

**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE  
COMMITTEE REPORT**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

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**TO:** All Councilmembers

**FROM:** Chairman Phil Mendelson  
Committee of the Whole

**DATE:** November 1, 2022

**SUBJECT:** Report on Bill 24-455, “Omnibus Athlete Agent and College Athlete Name, Image, or Likeness Amendment Act of 2022”

The Committee of the Whole, to which Bill 24-455, “Omnibus Athlete Agent and College Athlete Name, Image, or Likeness Amendment Act of 2022” was referred, reports favorably thereon with amendments and recommends approval by the Council.

CONTENTS

I.	Background and Need.....	1
II.	Legislative Chronology.....	3
III.	Position Of The Executive.....	3
IV.	Comments Of Advisory Neighborhood Commissions .....	3
V.	Summary of Testimony.....	4
VI.	Impact On Existing Law .....	5
VII.	Fiscal Impact.....	5
VIII.	Racial Equity Impact Analysis.....	5
IX.	Section-By-Section Analysis .....	5
X.	Committee Action.....	7
XI.	Attachments .....	7

**I. BACKGROUND AND NEED**

On March 1, 2021, Bill 24-455, the “Omnibus Athlete Agent and College Athlete Name, Image, or Likeness Amendment Act of 2022”<sup>1</sup> was introduced by Chairman Phil Mendelson at the request of the Uniform Law Commission. The purpose of this legislation is to regulate student-athlete compensation for their name, image, and likeness, and to provide for additional regulation of athlete-agents. The Committee Print merges the introduced versions of Bill 24-455 and Bill 24-456 into Title I and II, respectively, and incorporates provisions of Bill 24-445.

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<sup>1</sup> Originally introduced as the Uniform Athletes Agents Act Amendment Act of 2021. This legislation also incorporates provisions of Bill 24-456, the “Uniform College Athletes Agent and Name, Image, and Likeness Act of 2021” and Bill 24-445, the “College Student Athlete Compensation Amendment Act of 2021”.

Title I of Bill 24-455, the “Omnibus Athlete Agent and College Athlete Name, Image, or Likeness Amendment Act of 2022”, closely mirrors the introduced Bill 24-455, the “Uniform Athletes Agents Act Amendment Act of 2021.” This title would enact the Revised Uniform Athlete Agents Act and would update the Uniform Athlete Agents Act.<sup>2</sup> The UAAA was adopted by the Council in 2001 and has been enacted in 40 states. This title will not only protect educational institutions in the District of Columbia, but also the student athletes that attend them as well. Further, this title will provide uniform regulation to address issues arising from activities of agents who attempt to recruit student athletes in a manner that have previously caused them to lose eligibility and damaged promising professional careers.

While there are several key features in this title, overwhelming public witness testimony has been in favor of three specific items. First, this title expands the definition of “athlete agent” to include any individual who perform the function of athlete agents, including relatives of the student athlete. Second, this title establishes restrictions of third-parties engaging in name, image, or likeness activity. Third, because student athletes are often victims of athlete agents acting in bad faith, this title offers student athletes a civil right of action against an athlete agent for conduct in violation of the act and removes the right of action by an educational institution against a student athlete. Many athletes employ agents and third parties that perform valuable services in an ethical and respectable manner. However, there are agents and third parties who unfortunately cause serious problems for student athletes and institutions of higher education. Unethical agents often prey on the potential windfalls that a talented student athlete can bring to them. In the process, they take advantage of students who have little or no experience in contract negotiations and as a result, students have lost scholarships and have been unable to complete their education.

Title II of Bill 24-455, “Uniform College Athlete Name, Image, or Likeness Act of 2021” closely mirrors the introduced Bill 24-456, “Uniform Athletes Agents Act Amendment Act of 2021”. This title establishes a legal framework for permitting college athletes to receive compensation for their name, image, and likeness rights and provides parameters on the types of activity the athletes may engage. This title prohibits illegal activity and specific categories of name, image, or likeness activity that are prohibited, including alcohol, tobacco, steroids, and gambling. This title also allows institutions to adopt a policy to prevent name, image, or likeness activity that the institution determines would have an adverse impact on its reputation, provided that the institution complies with the same policy with respect to the institution’s sponsorships. This title also contains several permissible actions; however, a lack of a comprehensive list of all permissible institution activity should not be construed that the institution is limited to only listed actions.

This legislation affords uniformity not only on the subject of the activities on athlete agents, but also college athlete name, image, and likeness rights and compensation. This bill represents a positive step in the effort to address the growing problem of illicit agent conduct and will be beneficial to the protections needed for student athletes and educational institutions. With these protections in place, student athletes will be in a better position to complete their education and improve eligibility as an athlete in higher education. Thus, the Committee recommends adoption of Bill 24-455 as amended in the Committee Print.

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<sup>2</sup> D.C. Law 14-107, D.C. Code § 47-2887.01 *et seq.*

## II. LEGISLATIVE CHRONOLOGY

- October 14, 2021 Bill 24-445, the “College Student Athlete Compensation Amendment Act of 2021” is introduced by Councilmember Henderson with Councilmembers Lewis George, McDuffie, Nadeau, Pinto, and T. White.
- October 19, 2021 Bill 24-445 is “read” at a regular meeting of the Committee of the Whole and the referral to the Committee of the Whole is complete.
- October 19, 2021 Bill 24-455, the “Uniform Athletes Agents Act Amendment Act of 2021” is introduced by Chairman Mendelson at the request of the Uniform Law Commission.
- October 19, 2021 Bill 24-456, the “Uniform College Athletes Agent and Name, Image, and Likeness Act of 2021” is introduced by Chairman Mendelson at the request of the Uniform Law Commission
- October 22, 2021 Notice of Intent to Act of Bill 24-445 is published in the *District of Columbia Register*.
- November 2, 2021 Bill 24-455 and Bill 24-456 are “read” at a regular legislative meeting and the referral to the Committee of the Whole is complete.
- November 5, 2021 Notice of Intent to Act on Bill 24-455 and Bill 24-456 is published in the *District of Columbia Register*.
- August 19, 2022 Notice of Public Hearing on Bill 24-445, Bill 24-455, and Bill 24-456 is published in the *District of Columbia Register*.
- September 28, 2022 The Committee of the Whole holds a public hearing on Bill 24-445, Bill 24-455, and Bill 24-456.
- November 1, 2022 The Committee of the Whole marks up Bill 24-455.

## III. POSITION OF THE EXECUTIVE

The Committee received no testimony or comments from the executive on Bill 24-455.

## IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The Committee received no testimony or comments from any Advisory Neighborhood Commission on Bill 24-455.

## V. SUMMARY OF TESTIMONY

The Committee of the Whole held a hearing on September 28, 2022 on three bills: B24-445, the “College Student Athlete Compensation Amendment Act of 2021”, Bill 24-455, the “Uniform Athletes Agents Act Amendment Act of 2021”, and Bill 24-456, the “Uniform College Athlete Name, Image, or Likeness Act of 2021.” The testimony from the hearing is summarized below. Copies of written testimony are attached to this report.

***Mondi Kumbula-Fraser, Vice President of Government Relations & General Counsel, Consortium of Universities of the Washington Metropolitan Area,*** testified in favor of enabling student-athletes’ ability to capitalize on name, image, and likeness rights and protecting student-athletes from bad actors. Ms. Kumbula-Fraser underlined the importance of financial literacy components as a critical part of any institution’s name, image, and likeness program. She also expressed concern that Bill 24-456 includes language that would overly restrict the ability of institutions to regulate and coordinate with student-athlete name, image, and likeness activities, limit student opportunity, and disadvantage opportunities to recruit student-athletes. She opined the legislative language should be flexible enough to ensure that District institutions can provide top-line name, image, and likeness opportunities to our college athletes within the rules and regulations established by the NCAA.

***James McKay Chair, D.C. Uniform Law Commission,*** testified in favor of this measure as it was introduced at the request of the Uniform Law Commission. In his testimony, he compared and contrasted the differences in Bills 24-455 and 24-456 to 24-445. For example, he points to several definitions were either missing, outdated, or incomplete in Bill 24-445 that are complete in Bills 24-455 and 24-456. He stated Bill 24-445 does not update the provisions in Bill 24-455 concerning civil remedies to give a student athlete a right of action against an athlete agent for harmful conduct nor remove the right of action of an educational institution against the student athlete. He argued for the provisions in Bill 24-455 because typically, the athlete agent is the bad actor and, in situations where the student athlete is causing damages to the institution, the student athlete is likely being taken advantage of by the athlete agent.

***Libby Snyder, Legislative Counsel - Uniform Law Commission,*** testified in favor of this measure as it was introduced at the request of the Uniform Law Commission. In her testimony, she explained the Uniform Law Commission’s robust drafting process with stakeholder involvement and underlined important policy provisions contained in both introduced Uniform Acts. She underlined the importance of provisions in Bill 24-455 that gives student athletes a cause of action against an athlete agent acting in violation of the law. She championed the policy in Bill 24-456 that prohibits allowing an institution to prohibit college athletes from entering certain name, image, and likeness deals only if the institution refrains from engaging in sponsorships or similar commercial activity, as well as prohibiting name, image, and likeness activity that is illegal.

***Gabe Feldman, Professor, Reporter,*** testified in favor of measures from Bill 24-456 because as intercollegiate sports have grown into a billion-dollar industry, with massive television deals, multi-million-dollar coaching contracts, extravagant facilities, and lucrative commercial

licensing agreements, there has been massive growth over the last several years in the opportunities for individuals within and outside college sports to monetize the use of name, image, and likeness rights. He championed the need for uniformity of name, image, and likeness policies across all 50 states and the District because athletes in states without name, image, and likeness laws have been able to engage in a wide variety of name, image, and likeness activity that is prohibited under most state laws and this has led to disparate name, image, and likeness benefits and opportunities for college athletes. In sum, Mr. Feldman was enthusiastic about policies regarding the third party restrictions, cause of action against a name, image, and likeness agent or third party, and the prohibition of educational institutions from limiting specific types of name, image, and likeness activities that the institution determines has an adverse impact on its reputation, unless the institution complies with the same policy with respect to its sponsorships and advertising deals.

*Jerry Bassett, Alabama Uniform Law Commissioner*, testified in favor of this measure as it addresses serious problems arising from activities of agents who attempted to recruit student athletes in a manner that caused them to lose eligibility and damaged promising professional careers. He supported several policies within Bill 24-455, including giving a student athlete a civil right of action against an athlete agent for conduct in violation of the act.

## VI. IMPACT ON EXISTING LAW

Bill 24-455 is divided into two Titles. Title I amends Part E of Subchapter IV of Chapter 28 of Title 47 of the District of Columbia Official Code and sets out registration requirements and prohibitions for athlete agents.

Title II establishes name, image, and likeness protections for college athletes. Title II is divided into two subtitles. Subtitle A regulates the relationship between college athletes and their institutions and is a freestanding measure. Subtitle B regulates agents and third parties and adds a new Part G to Title 47, Chapter 28, Subchapter IV.

## VII. FISCAL IMPACT

## VIII. RACIAL EQUITY IMPACT ANALYSIS

## IX. SECTION-BY-SECTION ANALYSIS

### **Title I.**

#### **Section 101**

States the short title of Bill 24-455.

Section 102 Amends the table of contents for uniformity, provides definitions for the terms including expanding the definition of “athlete agent.” This section also provides for reciprocal registration of athlete agents licensed in other States, enhances the requirements for an athlete agent’s signing of an agency contract, requires an athlete agent to notify the educational institution at which a student athlete is enrolled before contacting a student athlete, establishes restrictions for third parties, and lastly gives a student athlete a right of action against an athlete agent for conduct in violation of the act.

**Title II. College Athlete Name Image Likeness.**

Section 201 States the short title of Bill 24-455.

Subtitle A The relationship between college athletes and their institutions is in a freestanding subtitle A.

Section 211 Provides definitions for the terms.

Section 212 Clarifies the scope of this subtitle that it does not create an employment relationship between a college athlete and the athlete’s institution with respect to the athlete’s participation in an intercollegiate sport.

Section 213 Establishes a legal framework for permitting college athletes to receive compensation for their name, image, and likeness rights and to provide parameters on the types of activity institutions, conferences, and athletic associations may engage.

Section 214 Establishes limits on name, image, or likeness activity college athletes may engage.

Section 215 Establishes involvement of institutions, conferences, and athletic associations with college athletes including, but not limited to, providing financial literacy training.

Section 216 Requires college athletes to disclose a copy of a name, image, or likeness agreement to their respective institution and what must be included in the disclosure.

Section 217 Creates a cause of action for an institution or college athlete for damages against a name, image, or likeness agent or third party.

Section 218 Allows the Superior Court of the District to assess a civil penalty against a name, image, or likeness agent or third party not to exceed \$50,000.

- Section 219 Allows the Mayor to administer and implement Subsection A.
- Section 220 Requires a court to consider the promotion of uniformity of the law among jurisdictions that have enacted it.
- Section 221 Authorizes electronic delivery under the federal Electronic Signatures in Global and National Commerce Act.
- Subtitle B The regulation of agents and third parties is in subtitle B and adds a new Part G to Title 47, Chapter 28, Subchapter IV.
- Section 222 Establishes a legal framework for permitting college athletes to receive compensation for their name, image, and likeness rights and provides parameters on the types of activity the athletes may engage in and compensation the athletes may receive. This section also sets limitations on institutions, conferences, and athletic association involvement. Lastly this section provides a right of action for college athletes should their name, image, and likeness rights be violated, with civil penalties for violations.

### **Title III. Fiscal Impact and Effective Date.**

- Section 301 Adopts the Fiscal Impact Statement and establishes the effective date by stating the standard 30-day Congressional review language.

## **X. COMMITTEE ACTION**

### **XI. ATTACHMENTS**

1. Bill 24-455 as introduced.
2. Written Testimony.
3. Fiscal Impact Statement for Bill 24-455.
4. Legal Sufficiency Determination for Bill 24-455.
5. Racial Equity Impact Assessment for Bill 24-455.
6. Comparative Print for Bill 24-455.
7. Committee Print for Bill 24-455.

**Government of the District of Columbia**  
UNIFORM LAW COMMISSION



October 19, 2021

The Honorable Phil Mendelson  
Chairman  
Council of the District of Columbia  
The John A. Wilson Building,  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

RE: Request for introduction of amendments to the Uniform Athlete Agents Act.

Dear Chairman Mendelson:

Pursuant to Rule 401(b)(1) of the Rules of Organization and Procedure for the Council, this is to request, on behalf of the District of Columbia Uniform Law Commission, that you introduce the proposed amendment to the Uniform Athlete Agents Act, D.C. Law 14-107, D.C. Code § 47-2887.01 *et seq.* (2012) (“UAAA”). A related uniform act, the Uniform College Athletes Name, Image, or Likeness Act of 2021, also is being filed today with a letter requesting that you introduce it.

The Council enacted UAAA, D.C. Law 14-107, D.C. Code § 47-2887.01 *et seq.*, in 2002 to address serious problems arising from activities of agents who attempted to recruit student-athletes in a manner that caused students to lose eligibility and damaged promising professional careers. So far 23 states have enacted the UAAA. Because of a number of changes in the sports industry, including a recent change in the bylaws of the National Collegiate Athletic Association (“NCAA”) to give student athletes more flexibility in deciding whether to join a professional team or continue with their sport in school, the Uniform Law Commission amended the UAAA in 2015 and 2019.

The principal amendments to UAAA are as follows: (1) The definition of “athlete agent” is expanded to ensure that individuals who effectively perform the function of athlete agents are covered. (2) True reciprocal registration of athlete agents licensed in other states is provided. (3) The requirements for a student athlete to sign an agency contract are enhanced. (4) An athlete agent is required to notify the educational institution at which a student athlete is enrolled before contacting the student athlete. (5) An athlete agent is prohibited from encouraging another individual to take an action on behalf of the agent that the agent is prohibited from taking. (6) A student athlete is given a right of action against an athlete agent for conduct in violation of the act. (7) To accommodate a change in the NCAA’s bylaws for National Basketball Association drafts, student athletes who declare an interest in a draft, but who are not drafted, are



permitted to return to school and remain eligible to continue playing their sport unless and until they sign a professional contract. The last amendment also accommodates future changes by organizations governing student athletes in other sports.

Eighteen states have enacted the amendments to the UAAA, and bills to enact them have been introduced in an additional two states. The amendments have been officially endorsed by the NCAA and numerous athletic directors and professional athlete agents.

A proposed Uniform Athlete Agents Act Amendment Act of 2021 is ageing filed at the same time as this letter. In addition, we have filed an attachment with (1) an official summary of the amendments; (2) a short statement of the reasons why states should adopt the amendments; (3) the official version of the UAAA as amended, with comments; and (4) a letter from the NCAA endorsing the amendments.

We would be pleased to answer any questions.


Sincerely,

A handwritten signature in blue ink that reads "James C. McKay, Jr." The signature is written in a cursive, flowing style.

James C. McKay, Jr.  
Chair  
D.C. Uniform Law Commission

cc: Uniform Law Commissioners

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Chairman Phil Mendelson at the request of the  
District of Columbia Uniform Law Commission

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A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend Part E of Subchapter IV of Chapter 28 of Title 47 of the District of Columbia Official Code concerning the licensing of athletes agents to adopt the provisions of the Revised Uniform Athletes Agents Act; to expand the definition of “athlete agent”; to provide for reciprocal registration of athlete agents licensed in other states; to enhance the requirements for an athlete agent’s signing of an agency contract; to require an athlete agent to notify the educational institution at which a student athlete is enrolled before contacting a student athlete; to prohibit an athlete agent from encouraging another individual to take an action on behalf of the agent that the agent is prohibited from taking; to accommodate recent amendments to National Collegiate Athletic Association bylaws that provide more freedom and flexibility to student athletes considering a professional career; to give a student athlete a right of action against an athlete agent for conduct in violation of the act; and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Uniform Athletes Agents Act Amendment Act of 2021”.

Sec. 2. Chapter 28 of Title 47 of the District of Columbia Code is amended as follows:

(a) The table of contents for Subchapter IV, Part E, is amended as follows:

(1) The section designation for § 47-2887.04 is amended to read as follows:

“Registration as athlete agent; application; requirements; reciprocal registration.”.

(2) The section designation for § 47-2887.09 is amended by inserting the word

“agency” before the word “contract”.

39 (3) The section designation for § 47-2887.16 is amended by striking the word  
40 “Administrative” and inserting the word “Civil” in its place.

41 (4) A new section designation “§ 47-2887.16A. Rules.” is inserted after the  
42 section designation for § 47-2887.16.

43 (5) The section designation for § 47-2887.18 is amended by inserting the phrase  
44 “Relation to” before the word “Electronic”.

45 (b) Part E of Subchapter IV is amended as follows:

46 (1) § 47-2887.01 is amended as follows:

47 (A) Paragraph (2) is amended to read as follows:

48 “(2) “Athlete agent”:

49 “(A) Means an individual, whether or not registered under this part, who:

50 “(i) Directly or indirectly recruits or solicits a student athlete to enter into  
51 an agency contract or, for compensation, procures employment or offers, promises, attempts, or  
52 negotiates to obtain employment for a student athlete as a professional athlete or member of a  
53 professional sports team or organization;

54 “(ii) For compensation or in anticipation of compensation related to a  
55 student athlete’s participation in athletics:

56 “(I) Serves the athlete in an advisory capacity on a matter related to  
57 finances, business pursuits, or career management decisions, unless the individual is an  
58 employee of an educational institution acting exclusively as an employee of the institution for the  
59 benefit of the institution; or

60 “(II) Manages the business affairs of the athlete by providing  
61 assistance with bills, payments, contracts, or taxes; or

62                               “(iii) In anticipation of representing a student athlete for a purpose related  
63 to the athlete’s participation in athletics:

64                               “(I) Gives consideration to the student athlete or another person;

65                               “(II) Serves the athlete in an advisory capacity on a matter related  
66 to finances, business pursuits, or career management decisions; or

67                               “(III) Manages the business affairs of the athlete by providing  
68 assistance with bills, payments, contracts, or taxes; but

69                               “(B) Does not include an individual who:

70                               “(i) Acts solely on behalf of a professional sports team or organization; or

71                               “(ii) Is a licensed, registered, or certified professional and offers or  
72 provides services to a student athlete customarily provided by members of the profession, unless  
73 the individual:

74                               “(I) Also recruits or solicits the athlete to enter into an agency  
75 contract;

76                               “(II) Also, for compensation, procures employment or offers,  
77 promises, attempts, or negotiates to obtain employment for the athlete as a professional athlete or  
78 member of a professional sports team or organization; or

79                               “(III) Receives consideration for providing the services calculated  
80 using a different method than for an individual who is not a student athlete.”

81                               (B) A new paragraph (4A) is added to read as follows:

82                               “(4A) “Educational institution” includes a public or private elementary school, secondary  
83 school, technical or vocational school, community college, college, and university.”

84                               (C) A new paragraph (5A) is added to read as follows:

85           “(5A) “Enrolled” means registered for courses and attending athletic practice or class.  
86 “Enrolls” has a corresponding meaning.”

87                         (D) New paragraphs (6A), (6B), and (6C) are added to read as follows:

88           “(6A) “Interscholastic sport” means a sport played between educational institutions that  
89 are not community colleges, colleges, or universities.

90           “(6B) “Licensed, registered, or certified professional” means an individual licensed,  
91 registered, or certified as an attorney, dealer in securities, financial planner, insurance agent, real  
92 estate broker or sales agent, tax consultant, accountant, or member of a profession, other than  
93 that of athlete agent, who is licensed, registered, or certified by the state or a nationally  
94 recognized organization that licenses, registers, or certifies members of the profession on the  
95 basis of experience, education, or testing.

96           “(6C) “Mayor” means the Mayor of the District of Columbia or the Mayor’s delege.”

97                         (E) Paragraph (8) is amended by striking the period and inserting “or as a  
98 professional athlete.” in its place.

99                         (F) A new paragraph (9A) is added to read as follows:

100           “(9A) “Recruit or solicit” means attempt to influence the choice of an athlete agent by a  
101 student athlete or, if the athlete is a minor, a parent or guardian of the athlete. The term does not  
102 include giving advice on the selection of a particular agent in a family, coaching, or social  
103 situation unless the individual giving the advice does so because of the receipt or anticipated  
104 receipt of an economic benefit, directly or indirectly, from the agent.”

105                         (G) A new paragraph (11A) is added to read as follows:

106           “(11A) “Sign” means, with present intent to authenticate or adopt a record:

107                         “(A) To execute or adopt a tangible symbol; or

108                   “(B) To attach to or logically associate with the record an electronic symbol,  
109 sound, or process.”

