

SECOND REGULAR SESSION

SENATE BILL NO. 1088

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROWDEN.

Read 1st time March 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6687S.011

AN ACT

To repeal sections 436.218, 436.221, 436.224, 436.227, 436.230, 436.233, 436.236, 436.239, 436.242, 436.245, 436.248, 436.251, 436.254, 436.257, 436.260, 436.263, and 436.266, RSMo, and to enact in lieu thereof sixteen new sections relating to contracts involving student athletes, with penalty provisions.

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

Section A. Sections 436.218, 436.221, 436.224, 436.227, 436.230, 436.233, 436.236, 436.239, 436.242, 436.245, 436.248, 436.251, 436.254, 436.257, 436.260, 436.263, and 436.266, RSMo, are repealed and sixteen new sections enacted in lieu thereof, to be known as sections 436.218, 436.221, 436.224, 436.227, 436.230, 436.231, 436.233, 436.239, 436.242, 436.245, 436.248, 436.251, 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] **a person** who:

(a) Enters into an agency contract with a student athlete or directly or indirectly recruits, **attempts to recruit**, or solicits a student athlete to enter into an agency contract;

(b) **Solicits compensation in exchange for a student athlete's entering or commitment to enter into an agency contract; or**

(c) **Represents to the public that such person is an athlete agent.**

The term does not include a spouse, parent, sibling, grandparent, or guardian of

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

14 the student athlete or [an individual] **a person** acting solely on behalf of a
15 professional sports team or professional sports organization[. The term includes
16 an individual who represents to the public that the individual is an athlete
17 agent];

18 (3) "Athletic director", an individual responsible for administering the
19 overall athletic program of an educational institution or if an educational
20 institution has separately administered athletic programs for male students and
21 female students, the athletic program for males or the athletic program for
22 females, as appropriate;

23 (4) "Contact", a direct or indirect communication between an athlete agent
24 and a student athlete to recruit or solicit the student athlete to enter into an
25 agency contract;

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

27 (6) "Division", the division of professional registration;

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

32 (8) "Intercollegiate sport", a sport played at the collegiate level for which
33 eligibility requirements for participation by a student athlete are established by
34 a national association for the promotion or regulation of collegiate athletics;

35 (9) "Person", an individual, corporation, business trust, estate, trust,
36 partnership, limited liability company, association, joint venture, government,
37 governmental subdivision, agency, or instrumentality, public corporation, or any
38 other legal or commercial entity;

39 (10) **"Professional representative", any person in the business of**
40 **or attempting to engage in the business of:**

41 **(a) Representing, in any professional capacity, including, but not**
42 **limited to, representation as an athlete agent, any student athlete for**
43 **purposes related to their participation in athletics;**

44 **(b) Serving in an advisory capacity for any student athlete on**
45 **matters related to finances, business pursuits or ventures, or career**
46 **management or decisions;**

47 **(c) Managing the business or affairs of any student athlete**
48 **including, but not limited to, providing assistance with bills, payments,**
49 **contracts, or taxes; or**

50 **(d) Marketing, publicizing, or promoting any student athlete**
51 **through any means or medium including, but not limited to, securing**
52 **or attempting to secure public appearances, securing or attempting to**
53 **secure endorsements or marketing agreements, and providing**
54 **assistance with brand development;**

55 **(11)** "Professional sports services contract", an agreement under which an
56 individual is employed or agrees to render services as a player on a professional
57 sports team, with a professional sports organization, or as a professional athlete;

58 [(11)] **(12)** "Record", information that is inscribed on a tangible medium
59 or that is stored in an electronic or other medium and is retrievable in
60 perceivable form;

61 [(12)] **(13)** "Registration", registration as an athlete agent **or**
62 **professional representative** under sections 436.215 to 436.272;

63 [(13)] **(14)** "State", a state of the United States, the District of Columbia,
64 Puerto Rico, the United States Virgin Islands, or any territory or insular
65 possession subject to the jurisdiction of the United States;

66 [(14)] **(15)** "Student athlete", a current student who engages in, has
67 engaged in, is eligible to engage in, or may be eligible in the future to engage in,
68 any intercollegiate sport.

 436.221. 1. The director shall administer the provisions of sections
2 436.215 to 436.272.

3 2. By engaging in the business of an athlete agent **or a professional**
4 **representative** in this state, a nonresident [individual] **person** appoints the
5 director as the [individual's] **person's** agent to accept service of process in any
6 civil action related to the [individual's] **person's** business as an athlete agent **or**
7 **a professional representative** in this state.

