

1 **SENATE FLOOR VERSION**

2 February 19, 2021

3 SENATE BILL NO. 48

By: Daniels

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5  
6 An Act relating to athlete agents; creating the  
7 Revised Uniform Athlete Agents Act; defining terms;  
8 providing for application of the Administrative  
9 Procedures Act; providing for promulgation of rules;  
10 making Secretary of State agent for service of  
11 process for nonresident athlete agents; requiring  
12 registration; providing acts that may occur before  
13 registration; providing that certain contracts are  
14 void; providing for return of consideration;  
15 providing registration procedure; requiring  
16 application for registration to contain certain  
17 information; providing for issuance of certificate of  
18 registration; requiring the Secretary of State to  
19 cooperate and exchange information with certain  
20 organizations; authorizing the Secretary of State to  
21 refuse to issue a certificate of registration for  
22 specified reasons; providing for renewal of  
23 registration; providing for suspension, revocation  
24 and refusal to renew registrations; authorizing  
issuance of temporary certificate of registration;  
providing registration and renewal fees; providing  
for certificates issued under prior law; providing  
for deposit of fees in the Revolving Fund for the  
Office of Secretary of State; providing requirements  
for contracts; specifying information to be contained  
in contract; requiring inclusion of warning;  
requiring certain notice be given to educational  
institution and athletic director; requiring  
educational institution to notify the Secretary of  
State of known violations; providing right to cancel  
contract; providing that right cannot be waived;  
providing that consideration need not be returned;  
requiring athlete agent to keep certain records for  
specified period of time; prohibiting certain  
conduct; providing criminal penalties; providing that  
certain portion of fines be deposited in the Attorney  
General's Law Enforcement Revolving Fund; authorizing

1 the Secretary of State to assess civil penalties;  
2 specifying maximum amount of civil penalties;  
3 providing for uniformity of application and  
4 construction; providing relation to Electronic  
5 Signatures in Global and National Commerce Act;  
6 amending 78 O.S. 2011, Sections 53 and 54, which  
7 relate to the Oklahoma Deceptive Trade Practices Act;  
8 expanding acts that constitute deceptive trade  
9 practices to include violations of the Revised  
10 Uniform Athlete Agents Act; expanding authority of  
11 the Attorney General and district attorneys;  
12 repealing 70 O.S. 2011, Sections 821.81, 821.82,  
13 821.83, 821.84, 821.85, as amended by Section 1,  
14 Chapter 173, O.S.L. 2012, 821.86, 821.87, 821.88,  
15 821.89, 821.90, 821.91, 821.92, 821.93, 821.94,  
16 821.95, 821.96, 821.97, 821.98 and 821.99 (70 O.S.  
17 Supp. 2020, Section 821.85), which relate to the  
18 Uniform Athlete Agents Act; providing for  
19 codification; and providing an effective date.

20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 823.1 of Title 70, unless there  
23 is created a duplication in numbering, reads as follows:

24 SHORT TITLE. This act shall be known and may be cited as the  
"Revised Uniform Athlete Agents Act".

SECTION 2. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 823.2 of Title 70, unless there  
is created a duplication in numbering, reads as follows:

DEFINITIONS. As used in the Revised Uniform Athlete Agents Act:

1. "Agency contract" means an agreement in which a student  
athlete authorizes a person to negotiate or solicit on behalf of the

1 athlete a professional-sports-services contract or endorsement  
2 contract;

3 2. "Athlete agent":

4 a. means an individual, whether or not registered under  
5 the Revised Uniform Athlete Agents Act, who:

6 (1) directly or indirectly recruits or solicits a  
7 student athlete to enter into an agency contract  
8 or, for compensation, procures employment or  
9 offers, promises, attempts or negotiates to  
10 obtain employment for a student athlete as a  
11 professional athlete or member of a professional  
12 sports team or organization,

13 (2) for compensation or in anticipation of  
14 compensation related to a student athlete's  
15 participation in athletics:

16 (a) serves the athlete in an advisory capacity  
17 on a matter related to finances, business  
18 pursuits or career management decisions,  
19 unless the individual is an employee of an  
20 educational institution acting exclusively  
21 as an employee of the institution for the  
22 benefit of the institution, or

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1 (b) manages the business affairs of the athlete  
2 by providing assistance with bills,  
3 payments, contracts, or taxes, or

4 (3) in anticipation of representing a student athlete  
5 for a purpose related to the athlete's  
6 participation in athletics:

7 (a) gives consideration to the student athlete  
8 or another person,

9 (b) serves the athlete in an advisory capacity  
10 on a matter related to finances, business  
11 pursuits or career management decisions, or

12 (c) manages the business affairs of the athlete  
13 by providing assistance with bills,  
14 payments, contracts or taxes, but

15 b. does not include an individual who:

16 (1) acts solely on behalf of a professional sports  
17 team or organization, or

18 (2) is a licensed, registered or certified  
19 professional and offers or provides services to a  
20 student athlete customarily provided by members  
21 of the profession, unless the individual:

22 (a) also recruits or solicits the athlete to  
23 enter into an agency contract,  
24

1 (b) also, for compensation, procures employment  
2 or offers, promises, attempts or negotiates  
3 to obtain employment for the athlete as a  
4 professional athlete or member of a  
5 professional sports team or organization, or  
6 (c) receives consideration for providing the  
7 services calculated using a different method  
8 than for an individual who is not a student  
9 athlete;