110                   (H) Paragraph (12) is amended to read as follows:

111                   “(12) “Student athlete” means an individual who is eligible to attend an educational  
112 institution and engages in, is eligible to engage in, or may be eligible in the future to engage in,  
113 any interscholastic or intercollegiate sport. The term does not include an individual permanently  
114 ineligible to participate in a particular interscholastic or intercollegiate sport for that sport.”

115                   (2) § 47-2887.04 is amended to read as follows:

116                   “§ 47-2887.04. Registration as athlete agent; application; requirements; reciprocal  
117 registration.

118                   “(a) An applicant for registration as an athlete agent shall submit an application for  
119 registration to the Mayor in a form prescribed by the Mayor. The applicant must be an  
120 individual, and the application must be signed by the applicant under penalty of perjury. The  
121 application must contain at least the following:

122                   “(1) The name and date and place of birth of the applicant and the following  
123 contact information for the applicant:

124                                 “(A) The address of the applicant’s principal place of business;

125                                 “(B) Work and mobile telephone numbers; and

126                                 “(C) Any means of communicating electronically, including a facsimile  
127 number, electronic-mail address, and personal and business or employer websites;

128                   “(2) The name of the applicant’s business or employer, if applicable, including for  
129 each business or employer, its mailing address, telephone number, organization form, and the  
130 nature of the business;

131                   “(3) Each social-media account with which the applicant or the applicant’s  
132 business or employer is affiliated;

133                   “(4) Each business or occupation in which the applicant engaged within five years  
134 before the date of the application, including self-employment and employment by others, and  
135 any professional or occupational license, registration, or certification held by the applicant during  
136 that time;

137                   “(5) A description of the applicant’s:

138                               “(A) Formal training as an athlete agent;

139                               “(B) Practical experience as an athlete agent; and

140                               “(C) Educational background relating to the applicant’s activities as an  
141 athlete agent;

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

145                   “(7) The name and address of each person that:

146                               “(A) Is a partner, member, officer, manager, associate, or profit sharer or  
147 directly or indirectly holds an equity interest of five percent or greater of the athlete agent’s  
148 business if it is not a corporation; and

149                               “(B) Is an officer or director of a corporation employing the athlete agent  
150 or a shareholder having an interest of five percent or greater in the corporation;

151                   “(8) A description of the status of any application by the applicant, or any person  
152 named under paragraph (7), for a state or federal business, professional, or occupational license,  
153 other than as an athlete agent, from a state or federal agency, including any denial, refusal to

154 renew, suspension, withdrawal, or termination of the license and any reprimand or censure  
155 related to the license;

156           “(9) Whether the applicant, or any person named under paragraph (7), has pleaded  
157 guilty or no contest to, has been convicted of, or has charges pending for, a crime that would  
158 involve moral turpitude or be a felony if committed in this state and, if so, identification of:

159                   “(A) The crime;

160                   “(B) The law-enforcement agency involved; and

161                   “(C) If applicable, the date of the conviction and the fine or penalty  
162 imposed;

163           “(10) Whether, within 15 years before the date of application, the applicant, or  
164 any person named under paragraph (7), has been a defendant or respondent in a civil proceeding,  
165 including a proceeding seeking an adjudication of legal incompetence and, if so, the date and a  
166 full explanation of each proceeding;

167           “(11) Whether the applicant, or any person named under paragraph (7), has an  
168 unsatisfied judgment or a judgment of continuing effect, including alimony or a domestic order  
169 in the nature of child support, which is not current at the date of the application;

170           “(12) Whether, within 10 years before the date of application, the applicant, or  
171 any person named under paragraph (7), was adjudicated bankrupt or was an owner of a business  
172 that was adjudicated bankrupt;

173           “(13) Whether there has been any administrative or judicial determination that the  
174 applicant, or any person named under paragraph (7), made a false, misleading, deceptive, or  
175 fraudulent representation;



176                   “(14) Each instance in which conduct of the applicant, or any person named under  
177 paragraph (7), resulted in the imposition of a sanction, suspension, or declaration of ineligibility  
178 to participate in an interscholastic, intercollegiate, or professional athletic event on a student  
179 athlete or a sanction on an educational institution;

180                   “(15) Each sanction, suspension, or disciplinary action taken against the applicant,  
181 or any person named under paragraph (7), arising out of occupational or professional conduct;

182                   “(16) Whether there has been a denial of an application for, suspension or  
183 revocation of, refusal to renew, or abandonment of, the registration of the applicant, or any  
184 person named under paragraph (7), as an athlete agent in any state;

185                   “(17) Each state in which the applicant currently is registered as an athlete agent  
186 or has applied to be registered as an athlete agent;

187                   “(18) If the applicant is certified or registered by a professional league or players  
188 association:

189                                 “(A) The name of the league or association;

190                                 “(B) The date of certification or registration, and the date of expiration of  
191 the certification or registration, if any; and

192                                 “(C) If applicable, the date of any denial of an application for, suspension  
193 or revocation of, refusal to renew, withdrawal of, or termination of, the certification or  
194 registration or any reprimand or censure related to the certification or registration; and

195                   “(19) Any additional information required by the Mayor.

196                   “(b) Instead of proceeding under subsection (a), an individual registered as an athlete  
197 agent in another state may apply for registration as an athlete agent in this state by submitting to  
198 the Mayor:

199                   “(1) A copy of the application for registration in the other state;  
200                   “(2) A statement that identifies any material change in the information on the  
201 application or verifies there is no material change in the information, signed under penalty of  
202 perjury; and

203                   “(3) A copy of the certificate of registration from the other state.

204                   “(c) The Mayor shall issue a certificate of registration to an individual who applies for  
205 registration under subsection (b) if the Mayor determines:

206                   “(1) the application and registration requirements of the other state are  
207 substantially similar to or more restrictive than this part; and

208                   “(2) the registration has not been revoked or suspended and no action involving  
209 the individual’s conduct as an athlete agent is pending against the individual or the individual’s  
210 registration in any state.

211                   “(d) For purposes of implementing subsection (c), the Mayor shall:

212                   “(1) cooperate with national organizations concerned with athlete agent issues and  
213 agencies in other states which register athlete agents to develop a common registration form and  
214 determine which states have laws that are substantially similar to or more restrictive than this  
215 part; and

216                   “(2) exchange information, including information related to actions taken against  
217 registered athlete agents or their registrations, with those organizations and agencies.”

218                   (3) § 47-2887.05 is amended as follows:

219                   (A) Subsection (b) is amended by adding a new paragraph (5A) to read as  
220 follows:

221                   “(5A) has been refused renewal of registration as an athlete agent in any state;”

222 (B) Subsection (e) is amended to read as follows:

223 “(e) An athlete agent registered under § 47-2887.04(c) may renew the registration  
224 by proceeding under subsection (d) or, if the registration in the other state has been renewed, by  
225 submitting to the Mayor copies of the application for renewal in the other state and the renewed  
226 registration from the other state. The Mayor shall renew the registration if the Mayor determines:

227 “(1) The registration requirements of the other state are substantially  
228 similar to or more restrictive than this part; and

229 “(2) The renewed registration has not been suspended or revoked and no  
230 action involving the individual’s conduct as an athlete agent is pending against the individual or  
231 the individual’s registration in any state.”

232 (4) § 48-2887.06 is amended as follows:

233 (A) Subsection (a) is amended by adding the phrase “limit,” before the  
234 word “suspend”.

235 (B) Subsection (b) is amended by adding the phrase “limit,” before the  
236 word “deny”.

237 (5) § 47-2887.09 is amended as follows:

238 (A) The section heading is amended by inserting the word “agency”  
239 before the word “contract”.

240 (B) Subsection (a) is amended to read as follows:

241 “(a) An agency contract must be in a record signed by the parties.”

242 (C) Subsection (b) is amended as follows:

243 (i) The existing paragraph (1) is redesignated as paragraph (1B).

244 (ii) The following new paragraph (1A) is added to read as follows:

245                   “(1A) A statement that the athlete agent is registered as an athlete agent in this  
246 state and a list of any other states in which the agent is registered as an athlete agent;”

247                   (D) Subsection (c) is amended to read as follows:

248                   “(c) Subject to subsection (g), an agency contract must contain a conspicuous notice in  
249 boldface type and in substantially the following form:

250                   “WARNING TO STUDENT ATHLETE

251                   “IF YOU SIGN THIS CONTRACT:

252                   “(1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT  
253 ATHLETE IN YOUR SPORT;

254                   “(2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER  
255 SIGNING THIS CONTRACT OR BEFORE THE NEXT SCHEDULED ATHLETIC EVENT  
256 IN WHICH YOU PARTICIPATE, WHICHEVER OCCURS FIRST, BOTH YOU AND YOUR  
257 ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR THAT YOU HAVE  
258 ENTERED INTO THIS CONTRACT AND PROVIDE THE NAME AND CONTACT  
259 INFORMATION OF THE ATHLETE AGENT; AND

260                   “(3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING  
261 IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY  
262 AS A STUDENT ATHLETE IN YOUR SPORT.”

263                   (E) Subsection (d) is amended to read as follows:

264                   “(d) An agency contract must be accompanied by a separate record signed by the student  
265 athlete or, if the athlete is a minor, the parent or guardian of the athlete acknowledging that  
266 signing the contract may result in the loss of the athlete’s eligibility to participate in the athlete’s  
267 sport.”

268 (F) Subsection (4) is amended to read as follows:

269 “(e) A student athlete or, if the athlete is a minor, the parent or guardian of the athlete  
270 may void an agency contract that does not conform to this section. If the contract is voided, any  
271 consideration received from the athlete agent under the contract to induce entering into the  
272 contract is not required to be returned.”

273 (G) The following new subsections (f) and (g) are added to read as  
274 follows:

275 “(f) At the time an agency contract is executed, the athlete agent shall give the student  
276 athlete or, if the athlete is a minor, the parent or guardian of the athlete a copy in a record of the  
277 contract and the separate acknowledgement required by subsection (d).

278 “(g) If a student athlete is a minor, an agency contract must be signed by the parent or  
279 guardian of the minor and the notice required by subsection (c) must be revised accordingly.”

280 (6) § 47-2887.10 is amended to read as follows:

281 “(a) In this section, “communicating or attempting to communicate” means contacting or  
282 attempting to contact by an in-person meeting, a record, or any other method that conveys or  
283 attempts to convey a message.”

284 “(b) Not later than 72 hours after entering into an agency contract or before the next  
285 scheduled athletic event in which the student athlete may participate, whichever occurs first, the  
286 athlete shall inform the athletic director of the educational institution at which the athlete is  
287 enrolled that the athlete has entered into an agency contract and the name and contact  
288 information of the athlete agent.”

289 “(c) If an athlete agent enters into an agency contract with a student athlete and the  
290 athlete subsequently enrolls at an educational institution, the agent shall notify the athletic

291 director of the institution of the existence of the contract not later than 72 hours after the agent  
292 knew or should have known the athlete enrolled.

293 “(d) If an athlete agent has a relationship with a student athlete before the athlete enrolls  
294 in an educational institution and receives an athletic scholarship from the institution, the agent  
295 shall notify the institution of the relationship not later than 10 days after the enrollment if the  
296 agent knows or should have known of the enrollment and:

297 “(1) The relationship was motivated in whole or part by the intention of the agent  
298 to recruit or solicit the athlete to enter an agency contract in the future; or

299 “(2) The agent directly or indirectly recruited or solicited the athlete to enter an  
300 agency contract before the enrollment.

301 “(e) An athlete agent shall give notice in a record to the athletic director of any  
302 educational institution at which a student athlete is enrolled before the agent communicates or  
303 attempts to communicate with:

304 “(1) The athlete or, if the athlete is a minor, a parent or guardian of the athlete, to  
305 influence the athlete or parent or guardian to enter into an agency contract; or

306 “(2) Another individual to have that individual influence the athlete or, if the  
307 athlete is a minor, the parent or guardian of the athlete to enter into an agency contract.

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

312 “(g) An educational institution that becomes aware of a violation of this part by an athlete  
313 agent shall notify the Mayor and any professional league or players association with which the  
314 institution is aware the agent is licensed or registered of the violation.”

315 (7) § 47-2887.11 is amended to read as follows:

316 “§ 47-2887.11. Student athlete’s right to cancel.

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

320 “(b) A student athlete or, if the athlete is a minor, the parent or guardian of the athlete  
321 may not waive the right to cancel an agency contract.

322 “(c) If a student athlete, parent, or guardian cancels an agency contract, the athlete,  
323 parent, or guardian is not required to pay any consideration under the contract or return any  
324 consideration received from the athlete agent to influence the athlete to enter into the contract.”

325 (8) § 47-2887.13 is amended to read as follows:

326 “§ 47-2887.13. Prohibited conduct.

327 “An athlete agent may not intentionally:

328 “(1) Give a student athlete or, if the athlete is a minor, a parent or guardian of the athlete  
329 materially false or misleading information or make a materially false promise or representation  
330 with the intent to influence the athlete, parent, or guardian to enter into an agency contract;

331 “(2) Furnish anything of value to a student athlete or another individual, if to do so may  
332 result in loss of the athlete’s eligibility to participate in the athlete’s sport, unless:

333 “(A) The agent notifies the athletic director of the educational institution at which

334 the athlete is enrolled or at which the agent has reasonable grounds to believe the athlete intends  
335 to enroll, not later than 72 hours after giving the thing of value; and

336 “(B) The athlete or, if the athlete is a minor, a parent or guardian of the athlete  
337 acknowledges to the agent in a record that receipt of the thing of value may result in loss of the  
338 athlete’s eligibility to participate in the athlete’s sport;

339 “(3) Initiate contact, directly or indirectly, with a student athlete or, if the athlete is a  
340 minor, a parent or guardian of the athlete, to recruit or solicit the athlete, parent, or guardian to  
341 enter an agency contract unless registered under this part;

342 “(4) Fail to create, retain, or permit inspection of the records required by § 47-2887.12

343 “(5) Fail to register when required by § 47-2887.03

344 “(6) Provide materially false or misleading information in an application for registration  
345 or renewal of registration;

346 “(7) Predate or postdate an agency contract;

347 “(8) Fail to notify a student athlete or, if the athlete is a minor, a parent or guardian of the  
348 athlete, before the athlete, parent, or guardian signs an agency contract for a particular sport that  
349 the signing may result in loss of the athlete’s eligibility to participate in the athlete’s sport;

350 “(9) Encourage another individual to do any of the acts described in paragraphs (1)  
351 through (8) on behalf of the agent; or

352 “(10) Encourage another individual to assist any other individual in doing any of the acts  
353 described in paragraphs (1) through (8) on behalf of the agent.”

354 (9) § 47-2887.15 is amended to read as follows:

355 § 47-2887.15. Civil remedies



356           “(a) An educational institution or student athlete may bring an action for damages against  
357 an athlete agent if the institution or athlete is adversely affected by an act or omission of the  
358 agent in violation of this part. An educational institution or student athlete is adversely affected  
359 by an act or omission of the agent only if, because of the act or omission, the institution or an  
360 individual who was a student athlete at the time of the act or omission and enrolled in the  
361 institution:

362                   “(1) Is suspended or disqualified from participation in an interscholastic or  
363 intercollegiate sports event by or under the rules of a state or national federation or association  
364 that promotes or regulates interscholastic or intercollegiate sports; or

365                   “(2) Suffers financial damage.

366           “(b) A plaintiff that prevails in an action under this section may recover actual damages,  
367 costs, and reasonable attorney’s fees. An athlete agent found liable under this section forfeits  
368 any right of payment for anything of benefit or value provided to the student athlete and shall  
369 refund any consideration paid to the agent by or on behalf of the athlete.”

370                   (10) § 47-2887.16 is amended by amending the section heading by striking the  
371 word “Administrative” and inserting the word “Civil” in its place.

372                   (11) The following new § 47-2887.16A is added after § 47-2887.16 to read as  
373 follows:

374                   “§ 47-1887.16A. Rules.

375                   “The Mayor may issue rules under the District of Columbia Administrative Procedure  
376 Act, D.C. Official Code § 2-501 *et seq.*, to carry out the provisions of this part.”

377                   (12) § 47-2887.18 is amended to read as follows:

378                   “§ 47-2887.18. Relation to Electronic Signatures in Global and National Commerce Act.

379           “This part modifies, limits, or supersedes the Electronic Signatures in Global and  
380 National Commerce Act, 15 U.S.C. Section 7001 et seq., but does not modify, limit, or supersede  
381 Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of  
382 the notices described in Section 103 (b) of that act, 15 U.S.C. Section 7003(b).”

383           Sec. 3. Fiscal impact statement.

384           The Council adopts the attached fiscal impact statement as the fiscal impact statement  
385 required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December  
386 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

387           Sec. 4. Effective date.

388           This act shall take effect following approval by the Mayor (or in the event of veto by the  
389 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as  
390 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
391 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
392 Columbia Register.



**THE REVISED UNIFORM ATHLETE AGENTS ACT (2015)**  
**(LAST AMENDED 2019)**

*- A Summary -*

With the immense amount of money at stake for a wide variety of professional athletes and those who represent them, the commercial marketplace in which athlete agents operate is extremely competitive. While seeking to best position one's clients and maximize potential income is both legal and good business practice, the recruitment of a student athlete while he or she is still enrolled in an educational institution can cause substantial eligibility problems for both the student athlete and the educational institution, which in turn lead to severe economic sanctions and loss of scholarships for the institution. The problem becomes worse where an unethical agent misleads a student, especially where the athlete is not aware of the possible effect of signing the agency agreement or where agency is established without notice to the athletic director of the institution. In an effort to address these problems, the Uniform Law Commission (ULC) drafted the Uniform Athlete Agents Act (UAAA), which was approved in 2000.

The UAAA provided for the uniform registration and certification of individuals who sought to represent student athletes who were or may have been eligible to participate in intercollegiate sports. Agents who were issued a valid certificate of registration in one state were able to cross-file that application (or a renewal thereof) in all other states that adopted the act. Individuals who applied for registration as agents were required to disclose relevant information including their training, experience, and education, and whether they or an associate had been convicted of a felony or crime of moral turpitude or had their agent's license denied, suspended, or revoked in any state.

The UAAA required agency contracts to contain provisions including agent compensation, descriptions of reimbursable expenses and services to be provided, and warnings of the notice requirements imposed under the act. In addition, the UAAA prohibited certain agent conduct, including providing materially false or misleading information, promises, or representations with the purpose of getting a student athlete to enter into an agency contract, intentionally initiating contact with a student athlete without registering in the state, and providing anything of value to a student athlete or another person before that athlete enters into an agency contract. The UAAA also provided educational institutions with a civil cause of action for damages resulting from a breach of specified duties.

The UAAA was revised in 2015 and is now known as the Revised Uniform Athlete Agents Act (RUAAA). The purposes of the RUAAA include providing enhanced protection for student athletes and educational institutions, creating a uniform body of agent registration information for use by state agencies, and simplifying the regulatory environment faced by legitimate athlete agents. While retaining other portions of the UAAA, the RUAAA makes the following changes:

- “Athlete agent” is further defined to include an individual who, for compensation or in the anticipation of compensation, serves the athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions or manages the business affairs of the athlete by providing assistance with bills, payments, contracts, or taxes, and an individual who gives something of value to

a student athlete or another person in anticipation of representing the athlete for a purpose related to the athlete's participation in athletics.

- Provides a true reciprocal registration requirement, meaning that if an individual is issued a certificate of registration by one state, the registration is in good standing and no disciplinary proceedings are pending against the registration, and the law in that state is the same or more restrictive as the law in another state, the other state would be required to register the individual.
- Additional requirements are added for the signing of an agency contract. The contract must now contain a statement that the athlete agent is registered in the state in which the contract is signed and list any other state in which the agent is registered. The contract must also be accompanied by a separate record signed by the student athlete acknowledging that signing the contract may result in the loss of eligibility to participate in the athlete's sport.
- An agent is required to notify the educational institution at which a student athlete is enrolled before contacting a student athlete. A violation of this notice requirement is subject to civil penalties. The revised act also contains a provision that requires an athlete agent with a preexisting relationship with a student athlete who enrolls at an education institution and receives an athletic scholarship to notify the institution of the relationship if the agent knows or should have known of the enrollment and the relationship was motivated by the intention of the agent to recruit or solicit the athlete to enter an agency contract or the agent actually recruited or solicited the student athlete to enter a contract.
- Criminal penalties are added for athlete agents who encourage another individual to take on behalf of the agent an action the agent is prohibited from taking. Student athletes are also given a right of action against an athlete agent in violation of the act.

In September 2017, the FBI arrested ten individuals in relation to a college basketball corruption scandal. As a result of these indictments, the National Collegiate Athletic Association (NCAA) established the Commission on College Basketball (the Rice Commission), chaired by Dr. Condoleezza Rice, to "fully examine critical aspects of Division I men's basketball." The Rice Commission recommended "that high school and college players who declare for the NBA draft and are not drafted remain eligible for college basketball unless and until they sign a professional contract. Specifically, players who are not drafted should be permitted to change their minds and attend college or return to college, provided they remain academically and otherwise eligible." On August 8, 2018, the NCAA amended its bylaws in accordance with recommendations made by the Rice Commission. The changes apply only to high school and college student athletes playing basketball.

In 2019, the ULC amended Section 14 of the RUAAA to accommodate the NCAA bylaws amendments. Though the changes to the NCAA bylaws are limited to student athletes playing basketball, the ULC did not limit the amendment in the same manner. The 2019 RUAAA amendment accommodates the 2018 changes to NCAA bylaws and will accommodate future changes by associations of educational institutions governing interscholastic or intercollegiate sports to rules or bylaws governing student athletes.

For further information about RUAAA, please contact ULC Legislative Counsel Libby Snyder at (312) 450-6619 or [lsnyder@uniformlaws.org](mailto:lsnyder@uniformlaws.org).



**WHY YOUR STATE SHOULD ADOPT  
THE REVISED UNIFORM ATHLETE AGENTS ACT (2015)  
(LAST AMENDED 2019)**

The Revised Uniform Athlete Agents Act (RUAAA) (Last Amended in 2019) modernizes the Uniform Athlete Agents Act (UAAA) for the ever-evolving sports commercial marketplace and the increasing improper activity between athlete agents and student athletes. An athlete agent's recruitment of a student athlete while they are still enrolled in an academic institution may cause substantial eligibility or other problems for both the student athlete and the academic institution. The RUAAA protects the interests of student athletes, academic institutions, and athlete agents by regulating the activities of athlete agents. The revised act updates the UAAA in the following ways:

- ***Expands the definition of “athlete agent”*** to include individuals who:
  - (1) for compensation procure or attempt to procure employment for a student athlete.
  - (2) for compensation or in the anticipation of compensation advise a student athlete on finance and business affairs of the athlete.
  - (3) in anticipation of representing the athlete give something of value to the athlete or another person.

