the student athlete is a minor, a**  
19 **parent or guardian of the student athlete acknowledges to the athlete**  
20 **agent in a record that receipt of the thing of value may result in loss of**  
21 **the student athlete's eligibility to participate in the student athlete's**  
22 **sport;**

23           (3) [Furnish anything of value to any individual other than the student  
24 athlete or another registered athlete agent.

25           2. An athlete agent may not intentionally:

26           (1) Initiate contact, **directly or indirectly**, with a student athlete **or,**  
27 **if the student athlete is a minor, a parent or guardian of the student**  
28 **athlete to recruit or solicit the student athlete, parent, or guardian to**  
29 **enter into an agency contract** unless registered under sections 436.215 to  
30 436.272;

31           [(2) Refuse or willfully] (4) Fail to **create**, retain, or permit inspection  
32 of the records required by section 436.251;

33           [(3) Violate section 436.224 by failing] (5) **Fail to register if required**  
34 **under section 436.224;**

35           [(4)] (6) Provide materially false or misleading information in an  
36 application for registration or renewal of registration;

37           [(5)] (7) Predate or postdate an agency contract; [or

38           (6)] (8) Fail to notify a student athlete **or, if the student athlete is a**  
39 **minor, a parent or guardian of the student athlete** [prior to] **before** the  
40 student [athlete's] **athlete, parent, or guardian** [signing] **signs** an agency  
41 contract for a particular sport that the signing [by the student athlete] may  
42 [make the student athlete ineligible] **result in loss of the student athlete's**  
43 **eligibility** to participate [as a student athlete in that] **in the student athlete's**  
44 sport;

45           (9) **Encourage another individual to do any of the acts described**  
46 **in subdivisions (1) to (8) of this section on behalf of the athlete agent;**  
47 **or**

48           (10) **Encourage another individual to assist any other individual**  
49 **in doing any of the acts described in subdivisions (1) to (8) of this**  
50 **section on behalf of the athlete agent.**

          436.260. 1. An educational institution [has a right of] **or a student**  
2 **athlete may bring an action for damages** against an athlete agent [or a  
3 former student athlete for damages caused by a] **if the institution or student**

4 **athlete is adversely affected by an act or omission of the athlete agent**  
5 **in violation of sections 436.215 to 436.272. [In an action under this section, the**  
6 **court may award to the prevailing party costs and reasonable attorney's fees.]**

7 **(1) In order for a student athlete to qualify as "adversely affected**  
8 **by an act or omission of the athlete agent" under this section, the**  
9 **student athlete shall demonstrate that he or she was a student athlete**  
10 **and enrolled at the institution at the time the act or omission of the**  
11 **athlete agent occurred and that he or she:**

12 **(a) Was suspended or disqualified from participation in an**  
13 **interscholastic or intercollegiate sports event by a state or national**  
14 **federation or association that promotes or regulates interscholastic or**  
15 **intercollegiate sports; or**

16 **(b) Suffered financial damage.**

17 **(2) In order for an educational institution to qualify as**  
18 **"adversely affected by an act or omission of the athlete agent" under**  
19 **this section, the institution shall demonstrate that the institution:**

20 **(a) Was disqualified from participation in an interscholastic or**  
21 **intercollegiate sports event by a state or national federation or**  
22 **association that promotes or regulates interscholastic or intercollegiate**  
23 **sports; or**

24 **(b) Suffered financial damage.**

25 2. [Damages of an educational institution under subsection 1 of this  
26 section include losses and expenses incurred because as a result of the activities  
27 of an athlete agent or former student athlete the educational institution was  
28 injured by a violation of sections 436.215 to 436.272 or was penalized,  
29 disqualified, or suspended from participation in athletics by a national association  
30 for the promotion and regulation of athletics, by an athletic conference, or by  
31 reasonable self-imposed disciplinary action taken to mitigate sanctions.] **A**  
32 **plaintiff who prevails in an action under this section may recover**  
33 **actual damages, costs, and reasonable attorney's fees. An athlete agent**  
34 **found liable under this section forfeits any right of payment for**  
35 **anything of benefit or value provided to the student athlete and shall**  
36 **refund any consideration paid to the athlete agent by or on behalf of**  
37 **the student athlete.**

38 3. [A right of action under this section does not accrue until the  
39 educational institution discovers or by the exercise of reasonable diligence would  
40 have discovered the violation by the athlete agent or former student athlete.

41 4. Any liability of the athlete agent or the former student athlete under  
42 this section is several and not joint.

43 5. Sections 436.215 to 436.272 do not restrict rights, remedies, or defenses  
44 of any person under law or equity.] **A violation of any provision of sections**  
45 **436.215 to 436.272 is an unfair trade practice for purposes of sections**  
46 **375.930 to 375.948.**

436.263. Any [person] **individual** who violates any [provisions]  
2 **provision** of sections 436.215 to [436.269] **436.272** is guilty of a class A  
3 misdemeanor **and liable for a civil penalty not to exceed fifty thousand**  
4 **dollars.**

436.266. In applying and construing sections 436.215 to 436.272,  
2 consideration [must] **shall** be given to the need to promote uniformity of the law  
3 with respect to the subject matter of sections 436.215 to 436.272 among states  
4 that enact it.

[436.257. The commission of any act prohibited by section  
2 436.254 by an athlete agent is a class B misdemeanor.]

✓  
Bill  
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