10 3. "Athletic director" means the individual responsible for  
11 administering the overall athletic program of an educational  
12 institution or, if an educational institution has separately  
13 administered athletic programs for male students and female  
14 students, the athletic program for males or the athletic program for  
15 females, as appropriate;

16 4. "Educational institution" includes a public or private  
17 elementary school, secondary school, technical or vocational school,  
18 community college, college or university;

19 5. "Endorsement contract" means an agreement under which a  
20 student athlete is employed or receives consideration to use on  
21 behalf of the other party any value that the athlete may have  
22 because of publicity, reputation, following or fame obtained because  
23 of athletic ability or performance;

1       6. "Enrolled" means registered for courses and attending  
2 athletic practice or class. "Enrolls" has a corresponding meaning;

3       7. "Intercollegiate sport" means a sport played at the  
4 collegiate level for which eligibility requirements for  
5 participation by a student athlete are established by a national  
6 association that promotes or regulates collegiate athletics;

7       8. "Interscholastic sport" means a sport played between  
8 educational institutions that are not community colleges, colleges  
9 or universities;

10      9. "Licensed, registered or certified professional" means an  
11 individual licensed, registered or certified as an attorney, dealer  
12 in securities, financial planner, insurance agent, real estate  
13 broker or sales agent, tax consultant, accountant, or member of a  
14 profession other than that of athlete agent who is licensed,  
15 registered or certified by the state or a nationally recognized  
16 organization that licenses, registers or certifies members of the  
17 profession on the basis of experience, education or testing;

18      10. "Person" means an individual, estate, business or nonprofit  
19 entity, public corporation, government or governmental subdivision,  
20 agency, or instrumentality or other legal entity;

21      11. "Professional-sports-services contract" means an agreement  
22 under which an individual is employed as a professional athlete or  
23 agrees to render services as a player on a professional sports team  
24 or with a professional sports organization;

1 12. "Record" means information that is inscribed on a tangible  
2 medium or that is stored in an electronic or other medium and is  
3 retrievable in perceivable form;

4 13. "Recruit or solicit" means attempt to influence the choice  
5 of an athlete agent by a student athlete or, if the athlete is a  
6 minor, a parent or guardian of the athlete. The term does not  
7 include giving advice on the selection of a particular agent in a  
8 family, coaching or social situation unless the individual giving  
9 the advice does so because of the receipt or anticipated receipt of  
10 an economic benefit, directly or indirectly, from the agent;

11 14. "Registration" means registration as an athlete agent under  
12 the Revised Uniform Athlete Agents Act;

13 15. "Sign" means, with present intent to authenticate or adopt  
14 a record:

15 a. to execute or adopt a tangible symbol, or

16 b. to attach to or logically associate with the record an  
17 electronic symbol, sound or process;

18 16. "State" means a state of the United States, the District of  
19 Columbia, Puerto Rico, the United States Virgin Islands, or any  
20 territory or insular possession subject to the jurisdiction of the  
21 United States; and

22 17. "Student athlete" means an individual who is eligible to  
23 attend an educational institution and engages in, is eligible to  
24 engage in, or may be eligible in the future to engage in any

1 interscholastic or intercollegiate sport. The term does not include  
2 an individual permanently ineligible to participate in a particular  
3 interscholastic or intercollegiate sport for that sport.

4 SECTION 3. NEW LAW A new section of law to be codified  
5 in the Oklahoma Statutes as Section 823.3 of Title 70, unless there  
6 is created a duplication in numbering, reads as follows:

7 SECRETARY OF STATE; AUTHORITY; PROCEDURE.

8 A. The Administrative Procedures Act applies to the Revised  
9 Uniform Athlete Agents Act. The Secretary of State may adopt rules  
10 under the Administrative Procedures Act to implement the Revised  
11 Uniform Athlete Agents Act.

12 B. By acting as an athlete agent in this state, a nonresident  
13 individual appoints the Secretary of State as the individual's agent  
14 for service of process in any civil action in this state related to  
15 the individual acting as an athlete agent in this state.

16 C. The Secretary of State may issue a subpoena for material  
17 that is relevant to the administration of the Revised Uniform  
18 Athlete Agents Act pursuant to Section 315 of Title 75 of the  
19 Oklahoma Statutes.

20 SECTION 4. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 823.4 of Title 70, unless there  
22 is created a duplication in numbering, reads as follows:

23 ATHLETE AGENT; REGISTRATION REQUIRED; VOID CONTRACT.  
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1       A. Except as otherwise provided in subsection B of this  
2 section, an individual may not act as an athlete agent in this state  
3 without holding a certificate of registration under the Revised  
4 Uniform Athlete Agents Act.

5       B. Before being issued a certificate of registration under the  
6 Revised Uniform Athlete Agents Act an individual may act as an  
7 athlete agent in this state for all purposes except signing an  
8 agency contract, if:

9       1. A student athlete or another person acting on behalf of the  
10 athlete initiates communication with the individual; and

11       2. Not later than seven (7) days after an initial act that  
12 requires the individual to register as an athlete agent, the  
13 individual submits an application for registration as an athlete  
14 agent in this state.