Licensed, registered, or certified professionals acting within the scope of their license, registration, or certification are excluded unless they are also otherwise acting as an athlete agent or receive consideration for providing the services on a different basis than from an individual who is not a student athlete.

- ***Provides reciprocal and interstate compact registration*** by requiring a mandatory reciprocal registration requirement between states, or alternatively, provides for registration through a multistate agency created by an interstate compact.
- ***Provides, like the UAAA, a central location*** where an athlete agent's credentials can be reviewed by the student athlete and the educational institution, which aids a student athlete in selecting a qualified athlete agent.
- ***Enhances agency contract requirements*** by now requiring an agency contract to contain a statement that the athlete is registered in the state where the contract is signed and list any other state in which the athlete agent is registered; as well as a separate record signed by the student athlete acknowledging that signing the contract may result in loss of eligibility to participate in the athlete's sport.

- ***Adds notification requirements*** mandating an athlete agent to notify the educational institution where a student athlete is enrolled before contacting a student athlete; and when a preexisting relationship between themselves and the student athlete exists, if the relationship was motivated by the intention to recruit the student athlete to enter an agency contract or the agent actually recruited the student athlete to enter a contract and the athlete agent knew or should have known of the enrollment.
- ***Provides remedies for student athletes*** by giving student athletes the right to sue an athlete agent for damages caused by violation of the act.
- ***Accommodates changes to NCAA bylaws*** made in 2018 that affect high school and college student athletes playing basketball and anticipates future changes made by associations of educational institutions governing interscholastic or intercollegiate sports to rules or bylaws governing student athletes.

For more information on RUAAA, please contact ULC Legislative Counsel Libby Snyder at (312) 450-6619 or [lsnyder@uniformlaws.org](mailto:lsnyder@uniformlaws.org).

**REVISED UNIFORM ATHLETE AGENTS ACT (2015)**  
*(Last Amended 2019)*

drafted by the

NATIONAL CONFERENCE OF COMMISSIONERS  
ON UNIFORM STATE LAWS

and by it

APPROVED AND RECOMMENDED FOR ENACTMENT  
IN ALL THE STATES

at its

ANNUAL CONFERENCE  
MEETING IN ITS ONE-HUNDRED-AND-TWENTY-FOURTH YEAR  
WILLIAMSBURG, VIRGINIA  
JULY 10 - JULY 16, 2015



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By

NATIONAL CONFERENCE OF COMMISSIONERS  
ON UNIFORM STATE LAWS

September 19, 2019

## ABOUT ULC

The **Uniform Law Commission** (ULC), also known as National Conference of Commissioners on Uniform State Laws (NCCUSL), now in its 124th year, provides states with non-partisan, well-conceived and well-drafted legislation that brings clarity and stability to critical areas of state statutory law.

ULC members must be lawyers, qualified to practice law. They are practicing lawyers, judges, legislators and legislative staff and law professors, who have been appointed by state governments as well as the District of Columbia, Puerto Rico and the U.S. Virgin Islands to research, draft and promote enactment of uniform state laws in areas of state law where uniformity is desirable and practical.

- ULC strengthens the federal system by providing rules and procedures that are consistent from state to state but that also reflect the diverse experience of the states.
- ULC statutes are representative of state experience, because the organization is made up of representatives from each state, appointed by state government.
- ULC keeps state law up-to-date by addressing important and timely legal issues.
- ULC's efforts reduce the need for individuals and businesses to deal with different laws as they move and do business in different states.
- ULC's work facilitates economic development and provides a legal platform for foreign entities to deal with U.S. citizens and businesses.
- Uniform Law Commissioners donate thousands of hours of their time and legal and drafting expertise every year as a public service, and receive no salary or compensation for their work.
- ULC's deliberative and uniquely open drafting process draws on the expertise of commissioners, but also utilizes input from legal experts, and advisors and observers representing the views of other legal organizations or interests that will be subject to the proposed laws.
- ULC is a state-supported organization that represents true value for the states, providing services that most states could not otherwise afford or duplicate.



## **REVISED UNIFORM ATHLETE AGENTS ACT (2015)**

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**REVISED UNIFORM ATHLETE AGENTS ACT (2015) (LAST AMENDED 2019)**

**TABLE OF CONTENTS**

PREFATORY NOTE.....1  
SECTION 1. SHORT TITLE. ....4  
SECTION 2. DEFINITIONS.....4  
SECTION 3. [SECRETARY OF STATE][COMMISSION]; AUTHORITY; PROCEDURE. ....9  
SECTION 4. ATHLETE AGENT: REGISTRATION REQUIRED; VOID CONTRACT. ....10

**Alternative A for Sections 5 through 9**

SECTION 5. REGISTRATION AS ATHLETE AGENT; APPLICATION; REQUIREMENTS;  
RECIPROCAL REGISTRATION. ....12  
SECTION 6. CERTIFICATE OF REGISTRATION; ISSUANCE OR DENIAL; RENEWAL. 24  
SECTION 7. SUSPENSION, REVOCATION, OR REFUSAL TO RENEW  
REGISTRATION. ....26  
SECTION 8. TEMPORARY REGISTRATION.....26  
SECTION 9. REGISTRATION AND RENEWAL FEES.....27

**Alternative B for Sections 5 through 9**

SECTION 5. COMMISSION ON INTERSTATE REGISTRATION OF ATHLETE  
AGENTS.....27  
SECTION 6. REGISTRATION AS ATHLETE AGENT; APPLICATION;  
REQUIREMENTS. ....29  
SECTION 7. CERTIFICATE OF REGISTRATION; ISSUANCE OR DENIAL; RENEWAL. 33  
SECTION 8. LIMITATION, SUSPENSION, REVOCATION, OR REFUSAL TO RENEW  
REGISTRATION. ....34  
SECTION 9. TEMPORARY REGISTRATION.....34

**End of Alternatives**

SECTION 10. REQUIRED FORM OF AGENCY CONTRACT.....35  
SECTION 11. NOTICE TO EDUCATIONAL INSTITUTION.....37  
SECTION 12. STUDENT ATHLETE’S RIGHT TO CANCEL. ....40  
SECTION 13. REQUIRED RECORDS. ....40  
SECTION 14. PROHIBITED CONDUCT. ....41  
SECTION 15. CRIMINAL PENALTY.....43  
SECTION 16. CIVIL REMEDY. ....43  
SECTION 17. CIVIL PENALTY.....44  
[SECTION 18. INTERSTATE COMPACT FOR REGISTRATION OF ATHLETE  
AGENTS.].....45  
SECTION 19. UNIFORMITY OF APPLICATION AND CONSTRUCTION. ....46  
SECTION 20. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND  
NATIONAL COMMERCE ACT. ....46

[SECTION 21. SEVERABILITY.] .....	46
SECTION 22. REPEALS; CONFORMING AMENDMENTS.....	47
SECTION 23. EFFECTIVE DATE.....	47

# REVISED UNIFORM ATHLETE AGENTS ACT (2015) (LAST AMENDED 2019)

## PREFATORY NOTE

With the immense amount of money at stake for a wide variety of professional athletes and those who represent them, the commercial marketplace in which athlete agents operate is extremely competitive. While seeking to best position one's clients and to maximize their potential income is both legal and good business practice, the recruitment of a student athlete while he or she is still enrolled in an educational institution can and will cause substantial eligibility problems for both the student and the institution, which can in turn lead to severe economic sanctions and loss of scholarships. The problem is more acute where an unscrupulous agent misleads a student, especially where the athlete is not aware of the implications of signing the agency agreement or where an agency contract is entered without notice to the institution. In response to these issues, the Uniform Athlete Agents Act (UAAA) was promulgated by the Uniform Law Commission (ULC) in 2000.

In general, the UAAA did the following:

- Defined athlete agent as an individual who directly or indirectly induces or attempts to induce a student athlete to enter an agency contract.
- Defined student athlete as an individual who “engages in, is eligible to engage in, or may be eligible in the future to engage in, any intercollegiate sport.”
- Except under limited and temporary circumstances, prohibited an individual from acting as an athlete agent without registering in the state.
- Required applicants to disclose: Training, experience, and education; any felony or crime of moral turpitude of which the applicant or an associate has been convicted; any administrative or judicial determination that the applicant has made a false or deceptive representation; and whether the applicant's agent's license has been denied, suspended, or revoked in any state or has been the subject or cause of any sanction, suspension, or declaration of ineligibility.
- Required agents to maintain executed contracts and other specified records for a period of five years, including information about represented individuals and recruitment.
- Allowed agents issued a valid certificate of registration or licensure in one state to cross-file that application (or an application for renewal thereof) in other states that have adopted the act.
- Provided student athletes with a statutory right to cancel an agency contract within 14 days after the contract is signed.
- Required agency contracts to disclose the amount and method of calculating the agent's compensation, the name of any unregistered person receiving compensation because the athlete signed the agreement, and the reimbursable expenses and services to be provided and contain warnings of the cancellation and notice requirements imposed under the act.
- Required both the agent and the student athlete to give notice of the contract to the athletic director of the affected educational institution within 72 hours of signing the

agreement, or before the athlete's next scheduled athletic event, whichever occurs first.

- Provided educational institutions with a statutory right of action against an athlete agent or former student athlete for damages, including losses and expenses incurred as a result of the educational institution being penalized, disqualified, or suspended from participation by an athletic association or conference, or as a result of reasonable self-imposed disciplinary actions taken to mitigate sanctions, as well as costs and reasonable attorney's fees.
- Prohibited agents from providing materially false or misleading information, promise or representation, with the intent of inducing a student athlete to enter into an agency contract, furnishing anything of value to a student athlete or another person before that athlete enters into an agency contract, intentionally initiate contact with a student athlete unless registered under the act, refusing or willfully failing to retain or permit inspection of required records, failing to register where required; providing materially false or misleading information in an application for registration or renewal thereof; predating or postdating an agency contract; or failing to notify a student athlete that signing an agency contract may make the student athlete ineligible to participate as a student athlete in that sport and imposed criminal penalties for violations of these prohibitions.

Some 41 states have enacted the UAAA. However, several states have amended the act to, among other things, deal with a perceived lack of enforcement, broaden the coverage of the act to individuals who do not necessarily recruit or solicit a student athlete to enter into an agency contract, and require notice to educational institutions prior to contact. It became evident that the variations from state to state put uniformity at risk and may have discouraged reputable agents from complying with the act. To deal with these issues, the Uniform Law Commission adopted the Revised Uniform Athlete Agents Act (RUAAA) in July of 2015.

The purposes of the RUAAA include providing enhanced protection for student athletes and educational institutions, creating a uniform body of agent registration information for use by the state agencies registering agents, and simplifying the registration process for agents. Specifically, the RUAAA:

- Revises the definition of "athlete agent" to include an individual who, for compensation or the anticipation of compensation, serves the athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions or manages the business affairs of the athlete by providing assistance with bills, payments, contracts, or taxes, and an individual who gives something of value to a student athlete or another person in anticipation of representing the athlete for a purpose related to the athlete's participation in athletics.
- Contains two alternatives for athlete agent registration. Alternative A includes a true reciprocal registration requirement in that if an individual is issued a certificate of registration by one state, the registration is in good standing and no disciplinary proceedings are pending against the registration, and the law in that state is the same or more restrictive as the law in another state, the other state would be required to register the individual. Alternative B would adopt an interstate compact when the act

is enacted by at least five states. The compact would create the Commission on Interstate Regulation of Athlete Agents to provide a single registration site where an individual could register to act as an athlete agent in the states that are members of the compact.

- Adds additional requirements to the signing of an agency contract. The contract must now contain a statement that the athlete agent is registered in the state in which the contract is signed and list any other state in which the agent is registered and be accompanied by a separate record signed by the student athlete acknowledging that signing the contract may result in the loss of eligibility to participate in the athlete's sport.
- Requires an agent to notify the educational institution at which a student athlete is enrolled before contacting a student athlete and requires an athlete agent with a preexisting relationship with a student athlete who enrolls at an educational institution and receives an athletic scholarship to notify the institution of the relationship if the agent knows or should have known of the enrollment and the relationship was motivated by the intention of the agent to recruit or solicit the athlete to enter an agency contract or the agent actually recruited or solicited the student athlete to enter a contract.
- Adds criminal penalties for athlete agents who encourage another individual to take on behalf of the agent an action the agent is prohibited from taking and gives student athletes a right of action against an athlete agent in violation of the act.

In September 2017, the FBI arrested ten individuals in relation to a college basketball corruption scandal. As a result of these indictments, the National Collegiate Athletic Association (NCAA) established the Commission on College Basketball (the Rice Commission), chaired by Dr. Condoleezza Rice, to “fully examine critical aspects of Division I men’s basketball.” The Rice Commission recommended “that high school and college players who declare for the [NBA] draft and are not drafted remain eligible for college basketball unless and until they sign a professional contract. Specifically, players who are not drafted should be permitted to change their minds and attend college or return to college, provided they remain academically and otherwise eligible.” On August 8, 2018, the NCAA amended its bylaws in accordance with recommendations made by the Rice Commission. The changes apply only to high school and college student athletes playing basketball.

In 2019, the ULC amended Section 14 of the RUAAA to accommodate the NCAA bylaws amendments. Though the changes to the NCAA bylaws are limited to student athletes playing basketball, the ULC did not limit the amendment in the same manner. The 2019 RUAAA amendment accommodates changes to NCAA bylaws made in 2018 that affect high school and college student athletes playing basketball and anticipates future changes made by associations of educational institutions governing interscholastic or intercollegiate sports to rules or bylaws governing student athletes.

**REVISED UNIFORM ATHLETE AGENTS ACT (2015) (LAST AMENDED 2019)**

**SECTION 1. SHORT TITLE.** This [act] may be cited as the Revised Uniform Athlete Agents Act (2015).

**SECTION 2. DEFINITIONS.** In this [act]:

(1) “Agency contract” means an agreement in which a student athlete authorizes a person to negotiate or solicit on behalf of the athlete a professional-sports-services contract or endorsement contract.

(2) “Athlete agent”:

(A) means an individual, whether or not registered under this [act], who:

(i) directly or indirectly recruits or solicits a student athlete to enter into an agency contract or, for compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for a student athlete as a professional athlete or member of a professional sports team or organization;

(ii) for compensation or in anticipation of compensation related to a student athlete’s participation in athletics:

(I) serves the athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions, unless the individual is an employee of an educational institution acting exclusively as an employee of the institution for the benefit of the institution; or

(II) manages the business affairs of the athlete by providing assistance with bills, payments, contracts, or taxes; or

(iii) in anticipation of representing a student athlete for a purpose related to the athlete’s participation in athletics:

(I) gives consideration to the student athlete or another person;

(II) serves the athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions; or

(III) manages the business affairs of the athlete by providing assistance with bills, payments, contracts, or taxes; but

(B) does not include an individual who:

(i) acts solely on behalf of a professional sports team or organization; or

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

(I) also recruits or solicits the athlete to enter into an agency contract;

(II) also, for compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for the athlete as a professional athlete or member of a professional sports team or organization; or

(III) receives consideration for providing the services calculated using a different method than for an individual who is not a student athlete.

(3) “Athletic director” means the individual responsible for administering the overall athletic program of an educational institution or, if an educational institution has separately administered athletic programs for male students and female students, the athletic program for males or the athletic program for females, as appropriate.

[(4) “Commission” means the Commission on Interstate Registration of Athlete Agents.]

[(5) “Compact” means the Interstate Compact for Registration of Athlete Agents.]



(6) “Educational institution” includes a public or private elementary school, secondary school, technical or vocational school, community college, college, and university.

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

(8) “Enrolled” means registered for courses and attending athletic practice or class. “Enrolls” has a corresponding meaning.

(9) “Intercollegiate sport” means a sport played at the collegiate level for which eligibility requirements for participation by a student athlete are established by a national association that promotes or regulates collegiate athletics.

(10) “Interscholastic sport” means a sport played between educational institutions that are not community colleges, colleges, or universities.

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

(12) “Person” means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

(13) “Professional-sports-services contract” means an agreement under which an

individual is employed as a professional athlete or agrees to render services as a player on a professional sports team or with a professional sports organization.

(14) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(15) “Recruit or solicit” means attempt to influence the choice of an athlete agent by a student athlete or, if the athlete is a minor, a parent or guardian of the athlete. The term does not include giving advice on the selection of a particular agent in a family, coaching, or social situation unless the individual giving the advice does so because of the receipt or anticipated receipt of an economic benefit, directly or indirectly, from the agent.

(16) “Registration” means registration as an athlete agent under this [act].

(17) “Sign” means, with present intent to authenticate or adopt a record:

(A) to execute or adopt a tangible symbol; or

(B) to attach to or logically associate with the record an electronic symbol, sound, or process.

(18) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(19) “Student athlete” means an individual who is eligible to attend an educational institution and engages in, is eligible to engage in, or may be eligible in the future to engage in, any interscholastic or intercollegiate sport. The term does not include an individual permanently ineligible to participate in a particular interscholastic or intercollegiate sport for that sport.

***Legislative Note:*** The definitions of “commission” and “compact” are bracketed to reflect alternatives for registration. See the Legislative Note for Alternative A preceding Section 5.

## Comment

Only individuals are within the definition of “athlete agent” and therefore required to register under the act. Corporations and other business entities do not come within the definition of “athlete agent” and therefore are not required to register under the act, even though individuals employed by the corporation or other business entity as athlete agents would be required to register. The definition also includes other individuals or “runners” used by an agent to recruit or solicit a student athlete to enter into an agency contract.

The amendment of the definition of athlete agent retains the language of the UAAA which makes an individual who directly or indirectly recruits or solicits a student athlete to enter an agency contract an athlete agent, but expands the definition to include an individual who:

(1) for compensation, procures or attempts to procure employment for a student athlete as a professional athlete;

(2) for compensation or the anticipation of compensation, represents a student athlete as an athlete or advises a student athlete on finances, business ventures, or career management or manages the business affairs of a student athlete; or

(3) in anticipation of representing a student athlete as an athlete, gives consideration to the student athlete or another person.

The term does not include a person who acts solely on behalf of a professional sports team or organization or a licensed, registered, or a certified professional acting within the scope of his or her license, registration, or certification unless the individual also recruits or solicits a student athlete to enter an agency contract or is an individual who, for compensation, procures or attempts to procure employment of a student athlete as a professional athlete or receives consideration for providing the professional services using a different method than for an individual who is not a student athlete.

Under the UAAA, an individual who solicited or recruited a student athlete to enter into an agency contract was an athlete agent. Under that law, individuals licensed as, for example, a financial advisor, are providing services to student athletes for little or no compensation in anticipation of signing the athlete to an agency contract, but are not registering as an athlete agent or otherwise complying with the act. Rather than debate whether the action of a licensed, registered, or certified professional is “recruiting or soliciting” for purposes of the UAAA definition, the definition was revised to remove any ambiguity.

A definition of “educational institution” was added to make clear the act is intended to apply to all educational institutions, whether public or private, and all levels of education.

Recruit or solicit, which is used in the definition of athlete agent, is defined to mean attempting to influence the choice of an athlete agent by a student athlete or, if the athlete is a minor, by a parent or guardian of the athlete. The UAAA excluded a spouse, parent, sibling, grandparent, or guardian of a student athlete from the definition of athlete agent. The act was also silent on the issue of coaches and student athletes although a coach who recruited or solicited a student athlete to enter into an agency contract with an athlete agent was technically an athlete agent. The definition of recruit or solicit excludes advice to select a particular athlete

agent given in a family, coaching, or social situation unless the advice is given because of the receipt or anticipated receipt of compensation from the agent. Thus, the parent of a student athlete who advises the athlete to select a particular agent is not an athlete agent unless the advice is given in exchange for compensation or the expectation of compensation from the agent. Similarly, a coach of a student athlete who advises the athlete to select a particular agent is not an agent unless the advice is given for compensation or the expectation of compensation from the agent.

The definition of “student athlete” applies to a two-sport athlete who has eligibility remaining in one sport. For example, an individual who has signed a contract to play professional basketball is not a student athlete in basketball, but is a student athlete in baseball. The definition of “student athlete” also includes individuals who are not yet in college. It includes high school students, high school dropouts and high school graduates who have delayed matriculation to a college or university so long as the individual may have future eligibility for intercollegiate sports.

**SECTION 3. [SECRETARY OF STATE][COMMISSION]; AUTHORITY;  
PROCEDURE.**

**Alternative A**

(a) The [administrative procedure act] applies to this [act]. The [Secretary of State] may adopt rules under the [administrative procedure act] to implement this [act].

**Alternative B**

(a) Except as otherwise provided in this [act], the commission is an agency of the state in which the headquarters of the commission is located and the law of that state, including the law relating to administrative procedure, public records, and public meetings, applies to the commission. The commission may adopt rules under the [administrative procedure act] of the state in which its headquarters is located to implement this [act].

**End of Alternatives**

(b) By acting as an athlete agent in this state, a nonresident individual appoints the [Secretary of State] [commission] as the individual’s agent for service of process in any civil action in this state related to the individual acting as an athlete agent in this state.

[(c) The [Secretary of State] [commission] may issue a subpoena for material that is relevant to the administration of this [act].]

**Legislative Note:** *There are two alternatives for subsection (a) to reflect the registration option discussed in the Legislative Note for Alternative A preceding Section 5.*

*If the administrative procedure act of a state does not give administrative agencies the power to issue a cease and desist order or otherwise prevent continued conduct in violation of the act, the state should consider specifically granting the power to the agency designated as the enforcement agency.*

*The Secretary of State has been designated as the administrator of existing acts regulating the activities of athlete agents more frequently than any other office. It is recognized, however, that the appropriate state office to administer this act may vary from state to state and, therefore, references to the Secretary of State are in brackets.*

*Subsection (c) is in brackets because it may not be required under the administrative procedure acts of some states.*

#### **SECTION 4. ATHLETE AGENT: REGISTRATION REQUIRED; VOID**

##### **CONTRACT.**

(a) Except as otherwise provided in subsection (b), an individual may not act as an athlete agent in this state without holding a certificate of registration under this [act].