8 3. The director may subpoena witnesses, issue subpoenas duces tecum and
9 require production of documents and records. Subpoenas including subpoenas
10 duces tecum shall be served by a person authorized to serve subpoenas of courts
11 of record. In lieu of requiring attendance of a person to produce original
12 documents in response to a subpoena duces tecum, the board may require sworn
13 copies of such documents to be filed with it or delivered to its designated
14 representative.

15 4. The director may enforce its subpoenas including subpoenas duces
16 tecum by applying to a circuit court of Cole County, the county of the
17 investigation, hearing or proceeding, or any county where the person resides or

18 may be found for an order upon any person who shall fail to obey a subpoena to
19 show cause why such subpoena should not be enforced, which such order and a
20 copy of the application therefor shall be served upon the person in the same
21 manner as a summons in a civil action and if the circuit court shall after a
22 hearing determine that the subpoena should be sustained and enforced such court
23 shall proceed to enforce the subpoena in the same manner as though the
24 subpoena had been issued in a civil case in the circuit court.

436.224. 1. Except as otherwise provided in subsection 2 of this section,
2 [an individual may] **prior to being issued a certificate of registration**
3 **under section 436.230, a person shall not:**

4 (1) Act as an athlete agent **or a professional representative** in this
5 state [before being issued a certificate of registration under section 436.230 or
6 436.236];

7 (2) **Directly or indirectly recruit or attempt to recruit any**
8 **student athlete in this state or enter into an agency contract;**

9 (3) **Communicate in any way with a student athlete regarding**
10 **professional representation or an agency contract;**

11 (4) **Communicate with any person affiliated with a student**
12 **athlete for the purposes of discussing potential professional**
13 **representation of the student athlete; or**

14 (5) **Contact or attempt to contact, through any means**
15 **whatsoever, a student athlete or other individual for the purposes of**
16 **promoting the services, acumen, or business as an athlete agent or**
17 **professional representative of the contacting person or any**
18 **organization with which the contacting person is associated.**

19 2. [An individual with a temporary license under section 436.236 may act
20 as an athlete agent before being issued a certificate of registration for all
21 purposes except signing an agency contract if:

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

24 (2) Within seven days after an initial act as an athlete agent, the
25 individual submits an application to register as an athlete agent in this state.

26 3.] An agency contract resulting from conduct in violation of this section
27 is void. The athlete agent **or a professional representative** shall return any
28 consideration received under the contract.

29 **3. Any act committed in violation of this section shall be a class**

30 **A misdemeanor and subject to a fine not to exceed one hundred**
31 **thousand dollars per offense.**

436.227. 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:

5 (1) The name of the applicant and the address of the applicant's principal
6 place of business;

7 (2) The name of the applicant's business or employer, if applicable;

8 (3) Any business or occupation engaged in by the applicant for the five
9 years next preceding the date of submission of the application;

10 (4) A description of the applicant's:

11 (a) Formal training as an athlete agent **or a professional**
12 **representative;**

13 (b) Practical experience as an athlete agent **or a professional**
14 **representative;** and

15 (c) Educational background relating to the applicant's activities as an
16 athlete agent **or a professional representative;**

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

19 (6) The name, sport, and last known team for each individual for whom
20 the applicant provided services as an athlete agent **or a professional**
21 **representative** during the five years next preceding the date of submission of
22 the application;

23 (7) The names and addresses of all persons who are:

24 (a) With respect to the **professional representative** or athlete agent's
25 business if it is not a corporation, the partners, officers, associates, or
26 profit-sharers; and

27 (b) With respect to a corporation employing the athlete agent **or a**
28 **professional representative**, the officers, directors, and any shareholder of the
29 corporation with a five percent or greater interest;

30 (8) Whether the applicant or any other person named under subdivision
31 (7) of this section has been convicted of a crime that if committed in this state
32 would be a felony or other crime involving moral turpitude, and a description of
33 the crime;

34 (9) Whether there has been any administrative or judicial determination

35 that the applicant or any other person named under subdivision (7) of this section
36 has made a false, misleading, deceptive, or fraudulent representation;

37 (10) Any instance in which the prior conduct of the applicant or any other
38 person named under subdivision (7) of this section resulted in the imposition of
39 a sanction, suspension, or declaration of ineligibility to participate in an
40 interscholastic or intercollegiate athletic event on a student athlete or educational
41 institution;

42 (11) Any sanction, suspension, or disciplinary action taken against the
43 applicant or any other person named under subdivision (7) of this section arising
44 out of occupational or professional conduct; and

45 (12) Whether there has been any denial of an application for, suspension
46 or revocation of, or refusal to renew the registration or licensure of the applicant
47 or any other person named under subdivision (7) of this section as an athlete
48 agent **or a professional representative** in any state.