15       C. An agency contract resulting from conduct in violation of  
16 this section is void, and the athlete agent shall return any  
17 consideration received under the contract.

18       SECTION 5.       NEW LAW       A new section of law to be codified  
19 in the Oklahoma Statutes as Section 823.5 of Title 70, unless there  
20 is created a duplication in numbering, reads as follows:

21       REGISTRATION AS ATHLETE AGENT; APPLICATION; REQUIREMENTS;  
22 RECIPROCAL REGISTRATION.

23       A. An applicant for registration as an athlete agent shall  
24 submit an application for registration to the Secretary of State in

1 a form prescribed by the Secretary of State. The applicant must be  
2 an individual, and the application must be signed by the applicant  
3 under penalty of perjury. The application must contain at least the  
4 following:

5 1. The name and date and place of birth of the applicant and  
6 the following contact information for the applicant:

7 a. the address of the applicant's principal place of  
8 business,

9 b. work and mobile telephone numbers, and

10 c. any means of communicating electronically including a  
11 facsimile number, electronic-mail address, and  
12 personal and business or employer websites;

13 2. The name of the applicant's business or employer, if  
14 applicable including for each business or employer its mailing  
15 address, telephone number, organization form and the nature of the  
16 business;

17 3. Each social-media account with which the applicant or the  
18 applicant's business or employer is affiliated;

19 4. Each business or occupation in which the applicant engaged  
20 within five (5) years before the date of the application including  
21 self-employment and employment by others, and any professional or  
22 occupational license, registration or certification held by the  
23 applicant during that time;

24 5. A description of the applicant's:

- a. formal training as an athlete agent,
- b. practical experience as an athlete agent, and
- c. educational background relating to the applicant's activities as an athlete agent;

6. The name of each student athlete for whom the applicant acted as an athlete agent within five (5) years before the date of the application or, if the individual is a minor, the name of the parent or guardian of the minor, together with the athlete's sport and last-known team;

7. The name and address of each person that:

- a. is a partner, member, officer, manager, associate or profit sharer or directly or indirectly holds an equity interest of five percent (5%) or greater of the athlete agent's business if it is not a corporation, and
- b. is an officer or director of a corporation employing the athlete agent or a shareholder having an interest of five percent (5%) or greater in the corporation;

8. A description of the status of any application by the applicant or any person named under paragraph 7 of this subsection for a state or federal business, professional or occupational license, other than as an athlete agent, from a state or federal agency including any denial, refusal to renew, suspension,

1 withdrawal or termination of the license and any reprimand or  
2 censure related to the license;

3 9. Whether the applicant or any person named under paragraph 7  
4 of this subsection has pleaded guilty or no contest to, has been  
5 convicted of, or has charges pending for, a crime that would involve  
6 moral turpitude or be a felony if committed in this state and, if  
7 so, identification of:

8 a. the crime,

9 b. the law enforcement agency involved, and

10 c. if applicable, the date of the conviction and the fine  
11 or penalty imposed;

12 10. Whether, within fifteen (15) years before the date of  
13 application, the applicant or any person named under paragraph 7 of  
14 this subsection has been a defendant or respondent in a civil  
15 proceeding including a proceeding seeking a judicial determination  
16 of incapacity pursuant to Sections 3-101 through 3-115 of Title 30  
17 of the Oklahoma Statutes and, if so, the date and a full explanation  
18 of each proceeding;

19 11. Whether the applicant or any person named under paragraph 7  
20 of this subsection has an unsatisfied judgment or a judgment of  
21 continuing effect including alimony or a domestic order in the  
22 nature of child support, which is not current at the date of the  
23 application;

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1       12. Whether, within ten (10) years before the date of  
2 application, the applicant or any person named under paragraph 7 of  
3 this subsection was adjudicated bankrupt or was an owner of a  
4 business that was adjudicated bankrupt;

5       13. Whether there has been any administrative or judicial  
6 determination that the applicant or any person named under paragraph  
7 7 of this subsection made a false, misleading, deceptive or  
8 fraudulent representation;

9       14. Each instance in which conduct of the applicant or any  
10 person named under paragraph 7 of this subsection resulted in the  
11 imposition of a sanction, suspension or declaration of ineligibility  
12 to participate in an interscholastic, intercollegiate or  
13 professional athletic event on a student athlete or a sanction on an  
14 educational institution;

15       15. Each sanction, suspension or disciplinary action taken  
16 against the applicant or any person named under paragraph 7 of this  
17 subsection arising out of occupational or professional conduct;

18       16. Whether there has been a denial of an application for,  
19 suspension or revocation of, refusal to renew, or abandonment of,  
20 the registration of the applicant or any person named under  
21 paragraph 7 of this subsection as an athlete agent in any state;

22       17. Each state in which the applicant currently is registered  
23 as an athlete agent or has applied to be registered as an athlete  
24 agent;

1 18. If the applicant is certified or registered by a  
2 professional league or players association:

3 a. the name of the league or association,

4 b. the date of certification or registration, and the  
5 date of expiration of the certification or  
6 registration, if any, and

7 c. if applicable, the date of any denial of an  
8 application for, suspension or revocation of, refusal  
9 to renew, withdrawal of, or termination of, the  
10 certification or registration or any reprimand or  
11 censure related to the certification or registration;  
12 and

13 19. Any additional information required by the Secretary of  
14 State.