(b) Before being issued a certificate of registration under this [act] an individual may act as an athlete agent in this state for all purposes except signing an agency contract, if:

(1) a student athlete or another person acting on behalf of the athlete initiates communication with the individual; and

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

(c) An agency contract resulting from conduct in violation of this section is void, and the athlete agent shall return any consideration received under the contract.

##### **Comment**

The intent of this section is to make the registration requirement as broad as

constitutionally permissible consistent with the minimum contacts theory of *International Shoe Company v. Washington*, 326 U.S. 310 (1945). Agents must register in each state in which they have established minimum contacts. For example, an individual in state A contacting a student athlete in state B is acting as an athlete agent in both states and is therefore required to register in both states.

Subsection (b) provides a safe harbor for an unregistered individual with whom a student athlete initiates communications. The individual must apply for registration within seven days from the beginning of any effort to recruit or solicit the student athlete to enter into an agency contract. If the individual does not attempt to recruit or solicit the student athlete to sign an agency contract, registration is not required.

In addition to the penalties that may be imposed under Sections 15 and 17, subsection (c) discourages contact with a student athlete by an individual who has not registered as an athlete agent. An agency contract resulting from that contact is void, not merely voidable.

### **Alternative A for Sections 5 through 9**

***Legislative Note:*** *There are two alternatives for Sections 5 through 9. Alternative A establishes a registration system in the enacting state which requires the enacting state to register an individual who is registered in another state if the enacting state determines the law of the other state is substantially similar to or more restrictive than the law of the enacting state, the registration in the other state has not been revoked or suspended, and no action involving the agent's conduct as an agent is pending.*

*Alternative B creates a central registration agency, the Commission on Interstate Registration of Athlete Agents, and provides that states enacting Alternative B will be entering into an interstate compact with other states that enact it.*

*While the numbering of the sections in the two alternatives is different because Section 5 of Alternative B creates the commission and the contents of Section 9 are folded into Section 5, the substantive requirements for the initial registration and the basis for denial of registration or the suspension, revocation, or failure to renew registration are identical in both alternatives. Thus, the effect of Alternative B in a state adopting the compact is to delegate the responsibility for the registration of athlete agents and the civil enforcement of the act to a central entity created by the compact. A state adopting Alternative B also will have to amend Section 2 to include the definition of commission for the new central registration agency and the definition of "compact" for the interstate compact, select Alternative B for Section 3(a), add bracketed Section 18 containing language formally creating the Interstate Compact, make conforming changes replacing [Secretary of State] with the commission in Section 17, and make additional conforming changes in Section 4. Since the operation of Alternative B is conditioned on that alternative being adopted by at least five states, a state that elects to participate in the interstate compact before the interstate compact becomes effective may wish either to continue its existing athlete agent registration program until the interstate compact becomes effective and the commission created by the compact is in operation or enact Alternative A on an interim basis.*

**SECTION 5. REGISTRATION AS ATHLETE AGENT; APPLICATION;  
REQUIREMENTS; RECIPROCAL REGISTRATION.**

(a) An applicant for registration as an athlete agent shall submit an application for registration to the [Secretary of State] in a form prescribed by the [Secretary of State]. The applicant must be an individual, and the application must be signed by the applicant under penalty of perjury. The application must contain at least the following:

(1) the name and date and place of birth of the applicant and the following contact information for the applicant:

(A) the address of the applicant's principal place of business;

(B) work and mobile telephone numbers; and

(C) any means of communicating electronically, including a facsimile number, electronic-mail address, and personal and business or employer websites;

(2) the name of the applicant's business or employer, if applicable, including for each business or employer, its mailing address, telephone number, organization form, and the nature of the business;

(3) each social-media account with which the applicant or the applicant's business or employer is affiliated;

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

(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 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 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 or greater in the corporation;

(8) a description of the status of any application by the applicant, or any person named under paragraph (7), 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, withdrawal, or termination of the license and any reprimand or censure related to the license;

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

(A) the crime;

(B) the law-enforcement agency involved; and

(C) if applicable, the date of the conviction and the fine or penalty



imposed;

(10) whether, within 15 years before the date of application, the applicant, or any person named under paragraph (7), has been a defendant or respondent in a civil proceeding, including a proceeding seeking an adjudication of [legal incompetence] and, if so, the date and a full explanation of each proceeding;

(11) whether the applicant, or any person named under paragraph (7), has an unsatisfied judgment or a judgment of continuing effect, including [alimony] or a domestic order in the nature of child support, which is not current at the date of the application;

(12) whether, within 10 years before the date of application, the applicant, or any person named under paragraph (7), was adjudicated bankrupt or was an owner of a business that was adjudicated bankrupt;

(13) whether there has been any administrative or judicial determination that the applicant, or any person named under paragraph (7), made a false, misleading, deceptive, or fraudulent representation;

(14) each instance in which conduct of the applicant, or any person named under paragraph (7), resulted in the imposition of a sanction, suspension, or declaration of ineligibility to participate in an interscholastic, intercollegiate, or professional athletic event on a student athlete or a sanction on an educational institution;

(15) each sanction, suspension, or disciplinary action taken against the applicant, or any person named under paragraph (7), arising out of occupational or professional conduct;

(16) whether there has been a denial of an application for, suspension or revocation of, refusal to renew, or abandonment of, the registration of the applicant, or any person named under paragraph (7), as an athlete agent in any state;

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

(18) if the applicant is certified or registered by a professional league or players association:

(A) the name of the league or association;

(B) the date of certification or registration, and the date of expiration of the certification or registration, if any; and

(C) if applicable, the date of any denial of an application for, suspension or revocation of, refusal to renew, withdrawal of, or termination of, the certification or registration or any reprimand or censure related to the certification or registration; and

(19) any additional information required by the [Secretary of State].

(b) Instead of proceeding under subsection (a), an individual registered as an athlete agent in another state may apply for registration as an athlete agent in this state by submitting to the [Secretary of State]:

(1) a copy of the application for registration in the other state;

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

(3) a copy of the certificate of registration from the other state.

(c) The [Secretary of State] shall issue a certificate of registration to an individual who applies for registration under subsection (b) if the [Secretary of State] determines:

(1) the application and registration requirements of the other state are substantially similar to or more restrictive than this [act]; and

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

(d) For purposes of implementing subsection (c), the [Secretary of State] shall:

(1) cooperate with national organizations concerned with athlete agent issues and agencies in other states which register athlete agents to develop a common registration form and determine which states have laws that are substantially similar to or more restrictive than this [act]; and

(2) exchange information, including information related to actions taken against registered athlete agents or their registrations, with those organizations and agencies.

### **Comment**

The UAAA required an application for registration as an athlete agent to contain personal and business information about the applicant. RUAAA expands the information required to be contained on the application to require, among other things, disclosure of financial information and, recognizing that communication between an athlete agent and a student athlete may be by electronic means, electronic mail addresses and social media accounts.

The UAAA also contained bracketed language that an application filed under the act was a public record. The intention of the committee was not to rewrite the public record law of any state, but to default to that law, whatever it is. Thus, in some states, certain information on the application, such as a trade secret, may not be a public record, while the public record law in another state may require a different result.

Subsection (a)(6) is not intended to require an athlete agent who is also a licensed, registered, or certified professional, to violate any privilege, including the attorney-client privilege.

Section 5 of the UAAA was not a true reciprocal registration provision in that, while it allowed for submission of the application for registration in one state to another state, the second state was free to require additional information or refuse to issue the registration on various grounds. The amended version is a true reciprocal registration provision in that if an individual registered in one state applies for registration in a second state, the second state is required to grant the registration if it determines the law in the first state is the same or more restrictive than the law in the second state, the registration is in good standing, and no proceeding involving the individual's conduct as an athlete agent is pending in any state in which the individual is

registered.

A central registration point with a single form is the easiest way to facilitate the reciprocal licensing provisions of subsection (b). Subsection (c) encourages the administrative agencies to which the enforcement of the act is delegated to cooperate with agencies from other states to that end. It is recognized there are substantial obstacles to a central registration office, not the least of which is cost. If it is not possible or feasible to create a central registration point, agencies are encouraged to adopt the following standard form:

## REGISTRATION FORM

### PART I. GENERAL INFORMATION

[Use additional sheets as necessary]

1. Registrant first name: \_\_\_\_\_
2. Registrant middle name: \_\_\_\_\_
3. Registrant last name: \_\_\_\_\_
4. If you have ever been known by any other name, surname, or maiden name, list the name: \_\_\_\_\_
5. Name of your organization involved in providing services for athletes: \_\_\_\_\_  
\_\_\_\_\_
6. Your position or title within the organization identified in Item 5: \_\_\_\_\_  
\_\_\_\_\_
7. Mailing address, city, state, and zip code of organization identified in Item 5: \_\_\_\_\_  
\_\_\_\_\_
8. Work phone: \_\_\_\_\_
9. Mobile phone: \_\_\_\_\_
10. Fax number: \_\_\_\_\_
11. Work and Personal Email and Website: \_\_\_\_\_
12. Birthplace and date of birth: \_\_\_\_\_

13. List all social-media accounts with which you and the organization identified in Item 5 are affiliated: \_\_\_\_\_

14. Indicate if you are registered or certified by any professional league or player's association, the date of registration or certification, and, if applicable, the date of expiration, as of the date of the completion of this form, with:

Major League Baseball Players Association \_\_\_\_\_

National Basketball Players Association \_\_\_\_\_

National Football Players Association \_\_\_\_\_

National Hockey League Players Association \_\_\_\_\_

Other \_\_\_\_\_

None \_\_\_\_\_

15. If "Other" was selected for Item 14, name the professional association(s): \_\_\_\_\_

16. List all states in which you are currently registered or have applied to be registered pursuant to any state statute regulating athlete agents: \_\_\_\_\_

## PART II. EDUCATION

For each item in this part, include: School name, city and state, degree conferred, and year the degree was awarded.

17. Professional/Graduate School(s): \_\_\_\_\_

18. Undergraduate School(s): \_\_\_\_\_

19. High School(s): \_\_\_\_\_

PART III. CURRENT OCCUPATION/EMPLOYMENT

20. Are you self-employed? (Y/N) (If you are not self-employed, skip to Item 23.)

21. Provide the dates and duration of your self-employment: \_\_\_\_\_

22. Describe the nature of your current self-employment: \_\_\_\_\_

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23. If you are not self-employed, provide each item listed below for every organization by which you are employed:

Name of employer: \_\_\_\_\_

Supervisor's name: \_\_\_\_\_

Supervisor's address and work phone: \_\_\_\_\_

Initial date of employment (including month and year): \_\_\_\_\_

Nature of your current employment: \_\_\_\_\_

24. Provide the following information for each firm or organization with which you are currently affiliated: Name, mailing address, phone number, organizational form (for example, a sole proprietorship, corporation, partnership, or other entity), and nature of business: \_\_\_\_\_

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25. If a firm or organization listed in Item 24 is a partnership, list the name of each partner below. If a firm or organization listed in Item 24, is a corporation, list the name of each officer and member of the board of directors. For each firm or organization, designate the partners, officers, shareholders, or members of the board of directors who customarily perform work for or on behalf of professional athletes: \_\_\_\_\_

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26. List each individual not named in Item 25, who: (a) has an ownership interest of 5% or more in each firm or organization listed in Item 24 which is a corporation; (b) has wholly or partially financed your firm or organization (other than financing or credit extended in the ordinary course of business by lending institutions); or (c) directly or indirectly exercises or has the power to exercise a controlling influence over the management of your firm or organization. For each individual, provide their respective name, mailing address, phone number, and nature of involvement (for example, describe the individual's ownership interest, amount of financing provided, or basis of the individual's controlling influence: \_\_\_\_\_

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27. Provide your employment history for the past five years or a resume that indicates that employment history: \_\_\_\_\_

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#### PART IV. PROFESSIONAL BACKGROUND

28. List each membership you have in a business or professional organization that directly relates to your occupation or profession: \_\_\_\_\_

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29. List each occupational or professional license or other similar credential (i.e., Certified Public Accountant, Chartered Life Underwriter, Registered Investment Advisor, etc.) you have obtained, including the date and status of the license or credential obtained: \_\_\_\_\_

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30. Have you ever been denied an occupational or professional license from a state or federal regulatory agency? (Y/N)

31. If you answered "Yes" to Item 30, explain each occurrence fully: \_\_\_\_\_

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32. Have you ever been denied a business license, franchise, or other similar credential for which you applied? (Y/N)

33. If you answered "Yes" to Item 32, explain each occurrence fully: \_\_\_\_\_

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34. Describe and indicate the status of any application you currently have pending for an occupational or professional license: \_\_\_\_\_

35. Describe and indicate the status of any application you currently have pending for a business license, franchise, or other similar credential: \_\_\_\_\_

36. As part of your professional endeavors, have you ever been reprimanded or censured or has your right to engage in any profession or occupation ever been disqualified, suspended, withdrawn, or terminated? (Y/N)

37. If you answered "Yes" to Item 36, explain each occurrence fully: \_\_\_\_\_

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#### PART V. COMPLIANCE BACKGROUND

38. Have you ever been convicted, reprimanded, censured, disqualified, cited, or otherwise disciplined for a violation of a state statute regulating athlete agents? (Y/N)

39. If you answered "Yes" to Item 38, for each occurrence specify: any associated complaint or charge, the date of the alleged violation, the result or status of any related investigation, and the name of any authority imposing a related sanction: \_\_\_\_\_

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40. Indicate the nature of any charge or complaint currently pending against you regarding your conduct as a member of a profession. For each charge or complaint, specify the name and address of the authority considering the charge or complaint. If no charge or complaint is currently pending against you, enter "None." \_\_\_\_\_

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41. Have you ever been convicted of or pleaded guilty to a criminal charge or have a criminal charge currently pending against you? (Y/N)

42. If you answered "Yes" to Item 41, provide the following information for each occurrence: Offense, law enforcement agency involved, and, if applicable, the date of conviction and the fine or penalty imposed: \_\_\_\_\_

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43. Within the 15 years before the date of this application, have you been a defendant in a civil proceeding? (Y/N)

44. If you answered "Yes" to Item 43, specify the date of each proceeding and explain each occurrence fully: \_\_\_\_\_

45. If you have been adjudicated legally incompetent by any court within the last 15 years of the date of this application, specify the date and nature of the determination: \_\_\_\_\_

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46. Have you ever been suspended or expelled from an educational institution? (Y/N)

47. If you answered "Yes" to Item 46, specify the date of the suspension or expulsion, the educational institution involved, and the reason for the suspension or expulsion: \_\_\_\_\_

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48. Is there any unsatisfied judgment of continuing effect against you (including alimony and child support)? (Y/N)

49. If you answered "Yes" to Item 48, explain the unsatisfied judgment fully: \_\_\_\_\_

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50. Within the 10 years before the date of this application, have you been declared bankrupt or been an owner or part-owner of a business that was declared bankrupt? (Y/N)

51. If you answered "Yes" to Item 50, specify the date and fully explain each occurrence:

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52. Have you ever been involved in any action that resulted in the imposition of a sanction against an educational institution or the imposition of a sanction against or suspension or declaration of ineligibility of a student athlete from participating in an interscholastic, intercollegiate, or professional athletic event? (Y/N)

53. If you answered "Yes" to Item 52, provide the following for each occurrence: the complaint or charge, the date of alleged violation, the results or status of any related investigation, and the name of the authority imposing any related sanction: \_\_\_\_\_

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54. For any organization listed in Item 14, list any denial, refusal to renew, withdrawal, or termination of the certification or registration, or any reprimand or censure related to the certification or license: \_\_\_\_\_

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#### ACKNOWLEDGEMENT

By entering my name below, I attest under penalty of perjury that all statements, affirmations, and representations made in this application and its attachments are accurate as of my application date and are made for the benefit of the state and its student athletes, both present

and future, and that the information contained herein, except for information that is a trade secret or personal information the disclosure of which would constitute an unwarranted invasion of personal privacy, is public information and may be provided by the state to student athletes and other individuals without restriction.

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Name

**SECTION 6. CERTIFICATE OF REGISTRATION; ISSUANCE OR DENIAL;  
RENEWAL.**

(a) Except as otherwise provided in subsection (b), the [Secretary of State] shall issue a certificate of registration to an applicant for registration who complies with Section 5(a).

(b) The [Secretary of State] may refuse to issue a certificate of registration to an applicant for registration under Section 5(a) if the [Secretary of State] determines that the applicant has engaged in conduct that significantly adversely reflects on the applicant's fitness to act as an athlete agent. In making the determination, the [Secretary of State] may consider whether the applicant has:

(1) pleaded guilty or no contest to, has been convicted of, or has charges pending for, a crime that would involve moral turpitude or be a felony if committed in this state;

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

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

(4) engaged in conduct prohibited by Section 14;

(5) had a registration as an athlete agent suspended, revoked, or denied in any state;

(6) been refused renewal of registration as an athlete agent in any state;

(7) engaged in conduct resulting in imposition of a sanction, suspension, or declaration of ineligibility to participate in an interscholastic, intercollegiate, or professional athletic event on a student athlete or a sanction on an educational institution; or

(8) engaged in conduct that adversely reflects on the applicant's credibility, honesty, or integrity.

(c) In making a determination under subsection (b), the [Secretary of State] shall consider:

(1) how recently the conduct occurred;

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

(3) other relevant conduct of the applicant.

(d) An athlete agent registered under subsection (a) may apply to renew the registration by submitting an application for renewal in a form prescribed by the [Secretary of State]. The applicant shall sign the application for renewal under penalty of perjury and include current information on all matters required in an original application for registration.

(e) An athlete agent registered under Section 5(c) may renew the registration by proceeding under subsection (d) or, if the registration in the other state has been renewed, by submitting to the [Secretary of State] copies of the application for renewal in the other state and the renewed registration from the other state. The [Secretary of State] shall renew the registration if the [Secretary of State] determines:

(1) the registration requirements of the other state are substantially similar to or more restrictive than this [act]; and

(2) the renewed registration has not been suspended or revoked and no action

involving the individual's conduct as an athlete agent is pending against the individual or the individual's registration in any state.

(f) A certificate of registration or renewal of registration under this [act] is valid for [two] years.

### **Comment**

This section has been revised to reflect the true reciprocal registration provisions of Section 5.

### **SECTION 7. SUSPENSION, REVOCATION, OR REFUSAL TO RENEW REGISTRATION.**

(a) The [Secretary of State] may limit, suspend, revoke, or refuse to renew a registration of an individual registered under Section 6(a) for conduct that would have justified refusal to issue a certificate of registration under Section 6(b).

(b) The [Secretary of State] may suspend or revoke the registration of an individual registered under Section 5(c) or renewed under Section 6(e) for any reason for which the [Secretary of State] could have refused to grant or renew registration or for conduct that would justify refusal to issue a certificate of registration under Section 6(b).

**SECTION 8. TEMPORARY REGISTRATION.** The [Secretary of State] may issue a temporary certificate of registration as an athlete agent while an application for registration or renewal of registration is pending.

### **Comment**

The discretion to issue a temporary certificate of registration is broad enough to include issuance of such a certificate even where the registration may be contested. It is not necessary to issue a temporary certificate to protect an individual with whom a student athlete initiated communications. Under Section 4(b), that individual is only required to file an application for registration within seven days after commencement of efforts to recruit or solicit the student athlete to sign an agency contract.

**SECTION 9. REGISTRATION AND RENEWAL FEES.** An application for registration or renewal of registration as an athlete agent must be accompanied by a fee in the following amount:

- (1) \$[ ] for an initial application for registration;
- (2) \$[ ] for registration based on a certificate of registration issued by another state;
- (3) \$[ ] for an application for renewal of registration; or
- (4) \$[ ] for renewal of registration based on a renewal of registration in another state.

#### **Comment**

The amount of fees is left for each state to determine. Some states with existing acts have set fees in amounts sufficient to recover the cost of administration. If that approach is taken, a fee for registration or renewal based on registration or renewal of registration in another state should be less than when a complete evaluation and review of an application is necessary.

Athlete agent registration is the cornerstone of this act. High registration fees imposed by some states with existing acts have probably contributed to seemingly small numbers of registrants under existing acts. The success of this act may be contingent on the implementation of a reasonable fee structure which does not motivate non-compliance.

#### **Alternative B for Sections 5 through 9**

***Legislative Note:** As discussed in the Legislative Note for Alternative A, a state adopting Alternative B also will have to amend Section 2 to include the definition of commission for the new central registration agency and the definition of “compact” for the interstate compact, select Alternative B for Section 3(a), add bracketed Section 18 containing language formally creating the Interstate Compact, make conforming changes replacing [Secretary of State] with the commission in Section 17, and make additional conforming changes in Section 4. Since the operation of Alternative B is conditioned on that alternative being adopted by at least five states, a state that elects to participate in the interstate compact before the interstate compact becomes effective may wish either to continue its existing athlete agent registration program until the interstate compact becomes effective and the commission created by the compact is in operation or enact Alternative A on an interim basis.*

**SECTION 5. COMMISSION ON INTERSTATE REGISTRATION OF ATHLETE AGENTS.**

- (a) The Commission on Interstate Registration of Athlete Agents is created. The

commission is a body corporate and joint agency of the states that enact an act substantially similar to this [act]. The commission consists of one member from each state that enacts such an act appointed by the Governor of that state.

(b) The first meeting of the commission must be held not later than 90 days after the fifth state enacts an act substantively similar to this [act]. A majority of the states that enact such an act constitutes a quorum for the conduct of business.

(c) At its first meeting, the commission shall adopt bylaws that provide for:

- (1) an executive committee to manage day-to-day affairs of the commission;
- (2) the operation of the commission, including employment of necessary staff;
- (3) maintaining a location for the registration of athlete agents in the states that enact an act substantially similar to this [act];
- (4) establishing the registration fee and the apportionment of the fee among the states that enact an act substantially similar to this [act]; and
- (5) any other matter necessary for efficient operation of the commission.

(d) The commission:

- (1) shall pay or provide for payment of the reasonable expenses of the establishment, organization, and ongoing activities of the commission;
- (2) may accept a grant of money, equipment, supplies, materials, or services and donations;
- (3) may assess each member state annually on a basis determined by the commission to cover operation costs of the commission not funded by registration fees imposed under subsection (c)(4);
- (4) may not incur an obligation before securing funds adequate to meet the

obligation;

(5) may not pledge the credit of a member state, except with the authority of the member state; and

(6) shall keep an accurate account of receipts and disbursements, under audit and accounting procedures established under the commission's bylaws.

(e) The receipt and disbursement of funds by the commission must be audited yearly by a certified or licensed public accountant, and the commission shall include the audit report in an annual report of the commission.