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 **or a professional representative**. In making the determination, the director
8 may consider whether the applicant 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 a professional representative** or in the
13 application;

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

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

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

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

23 athlete or educational institution; or

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

26 3. In making a determination under subsection [3] 2 of this section, the
27 director 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) Any other relevant conduct of the applicant.

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

36 5. A certificate of registration or a renewal of a registration is valid for
37 two years.

**436.231. The director shall negotiate reciprocal agreements with
2 other states that require standards for licensure, registration, or
3 certification considered to be equivalent or more stringent than the
4 requirements for registration pursuant to sections 436.215 to 436.272.**

436.233. 1. The director may revoke, suspend, or refuse to renew any
2 certificate of registration required under this chapter for one or any combination
3 of causes stated in subsection 2 of this section. The director shall notify the
4 applicant in writing of the reasons for the refusal and shall advise the applicant
5 of the applicant's right to file a complaint with the administrative hearing
6 commission as provided by chapter 621.

7 2. The director may cause a complaint to be filed with the administrative
8 hearing commission as provided by chapter 621 against any holder of any
9 certificate of registration required by this chapter or any person who has failed
10 to renew or has surrendered the person's certificate of registration for any one or
11 any combination of the following causes:

12 (1) The person has been finally adjudicated and found guilty, or entered
13 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of
14 any state or of the United States, for any offense reasonably related to the
15 qualifications, functions or duties under this chapter, for any offense an essential
16 element of which is fraud, dishonesty or an act of violence, or for any offense
17 involving moral turpitude, whether or not sentence is imposed;

18 (2) Use of fraud, deception, misrepresentation or bribery in securing any
19 certificate of registration under this chapter;

20 (3) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct
21 or unprofessional conduct in the performance of the functions regulated by this
22 chapter including but not limited to the following:

23 (a) Obtaining or attempting to obtain any fee, charge, tuition, or other
24 compensation by fraud, deception, or misrepresentation;

25 (b) Attempting directly or indirectly by way of intimidation, coercion or
26 deception to obtain consultation;

27 (c) Failure to comply with any subpoena or subpoena duces tecum from
28 the director;

29 (d) Failing to inform the director of the **professional representative**
30 **or** athlete agent's current residence and business address;

31 (4) Violation of, or attempting to violate, directly or indirectly, or assisting
32 or enabling any person to violate, any provision of this chapter, or of any lawful
33 rule or regulation adopted under this chapter;

34 (5) Impersonation of any person holding a certificate of registration or
35 allowing any person to use his or her certificate of registration;

36 (6) Violation of the drug laws or rules and regulations of this state, any
37 other state, or the federal government;

38 (7) Knowingly making, or causing to be made, or aiding, or abetting in the
39 making of, a false statement in any birth or other certificate or document
40 executed in connection with the transaction;

41 (8) Soliciting patronage in person, by agents, by representatives, or by any
42 other means or manner, under the person's own name or under the name of
43 another person or concern, actual or pretended in such a manner as to confuse,
44 deceive, or mislead the public;

45 (9) A pattern of personal use or consumption of any controlled substance
46 unless it is prescribed, dispensed or administered by a physician who is
47 authorized by law to do so.

48 3. After the filing of such complaint before the administrative hearing
49 commission, the proceedings shall be conducted in accordance with the provisions
50 of chapter 621. Upon a finding by the administrative hearing commission that
51 the grounds provided in subsection 2 of this section for disciplinary action are met
52 the director may singly or in combination warn, censure, or place the person
53 named in the complaint on probation on such terms and conditions as the director

54 deems appropriate for a period not to exceed six months, or may suspend the
55 person's certificate of registration period not to exceed one year, or restrict or
56 limit the person's certificate of registration for an indefinite period of time, or
57 revoke the person's certificate of registration.

58 4. In any order of revocation, the director may provide that the person
59 may not apply for reinstatement of the person's certificate of registration for a
60 period of time ranging from two to seven years following the date of the order of
61 revocation. All stay orders shall toll this time period.