15 B. Instead of proceeding under subsection A of this section, an  
16 individual registered as an athlete agent in another state may apply  
17 for registration as an athlete agent in this state by submitting to  
18 the Secretary of State:

19 1. A copy of the application for registration in the other  
20 state;

21 2. A statement that identifies any material change in the  
22 information on the application or verifies there is no material  
23 change in the information, signed under penalty of perjury; and  
24

1           3. A copy of the certificate of registration from the other  
2 state.

3           C. The Secretary of State shall issue a certificate of  
4 registration to an individual who applies for registration under  
5 subsection B of this section if the Secretary of State determines:

6           1. The application and registration requirements of the other  
7 state are substantially similar to or more restrictive than this  
8 act; and

9           2. The registration has not been revoked or suspended and no  
10 action involving the individual's conduct as an athlete agent is  
11 pending against the individual or the individual's registration in  
12 any state.

13           D. For purposes of implementing subsection C of this section,  
14 the Secretary of State shall:

15           1. Cooperate with national organizations concerned with athlete  
16 agent issues and agencies in other states which register athlete  
17 agents to develop a common registration form and determine which  
18 states have laws that are substantially similar to or more  
19 restrictive than the Revised Uniform Athlete Agents Act; and

20           2. Exchange information including information related to  
21 actions taken against registered athlete agents or their  
22 registrations, with those organizations and agencies.

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1 SECTION 6. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 823.6 of Title 70, unless there  
3 is created a duplication in numbering, reads as follows:

4 CERTIFICATE OF REGISTRATION; ISSUANCE OR DENIAL; RENEWAL.

5 A. Except as otherwise provided in subsection B of this  
6 section, the Secretary of State shall issue a certificate of  
7 registration to an applicant for registration who complies with  
8 subsection A of Section 5 of this act.

9 B. The Secretary of State may refuse to issue a certificate of  
10 registration to an applicant for registration under subsection A of  
11 Section 5 of this act if the Secretary of State determines that the  
12 applicant has engaged in conduct that significantly adversely  
13 reflects on the applicant's fitness to act as an athlete agent. In  
14 making the determination, the Secretary of State may consider  
15 whether the applicant has:

16 1. Pleaded guilty or no contest to, has been convicted of, or  
17 has charges pending for, a crime that would involve moral turpitude  
18 or be a felony if committed in this state;

19 2. Made a materially false, misleading, deceptive or fraudulent  
20 representation in the application or as an athlete agent;

21 3. Engaged in conduct that would disqualify the applicant from  
22 serving in a fiduciary capacity;

23 4. Engaged in conduct prohibited by Section 14 of this act;

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1           5. Had a registration as an athlete agent suspended, revoked or  
2 denied in any state;

3           6. Been refused renewal of registration as an athlete agent in  
4 any state;

5           7. Engaged in conduct resulting in imposition of a sanction,  
6 suspension or declaration of ineligibility to participate in an  
7 interscholastic, intercollegiate or professional athletic event on a  
8 student athlete or a sanction on an educational institution; or

9           8. Engaged in conduct that adversely reflects on the  
10 applicant's credibility, honesty or integrity.

11           C. In making a determination under subsection B of this  
12 section, the Secretary of State shall consider:

13           1. How recently the conduct occurred;

14           2. The nature of the conduct and the context in which it  
15 occurred; and

16           3. Other relevant conduct of the applicant.

17           D. An athlete agent registered under subsection A of this  
18 section may apply to renew the registration by submitting an  
19 application for renewal in a form prescribed by the Secretary of  
20 State. The applicant shall sign the application for renewal under  
21 penalty of perjury and include current information on all matters  
22 required in an original application for registration.

23           E. An athlete agent registered under subsection C of Section 5  
24 of this act may renew the registration by proceeding under

1 subsection D of this section or, if the registration in the other  
2 state has been renewed, by submitting to the Secretary of State  
3 copies of the application for renewal in the other state and the  
4 renewed registration from the other state. The Secretary of State  
5 shall renew the registration if the Secretary of State determines:

6 1. The registration requirements of the other state are  
7 substantially similar to or more restrictive than the Revised  
8 Uniform Athlete Agents Act; and

9 2. The renewed registration has not been suspended or revoked  
10 and no action involving the individual's conduct as an athlete agent  
11 is pending against the individual or the individual's registration  
12 in any state.

13 F. A certificate of registration or renewal of registration  
14 under the Revised Uniform Athlete Agents Act is valid for two (2)  
15 years.

16 SECTION 7. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 823.7 of Title 70, unless there  
18 is created a duplication in numbering, reads as follows:

19 SUSPENSION, REVOCATION OR REFUSAL TO RENEW REGISTRATION.

20 A. The Secretary of State may limit, suspend, revoke or refuse  
21 to renew a registration of an individual registered under subsection  
22 A of Section 6 of this act for conduct that would have justified  
23 refusal to issue a certificate of registration under subsection B of  
24 Section 6 of this act.

1           B. The Secretary of State may suspend or revoke the  
2 registration of an individual registered under subsection C of  
3 Section 5 of this act or renewed under subsection E of Section 6 of  
4 this act for any reason for which the Secretary of State could have  
5 refused to grant or renew registration or for conduct that would  
6 justify refusal to issue a certificate of registration under  
7 subsection B of Section 6 of this act.