### **Comment**

This section creates the Commission on Interstate Registration of Athlete Agents and provides for its organization, powers, and duties. Since the existence of the compact is conditioned on at least five states adopting Alternative B in substantially the same form, deviation from the language of this section or any other provision of Alternative B is discouraged.

### **SECTION 6. REGISTRATION AS ATHLETE AGENT; APPLICATION;**

**REQUIREMENTS.** An applicant for registration as an athlete agent shall submit an application for registration to the commission in a form prescribed by the commission. The applicant must be an individual, and the application must be signed by the applicant under penalty of perjury. The application must contain at least the following:

(1) the name and date and place of birth of the applicant and the following contact information for the applicant:

(A) the address of the applicant's principal place of business;

(B) work and mobile telephone numbers; and

(C) any means of communicating electronically, including a facsimile number, electronic-mail address, and personal and business or employer websites;



(2) the name of the applicant's business or employer, if applicable, including for each business or employer, its mailing address, telephone number, organization form, and the nature of the business;

(3) each social-media account with which the applicant or the applicant's business or employer is affiliated;

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

(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 years before the date of the application or, if the athlete 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 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 or greater in the corporation;

(8) a description of the status of any application by the applicant, or any person named under paragraph (7), for a state or federal business, professional, or occupational license, other than as an athlete agent, including any denial, refusal to renew, suspension, withdrawal, or termination of the license and any reprimand or censure related to the license;

(9) whether the applicant, or any person named under paragraph (7), has pleaded guilty or no contest to, has been convicted of, or has charges pending for, a crime involving moral turpitude or which is a felony and, if so, identify:

(A) the crime;

(B) the law-enforcement agency involved; and

(C) if applicable, the date of the conviction and the fine or penalty imposed;

(10) whether, within 15 years before the date of application, the applicant, or any person named under paragraph (7), has been a defendant or respondent in a civil proceeding, including a proceeding seeking an adjudication of legal incompetence, and, if so, the date and a full explanation of each proceeding;

(11) whether the applicant, or any person named under paragraph (7), has an unsatisfied judgment or a judgment of continuing effect, including alimony or a domestic order in the nature of child support, which is not current at the date of the application;

(12) whether, within 10 years before the date of application, the applicant, or any person named under paragraph (7), was adjudicated bankrupt or was an owner of a business that was adjudicated bankrupt;

(13) whether there has been any administrative or judicial determination that the applicant, or any person named under paragraph (7), made a false, misleading, deceptive, or fraudulent representation;

(14) each instance in which conduct of the applicant, or any person named under paragraph (7), resulted in the imposition of a sanction, suspension, or declaration of ineligibility to participate in an interscholastic, intercollegiate, or professional athletic event on a student athlete or a sanction on an educational institution;

(15) each sanction, suspension, or disciplinary action taken against the applicant, or any person named under paragraph (7), arising out of occupational or professional conduct;

(16) whether there has been a denial of an application for, suspension or revocation of, refusal to renew, or abandonment of, the registration of the applicant, or any person named under paragraph (7), as an athlete agent in any state;

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

(18) if the applicant is certified or registered by a professional league or players association:

(A) the name of the league or association;

(B) the date of certification or registration, and the date of expiration of the certification or registration, if any; and

(C) if applicable, the date of any denial of an application for, suspension or revocation of, refusal to renew, withdrawal of, or termination of, the certification or registration or any reprimand or censure related to the certification or registration; and

(19) any additional information required by the commission.

**Legislative Note:** Paragraphs (10) and (11) use the terms “legal incompetence” and “alimony”. If those are not the appropriate terms for a state, the insertion of the state specific terms is not intended to be a deviation from the substantially similar requirement for the adoption of the Interstate Compact.

## Comment

This section parallels Section 5 of Alternative A.

### **SECTION 7. CERTIFICATE OF REGISTRATION; ISSUANCE OR DENIAL; RENEWAL.**

(a) Except as otherwise provided in subsection (b), the commission shall issue a certificate of registration to an applicant for registration who complies with Section 6.

(b) The commission may refuse to issue a certificate of registration to an applicant for registration under Section 6 if the commission determines that the applicant has engaged in conduct that significantly adversely reflects on the applicant's fitness to act as an athlete agent. In making the determination, the commission may consider whether the applicant has:

(1) pleaded guilty or no contest to, has been convicted of, or has charges pending for, a crime involving moral turpitude or which is a felony;

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

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

(4) engaged in conduct prohibited by Section 14;

(5) had a registration as an athlete agent suspended, revoked, or denied in any state;

(6) been refused renewal of registration as an athlete agent in any state;

(7) engaged in conduct resulting in imposition of a sanction, suspension, or declaration of ineligibility to participate in an interscholastic, intercollegiate, or professional athletic event on a student athlete or a sanction on an educational institution; or

(8) engaged in conduct that adversely reflects on the applicant's credibility, honesty, or integrity.

(c) In making a determination under subsection (b), the commission shall consider:

- (1) how recently the conduct occurred;
- (2) the nature of the conduct and the context in which it occurred; and
- (3) other relevant conduct of the applicant.

(d) An athlete agent registered under subsection (a) may apply to renew the registration by submitting an application for renewal in a form prescribed by the commission. The applicant shall sign the application for renewal under penalty of perjury and include current information on all matters required in an original application for registration.

(e) A certificate of registration or a renewal of registration under this [act] is valid for two years.

#### **Comment**

This section parallels Section 6 of Alternative A.

**SECTION 8. LIMITATION, SUSPENSION, REVOCATION, OR REFUSAL TO RENEW REGISTRATION.** The commission may limit, suspend, revoke, or refuse to renew a registration of an individual registered under Section 7 for conduct that would have justified refusal to issue a certificate of registration under Section 7(b).

#### **Comment**

This section parallels Section 7 of Alternative A.

**SECTION 9. TEMPORARY REGISTRATION.** The commission may issue a temporary certificate of registration as an athlete agent while an application for registration or renewal of registration is pending.

## Comment

This section parallels Section 8 of Alternative A.

### End of Alternatives

#### **SECTION 10. REQUIRED FORM OF AGENCY CONTRACT.**

(a) An agency contract must be in a record signed by the parties.

(b) An agency contract must contain:

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

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

(3) the name of any person not listed in the agent's application for registration or renewal of registration which will be compensated because the athlete signed the contract;

(4) a description of any expenses the athlete agrees to reimburse;

(5) a description of the services to be provided to the athlete;

(6) the duration of the contract; and

(7) the date of execution.

(c) Subject to subsection (g), an agency contract must contain a conspicuous notice in boldface type and in substantially the following form:

## WARNING TO STUDENT ATHLETE

IF YOU SIGN THIS CONTRACT:

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

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

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

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

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

(f) At the time an agency contract is executed, the athlete agent shall give the student athlete or, if the athlete is a minor, the parent or guardian of the athlete a copy in a record of the

contract and the separate acknowledgement required by subsection (d).

(g) If a student athlete is a minor, an agency contract must be signed by the parent or guardian of the minor and the notice required by subsection (c) must be revised accordingly.

### **Comment**

This section is intended to provide protection to the student athlete by requiring a form of agency contract similar to those required in some consumer transactions.

A student athlete who opts to void an agency contract under this section because it does not comply with the specified form is not required to return any consideration received to induce the signing of the agency contract because such inducement is prohibited conduct under Section 14.

Subsection (b) is revised to require an agency contract to contain a statement that the athlete agent is registered in the state and a list of any other state in which the agent is registered.

The compensation referred to in subsection (b)(2) is compensation for services intended to induce the student athlete to sign an agency contract. It does not include compensation individuals may receive because an athlete agent has been successful in securing an agency contract. For example, the compensation paid employees of an athlete agent who did not participate in inducing the student athlete to sign an agency contract is not compensation under subsection (b)(2) even though their compensation may be made possible by the income resulting from the agency contract.

Subsection (b) contains references to a student athlete in a time context in which the individual may be a former student athlete. This is done for simplicity in drafting. It should be noted that violation of eligibility rules adopted by an educational institution or a national association is not automatic and does not occur until a determination has been made by the educational institution or the national association.

Subsection (d) requires an agency contract be accompanied by a separate record signed by the student athlete that informs the athlete that signing the contract may result in the loss of eligibility to participate in the athlete's sport. In the rare case where an agency contract involves a student athlete who is a minor, the section was revised to require the contract to be signed by the parent or guardian.

### **SECTION 11. NOTICE TO EDUCATIONAL INSTITUTION.**

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



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

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

(d) If an athlete agent enters into an agency contract with a student athlete and the athlete subsequently enrolls at an educational institution, the agent shall notify the athletic director of the institution of the existence of the contract not later than 72 hours after the agent knew or should have known the athlete enrolled.

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

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

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

(f) An athlete agent shall give notice in a record to the athletic director of any educational

institution at which a student athlete is enrolled before the agent communicates or attempts to communicate with:

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

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

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

(h) An educational institution that becomes aware of a violation of this [act] by an athlete agent shall notify the [Secretary of State] [commission] and any professional league or players association with which the institution is aware the agent is licensed or registered of the violation.

### **Comment**

The purpose of this section is to prevent an educational institution from being sanctioned or penalized by allowing an ineligible player to participate in intercollegiate sports. The penalties may be severe. In addition to non-monetary penalties mentioned in the prefatory note, penalties may include loss of very substantial revenues received for participation in a football bowl game or a post-season basketball tournament.

The RUAAA adds subsection (a) and subsections (d) through (h) to the notice requirements contained in the UAAA. The changes are intended to give educational institutions notice of pre-existing relationships between athlete agents and student athletes and prior notice of any communication between an athlete agent and a student athlete enrolled at the institution. If the communication is initiated by the student athlete or someone on behalf of the student athlete, there is a safe harbor for the agent to report the communication. The changes were made to conform to amendments to the UAAA by multiple states to that effect and at the suggestion of the educational institutions.

Subsection (h) adds a requirement that an educational institution that becomes aware of a violation of the act notify the enforcement agency.

## **SECTION 12. STUDENT ATHLETE'S RIGHT TO CANCEL.**

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

(b) A student athlete or, if the athlete is a minor, the parent or guardian of the athlete may not waive the right to cancel an agency contract.

(c) If a student athlete, parent, or guardian cancels an agency contract, the athlete, parent, or guardian is not required to pay any consideration under the contract or return any consideration received from the athlete agent to influence the athlete to enter into the contract.

### **Comment**

Because of the disparity in the sophistication of the parties, this section gives the student athlete or former student athlete the right to cancel an agency contract within 14 days even if the athlete agent has complied with the provisions of Section 10 regarding the form of the contract. The section provides relief to the student athlete who has entered into an ill-considered agency contract, but does not provide any assurance that the student athlete will be eligible to compete in a sport.

The RUAAA revises the section to reflect the rare circumstance of when an agent contract involves a student athlete who is a minor.

## **SECTION 13. REQUIRED RECORDS.**

(a) An athlete agent shall create and retain for five years records of the following:

(1) the name and address of each individual represented by the agent;

(2) each agency contract entered into by the agent; and

(3) the direct costs incurred by the agent in the recruitment or solicitation of each student athlete to enter into an agency contract.

(b) Records described in subsection (a) are open to inspection by the [Secretary of State] [commission] during normal business hours.

**SECTION 14. PROHIBITED CONDUCT.** An athlete agent may not intentionally:

(1) give a student athlete or, if the athlete is a minor, a parent or [guardian] of the athlete materially false or misleading information or make a materially false promise or representation with the intent to influence the athlete, parent, or [guardian] to enter into an agency contract;

(2) furnish anything of value to a student athlete or another individual, if to do so may result in loss of the athlete's eligibility to participate in the athlete's sport, unless:

(A) the agent notifies the athletic director of the educational institution at which the athlete is enrolled or at which the agent has reasonable grounds to believe the athlete intends to enroll, not later than 72 hours after giving the thing of value; and

(B) the athlete or, if the athlete is a minor, a parent or [guardian] of the athlete acknowledges to the agent in a record that receipt of the thing of value may result in loss of the athlete's eligibility to participate in the athlete's sport;

(3) initiate contact, directly or indirectly, with a student athlete or, if the athlete is a minor, a parent or [guardian] of the athlete, to recruit or solicit the athlete, parent, or [guardian] to enter an agency contract unless registered under this [act];

(4) fail to create, retain, or permit inspection of the records required by Section 13;

(5) fail to register when required by Section 4;

(6) provide materially false or misleading information in an application for registration or renewal of registration;

(7) predate or postdate an agency contract;

(8) fail to notify a student athlete or, if the athlete is a minor, a parent or [guardian] of the athlete, before the athlete, parent, or [guardian] signs an agency contract for a particular sport that the signing may result in loss of the athlete's eligibility to participate in the athlete's sport;

(9) encourage another individual to do any of the acts described in paragraphs (1) through (8) on behalf of the agent; or

(10) encourage another individual to assist any other individual in doing any of the acts described in paragraphs (1) through (8) on behalf of the agent.

**Legislative Note:** *If a state uses a different term to describe the relationship of guardian, the bracketed term “guardian” should be changed to the appropriate term in this section and in Section 2(15); Section 5(a)(6); Section 10(d), (e), (f), and (g); Section 11(f)(1) and (2); and Section 12(a), (b), and (c).*

### Comment

This section describes the conduct by an agent which gives rise to criminal penalties under Section 15 and civil penalties under Section 16. The prohibitions include furnishing a thing of value to a student athlete prior to the signing of an agency contract.

The RUAAA revises the section to prohibit an athlete agent from encouraging any other individual to take or assist another individual in taking any of the prohibited actions on behalf of the agent.

The section was revised further in 2019 to deal with changes made to NCAA eligibility rules following the indictment of certain agents, representatives of shoe companies, and basketball coaches in 2017. The new rules are limited to a limited number of student athletes whose sport is basketball. They allow an agent certified by the NCAA to make certain limited expenditures related to selecting an agent before signing an agency contract for those student athletes and, contingent upon a change in NBA “one and done” rule negotiated between the NBA and the NBA Players Association as a part of the collective bargaining agreement, allow a limited number of “elite” student athletes whose sport is basketball to sign an agency contract with a certified agent and retain their eligibility if, before the commencement of the next season, the athlete subsequently decides not to sign a professional contract and terminates the agency contract.

The revision prohibits an agent from furnishing a thing of value to a student athlete or another individual if doing so may result in the loss of eligibility of the athlete to participate in the athlete’s sport, unless:

- (1) the athlete, parent, or guardian acknowledges to the agent in a record that receipt of the thing of value may result in the loss of eligibility of the athlete to participate in the athlete’s sport; and
- (2) the agent, not later than 72 hours after furnishing the thing of value, notifies the athletic director of the educational institution the athlete is attending, or the agent has reasonable grounds to believe intends to enroll, of that fact.

The revision is not basketball specific or type of expense specific so that potential future revisions of eligibility rules by the NCAA or any other association of educational institutions governing interscholastic or intercollegiate sports will not necessarily require further amendment of the section.

**SECTION 15. CRIMINAL PENALTY.** An athlete agent who violates Section 14 is guilty of a [misdemeanor] [felony] and, on conviction, is punishable by [     ].

*Legislative Note: Each state should determine the penalties to be imposed for a violation of the act. A state may wish to include a suspension or revocation of the registration as a part of the penalty and also may wish to dedicate all or a part of any fine to the enforcement of the act (see, for example, Section 18897.93, California Business and Professions Code).*

### **Comment**

The extent of the criminal penalties which may be imposed for violation of the act are left to the states adopting the act because of a wide variation in the criminal penalties provided for by existing acts. Variations in the criminal penalties which may be imposed would not detract from the otherwise uniform and reciprocal provisions of the act. Some potential criminal penalty is necessary to discourage those individuals who are willing to engage in improper or illegal conduct because of the size of the monetary stakes in the contemporary professional sports world.

### **SECTION 16. CIVIL REMEDY.**

(a) An educational institution or student athlete may bring an action for damages against an athlete agent if the institution or athlete is adversely affected by an act or omission of the agent in violation of this [act]. An educational institution or student athlete is adversely affected by an act or omission of the agent only if, because of the act or omission, the institution or an individual who was a student athlete at the time of the act or omission and enrolled in the institution:

(1) is suspended or disqualified from participation in an interscholastic or intercollegiate [sports] event by or under the rules of a state or national federation or association that promotes or regulates interscholastic or intercollegiate sports; or

(2) suffers financial damage.

(b) A plaintiff that prevails in an action under this section may recover [actual damages] [treble damages] [,] [punitive damages,] [and] costs[, and reasonable attorney’s fees]. An athlete agent found liable under this section forfeits any right of payment for anything of benefit or value provided to the student athlete and shall refund any consideration paid to the agent by or on behalf of the athlete.

[(c) A violation of this [act] is an [unfair trade or deceptive practice] for purposes of [insert reference to state’s unfair trade practices law].]

***Legislative Note:** If a state has a law that prohibits unfair or deceptive trade practices and provides for civil enforcement by a state agency or persons, including competitors, injured by the practice, the appropriate name for the practice and statutory citation to the applicable law should replace the bracketed language. The drafting rules in some states prohibit what is an amendment by reference and may require the unfair or deceptive trade practices act be amended. In that case, the bill should contain an appropriate amendment of the specific law and subsection (c) should be deleted. Similarly, if a state does not have an unfair or deceptive trade practices law, subsection (c) should be deleted or substantially expanded to provide for civil enforcement by a state agency, affected members of the public, and competitors.*

### **Comment**

The UAAA provided a cause of action for an educational institution against an athlete agent or a student athlete for damages caused by a violation of the act. The amended section, which is based on Section 18897.8 of the California Business and Professions Code, removes the cause of action against a student athlete and gives the student athlete a cause of action against the athlete agent.

The cause of action for a student athlete applies to a student athlete who is suspended or disqualified or suffers financial damage as a result of the act or omission of an athlete agent in violation of the act. An action based on suspension or disqualification is clear, as is an action based on financial damages resulting from an act or omission, such as fraud or misappropriation of funds, with respect to the student athlete bringing the action. The committee did not intend to preclude an action by one student athlete against an agent based on an act or omission with respect to a second student athlete that resulted in the second student athlete being suspended or disqualified or the institution being sanctioned if the first student athlete can prove financial damages.

**SECTION 17. CIVIL PENALTY.** The [Secretary of State] [commission] may assess a civil penalty against an athlete agent not to exceed \$[50,000] for a violation of this [act].

## Comment

The procedure for imposing an administrative penalty and complying with due process requirements are left to the adopting state's administrative procedure law.

### **[SECTION 18. INTERSTATE COMPACT FOR REGISTRATION OF ATHLETE AGENTS.**

(a) In enacting this [act], this state adopts the Interstate Compact for Registration of Athlete Agents and agrees to participate with other states enacting those provisions in maintaining the Commission on Interstate Registration of Athlete Agents.

(b) Once effective, the compact continues in force and, except as otherwise provided in subsection (c), remains binding on each member state.

(c) A member state may withdraw from the compact by repealing the portions of the statute that enacted the compact into law. The withdrawal may not take effect until one year after the effective date of the statute that repeals the portions of the statute that enacted the compact into law and until written notice of the withdrawal has been given by the Governor and Secretary of State of the withdrawing state to the Governor and Secretary of State of each member state.

(d) A member state immediately shall notify the executive director of the commission in a record of the introduction of legislation to repeal the compact in the member state. Not later than 60 days after receipt of the notice, the executive director shall notify other member states of the introduction of the legislation.

(e) A state withdrawing from the compact under subsection (c) is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including obligations the performance of which extend beyond the effective date of withdrawal.

(f) The compact is dissolved effective on the date of the withdrawal of the member state that reduces the membership in the compact to fewer than five states. On dissolution, the



compact has no further effect, and the affairs of the commission must be concluded and assets distributed in accordance with the commission's bylaws.]

### **Comment**

This section is the part of Alternative B which formally creates the Interstate Compact on Registration of Athlete Agents and provides the procedure for a state that has entered into the compact to withdraw from the compact.

**SECTION 19. UNIFORMITY OF APPLICATION AND CONSTRUCTION.** In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

**SECTION 20. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.** This [act] modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103 (b) of that act, 15 U.S.C. Section 7003(b).

### **Comment**

The Electronic Signatures in Global and National Commerce Act (ESGNCA) contains provisions governing the legal effect, validity, or enforceability of electronic records and electronic signatures. The act recognizes contracts which have been formed with the use of electronic records or electronic signatures even though the Drafting Committee recommends that agency contracts be in the traditional written form.

**[SECTION 21. SEVERABILITY.** If any provision of this [act] or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this [act] which can be given effect without the invalid provision or application, and to this end the provisions of this [act] are severable.]

***Legislative Note:*** Include this section only if this state lacks a general severability statute or a decision by the highest court of this state stating a general rule of severability.

**SECTION 22. REPEALS; CONFORMING AMENDMENTS.**

(a) . . . .

(b) . . . .

(c) . . . .

**SECTION 23. EFFECTIVE DATE.** This [act] takes effect . . . .



December 12, 2018

VIA EMAIL

Name  
Title  
Affiliation or Company  
Address  
City, State 00000

Dear,

In response to the September 2017 announcement of a federal investigation into fraud in college basketball recruiting, the NCAA conducted an in-depth examination of the sport and has taken decisive steps to improve the environment for prospective and current student-athletes. Among the recent reforms adopted by the NCAA Division I Board of Directors are changes to NCAA bylaws with an emphasis on providing student-athletes with more flexibility when deciding on whether to turn pro. This includes allowing current basketball student-athletes to enter into a contractual relationship with a certified agent to assist them in making an informed decision about their pro prospects. In addition, elite prospective basketball student-athletes may engage an agent if there are changes to the NBA eligibility requirements as determined by the NBA and NBPA. While we believe that these changes will improve the collegiate basketball environment, we understand that additional issues could arise without the proper safeguards and protections.

Therefore, the NCAA urges every state to adopt the Revised Uniform Athlete Agents Act (RUAAA). Further, the NCAA supports an amendment to the Act (attached) proposed by the Uniform Law Commission (ULC) that will allow athlete agents to cover *limited* expenses for student-athletes. Recent changes to NCAA bylaws allow agents to cover limited expenses for meals, hotel and travel related to the agent selection process. Without adoption of this amendment, agents run the risk of being in violation of Section 14 of the Act.

Since 2000, the NCAA has supported passage of the original version of the Act because of the important protections provided to student-athletes and educational institutions through the regulation of athlete agent activities. The RUAAA updates and improves the 2000 version of the Act through enhanced protections and a revised registration process. Specifically, the RUAAA:

- Expands the definition of “athlete agent.”
- Establishes a reciprocal and interstate compact process to allow for more efficient registration.
- Enhances agency contract requirements.
- Establishes athlete agent notification requirements.