436.239. 1. An application for registration or renewal of registration shall
2 be accompanied by a fee which shall be determined by the director and
3 established by rule. All fees payable under the provisions of this section shall be
4 collected by the division of professional registration and transmitted to the
5 department of revenue for deposit in the state treasury to the credit of the fund
6 to be known as the "Athlete Agent Fund" which is hereby established. The
7 provisions of section 33.080 to the contrary notwithstanding, money in the athlete
8 agent fund shall not be transferred and placed to the credit of general revenue
9 until the amount in the athlete agent fund at the end of the biennium exceeds
10 two times the amount of the appropriations from such fund for the preceding
11 fiscal year or, if the director allows renewal of registration less frequently than
12 yearly, then three times the appropriations from such fund for the preceding
13 fiscal year; provided that no amount from such fund may be transferred to the
14 credit of general revenue earlier than August 28, 2006. The amount if any which
15 may be transferred to the credit of general revenue after August 28, 2006, is that
16 amount in the athlete agent fund which exceeds the appropriate multiple of the
17 appropriations from such fund for the preceding fiscal year.

18 2. The director may promulgate rules to authorize and file athlete agent
19 **or professional representative** documents as that term is defined in section
20 536.010. Any rule promulgated under the authority in this section shall become
21 effective only if it complies with and is subject to all of the provisions of chapter
22 536 and, if applicable, section 536.028. This section and chapter 536 are
23 nonseverable and if any of the powers vested with the general assembly under
24 chapter 536 to review, to delay the effective date, or to disapprove and annul a
25 rule are subsequently held unconstitutional then the grant of rulemaking
26 authority and any rule proposed or adopted after August 28, 2003, shall be
27 invalid and void.

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

9 (2) The name of any person not listed in the application for registration
10 or renewal who will be compensated because the student athlete signed the
11 agency contract;

12 (3) A description of any expenses that the student athlete agrees to
13 reimburse;

14 (4) A description of the services to be provided to the student athlete;

15 (5) The duration of the contract; and

16 (6) The date of execution.

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

19 "WARNING TO STUDENT ATHLETE IF YOU SIGN THIS CONTRACT:

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

22 (2) BOTH YOU AND YOUR ATHLETE AGENT **OR**
23 **PROFESSIONAL REPRESENTATIVE** ARE REQUIRED
24 TO TELL YOUR ATHLETIC DIRECTOR, IF YOU HAVE AN
25 ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER
26 ENTERING INTO AN AGENCY CONTRACT; AND

27 (3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS
28 AFTER SIGNING IT. CANCELLATION OF THE CONTRACT
29 MAY NOT REINSTATE YOUR ELIGIBILITY."

30 4. An agency contract that does not conform to this section is voidable by
31 the student athlete.

32 5. The athlete agent **or professional representative** shall give a copy
33 of the signed agency contract to the student athlete at the time of signing.

436.245. 1. Within seventy-two hours after entering into an agency
2 contract or before the next scheduled athletic event in which the student athlete
3 may participate whichever occurs first the athlete agent **or professional**
4 **representative** shall give notice in writing of the existence of the contract to the

5 athletic director of the educational institution at which the student athlete is
6 enrolled or the athlete agent **or professional representative** has reasonable
7 grounds to believe the student athlete intends to enroll.

8 2. Within seventy-two hours after entering into an agency contract or
9 before the next athletic event in which the student athlete may participate
10 whichever occurs first the student athlete shall in writing inform the athletic
11 director of the educational institution at which the student athlete is enrolled
12 that he or she has entered into an agency contract.

13 **3. An athlete agent or professional representative shall provide**
14 **written notice to the athletic director of the educational institution at**
15 **which the student athlete is enrolled or the athlete agent or**
16 **professional representative has reasonable grounds to believe the**
17 **student athlete intends to enroll prior to each communication or**
18 **attempt to communicate with a student athlete through any means or**
19 **medium whatsoever. Such means or mediums include, but are not**
20 **limited to:**

21 **(a) In-person communication;**

22 **(b) Direct mailings;**

23 **(c) Telephonic communication, including phone calls and text**
24 **messages;**

25 **(d) Video communication; and**

26 **(e) Electronic correspondence of any kind, including social**
27 **media and email.**

28 4. An athlete agent or professional representative shall provide
29 written notice to the athletic director of the educational institution at
30 which the student athlete is enrolled or the athlete agent or
31 professional representative has reasonable grounds to believe the
32 student athlete intends to enroll prior to communicating or attempting
33 to communicate with any other person for the purposes of influencing
34 or attempting to influence a student athlete's decision to enter into an
35 agency contract.