8           SECTION 8.           NEW LAW           A new section of law to be codified  
9 in the Oklahoma Statutes as Section 823.8 of Title 70, unless there  
10 is created a duplication in numbering, reads as follows:

11           TEMPORARY REGISTRATION.

12           The Secretary of State may issue a temporary certificate of  
13 registration as an athlete agent while an application for  
14 registration or renewal of registration is pending.

15           SECTION 9.           NEW LAW           A new section of law to be codified  
16 in the Oklahoma Statutes as Section 823.9 of Title 70, unless there  
17 is created a duplication in numbering, reads as follows:

18           REGISTRATION AND RENEWAL FEES.

19           A. An application for registration or renewal of registration  
20 as an athlete agent must be accompanied by a fee in the following  
21 amount:

22           1. One Thousand Dollars (\$1,000.00) for an initial application  
23 for registration;

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1           2. One Thousand Dollars (\$1,000.00) for registration based on a  
2 certificate of registration issued by another state;

3           3. One Thousand Dollars (\$1,000.00) for an application for  
4 renewal of registration; or

5           4. One Thousand Dollars (\$1,000.00) for renewal of registration  
6 based on a renewal of registration in another state.

7           B. Any registration in this state as an athlete agent under  
8 prior law which has not expired before January 1, 2022, shall  
9 continue to be valid until the date the registration expires.

10          C. All registration fees collected pursuant to this section  
11 shall be deposited in the Revolving Fund for the Office of the  
12 Secretary of State.

13          SECTION 10.        NEW LAW        A new section of law to be codified  
14 in the Oklahoma Statutes as Section 823.10 of Title 70, unless there  
15 is created a duplication in numbering, reads as follows:

16           REQUIRED FORM OF AGENCY CONTRACT.

17           A. An agency contract must be in a record signed by the  
18 parties.

19           B. An agency contract must contain:

20           1. A statement that the athlete agent is registered as an  
21 athlete agent in this state and a list of any other states in which  
22 the agent is registered as an athlete agent;

23           2. The amount and method of calculating the consideration to be  
24 paid by the student athlete for services to be provided by the agent

1 under the contract and any other consideration the agent has  
2 received or will receive from any other source for entering into the  
3 contract or providing the services;

4 3. The name of any person not listed in the agent's application  
5 for registration or renewal of registration which will be  
6 compensated because the athlete signed the contract;

7 4. A description of any expenses the athlete agrees to  
8 reimburse;

9 5. A description of the services to be provided to the athlete;

10 6. The duration of the contract; and

11 7. The date of execution.

12 C. Subject to subsection G of this section, an agency contract  
13 must contain a conspicuous notice in boldface type and in  
14 substantially the following form:

15 WARNING TO STUDENT ATHLETE

16 IF YOU SIGN THIS CONTRACT:

17 1. YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT  
18 ATHLETE IN YOUR SPORT;

19 2. IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN SEVENTY-TWO (72)  
20 HOURS AFTER SIGNING THIS CONTRACT OR BEFORE THE NEXT SCHEDULED  
21 ATHLETIC EVENT IN WHICH YOU PARTICIPATE, WHICHEVER OCCURS FIRST,  
22 BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR  
23 THAT YOU HAVE ENTERED INTO THIS CONTRACT AND PROVIDE THE NAME AND  
24 CONTACT INFORMATION OF THE ATHLETE AGENT; AND

1           3. YOU MAY CANCEL THIS CONTRACT WITHIN FOURTEEN (14) DAYS AFTER  
2 SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR  
3 ELIGIBILITY AS A STUDENT ATHLETE IN YOUR SPORT.

4           D. An agency contract must be accompanied by a separate record  
5 signed by the student athlete or, if the athlete is a minor, the  
6 parent or guardian of the athlete acknowledging that signing the  
7 contract may result in the loss of the athlete's eligibility to  
8 participate in the athlete's sport.

9           E. A student athlete or, if the athlete is a minor, the parent  
10 or guardian of the athlete may void an agency contract that does not  
11 conform to this section. If the contract is voided, any  
12 consideration received from the athlete agent under the contract to  
13 induce entering into the contract is not required to be returned.

14           F. At the time an agency contract is executed, the athlete  
15 agent shall give the student athlete or, if the athlete is a minor,  
16 the parent or guardian of the athlete a copy in a record of the  
17 contract and the separate acknowledgement required by subsection D  
18 of this section.

19           G. If a student athlete is a minor, an agency contract must be  
20 signed by the parent or guardian of the minor and the notice  
21 required by subsection C of this section must be revised  
22 accordingly.

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1 SECTION 11. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 823.11 of Title 70, unless there  
3 is created a duplication in numbering, reads as follows:

4 NOTICE TO EDUCATIONAL INSTITUTION.

5 A. In this section, "communicating or attempting to  
6 communicate" means contacting or attempting to contact by an in-  
7 person meeting, a record or any other method that conveys or  
8 attempts to convey a message.

9 B. Not later than seventy-two (72) hours after entering into an  
10 agency contract or before the next scheduled athletic event in which  
11 the student athlete may participate, whichever occurs first, the  
12 athlete agent shall give notice in a record of the existence of the  
13 contract to the athletic director of the educational institution at  
14 which the athlete is enrolled or at which the agent has reasonable  
15 grounds to believe the athlete intends to enroll.