National Collegiate Athletic Association

*Creating a pathway to opportunity for college athletes*

Equal Opportunity/Affirmative Action Employer

P.O. Box 6222  
Indianapolis, IN 46206  
Telephone: 317-917-6222

Shipping/Overnight Address:  
1802 Alonzo Watford Sr. Drive  
Indianapolis, IN 46202

ncaa.org

2018 RUAA with amendment

Support Letter

December 12, 2018

Page No. 2

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- Creates a cause of action for student-athletes

Since its creation in the fall of 2000, the UAAA has had a tremendous success rate for both introduction and enactment in state legislatures. As of November 2018, the UAAA has been passed in 40 states, Washington DC, and the US Virgin Islands. Further, twelve states have already adopted the RUAAA because of the continued need to enact the most up-to-date safeguards and procedures.

The improper conduct of an athlete agent can have a detrimental impact on student-athletes, educational institutions and the athlete agent community. The RUAA is a vital tool in addressing these concerns. On behalf of the NCAA, I urge you to support the Revised Uniform Athlete Agent Act and attached amendment.

Sincerely,

A handwritten signature in dark ink, appearing to read "M. Remy", with a large, stylized flourish extending to the right.

Donald M. Remy  
Executive Vice President of Law, Policy and Governance/  
Chief Legal Officer

DMR:erb

**TESTIMONY REGARDING COLLEGE STUDENT ATHLETE COMPENSATION REGARDING**

**Bill 24-445, the [College Student Athlete Compensation Amendment Act of 2021](#)**

**Bill 24-455, the [Uniform Athlete Agents Act Amendment Act of 2021](#)**

**Bill 24-456, the [Uniform College Athlete Name, Image or Likeness Act of 2021](#)**

**Presented by Mondri Kumbula-Fraser**

**Vice President of Government Relations & General Counsel**

**Consortium of Universities of the Washington Metropolitan Area**

Good afternoon, Chair Mendelson and Members of the DC Council. My name is Mondri Kumbula-Fraser and I am the Vice President of Government Relations & General Counsel for the Consortium of Universities of the Washington Metropolitan Area. The Consortium represents 21 higher education institutions and over 400,000 students in DC, Maryland and Virginia. Thank you for the opportunity to testify regarding name, image and likeness (NIL) for college student-athletes.

First, the Consortium shares the DC Council's goals and commitment to:

- enable student-athletes' ability to capitalize on NIL
- protect student-athletes from bad actors
- ensure coordination between NIL policies and their impact on relationships between student-athletes and their institutions
- preserve the competitiveness of DC's collegiate teams, and
- operate in accordance with the NCAA's rules and regulations.

We are very grateful to Councilmember Henderson and her team for the collaboration on her bill. In particular, the Consortium welcomes the financial literacy components because we see strengthening student-athlete education as a critical part of any institution's NIL program.

We also recognize and appreciate the efforts of the Uniform Law Commission to bring some uniformity to this area of state law throughout the country.

However, given that the NCAA has changed its rules in order to allow students to accept NIL income and the NIL landscape is evolving so rapidly, it is the Consortium's position that legislation in this area is unnecessary and runs the risk of having unintended consequences that would restrict opportunities for DC student-athletes and make DC teams less competitive.

Over the last several months there has been a clear trend towards states allowing institutions more flexibility around NIL vs. less. For example, the state of Alabama, which at one point had

the most expansive NIL legislation, repealed it some months ago because they found it to be too restrictive and it hindered the recruitment of talented student athletes. As a result, student-athletes can still receive NIL compensation in Alabama; however, they only have to comply with three regulatory schemes— the NCAA NIL policy, the internal policies and procedures of their educational institutions, and the Athlete Agents Act.

If the District moves forward with legislation, the Consortium offers to work closely with you and your staff to make modest tweaks, in order to ensure the final legislation achieves our shared goals.

For example, we are concerned that the ULC bill includes language that would overly restrict the ability of institutions to regulate and coordinate with student-athlete NIL activities, limit student opportunity and disadvantage opportunities to recruit student-athletes. Best practices regarding institutional involvement have evolved significantly as of late including setting up market places to promote NIL deals for student-athletes such advertisements, social media posts and event appearances. This model was not anticipated when the ULC and Councilmember Henderson drafted their bills.

If the Council is committed to NIL legislation, the Consortium welcomes the opportunity to work on language for both Councilmember Henderson's bill and the ULC bill. Any legislative language in DC should be flexible enough to ensure that our institutions can provide top-line NIL opportunities to our student-athletes within the rules and regulations established by the NCAA. This will protect our student-athletes, ensure that DC collegiate athletic programs remain competitive with peer institutions, and ensure that institutions have the ability to properly coordinate NIL activities with student-athletes.

Thank you for your consideration.

**Statement of James C. McKay, Jr.**

**District of Columbia Uniform Law Commission**

**Before the  
Committee on the Whole  
Chairman Phil Mendelson**

**On**

**Bill 24-445  
College Student Athlete Compensation Amendment Act of 2021**

**Bill 24-455  
Uniform Athletes Agents Act Amendment Act of 2021**

**Bill 24-456  
Uniform College Athlete Name, Image, or Likeness Act of 2021**



**September 28, 2022**

**AT A PUBLIC HEARING  
VIA ZOOM**

**John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, D.C. 20004**

Chairman Mendelson and Members of the Committee:

Good afternoon. I am James McKay, Chair of the District of Columbia Uniform Law Commission. I appreciate the opportunity to appear before you today to testify on three bills concerning college athletes—Bill 24-445, the College Student Athlete Compensation Amendment Act of 2021, Bill 24-455, the Uniform Athletes Agents Act Amendment Act of 2021, and Bill 24-456, the Uniform College Athlete Name, Image, or Likeness Act of 2021. I will briefly discuss the two uniform acts and, after discussing each, point out some of the differences between the uniform act and Bill 24-445.

**BILL 24-455, THE UNIFORM ATHLETES AGENTS ACT  
AMENDMENT ACT OF 2021 (RUAAA)**

Bill 24-455, the Uniform Athletes Agents Act Amendment Act of 2021 would enact the Revised Uniform Athlete Agents Act (RUAAA), which would update the Uniform Athlete Agents Act (UAAA). The UAAA was enacted by the Council in 2001 (D.C. Law 14-107, D.C. Code § 47-2887.01 *et seq.*) and has been in effect for over 20 years. The UAAA has been enacted by 40 states. It addresses serious problems arising from activities of agents who attempted to recruit student athletes in a manner that caused them to lose eligibility and damaged promising professional careers.



Between 2015 and 2019, the National Conference of Commissioners on Uniform State Laws (NCCUSL) worked on amendments to the UAAA in response to changes in the sports industry, including a change in the bylaws of the National Collegiate Athletic Association (NCAA) that gives student athletes more flexibility in deciding whether to join a professional team or to continue with their sport in school. The RUAAA has been enacted so far in 19 states, soon to be 20, when the Governor of Delaware signs the bill on his desk.

The principal amendments by RUAAA are as follows: (1) It expands the definition of “athlete agent” to ensure that it covers individuals who in effect perform the function of athlete agents, including relatives of the student athlete. (2) It adds a definition of “recruit or solicit” to clarify that the act covers attempts to influence the student athlete’s parents, but exempts a family member or coach who gives uncompensated advice in selection of an athlete agent. (3) It provides for reciprocal registration of athlete agents licensed in other states to ease compliance burdens on legitimate athlete agents operating in multiple states. (4) It enhances the requirements for the agency contract, including a confirmation that the athlete agent is registered in the state and an acknowledgment by the student athlete that signing may result in loss of eligibility to participate in the sport. (5) It requires an athlete agent to notify the educational institution at which a student athlete is enrolled before contacting the student athlete. (6) It prohibits an athlete

agent from encouraging another individual to take an action on behalf of the agent that the agent is prohibited from taking. (7) It permits student athletes who declare an interest in a draft, but who are not drafted, to return to school and remain eligible to continue playing their sport unless and until they sign a professional contract. (8) And it gives a student athlete a civil right of action against an athlete agent for conduct in violation of the act but does not give an institution a right of action against a student athlete.

### **DIFFERENCES BETWEEN BILL 24-455 (RUAAA) AND BILL 24-445**

Bill 24-445, the College Student Athlete Compensation Amendment Act of 2021, proposes amendments to the District's enactment of the UAAA. However, it omits critical amendments to the UAAA in the RUAAA, which would be enacted by Bill 24-455. Some of the most important differences are as follows:

1. Bill 24-445 adopts the definition of "athlete agent" in the UAAA without change and, thus, does not include the amendment to that definition by the RUAAA that deletes the blanket exemption for certain relatives of the athlete agent, such as a spouse or parent. The blanket exemption was deleted because the RUAAA drafting committee determined that these relatives sometimes function as athlete agents and, thus, should not categorically be exempted.

2. Bill 24-445 does not include a definition of "recruit or solicit." The RUAAA includes a definition of this term, which is used in the definition of

“athlete agent,” both (1) to include attempts to influence the parents of a student athlete who is a minor and (2) to expressly permit relatives of a student athlete, as well as coaches, to give advice to student athletes on selection of an athlete agent, if it is not in anticipation of receipt of economic benefit.

3. Bill 24-445 is missing other important definitions that are included in the RUAAA—namely, “Educational institution”; “Enrolled”; “Interscholastic sport”; “Licensed, registered, or certified professional”; and “Sign.”

4. Bill 24-445 does not update the provisions of the UAAA concerning registration, whereas the RUAAA amends the reciprocal renewal process to ease compliance burdens on legitimate athlete agents operating in multiple states.

5. Bill 24-445 does not update the provisions of the UAAA concerning prohibited actions to permit players who are not drafted to change their minds and attend or return to college, provided they remain academically and otherwise eligible. Nor would Bill 24-445 update that section to prohibit persons from encouraging another to take an action on behalf of the agent that the agent is prohibited from taking. The RUAAA would make both of these critical changes.

6. Bill 24-445 does not update the provisions in the UAAA concerning civil remedies to give a student athlete a right of action against an athlete agent for harmful conduct. Nor does it remove the right of action of an educational institution against the student athlete. The RUAAA would make these changes

because, based on experience, in almost all cases, the athlete agent is the bad actor and, in situations where the student athlete is causing damages to the institution, the student athlete is likely being taken advantage of by the athlete agent.

**BILL 24-456, THE UNIFORM COLLEGE ATHLETE  
NAME, IMAGE, OR LIKENESS ACT OF 2021 (UCANILA)**

Bill 24-456, the Uniform College Athlete Name, Image, or Likeness Act of 2021 (UCANILA) was completed last year by NCCUSL to allow college athletes to earn compensation for the use of their name, image, or likeness while also providing reasonable protections to educational institutions, athletic associations, and conferences. Until recently, college athletes have not been allowed to receive compensation for the use of their name, image, or likeness while still maintaining athletic eligibility.

UCANILA provides a comprehensive, uniform framework for state-level regulation of name, image, or likeness activities that will provide college athletes with robust protections for their rights while also creating a level playing field for college athletes and institutions competing across state lines. UCANILA corrects the competitive imbalances created by the patchwork of inconsistent state name, image, or likeness laws. Enactment of UCANILA in the District will benefit both college athletes and college-level educational institutions in the District.

## **DIFFERENCES BETWEEN BILL 24-456 (UCANILA) AND BILL 24-445**

Bill 24-445, the College Student Athlete Compensation Amendment Act of 2021, omits critical provisions contained in Bill 24-456 (UCANILA) and includes provisions that were considered by the UCANILA drafting committee but not included for good reasons. Some the more significant differences are as follows:

1. Bill 24-445's definition of "athlete agent" is taken from the UAAA. However, it omits important amendments to the provision made by the RUAAA. Notably, the RUAAA removes the categorical exemption for certain relatives of the college athlete from the definition, which was done because, in some cases, they are in effect acting as athlete agents.

2. Bill 24-445 combines two of UCANILA's defined terms—"athletic association" and "conference"—into one defined term, "athletic association." The UCANILA drafting committee determined that athletic associations and conferences are sufficiently different in how they operate and what powers they have that there needed to be two different defined terms.

3. Bill 24-445, although apparently intended by its title to apply only to college students, uses the broader term "student athlete" by taking the definition from the UAAA, which is not limited to college students. The UCANILA drafting committee limited the scope of the act to college students because it was

responding to restrictions imposed only on college athletes by the NCAA and did not believe it was necessary or prudent to extend it to other student athletes.

4. Bill 24-445 contains a definition of “fair market value.” The UCANILA drafting committee considered defining “fair market value” but decided against it out of concern that it could lead to unnecessary litigation. “Fair market value” is whatever someone is willing to pay. It is usually nearly impossible to measure, given the evolving landscape and myriad factors, including differences in value based on the student’s location, sport played, and existing social-media following.

5. Bill 24-445 takes its definition of “institution of higher learning” from the federal Higher Education Act of 1965, which applies to federal programs. The UCANILA drafting committee used a broader definition of “institution” to ensure complete coverage suitable for the purposes of state legislation.

6. Bill 24-445 includes a definition of “compensation” under the mistaken assumption that a college athlete’s right to earn name, image, or likeness compensation must be expressly authorized by a state statute. However, college athletes already have a right to monetize their name, image, or likeness under other law—namely, federal trademark and copyright statutes and state common law—but have been prevented from doing so only by policies of the NCAA. UCANILA assumes that college athletes have these rights and provides a framework for them to take advantage of these rights.

7. Bill 24-445 includes a definition of “team contract.” However, that term has different meanings in the states that have enacted related legislation. Some use it to refer to rules of conduct with the college, while others use it to refer to it as an agreement with a sponsor. UNCANILA avoids use of this confusing term.

8. Bill 24-445 omits a number of important definitions in UCANLA—namely, “conference”; “Department”; “group license”; “name, image, or likeness activity”; “person”; “record”; “state”; “student”; and “third-party”.

9. Bill 24-445 contains a provision (Section 3. Student-athlete compensation permitted) that is based on the mistaken assumption that it is necessary to have express authority for a college athlete to engage in name, image, or likeness activity, whereas UCANILA was drafted based on the fact that these types of activities are already authorized by federal statutes and state common law and, thus, that an additional law granting this authority is not needed. Moreover, UCANILA provides significantly more robust protections to college athletes who are hoping to create or participate in a group license.

10. Bill 24-445 omits an important provision of UCANILA that prohibit college athletes from using the intellectual property of an institution, conference, or athletic association in the athlete’s name, image, or likeness activity. (§ 47-2889.06(a); 47-2889.07(c)(5)). This limitation is necessary to provide a level playing field for college athletes in less prestigious institutions.

11. Bill 24-445 lists categories of name, image, or likeness activity that are prohibited, including alcohol, tobacco, steroids, and gambling. UCANILA (§ 47-2889.06(d)) takes a different approach to prohibited types of activity. Instead of categorically restricting activity by college athletes in certain areas, UCANILA allows institutions to adopt a policy to prevent name, image, or likeness activity that the institution determines would have an adverse impact on its reputation, provided that the institution complies with the same policy with respect to the institution's sponsorships.

12. Bill 24-445 allows institutions to prohibit athletes from entering into name, image, or likeness agreements that conflict with a sponsorship or other contract held by the institution. This, for example, would have the effect of allowing an institution to prohibit a college athlete from entering into a name, image, or likeness agreement for Gatorade if the institution has a sponsorship with Powerade. UCANILA does not allow institutions to impose this type of restriction, but does prohibit college athletes from expressing or implying that the institution endorses, or is otherwise affiliated with, the athlete's name, image, or likeness activity. (§ 47-2889.06(c)) The approach in UCANILA is fairer to the college athlete.

13. Bill 24-445 does not contain a provision similar to that in UCANILA that lists activities that institutions or conferences and their employees, agents, and



independent contractors may not do, including taking any steps to directly assist athletes in obtaining name, image, or likeness compensation, selecting an agent, or selecting or collecting payment from a third party. UCANILA limits institutional involvement to those activities. (§ 47-2889.07(a)). Bill 24-445 is silent as to whether institutions or their employees, agents, or independent contractors may proactively identify and secure name, image, or likeness agreements for the institution's athletes.

14. Bill 24-445 contains disclosure provisions that are limited, as they merely allow institutions to require disclosure of name, image, or likeness agreements and relationships with athlete agents. Current District law already requires student athletes to notify educational institutions of their relationship with an athlete agent. (D.C. Code § 47-2887.10 ( Notice to educational institution.)) The reporting requirements in UCANILA are more robust and complement the reporting requirements and notice requirements of the RUAAA.

15. Bill 24-445 does not include any provisions for registration of third parties. UCANILA contains a robust registration regime for third parties engaging in name, image, or likeness activity that is the same as the registration regime for athlete agents under the RUAAA. (§§ 47-2889.10, 47-2889.10). In creating the regime, care was taken by the drafting committee to set up the registration provisions to mirror the RUAAA so the state agency overseeing athlete agent

registration could easily oversee third-party registration under UCANILA without needing to create a new registration system.

16. Bill 24-445 does not include any provision on civil remedies for college athletes. UCANILA contains a provision that clarifies the circumstances in which college athletes or institutions have or do not have a civil remedy. (§ 47-2889.10).

\* \* \*

Therefore, I urge the Committee to report favorably on Bill 24-455, the Uniform Athletes Agents Act Amendment Act of 2021, and Bill 24-456, the Uniform College Athlete Name, Image, or Likeness Act of 2021. I would be pleased to answer any questions.



**Testimony of  
Libby Snyder, Legislative Counsel  
Uniform Law Commission**

**In Support of**

**Bill 24-455  
Uniform Athletes Agents Act Amendment Act of 2021**

**and**

**Bill 24-456  
Uniform College Athlete Name, Image, or Likeness Act of 2021**

**Before the  
Committee of the Whole**

**Council of the District of Columbia**

**September 28, 2022**

Chairman Mendelson and members of the Committee:

Good afternoon. My name is Libby Snyder, and I serve as Legislative Counsel to the Uniform Law Commission (ULC). I appear before you today to testify in support of two bills— Bill 24-455, the Uniform Athletes Agents Act Amendment Act of 2021, and Bill 24-456, the Uniform College Athlete Name, Image, or Likeness Act of 2021. The District of Columbia has a long history of enacting ULC acts. In my testimony I will briefly discuss the ULC’s robust drafting process and stakeholder involvement before moving on to review some of the important policy provisions contained in each uniform act.

**ULC Drafting Process**

The ULC is a non-profit organization formed in 1892 to draft model legislation in the areas of state law for which uniformity among the states is advisable. The ULC meets annually to consider proposed uniform legislation. If the ULC decides to draft a uniform law, a drafting

committee is appointed. The American Bar Association is invited to appoint an advisor to each drafting committee and interested sections may also appoint section advisors. In addition, drafting committee chairs and ULC staff contact organizations and other groups believed to have an interest in a proposed act and ask them to send an observer to meetings of the drafting committee. While the term “observer” may suggest a limited role, observers are encouraged and expected to make substantive contributions to the committee discourse. Observers are at the drafting table with the drafting committee in most meetings and participate in the discussion of the draft provisions. Observers are encouraged to provide written comments and suggestions to the chair or chair and reporter both during and between drafting committee meetings. Through these observer contributions, the drafting committee receives realistic advice as to problems and possible solutions, as well as ways in which the proposed act would affect interested parties.

Drafting committee meetings are open meetings. Every drafting committee meeting is under the control of the committee chair. It is the chair who sets the agenda for the meeting and who controls discussion and debate. Most chairs conduct committee business informally, so that the meetings are excellent sessions of give-and-take. Everybody may contribute ideas and drafting suggestions. Drafting committees will typically comprise a range of views on the legal subject matter under consideration. Long experience tells us that an open and respectful dialogue among all participants generally results in meaningful legislation that serves all interests best. Ultimately, the drafting committee will make decisions based upon its assessment of the issues under consideration.

The drafting committee for the Revised Uniform Athlete Agents Act, which Bill 24-455 will enact, had dozens of observers representing coaches, athlete agents, athletic associations, professional leagues, university athletic departments, state agencies, and others. The drafting committee for the Uniform College Athlete Name, Image, or Likeness Act, which Bill 24-456 will enact, had over 100 observers including a dozen college athletes. The input these observers provided to their respective drafting committees was invaluable.

Each draft uniform act is discussed and considered section-by-section by the entire ULC normally at no fewer than two annual meetings before the ULC may decide by a vote of states whether to promulgate the draft.

The ULC’s objective, which is achieved through this robust drafting process, is promulgation of a uniform act that will result in a substantial overall improvement of the law.

### **Bill 24-455, the Uniform Athletes Agents Act Amendment Act of 2021**

The District of Columbia enacted the Uniform Athlete Agents Act (UAAA) in 2001.<sup>1</sup> Bill 24-455 will enact the Revised Uniform Athlete Agents Act (2015) (Last amended 2019) (RUAAA). The RUAAA modernizes and adapts the UAAA for the ever-evolving sports commercial marketplace and the extremely competitive environment in which athlete agents and student athletes operate.

The RUAAA provides rules to not only protect educational institutions in the District of Columbia, but the student athletes that attend them as well. The RUAAA also delivers clear and succinct guidelines for athlete agents operating within the District. There are several key features of RUAAA that are designed to improve upon the Uniform Athlete Agents Act (2000) to protect student athletes, including the following:

- 1. RUAAA broadens the definition of “athlete agent”** to include any individual who:
  - For compensation procures or attempts to procure employment for a student athlete as an athlete;
  - For compensation or in the anticipation of compensation advises a student athlete on finances, business ventures, or career management or manages the business affairs of a student athlete; or
  - In anticipation of representing the student athlete as an athlete, gives something of value to a student athlete or another person.

This updated definition encompasses anyone acting as an athlete agent broadly, rather than only applying when an individual is directly or indirectly inducing or attempting to induce a student athlete to enter into an agency contract.

This updated definition explicitly excludes licensed, registered, or certified professionals

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<sup>1</sup> D.C. LAW 14-107, D.C. CODE § 47-2887.01 *et seq.* (2012).

acting within the scope of their license, registration, or certification (i.e. attorneys, financial advisors, etc.) *unless* they are otherwise acting as an athlete agent or are providing these services to the student athlete on a different basis than from an individual who is not a student athlete.

The updated definition also **does not** give an explicit exception to parents or guardians of the student athlete in the definition of “athlete agent.” The exception for parents or guardians giving advice or guidance to student athletes was removed from the definition of “athlete agent” and a more limited exception is now contained in the definition of “recruit or solicit” – stating that the term “recruit or solicit” does not include giving advice in a family, social, or coaching situation *unless* the individual giving advice does so because of the receipt or anticipated receipt of an economic benefit from the athlete agent.