36 5. Within ten business days after a student athlete enrolls at an
37 educational institution, an athlete agent or professional representative
38 shall notify the athletic director of the educational institution of any
39 preexisting relationship or past contact with such student athlete or
40 any family members of such student athlete.

41 6. If a student athlete or other person on behalf of a student

42 athlete initiates contact with any athlete agent or professional
43 representative, then the athlete agent or professional representative
44 shall notify within ten business days of the contact the athletic director
45 of the educational institution at which the student athlete is enrolled
46 or the athlete agent or professional representative has reasonable
47 grounds to believe the student athlete intends.

48 7. An athletic director at an educational institution may
49 designate another individual to receive the requisite notices as
50 provided in this section by providing the designee's name and contact
51 information conspicuously on the education institution's official
52 website.

53 8. Failure to provide notice as required by subsections 1, 3, 4, 5,
54 and 6 of this section shall be a class A misdemeanor and subject to a
55 fine not to exceed twenty thousand dollars per offense.

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

4 2. A student athlete may not waive the right to cancel an agency contract.

5 3. If a student athlete cancels an agency contract within fourteen days of
6 signing the contract, the student athlete is not required to pay any consideration
7 under the contract or to return any consideration received from the **athlete agent**
8 **or professional representative** to induce the student athlete to enter into the
9 contract.

436.251. 1. An athlete agent **or professional representative** shall
2 retain the following records for a period of five years:

3 (1) The name and address of each individual represented by the athlete
4 agent **or professional representative**;

5 (2) Any agency contract entered into by the athlete agent **or**
6 **professional representative**; and

7 (3) Any direct costs incurred by the athlete agent **or professional**
8 **representative** in the recruitment or solicitation of a student athlete.

9 2. Records required by subsection 1 of this section to be retained are open
10 to inspection by the director during normal business hours.

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

4 (1) Give any materially false or misleading information or make a
5 materially false promise or representation;

6 (2) Furnish anything of value to a student athlete before the student
7 athlete enters into the agency contract; or

8 (3) Furnish anything of value to any [individual] **person** other than the
9 student athlete or another registered athlete agent **or professional**
10 **representative**.

11 2. An athlete agent [may] **or professional representative shall** not
12 intentionally:

13 (1) Initiate contact with a student athlete unless registered under sections
14 436.215 to 436.272;

15 (2) Refuse or willfully fail to retain or permit inspection of the records
16 required by section 436.251;

17 (3) Violate section 436.224 by failing to register;

18 (4) Provide materially false or misleading information in an application
19 for registration or renewal of registration;

20 (5) Predate or postdate an agency contract; or

21 (6) Fail to notify a student athlete prior to the student athlete's signing
22 an agency contract for a particular sport that the signing by the student athlete
23 may make the student athlete ineligible to participate as a student athlete in that
24 sport.

436.260. 1. **Any person, including** an educational institution, has a
2 right of action against an athlete agent, **a professional representative**, or a
3 former student athlete for damages caused by a violation of sections 436.215 to
4 436.272. In an action under this section, the court may award to the prevailing
5 party costs and reasonable attorney's fees.

6 2. Damages of [an educational institution] **a person** under subsection 1
7 of this section include losses and expenses incurred because as a result of the
8 activities of an athlete agent, **a professional representative**, or former student
9 athlete the [educational institution] **person** was injured by a violation of sections
10 436.215 to 436.272 or was penalized, disqualified, or suspended from participation
11 in athletics by a national association for the promotion and regulation of
12 athletics, by an athletic conference, or by reasonable self-imposed disciplinary
13 action taken to mitigate sanctions.

14 3. A right of action under this section does not accrue until the
15 [educational institution] **person** discovers or by the exercise of reasonable

16 diligence would have discovered the violation by the athlete agent, a
17 **professional representative**, or former student athlete.

18 4. Any liability of the athlete agent, **a professional representative**, or
19 the former student athlete under this section is several and not joint.

20 5. Sections 436.215 to 436.272 do not restrict rights, remedies, or defenses
21 of any person under law or equity.

436.263. Any person who violates any [provisions] **provision** of sections
2 436.215 to [436.269] **436.272** is guilty of a class A misdemeanor.

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.

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

[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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