16 C. Not later than seventy-two (72) hours after entering into an  
17 agency contract or before the next scheduled athletic event in which  
18 the student athlete may participate, whichever occurs first, the  
19 athlete shall inform the athletic director of the educational  
20 institution at which the athlete is enrolled that the athlete has  
21 entered into an agency contract and the name and contact information  
22 of the athlete agent.

23 D. If an athlete agent enters into an agency contract with a  
24 student athlete and the athlete subsequently enrolls at an

1 educational institution, the agent shall notify the athletic  
2 director of the institution of the existence of the contract not  
3 later than seventy-two (72) hours after the agent knew or should  
4 have known the athlete enrolled.

5 E. If an athlete agent has a relationship with a student  
6 athlete before the athlete enrolls in an educational institution and  
7 receives an athletic scholarship from the institution, the agent  
8 shall notify the institution of the relationship not later than ten  
9 (10) days after the enrollment if the agent knows or should have  
10 known of the enrollment and:

11 1. The relationship was motivated in whole or part by the  
12 intention of the agent to recruit or solicit the athlete to enter an  
13 agency contract in the future; or

14 2. The agent directly or indirectly recruited or solicited the  
15 athlete to enter an agency contract before the enrollment.

16 F. An athlete agent shall give notice in a record to the  
17 athletic director of any educational institution at which a student  
18 athlete is enrolled before the agent communicates or attempts to  
19 communicate with:

20 1. The athlete or, if the athlete is a minor, a parent or  
21 guardian of the athlete to influence the athlete or parent or  
22 guardian to enter into an agency contract; or

23

24



1           2. Another individual to have that individual influence the  
2 athlete or, if the athlete is a minor, the parent or guardian of the  
3 athlete to enter into an agency contract.

4           G. If a communication or attempt to communicate with an athlete  
5 agent is initiated by a student athlete or another individual on  
6 behalf of the athlete, the agent shall notify in a record the  
7 athletic director of any educational institution at which the  
8 athlete is enrolled. The notification must be made not later than  
9 ten (10) days after the communication or attempt to communicate.

10          H. An educational institution that becomes aware of a violation  
11 of the Revised Uniform Athlete Agents Act by an athlete agent shall  
12 notify the Secretary of State and any professional league or players  
13 association with which the institution is aware the agent is  
14 licensed or registered of the violation.

15          SECTION 12.        NEW LAW        A new section of law to be codified  
16 in the Oklahoma Statutes as Section 823.12 of Title 70, unless there  
17 is created a duplication in numbering, reads as follows:

18                STUDENT ATHLETE'S RIGHT TO CANCEL.

19          A. A student athlete or, if the athlete is a minor, the parent  
20 or guardian of the athlete may cancel an agency contract by giving  
21 notice in a record of cancellation to the athlete agent not later  
22 than fourteen (14) days after the contract is signed.

23

24

1 B. A student athlete or, if the athlete is a minor, the parent  
2 or guardian of the athlete may not waive the right to cancel an  
3 agency contract.

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

9 SECTION 13. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 823.13 of Title 70, unless there  
11 is created a duplication in numbering, reads as follows:

12 REQUIRED RECORDS.

13 A. An athlete agent shall create and retain for five (5) years  
14 records of the following:

15 1. The name and address of each individual represented by the  
16 agent;

17 2. Each agency contract entered into by the agent; and

18 3. The direct costs incurred by the agent in the recruitment or  
19 solicitation of each student athlete to enter into an agency  
20 contract.

21 B. Records described in subsection A of this section are open  
22 to inspection by the Secretary of State during normal business  
23 hours.

24

1 SECTION 14. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 823.14 of Title 70, unless there  
3 is created a duplication in numbering, reads as follows:

4 PROHIBITED CONDUCT.

5 An athlete agent may not intentionally:

6 1. Give a student athlete or, if the athlete is a minor, a  
7 parent or guardian of the athlete materially false or misleading  
8 information or make a materially false promise or representation  
9 with the intent to influence the athlete, parent or guardian to  
10 enter into an agency contract;

11 2. Furnish a thing of value to the athlete or any other  
12 individual, if to do so may result in the loss of the athlete's  
13 eligibility to participate in the athlete's sport, unless:

14 a. the agent notifies the athletic director of the  
15 educational institution at which the athlete is  
16 enrolled or at which the agent has reasonable grounds  
17 to believe the athlete intends to enroll, not later  
18 than seventy-two (72) hours after giving the thing of  
19 value, and

20 b. the athlete or, if the athlete is a minor, a parent or  
21 guardian of the athlete acknowledges to the agent in a  
22 record that receipt of the thing of value may result  
23 in the loss of the athlete's eligibility to  
24 participate in the athlete's sport;

1           3. Initiate contact, directly or indirectly, with a student  
2 athlete or, if the athlete is a minor, a parent or guardian of the  
3 athlete to recruit or solicit the athlete, parent or guardian to  
4 enter an agency contract unless registered under the Revised Uniform  
5 Athlete Agents Act;

6           4. Fail to create or retain or to permit inspection of the  
7 records required by Section 13 of this act;

8           5. Fail to register when required by Section 4 of this act;

9           6. Provide materially false or misleading information in an  
10 application for registration or renewal of registration;

11           7. Predate or postdate an agency contract;

12           8. Fail to notify a student athlete or, if the athlete is a  
13 minor, a parent or guardian of the athlete before the athlete,  
14 parent or guardian signs an agency contract for a particular sport  
15 that the signing may result in the loss of the athlete's eligibility  
16 to participate in the athlete's sport;

17           9. Encourage another individual to do any of the acts described  
18 in paragraphs 1 through 8 of this section; or

19           10. Encourage another individual to assist any other individual  
20 in doing any of the acts described in paragraphs 1 through 8 of this  
21 section on behalf of the agent.