RUAAA provides a workaround for situations like that described above. If the parent or guardian is attempting to influence the student athlete’s selection of an athlete agent because of the parent or guardian’s anticipated receipt of an economic benefit, that parent or guardian is acting as an athlete agent and must register under RUAAA. If the parent or guardian is giving advice in a family or social situation and is not giving advice because of the anticipated receipt of an economic benefit, that parent or guardian does not have to register under the RUAAA.

To put it simply, the effect of these amended definitions is to require parents or guardians to give advice that is in the best interest of the student athlete. If those parents or guardians are not acting in the best interest of the student athlete and do not register as an athlete agent, they will be in violation of the law. Conversely, parents or guardians who are acting in the best interest of the student athlete when giving advice will not run the risk of violating RUAAA.

**2. RUAAA adds additional requirements to the signing of an agency contract.**

RUAAA requires any agency contract to be accompanied by a separate record signed by the student athlete or, if the student athlete is a minor, a parent or guardian of the athlete, acknowledging that the signing of the agency contract may result in the loss of the

student athlete's eligibility to participate in the athlete's sport.

This additional requirement was added to ensure that student athletes were aware that signing an agency contract could result in the loss of the athlete's eligibility. RUAAA requires this acknowledgement to be signed on a separate piece of paper, thereby drawing more attention to the potential loss of eligibility at the time of signing.

**3. RUAAA gives student athletes a cause of action against an athlete agent acting in violation of the law.** The Uniform Athlete Agents Act (2000) gave educational institutions a right of action against a student athlete **or** an athlete agent acting in violation of the act. RUAAA recognized that student athletes were often victims of athlete agents acting in bad faith. To remedy this, RUAAA did the following:

- Removed the right of action by an educational institution against a student athlete under this act; and
- Gave student athletes a right of action against an athlete agent who acted in violation of this act.

If a student athlete in the District of Columbia is induced into signing an agency contract that results in the loss of his or her eligibility to participate in his or her sport or if the student athlete is otherwise harmed by an athlete agent acting in violation of the act, that student athlete is now able to bring an action for damages against the athlete agent.

**4. RUAAA allows the NCAA's amended bylaws to apply to student athletes in the District.** In August 2018, the NCAA amended its bylaws as a result of recommendations made by the Commission on College Basketball, chaired by Dr. Condoleezza Rice. The Commission recommended "that high school and college players who declare for the draft and are not drafted remain eligible for college basketball unless and until they sign a professional contract. Specifically, players who are not drafted should be permitted to change their minds and attend college or return to college, provided they remain academically and otherwise eligible."

In making its recommendations, the Commission observed, "Elite high school and

college basketball players tend to misjudge their professional prospects. Players who think they are surefire professionals are often mistaken. The numbers tell this story: Only a very small percentage of NCAA men’s basketball players make it to the NBA (around 1.2%), let alone have successful careers. Yet, an NCAA survey we commissioned showed that 59% of Division I players believed they will play professionally. . . . Erroneously entering the NBA draft is not the kind of misjudgment that should deprive student-athletes of the valuable opportunity to enter college or to continue in college while playing basketball.” *See Report and Recommendations to Address the Issues Facing Collegiate Basketball* by the Commission on College Basketball, April 2018, pp 4-5.

As a result of this report, the NCAA made changes to its bylaws which apply to student-athletes playing basketball and provide them with more freedom and flexibility to decide about going pro. The changes minimize the amount of leverage outside influences have on high school recruits and college student-athletes.

RUAAA is drafted to allow payments by athlete agents to student athletes and their parents for meals, hotel, and travel in connection with recruiting and signing the student-athlete as a client. Under the revised NCAA bylaws, acceptance of these payments would not cause the student athlete to lose eligibility. Under the Uniform Athlete Agents Act (2000), any benefit given to a student-athlete prior to signing an agency contract is prohibited as long as the student-athlete is still eligible to play in his or her collegiate sport.

- 5. RUAAA adds true reciprocal registration provisions** intended to ease compliance burdens on legitimate athlete agents operating in multiple states. Prior to the new name, image, or likeness (NIL) era of college athletics, student athletes obtained the services of an athlete agent only in very rare circumstances, and the RUAAA was drafted to protect student athletes from losing their eligibility or suffering other consequences from unknowingly violating NCAA regulations. Now, in the post-NIL era, any college athlete may obtain the services of an athlete agent to negotiate and solicit NIL deals.<sup>2</sup> There has

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<sup>2</sup> This is corroborated by the NCAA’s NIL Q&A document which states:



been an explosion in athlete agent activity across the country and, with that, an increase in the number of athlete agents in many states that make that data publicly available.<sup>3</sup>

The registration process in RUAAA is truly reciprocal in that if an individual is issued a certificate of registration by one state, the registration is in good standing and no disciplinary proceedings are pending against the registration, and the law in that state is the same or more restrictive as the law in another state, the other state would be required to register the individual.

Updating the District of Columbia’s law to include provisions from the Revised Uniform Athlete Agents Act is necessary to protect and empower the District’s student athletes – both in their athletic and academic careers.

### **Bill 24-456, the Uniform College Athlete Name, Image, or Likeness Act of 2021**

Bill 24-456 will enact the Uniform College Athlete Name, Image, or Likeness Act (UCANILA). The UCANILA provides a comprehensive, uniform framework for state-level regulation of college athlete NIL activities that will provide college athletes with robust protections for their NIL rights while also creating a level playing field for athletes and institutions competing across state lines. This Act seeks to correct the competitive imbalances created by the patchwork of inconsistent state NIL laws and exacerbated by the NCAA’s interim NIL policy that allows college athletes to engage in NIL activities that are consistent with the law of the state where the school is located and allows college athletes who attend school in a state without a NIL law to engage in NIL activity without violating NCAA rules relating to NIL. The specific provisions built into the Act to correct the competitive imbalances include:

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**7. Does the NIL interim policy permit individuals to use professional service providers (athlete agent) in connection with their NIL activities?** Use of a professional service provider for NIL activities is permissible.

**9. May an individual enter into an agreement regarding NIL with a professional service provider prior to July 1, 2021 (effective date of the NIL interim policy)?** No. If an individual enters into an agreement regarding NIL with a professional service provider prior to July 1, 2021, they will jeopardize their amateur status and eligibility for intercollegiate participation in a particular sport and will be subject to student-athlete reinstatement.

**Source:** [https://ncaaorg.s3.amazonaws.com/ncaa/NIL/NIL\\_QandA.pdf](https://ncaaorg.s3.amazonaws.com/ncaa/NIL/NIL_QandA.pdf)

<sup>3</sup> Florida saw the number of athlete agents registered in the state increase from 328 in 2019 to 557 as of May 4, 2022. Indiana had 88 registered athlete agents in 2019 and 106 registered in 2022. Many other states showed an increase from 2019 to 2022. (Information based on unofficial tracking done by ULC staff. Document available upon request.)

- 1. Protecting college athlete NIL rights** by prohibiting educational institutions, conferences, and athletic associations from preventing or restricting college athletes from receiving NIL compensation, entering into NIL agreements, engaging in NIL activity, obtaining the services of a NIL agent, or creating or participating in a group license. The UCANILA also prohibits educational institutions, conferences, and athletic associations from interfering with the formation or recognition of a collective representative to facilitate or provide representation to negotiate a group license.
- 2. Prohibiting the use of school logos in NIL activity.** The UCANILA states that a college athlete may not include in NIL activity an institution, conference, or athletic association name, trademark, service mark, logo, uniform design, etc. Because some university logos are inherently more valuable to advertisers than others, the use of university logos in NIL activity could lead to discrepancies in the amount of NIL compensation offered to college athletes based solely on the school the college athlete attends and not the value of the college athlete's NIL.
- 3. Prohibiting educational institutions from limiting NIL activities** based on the institution's own sponsorships or advertising deals. Many state NIL laws allow an institution to prohibit NIL activity that conflicts with the sponsorships or advertising deals of the institution or its athletic department (i.e., a Nike school prohibiting college athletes from entering NIL agreements with Adidas). The drafting committee felt that college athletes' NIL rights should not be limited by the existing sponsorships of their educational institution. To balance this, the UCANILA does prohibit a college athlete from expressing or implying that the educational institution endorses or is otherwise affiliated with the college athlete's NIL activity.
- 4. Prohibiting educational institutions from limiting specific types of NIL activities** that the institution determines has an adverse impact on its reputation *unless* the institution complies with the same policy with respect to its sponsorships and advertising deals. Some state laws list categories of NIL activity that are prohibited (alcohol, tobacco, marijuana, gambling, etc.) while others allow the institution to ban any NIL activity that it determines has an adverse impact on its reputation. The UCANILA's approach has the

effect of allowing an institution to prohibit college athletes from entering NIL deals with, for example, an alcohol company, only if the institution refrains from engaging in sponsorships or similar commercial activity with alcohol companies. If the institution is unwilling to refrain from engaging in sponsorships or similar commercial activity with, for example, an alcoholic beverage company, then such commercial activity must not be damaging enough to the institution's reputation to warrant limiting college athlete NIL activity with the same or similar companies. To balance this, the UCANILA does allow an institution to prohibit NIL activity that is illegal (such that a college athlete under the age of 21 would not be able to engage in NIL activity with an alcohol company).

- 5. Does not expressly require NIL activity to be commensurate with the fair market value** of the college athlete's NIL. Some of the existing state NIL laws contain some sort of "fair market value" requirement, with a smaller subset allows institutions to require, and establish procedures for ascertaining, that a college athlete's NIL use is commensurate with the fair market value. The UCANILA drafting committee felt that any such requirement would be nearly impossible to measure given the ever-evolving landscape and myriad factors including differences in value based on the student's state, city, and region, sport(s) played, existing social media following, etc.
- 6. Permits certain institutional, conference, and athletic association involvement** in NIL activity. Under the UCANILA, educational institutions, conferences, or athletic associations may educate college athletes about NIL compensation, agreements, and activity, and assist college athletes in evaluating the permissibility of NIL activities, including compliance with state law and institution, conference, and association rules, assist with the disclosure requirements under the Act, and assist by providing good-faith evaluations of NIL agents or third parties. Some existing state laws expressly prohibit institutional involvement in college athlete NIL activity, while other states implicitly permit institutions to arrange or facilitate NIL opportunities for college athletes.
- 7. Harnesses existing state laws on athlete agent registration.** The UCANILA was drafted to work in tandem with a jurisdiction's existing enactment of either the UAAA or RUAAA. Under UCANILA, all NIL agents would be subject to the registration

provisions of RUAAA. UCANILA also harnessed that existing registration framework when drafting provisions on registration of third parties.

- 8. Provides remedies for college athletes and educational institutions** by giving college athletes and educational institutions the right to sue NIL agents and third parties for damages caused by a violation of the act.

The UCANILA strikes a balance between providing robust rights to college athletes while maintaining the integrity of intercollegiate sports.

### **Conclusion**

Bill 24-455, the Uniform Athletes Agent Act Amendment Act of 2021, and Bill 24-456, the Uniform College Athlete Name, Image, or Likeness Act of 2021, provide well-conceived and well-drafted solutions to problems facing educational institutions, athlete agents, and student athletes in the District of Columbia. I thank you for your time this afternoon and respectfully urge the Committee to report favorably on Bill 24-455 and Bill 24-456. I would be happy to answer any questions you have.



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September 26, 2022

The Honorable Phil Mendelson  
Council of the District of Columbia, Chairman  
The John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

**Re: B24-0455**

Good afternoon. I am Jerry Bassett, a Uniform Law Commissioner from Alabama who was the reporter for the Revised Uniform Athlete Agents Act (RUAAA) adopted by the Uniform Law Commission in 2015 and amended in 2019. I appreciate the opportunity to appear before you today to testify on Bill 24-455, the Uniform Athletes Agents Act Amendment Act of 2021 (UAAA).

The UAAA was enacted by the Council in 2001 (D.C. Law 14-107, D.C. Code § 47-2887.01 *et seq.*) and has been in effect for over 20 years. The UAAA has been enacted by 40 states so far. It addresses serious problems arising from activities of agents who attempted to recruit student athletes in a manner that caused them to lose eligibility and damaged promising professional careers. Between 2015 and 2019, the Uniform Law Commission (ULC) worked on amendments to the UAAA in response to changes in the sports industry, including a change in the bylaws of the National Collegiate Athletic Association (NCAA) that gives student athletes more flexibility in deciding whether to join a professional team or to continue with their sport in school. The RUAAA has been enacted so far in 19 states, soon to be 20, when the Governor of Delaware signs the bill on his desk.

Bill 24-455 would conform the existing UAAA enacted by the District to the RUAAA. The principal amendments to the UAAA are as follows:

(1) expanding the definition of “athlete agent” to ensure that individuals who in effect perform the function of athlete agents are covered, including relatives of the student athlete;

(2) adding a definition of “recruit or solicit” to clarify that the RUAAA applies to attempts to influence the student athlete’s parents, but exempts a family member, friend, or coach who gives uncompensated career advice;

(3) providing for reciprocal registration of athlete agents licensed in other states to ease compliance burdens on legitimate athlete agents operating in multiple states;

(4) enhancing the requirements for the agency contract, including a confirmation that the athlete agent is registered in the state and an acknowledgment by the student athlete that signing may result in loss of eligibility to participate in the sport;

(5) requiring an athlete agent to notify the educational institution at which a student athlete is enrolled before contacting the student athlete;

(6) prohibiting an athlete agent from encouraging another individual to take an action on behalf of the agent that the agent is prohibited from taking;

(7) permitting student athletes who declare an interest in a draft, but who are not drafted, to return to school and remain eligible to continue playing their sport unless and until they sign a professional contract; and

(8) giving a student athlete a civil right of action against an athlete agent for conduct in violation of the act.

Therefore, I urge the Committee to report favorably on Bill 24-455, the Uniform Athletes Agents Act Amendment of 2021. I would be pleased to answer any questions.

Very truly yours,

Jerry Bassett  
Uniform Law Commissioner, Alabama

**Part E. Athlete Agents.**

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§ 47-2887.04. Registration as athlete agent; ~~form~~; requirements **application; requirements; reciprocal registration.**

§ 47-2887.09. Required form of contract **of agency contract.**

§ 47-2887.16. ~~Administrative~~ **Civil** penalty.

**§ 47-2887.16A. Rules**

§ 47-2887.17. Uniformity of application and construction.

§ 47-2887.18. ~~Electronic~~ **Relation to Electronic** Signatures in Global and National Commerce Act.

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**§ 47-2887.01. Definitions.**

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~~(2) “Athlete agent” means 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 includes an individual who represents to the public that the individual is an athlete agent. 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.~~

**(2) “Athlete agent”:**

**(A) Means an individual, whether or not registered under this part,**

**who:**

**(i) Directly or indirectly recruits or solicits a student-athlete to enter into an agency contract or, for compensation, procures employment or offers,**

promises, attempts, or negotiates to obtain employment for a student-athlete as a professional athlete or member of a professional sports team or organization;

(ii) For compensation or in anticipation of compensation related to a student-athlete's participation in athletics:

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

(II) Manages the business affairs of the athlete by providing assistance with bills, payments, contracts, or taxes; or

(iii) In anticipation of representing a student-athlete for a purpose related to the athlete's participation in athletics:

(I) Gives consideration to the student-athlete or another person;

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

(III) Manages the business affairs of the student-athlete by providing assistance with bills, payments, contracts, or taxes.

(B) Does not include an individual who:

(i) Acts solely on behalf of a professional sports team or organization; or

(ii) Is a licensed, registered, or certified professional and offers or provides services to a student-athlete customarily provided by members of the profession, unless the individual:



(I) Recruits or solicits the student-athlete to enter into an agency contract;

(II) For compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for the student-athlete as a professional athlete or member of a professional sports team or organization; or

(III) Receives consideration for providing the services calculated using a different method than for an individual who is not a student-athlete.

(4A) “Educational institution” includes a public or private elementary school, secondary school, technical or vocational school, community college, college, or university.

(5A) “Enrolled” or “enrolls” means registered for courses and attending athletic practice or class.

(6A) “Interscholastic sport” means a sport played between educational institutions that are not community colleges, colleges, or universities.

(6B) “Licensed, registered, or certified professional” means an individual licensed, registered, or certified as an attorney, dealer in securities, financial planner, insurance agent, real estate broker or sales agent, tax consultant, accountant, or member of a profession, other than that of athlete agent, who is licensed, registered, or certified by the District or a nationally recognized organization that licenses, registers, or certifies members of the profession on the basis of experience, education, or testing.

(6C) “Mayor” includes the Mayor’s delegee.

~~(8) “Professional sports services contract” means an agreement under which an individual is employed, or agrees to render services, as a player on a professional sports team, with a professional sports organization, or as a professional athlete.~~

**(8) “Professional-sports-services-contract” means an agreement under which an individual is employed as a professional athlete or agrees to render services as a player on a professional sports team or with a professional sports organization.**

**(9A) “Recruit or solicit” means to attempt to influence the choice of an athlete agent by a student-athlete or, if the student-athlete is a minor, the choice by a parent or guardian of the student-athlete. The term does not include giving advice on the selection of a particular agent in a family, coaching, or social situation unless the individual giving the advice does so because of the receipt or anticipated receipt of an economic benefit, directly or indirectly, from the agent.**

**(10A) “Sign” means, with present intent to authenticate or adopt a record, to:**

**(A) Execute or adopt a tangible symbol; or**

**(B) Attach to or logically associate with the record an electronic symbol, sound, or process.**

~~(12) “Student athlete” means an individual who engages in, is eligible to engage in, or may be eligible in the future to engage in, any intercollegiate sport. If an individual is permanently ineligible to participate in a particular intercollegiate sport, the individual is not a student athlete for purposes of that sport.~~

**“(12) “Student-athlete” means an individual who is eligible to attend an educational institution and engages in, is eligible to engage in, or may be eligible in the future to engage in, any interscholastic or intercollegiate sport. The term does not include an individual permanently ineligible to participate in a particular interscholastic or intercollegiate sport for that sport.**

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~~§ 47-2887.04. Registration as athlete agent; form; requirements.~~

**§ 47-2887.04. Registration as athlete agent; application; requirements; reciprocal registration.**

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~~(a) An applicant for registration shall submit an application for registration to the Mayor in a form prescribed by the Mayor. An application filed under this section is a public record. The application must be in the name of an individual and, except as otherwise provided in subsection (b) of this section, signed or otherwise authenticated by the applicant under penalty of perjury and state or contain:~~

~~(1) The name of the applicant and the address of the applicant’s principal place of business;~~

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

~~(3) Any business or occupation engaged in by the applicant for the 5 years next preceding the date of submission of the application;~~

~~(4) 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;~~

~~(5) The names and addresses of 3 individuals not related to the applicant who are willing to serve as references;~~

~~(6) The name, sport, and last known team for each individual for whom the applicant acted as an athlete agent during the 5 years next preceding the date of submission of the application;~~

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

~~(A) With respect to the athlete agent's business if it is not a corporation, the partners, members, officers, managers, associates, or profit sharers of the business; and~~

~~(B) With respect to a corporation employing the athlete agent, the officers, directors, and any shareholder of the corporation having an interest of 5% or greater;~~

~~(8) Whether the applicant or any person named pursuant to paragraph (7) of this subsection has been convicted of an offense that is directly related to the occupation for which the registration is sought, pursuant to a determination made under § 47-2853.17(e-1)(2);~~

~~(9) Whether there has been any administrative or judicial determination that the applicant or any person named pursuant to paragraph (7) of this subsection has made a false, misleading, deceptive, or fraudulent representation;~~

~~(10) Any instance in which the conduct of the applicant or any person named pursuant to paragraph (7) of this subsection resulted in the imposition of a sanction, suspension, or declaration of ineligibility to participate in an interscholastic or intercollegiate athletic event on a student athlete or educational institution;~~

~~(11) Any sanction, suspension, or disciplinary action taken against the applicant or any person named pursuant to paragraph (7) of this subsection arising out of occupational or professional conduct; and~~

~~(12) Whether there has been any denial of an application for, suspension or revocation of, or refusal to renew, the registration or licensure of the applicant or any person named pursuant to paragraph (7) of this subsection as an athlete agent in any State.~~

~~(b) An individual who has submitted an application for, and holds a certificate of, registration or licensure as an athlete agent in another State, may submit a copy of the application and certificate in lieu of submitting an application in the form prescribed pursuant to subsection (a) of this section. The Mayor shall accept the application and the certificate from the other State as an application for registration in the District of Columbia if the application to the other State:~~

~~(1) Was submitted in the other State within 6 months next preceding the submission of the application in the District of Columbia and the applicant certifies that the information contained in the application is current;~~

~~(2) Contains information substantially similar to or more comprehensive than that required in an application submitted in the District of Columbia; and~~

~~(3) Was signed by the applicant under penalty of perjury.~~

**(a) An applicant for registration as an athlete agent shall submit an application for registration to the Mayor in a form prescribed by the Mayor. The applicant must be an individual, and the application shall be signed by the applicant under penalty of perjury. The application must contain at least the following:**

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**(1) The applicant's**

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**(A) Legal name and other names used;**

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**(B) Date and place of birth;**

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**(C) Contact information, including:**

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**(i) Address for the applicant's principal place of business;**

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**(ii) Work and mobile telephone numbers;**

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**(iii) Any means the applicant uses to communicate**

**electronically, including a facsimile number, electronic-mail address, and personal and business or employer websites;**

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

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**(3) Each social-media account with which the applicant or the applicant's business or employer is affiliated;**

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**(4) Each business or occupation in which the applicant engaged within the 5 years before the date of the application, including self-employment and employment by**

others, and any professional or occupational license, registration, or certification held by the applicant during that time;

(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 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 student-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 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 5% percent 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, including any denial, refusal to renew, suspension, withdrawal, or termination of the license and any reprimand or censure related to the license;

(9) Whether the applicant, or any person named under paragraph (7) of this subsection, has pleaded guilty or no contest to, has been convicted of, or has charges

pending for, a crime that would involve moral turpitude or be a felony if committed in the District and, if so, identification of:

\_\_\_\_\_ (A) The crime;

\_\_\_\_\_ (B) The law-enforcement agency involved; and

\_\_\_\_\_ (C) If applicable, the date of the conviction and the fine or penalty imposed;

\_\_\_\_\_ (10) Whether, within 15 years before the date of application, the applicant, or any person named under paragraph (7) of this subsection, has been a defendant or respondent in a civil proceeding, including a proceeding seeking an adjudication of legal incompetence and, if so, the date and a full explanation of each proceeding;

\_\_\_\_\_ (11) Whether the applicant, or any person named under paragraph (7) of this subsection, has an unsatisfied judgment or a judgment of continuing effect, including alimony or a domestic order in the nature of child support, which is not current at the date of the application;

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

\_\_\_\_\_ (13) Whether there has been any administrative or judicial determination that the applicant, or any person named under paragraph (7) of this subsection, made a false, misleading, deceptive, or fraudulent representation;

\_\_\_\_\_ (14) Each instance in which conduct of the applicant, or any person named under paragraph (7) of this subsection, resulted in the imposition of a sanction, suspension, or declaration of ineligibility to participate in an interscholastic, intercollegiate, or professional athletic event on a student-athlete or a sanction on an educational institution;

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

(16) Whether there has been a denial of an application for, suspension or revocation of, refusal to renew, or abandonment of, the registration of the applicant, or any person named under paragraph (7) of this subsection, as an athlete agent in any State;

(17) Each State in which the applicant currently is registered as an athlete agent or has applied to be registered as an athlete agent;

(18) If the applicant is certified or registered by a professional league or players association:

(A) The name of the league or association;

(B) The date of certification or registration, and the date of expiration of the certification or registration, if any; and

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

(19) Any additional information required by the Mayor.