22           SECTION 15.       NEW LAW       A new section of law to be codified  
23 in the Oklahoma Statutes as Section 823.15 of Title 70, unless there  
24 is created a duplication in numbering, reads as follows:

1 CRIMINAL PENALTY.

2 A. An athlete agent who violates Section 14 of this act is  
3 guilty of a misdemeanor and, upon conviction, shall be subject to a  
4 fine of not less than Ten Thousand Dollars (\$10,000.00) and not more  
5 than Two Hundred Fifty Thousand Dollars (\$250,000.00), or to  
6 imprisonment not to exceed one (1) year, or to both such fine and  
7 imprisonment.

8 B. An athlete agent who violates Section 14 of this act upon a  
9 second or subsequent conviction shall be guilty of a felony and  
10 subject to a fine of not less than Fifty Thousand Dollars  
11 (\$50,000.00) and not more than Five Hundred Thousand Dollars  
12 (\$500,000.00), or to imprisonment not to exceed three (3) years, or  
13 to both such fine and imprisonment. All prior convictions in any  
14 state of acts that would constitute a violation under Section 14 of  
15 this act shall also constitute prior convictions under this section.

16 C. Fifty percent (50%) of all fines collected pursuant to this  
17 section shall be deposited in the Attorney General's Law Enforcement  
18 Revolving Fund created in Section 19.1 of Title 74 of the Oklahoma  
19 Statutes.

20 SECTION 16. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 823.16 of Title 70, unless there  
22 is created a duplication in numbering, reads as follows:

23 CIVIL REMEDY.  
24

1           A. An educational institution or student athlete may bring an  
2 action for damages against an athlete agent if the institution or  
3 athlete is adversely affected by an act or omission of the agent in  
4 violation of the Revised Uniform Athlete Agents Act. An educational  
5 institution or student athlete is adversely affected by an act or  
6 omission of the agent only if, because of the act or omission, the  
7 institution or an individual who was a student athlete at the time  
8 of the act or omission and enrolled in the institution:

9           1. Is suspended or disqualified from participation in an  
10 interscholastic or intercollegiate sports event by or under the  
11 rules of a state or national federation or association that promotes  
12 or regulates interscholastic or intercollegiate sports; or

13           2. Suffers financial damage.

14           B. A plaintiff that prevails in an action under this section  
15 may recover actual damages, exemplary damages, costs and reasonable  
16 attorney fees. An athlete agent found liable under this section  
17 forfeits any right of payment for anything of benefit or value  
18 provided to the student athlete and shall refund any consideration  
19 paid to the agent by or on behalf of the athlete.

20           C. A violation of the Revised Uniform Athlete Agents Act shall  
21 constitute a deceptive trade practice for purposes of the Oklahoma  
22 Deceptive Trade Practices Act and, in addition to the remedies  
23 provided for in this section, shall be subject to the remedies  
24 provided in Section 54 of Title 78 of the Oklahoma Statutes.

1 SECTION 17. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 823.17 of Title 70, unless there  
3 is created a duplication in numbering, reads as follows:

4 CIVIL PENALTY.

5 The Secretary of State may assess a civil penalty against an  
6 athlete agent not to exceed Fifty Thousand Dollars (\$50,000.00) for  
7 a violation of the Revised Uniform Athlete Agents Act.

8 SECTION 18. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 823.18 of Title 70, unless there  
10 is created a duplication in numbering, reads as follows:

11 UNIFORMITY OF APPLICATION AND CONSTRUCTION.

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

15 SECTION 19. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 823.19 of Title 70, unless there  
17 is created a duplication in numbering, reads as follows:

18 RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL  
19 COMMERCE ACT.

20 The Revised Uniform Athlete Agents Act modifies, limits or  
21 supersedes the Electronic Signatures in Global and National Commerce  
22 Act, 15 U.S.C., Section 7001 et seq., but does not modify, limit or  
23 supersede Section 101(c) of that act, 15 U.S.C., Section 7001(c), or  
24

1 authorize electronic delivery of any of the notices described in  
2 Section 103(b) of that act, 15 U.S.C., Section 7003(b).

3 SECTION 20. AMENDATORY 78 O.S. 2011, Section 53, is  
4 amended to read as follows:

5 Section 53. A. A person engages in a deceptive trade practice  
6 when in the course of business, vocation, or occupation, the person:

7 1. Passes off goods or services as those of another;

8 2. Knowingly makes a false representation as to the source,  
9 sponsorship, approval, or certification of goods or services;

10 3. Knowingly makes a false representation as to affiliation,  
11 connection, association with, or certification by another;

12 4. Uses deceptive representations or designations of geographic  
13 origin in connection with goods or services;

14 5. Knowingly makes a false representation as to the  
15 characteristics, ingredients, uses, benefits or quantities of goods  
16 or services or a false representation as to the sponsorship,  
17 approval, status, affiliation, or connection of a person therewith;

18 6. Represents that goods are original or new if they are not;

19 7. Represents that goods or services are a particular standard,  
20 quality, or grade, or that goods are a particular style or model, if  
21 they are another;

22 8. Disparages the goods, services, or business of another by  
23 false or misleading representation of fact;

24



1 9. Advertises goods or services which differ from those offered  
2 for sale in the advertisements;

3 10. Advertises goods or services with intent not to supply  
4 reasonably expectable public demand, unless the advertisement  
5 discloses a limitation of quantity;

6 11. Makes false or misleading statements of fact concerning the  
7 reasons for, existence of, or amounts of price reductions;

8 12. Advertises the price of an item after deduction of a rebate  
9 unless the actual selling price is advertised and clear and  
10 conspicuous notice is given in the advertisement that a mail-in  
11 rebate is required to achieve the lower net price;

12 13. Misrepresents the geographic location of the supplier by  
13 listing a fictitious business name or an assumed business name in a  
14 local telephone directory if:

15 a. the name misrepresents the geographic location of the  
16 supplier,

17 b. the listing fails to identify the locality and state  
18 of the business of the supplier,

19 c. calls to the local telephone number are routinely  
20 forwarded or otherwise transferred to a business  
21 location that is outside the calling area covered by  
22 the local telephone directory, or

23 d. the business location of the supplier is located in a  
24 county that is not contiguous to a county in the

1 calling area covered by the local telephone directory;

2 ~~or~~

3 14. Lists a fictitious business name or assumed business name  
4 in a directory assistance database if:

5 a. the name misrepresents the geographic location of the  
6 supplier,

7 b. calls to the local telephone number are routinely  
8 forwarded or otherwise transferred to a business  
9 location that is outside the local calling area, or

10 c. the business location of the supplier is located in a  
11 county that is not contiguous to a county in the local  
12 calling area; or

13 15. Violates any provision of the Revised Uniform Athlete  
14 Agents Act.

15 B. Evidence that a person has engaged in a deceptive trade  
16 practice shall be prima facie evidence of intent to injure  
17 competitors and to destroy or substantially lessen competition.

18 C. The deceptive trade practices listed in this section are in  
19 addition to and do not limit the types of unfair trade practices  
20 actionable at common law or under other statutes of this state.

21 SECTION 21. AMENDATORY 78 O.S. 2011, Section 54, is  
22 amended to read as follows:

23 Section 54. A. Any person damaged or likely to be damaged by a  
24 deceptive trade practice of another may maintain an action in any

1 court of equitable jurisdiction to prevent, restrain or enjoin such  
2 deceptive trade practice. Proof of actual monetary damages, loss of  
3 profits or intent shall not be required. If in such action damages  
4 are alleged and proved, the plaintiff, in addition to injunctive  
5 relief, shall be entitled to recover from the defendant the actual  
6 damages sustained by the person.

7 B. With respect to the deceptive trade practices described in  
8 paragraphs 13 ~~and~~, 14 and 15 of subsection A of Section 53 of this  
9 title, the Attorney General or a district attorney of this state is  
10 authorized to bring actions seeking the following relief:

11 1. Injunctions directed against persons engaged in such  
12 deceptive trade practices;

13 2. Recovery of the money unlawfully received from aggrieved  
14 consumers by persons engaged in the deceptive trade practices to be  
15 held in escrow for distribution to the aggrieved consumers; and

16 3. Recovery by the state of the reasonable expenses incurred in  
17 the investigation of the deceptive trade practices.

18 C. In any action instituted under the provisions of ~~this act~~  
19 the Oklahoma Deceptive Trade Practices Act, the court may, in its  
20 discretion, award reasonable ~~attorneys'~~ attorney fees to the  
21 prevailing party. If in any such action the court finds either (1)  
22 that the defendant has willfully engaged in a deceptive trade  
23 practice or (2) that the plaintiff has acted in bad faith in  
24

1 instituting the action, the court shall award reasonable ~~attorneys'~~  
2 attorney fees to the prevailing party.

3 D. The relief provided for in this section is in addition to  
4 and not in exclusion of remedies otherwise available against the  
5 same conduct pursuant to the common law or other statutes of this  
6 state.

7 E. Any duly organized and existing trade association, whether  
8 incorporated or not, is hereby authorized to institute and prosecute  
9 a suit or suits for injunctive relief hereunder as the real party in  
10 interest, for or on behalf of one or more of its members, when a  
11 deceptive trade practice directly or indirectly affects or threatens  
12 to affect or injure such member or members.

13 SECTION 22. REPEALER 70 O.S. 2011, Sections 821.81,  
14 821.82, 821.83, 821.84, 821.85, as amended by Section 1, Chapter  
15 173, O.S.L. 2012, 821.86, 821.87, 821.88, 821.89, 821.90, 821.91,  
16 821.92, 821.93, 821.94, 821.95, 821.96, 821.97, 821.98 and 821.99  
17 (70 O.S. Supp. 2020, Section 821.85), are hereby repealed.

18 SECTION 23. This act shall become effective January 1, 2022.

19 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY  
February 19, 2021 - DO PASS

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