(b) Instead of proceeding under subsection (a) of this section, an individual registered as an athlete agent in another State may apply for registration as an athlete agent in the District by submitting to the Mayor:

(1) A copy of the application for registration in the other State;



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

(3) A copy of the certificate of registration from the other State.

(c) Except as provided in § 47-2887.05(b), The Mayor shall issue a certificate of registration to an individual who applies for registration under subsection (b) of this section if the Mayor determines:

(1) The application and registration requirements of the other State are substantially similar to or more restrictive than this part; and

(2) The applicant's registration in another State has not been revoked or suspended, and no action involving the individual's conduct as an athlete agent is pending against the individual or the individual's registration in any other State.

(d) For purposes of implementing subsection (c) of this section, the Mayor shall:

(1) Cooperate with national organizations concerned with athlete agent issues and agencies in other States that register athlete agents to develop a common registration form and determine which States have laws that are substantially similar to or more restrictive than this part; and

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

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§ 47-2887.05. Certificate of registration; issuance or denial; renewal.

\* \* \*

(5A) Been refused renewal of registration as an athlete agent in any State;”.

~~(e) An individual who has submitted an application for renewal of registration or licensure in another State, in lieu of submitting an application for renewal in the form prescribed pursuant to subsection (d) of this section, may file a copy of the application for renewal and a valid certificate of registration or licensure from the other State. The Mayor shall accept the application for renewal from the other State as an application for renewal in the District of Columbia if the application to the other State:~~

**(e) An athlete agent registered under § 47-2887.04(c) may renew the registration by proceeding under subsection (d) of this section or, if the registration in the other State has been renewed, by submitting to the Mayor copies of the application for renewal in the other State and the renewed registration from the other State. The Mayor shall renew the registration if the Mayor determines:**

**(A) The registration requirements of the other State are substantially similar to or more restrictive than this part; and**

**“(B) The renewed registration has not been suspended or revoked and no action involving the individual’s conduct as an athlete agent is pending against the individual or the individual’s registration in any State.**

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**§ 47-2887.06. Suspension, revocation, or refusal to renew registration.**

\* \* \*

(a) The Mayor ~~may suspend~~ **may limit, suspend**, revoke, or refuse to renew a registration for conduct that would have justified denial of registration under § 47-2887.05(b).

(b) The Mayor ~~may deny~~ **may limit, deny**, suspend, revoke, or refuse to renew a certificate of registration or licensure only after proper notice and an opportunity for a hearing. Chapter 5 of Title 2 applies to this part.

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~~§ 47-2887.09. Required form of contract.~~

**§ 47-2887.09. Required form of agency contract.**

\* \* \*

~~(a) An agency contract must be in a record, signed or otherwise authenticated by the parties.~~

**(a) An agency contract must be in a record signed by the parties.**

**“(1A) A statement that the athlete agent is registered as an athlete agent in the District and a list of any other States in which the person is registered as an athlete agent;**

~~(c) An agency contract must contain, in close proximity to the signature of the student-athlete, a conspicuous notice in boldface type in capital letters stating:~~

~~WARNING TO STUDENT ATHLETE IF YOU SIGN THIS CONTRACT:~~

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

~~(2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER ENTERING INTO THIS CONTRACT, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR; AND~~

~~(3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY.~~

(c) Subject to subsection (f) of this section, an agency contract must contain a conspicuous notice in boldface type and in substantially the following form:

WARNING TO STUDENT-ATHLETE.

IF YOU SIGN THIS CONTRACT:

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

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

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

(c-1) An agency contract must be accompanied by a separate record signed by the student-athlete or, if the athlete is a minor, the parent or guardian of the athlete, acknowledging that signing the contract may result in the loss of the student-athlete’s eligibility to participate in the student-athlete’s sport.

~~(d) An agency contract that does not conform to this section is voidable by the student-athlete. If a student-athlete voids an agency contract, the student-athlete is not required to pay~~

~~any consideration under the contract or to return any consideration received from the athlete agent to induce the student athlete to enter into the contract.~~

**(d) A student-athlete or, if the student-athlete is a minor, the parent or guardian of the student-athlete may void an agency contract that does not conform to this section. If the contract is voided, any consideration received from the athlete agent under the contract to induce entering into the contract is not required to be returned.**

~~(e) The athlete agent shall give a record of the signed or otherwise authenticated agency contract to the student athlete at the time of execution.~~

**(e) At the time an agency contract is executed, the athlete agent shall give the student-athlete or, if the student-athlete is a minor, the parent or guardian of the student-athlete a copy in a record of the contract and the separate acknowledgement required by subsection (c-1) of this section.**

**(f) If a student-athlete is a minor, an agency contract must be signed by the parent or guardian of the minor and the notice required by subsection (c) of this section must be revised to accordingly.**

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**§ 47-2887.10. Notice to educational institution.**

\* \* \*

~~(a) Within 72 hours after entering into an agency contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, the athlete agent shall give notice in a record of the existence of the contract to the athletic director of the~~

~~educational institution at which the student-athlete is enrolled or the athlete agent has reasonable grounds to believe the student-athlete intends to enroll.~~

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

~~(b) Within 72 hours after entering into an agency contract or before the next athletic event in which the student-athlete may participate, whichever occurs first, the student-athlete shall inform the athletic director of the educational institution at which the student-athlete is enrolled that he or she has entered into an agency contract.~~

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

**(c) If an athlete agent enters into an agency contract with a student-athlete and the student-athlete subsequently enrolls at an educational institution, the agent shall notify the athletic director of the institution of the existence of the contract not later than 72 hours after the agent knew or should have known the student-athlete enrolled in the educational institution.**

**(d) If an athlete agent has a relationship with a student-athlete before the student-athlete enrolls in an educational institution and receives an athletic scholarship from the**

institution, the agent shall notify the institution of the relationship not later than 10 days after the enrollment if the agent knows or should have known of the enrollment and:

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

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

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

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

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

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

(g) An educational institution that becomes aware of a violation of this part by an athlete agent shall notify the following entities of the violation:

(1) The Mayor; and

(2) Any professional league or players association with which the athlete agent is licensed or registered, to the extent the educational institution is aware of such affiliations.

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

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§ 47-2887.11. Student-athlete’s right to cancel.

\* \* \*

~~(a) A student athlete may cancel an agency contract by giving notice of the cancellation to the athlete agent in a record within 14 days after the contract is signed.~~

~~(b) A student athlete may not waive the right to cancel an agency contract.~~

~~(c) If a student athlete cancels an agency contract, the student athlete is not required to pay any consideration under the contract or to return any consideration received from the athlete agent to induce the student athlete to enter into the contract.~~

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

(b) A student-athlete or, if the student-athlete is a minor, the parent or guardian of the athlete, may not waive the right to cancel an agency contract.

(c) If a student-athlete, parent, or guardian cancels an agency contract, the student-athlete, parent, or guardian is not required to pay any consideration under the contract or return any consideration received from the athlete agent to influence the student-athlete, parent, or guardian to enter into the contract.



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**§ 47-2887.13. Prohibited conduct.**

\* \* \*

~~(a) An athlete agent, with the intent to induce a student athlete to enter into an agency contract, may not:~~

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

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

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

~~(b) An athlete agent may not intentionally:~~

~~(1) Initiate contact with a student athlete unless registered under this part;~~

~~(2) Refuse or fail to retain or permit inspection of the records required to be retained by § 47-2887.12;~~

~~(3) Fail to register when required by § 47-2887.03;~~

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

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

~~(6) Fail to notify a student athlete before the student athlete signs or otherwise authenticates an agency contract for a particular sport that the signing or authentication may make the student athlete ineligible to participate as a student athlete in that sport.~~

**An athlete agent may not intentionally:**

“(1) Give a student-athlete or, if the student-athlete is a minor, a parent or guardian of the student-athlete materially false or misleading information or make a materially false promise or representation with the intent to influence the student-athlete, parent, or guardian to enter into an agency contract;

“(2) Furnish anything of value to a student-athlete or another individual, if to do so may result in loss of the student-athlete’s eligibility to participate in the student-athlete’s sport, unless:

“(A) The agent notifies the athletic director of the educational institution at which the student-athlete is enrolled or at which the agent has reasonable grounds to believe the student-athlete intends to enroll, not later than 72 hours after giving the thing of value; and

“(B) The student-athlete or, if the student-athlete is a minor, a parent or guardian of the student-athlete acknowledges to the agent in a record that receipt of the thing of value may result in loss of the student-athlete’s eligibility to participate in the athlete’s sport;

“(3) Initiate contact, directly or indirectly, with a student-athlete or, if the student-athlete is a minor, a parent or guardian of the student-athlete, to recruit or solicit the student-athlete, parent, or guardian to enter an agency contract unless the athlete agent is registered under this part;

“(4) Fail to create, retain, or permit inspection of the records required by § 47-2887.12;

“(5) Fail to register when required by § 47-2887.03;

“(6) Provide materially false or misleading information in an application for registration or renewal of registration;

“(7) Predate or postdate an agency contract;

“(8) Fail to notify a student-athlete or, if the athlete is a minor, a parent or guardian of the student-athlete, before the student-athlete, parent, or guardian signs an agency contract for a particular sport that the signing may result in loss of the student-athlete’s eligibility to participate in the student-athlete’s sport;

“(9) Encourage another individual to do any of the acts described in paragraphs (1) through (8) of this subsection on behalf of the athlete agent; or

“(10) Encourage another individual to assist any other individual in doing any of the acts described in paragraphs (1) through (8) of this subsection on behalf of the athlete agent.

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§ 47-2887.15. Civil remedies.

\* \* \*

~~(a) An educational institution has a right of action against an athlete agent or a former student athlete for damages caused by a violation of this part. In an action under this section, the court may award to the prevailing party costs and reasonable attorney’s fees.~~

~~(b) Damages of an educational institution under subsection (a) of this section include losses and expenses incurred because, as a result of the conduct of an athlete agent or former student athlete, the educational institution was injured by a violation of this part or was penalized, disqualified, or suspended from participation in athletics by a national association for the promotion and regulation of athletics, by an athletic conference, or by reasonable self-imposed disciplinary action taken to mitigate sanctions likely to be imposed by such an organization.~~

~~(c) A right of action under this section does not accrue until the educational institution discovers or by the exercise of reasonable diligence would have discovered the violation by the athlete agent or former student athlete.~~

~~(d) Any liability of the athlete agent or the former student-athlete under this section is several and not joint.~~

~~(e) This part does not restrict rights, remedies, or defenses of any person under law or equity.~~

**(a) An educational institution or student-athlete may bring an action for damages against an athlete agent if the institution or student-athlete is adversely affected by an act or omission of the athlete agent in violation of this part. An educational institution or student-athlete is adversely affected by an act or omission of the agent only if, because of the act or omission, the institution or an individual who was a student-athlete at the time of the act or omission and enrolled in the institution:**

**(1) Is suspended or disqualified from participation in an interscholastic or intercollegiate sports event by or under the rules of a State or national federation or association that promotes or regulates interscholastic or intercollegiate sports; or**

**(2) Suffers financial damage.**

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

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§ 47-2887.16. Administrative penalty Civil penalty.

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§ 47-1887.16A. Rules.

The Mayor may issue rules under § 2-501 *et seq* to carry out the provisions of this part.

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**§ 47-2887.18. Electronic Signatures in Global and National Commerce Act.**

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~~The provisions of this part governing the legal effect, validity, or enforceability of electronic records or signatures, and of contracts formed or performed with the use of such records or signatures conform to the requirements of section 102 of the Electronic Signatures in Global and National Commerce Act, approved June 30, 2000 (114 Stat. 467; 5 U.S.C. § 7002) (“Act”), and supersede, modify, and limit the Act.~~

This part modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act, approved June 30, 2000 (114 Stat. 467; 5 U.S.C. § 7002) (“Act”), but does not modify, limit, or supersede section 101(c) of that Act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that Act, 15 U.S.C. § 7003(b).

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**TITLE II. COLLEGE ATHLETE NAME, IMAGE, LIKENESS**

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**Sec. 201. Short title.**

This title may be cited as the “Uniform College Athlete Name, Image, or Likeness Act of 2022”.

**SUBTITLE A. COLLEGE ATHLETE NAME, IMAGE, OR LIKENESS  
ACTIVITY**

**Sec. 211. Definitions.**

**For the purposes of this subtitle, the term:**

**(1) “Athletic association” means a nonprofit, intercollegiate sport governance association that regulates the eligibility of players and institutions.**

**(2) “College athlete” means an individual who attends or is eligible to attend an institution and engages in or is eligible to engage in an intercollegiate sport. The term does not include an individual:**

**(A) Participating in a sport in kindergarten through grade 12 or at a youth, preparatory school, recreation, or similar level; or**

**(B) Permanently ineligible to participate in a particular intercollegiate sport for that sport.**

**(3) “Conference” means a person, other than an athletic association, with the primary purpose of governing the athletic programs of more than one institution.**

**(4) “Department” means the Department of Licensing and Consumer Protection.**

**(5) “Group license” means a name, image, or likeness agreement that covers the name, image, or likeness of more than one college athlete.**

**(6) “Institution” means a public or private institution of higher education in the District, including a community college, junior college, college, and university.**

**(7) “Intercollegiate sport” means a sport played at the collegiate level for which eligibility requirements for participation by a college athlete are established by an athletic association. The term does not include a recreational, intramural, or club sport.**

**(8) “Name, image, or likeness” includes a symbol, word, name, or design that readily identifies a college athlete.**

**(9) “Name, image, or likeness activity” means licensing, transferring, or other commercial use of a name, image, or likeness.**

**(10) “Name, image, or likeness agent” means an individual who:**

**(A) Directly or indirectly recruits or solicits a college athlete or, if the athlete is a minor, the athlete’s parent or guardian, to enter into an agency contract or name, image, or likeness agreement;**

**(B) Enters into an agency contract with an athlete or, if the athlete is a minor, the athlete’s parent or guardian; or**

**(C) Directly or indirectly offers, promises, attempts, or negotiates to obtain name, image, or likeness compensation or a name, image, or likeness agreement.**

**(11) “Name, image, or likeness agreement” means an express or implied agreement, oral or in a record, under which a third party provides name, image, or likeness compensation.**

**(12) “Name, image, or likeness compensation” means money or other thing of value provided by a third party in exchange for use of a college athlete’s name, image, or likeness.**

**(13) “Person” means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.**

**(14) “Record” means information:**

**“(A) Inscribed on a tangible medium; or**

**“(B) Stored in an electronic or other medium and retrievable in perceivable form.**

**(15) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any other territory or possession subject to the jurisdiction of the United States.**

**(16) “Student” means an individual enrolled at an institution under the rules of the institution.**

**(17) “Third party” means a person, other than an institution, that offers, solicits, or enters into a name, image, or likeness agreement or offers or provides name, image, or likeness compensation.**

**Sec. 212. Scope.**

**(a) This subtitle applies only to college athletes and intercollegiate sports.**

**(b) This subtitle does not create an employment relationship between a college athlete and the athlete’s institution with respect to the athlete’s participation in an intercollegiate sport. This subtitle may not be used as a factor in determining whether an employment relationship exists.**

**Sec. 213. Name, image, or likeness activity and compensation; limits on institutions, conferences, and athletic associations.**

**(a) Except as provided in section 214, this subtitle does not limit the ability of a college athlete to engage in name, image, or likeness activity to the extent permitted under other District law.**

**(b) Except as provided in section 214:**

**(1) An institution, conference, or athletic association may not:**

**(A) Prevent or restrict a college athlete from:**

**(i) Receiving name, image, or likeness compensation;**

**(ii) Entering into a name, image, or likeness agreement;**



**(iii) Engaging in name, image, or likeness activity;**

**(iv) Obtaining the services of a name, image, or likeness agent;**

**or**

**(v) Creating or participating in a group license; or**

**(B) Interfere with the formation or recognition of a collective**

**representative to facilitate or provide representation to negotiate a group license.**

**(2) An athletic association may not prevent or restrict an institution or college athlete from participating in an intercollegiate sport because the college athlete:**

**(A) Receives name, image, or likeness compensation;**

**(B) Enters into a name, image, or likeness agreement; or**

**(C) Engages in name, image, or likeness activity, or obtains the services of a name, image, or likeness agent.**

**(3) Receipt of name, image, or likeness compensation may not affect eligibility of a college athlete or the duration, amount, or renewal of an athletic scholarship.**

**Sec. 214. Limit on name, image, or likeness activity and compensation.**

**(a) Unless the use is permitted under intellectual property law, a college athlete may not include in name, image, or likeness activity an institution, conference, or athletic association name, trademark, service mark, logo, uniform design, or other identifier of athletic performance depicted or included in a media broadcast or related game footage.**

**(b) Name, image, or likeness compensation or an offer, promise, or solicitation of compensation, except to the extent permitted by the rules and regulations of the relevant athletic association:**

**(1) May not attempt to influence the decision of a college athlete to attend, continue attending, or transfer to an institution or an institution in a conference;**

**(2) Must represent only compensation for use of the athlete's name, image, or likeness; and**

**(3) May not include compensation for performance, participation, or service in an intercollegiate sport.**

**(c) A college athlete may not express or imply that an institution, conference, or athletic association endorses or is otherwise affiliated with the athlete's name, image, or likeness activity without the consent of the institution, conference, or athletic association.**

**(d) An institution may adopt a policy to prevent a college athlete from engaging in name, image, or likeness activity that is illegal or, if the institution complies with the same policy with respect to the institution's sponsorships and similar commercial activity, that the institution determines has an adverse impact on its reputation. An institution that adopts a policy under this subsection shall disclose the policy and the institution's rationale in a record maintained on the institution's website that is accessible by the public and electronically searchable.**

**(e) An institution may adopt and enforce rules of conduct relating to name, image, or likeness activity that apply when the college athlete is engaged in an official team activity. An official team activity includes a competition, practice, supervised workout, and community service activity done at the direction of, or supervised by, a member of the institution's coaching or sport staff.**

**(f) An institution, conference, or athletic association may require a college athlete to waive, or otherwise transfer to the institution, conference, or athletic association, a name, image, or likeness right associated with promotion, display, broadcast, or rebroadcast of an intercollegiate sport.**

**(g) A student-athlete shall not enter into a name, image, or likeness agreement or receive name, image, or likeness compensation if the agreement or compensation is contingent upon:**

**(1) Illegal activity;**

**(2) Any activity that is in conflict with rules set forth by the institution at which the college athlete is enrolled and that apply equally to its sponsorships and similar commercial activity; or**

**(3) An endorsement or promotion of the following:**

**(A) Alcohol;**

**(B) Tobacco, or an electronic smoking device as that term is defined in section 4915(1) of the Department of Health Functions Clarification Act of 2001, effective April 4, 2006 (D.C. Law 16-90; D.C. Official Code § 7-741.01(1));**

**(C) Other controlled substances, including marijuana;**

**(D) Anabolic steroids;**

**(E) Other performance enhancing substances, the use of which is prohibited by the athletic association under which the college athlete participates in intercollegiate sports;**

**(F) Sports betting;**

**(G) Gambling;**

**(H) Firearms; or**

**(I) Adult entertainment.**

**(h) This section shall not be construed to prohibit a college athlete from engaging in online marketplace activities that promote, for compensation, the college athlete's name, image, or likeness in a manner consistent with this section.**

**Sec. 215. Institution, conference, and athletic association involvement.**

**(a) An institution, conference, or athletic association shall:**

**(1) Assist a college athlete:**

**(A) In evaluating the permissibility of name, image, or likeness activity, including compliance with the law and institution, conference, and association rules;**

**(B) With the disclosure requirements of section 216; and**

**(C) By providing a good-faith evaluation of a name, image, or likeness agent or third party; and**

**(2) Permit a college athlete to use the institution's facilities for name, image, or likeness activity under the same terms and conditions as other students at the institution.**

**(b) An institution, conference, or athletic association shall educate a college athlete about name, image, or likeness compensation, agreements, and activity by offering financial literacy and life skills programming to college athletes. At a minimum, the programming should include:**

**(1) Information concerning student loan, financial aid, and debt management;**

**(2) Time management skills necessary for success as a college athlete, and an overview of available academic support services;**

**(3) Budgeting based on cost of attendance, living expenses, and scholarship resources;**

**(4) An explanation of services offered by and guidance for accessing banks and basic banking products;**

**(5) An introduction to income taxes, including income earned as an independent contractor; and**

**(6) Warnings about payday and predatory lending practices.**

**(c) This subsection shall not place an obligation on an institution to provide individualized tax or legal guidance to college athletes seeking or earning name, image, or likeness compensation.**

**(d) Except as provided in subsection (b) of this section, an institution or conference and its employees, agents, and independent contractors may not:**

**(1) Provide compensation to a college athlete for the athlete's name, image, or likeness;**

**(2) Assist with selecting, arranging for, or providing payment to a name, image, or likeness agent, subject to an institution's right to determine in which instances its name, trademark, service mark, logo, or uniform design are used in connection with name, image, and likeness activities; or**

**(3) Assist with selecting, arranging for, or collecting payment from a third party engaged in specific name, image, or likeness agreements with a college athlete or athletes.**

**Sec. 216. Required disclosures.**

**(a) A college athlete shall provide or disclose to the individual or office designated under subsection (b) of this section:**

**(1) A copy of a name, image, or likeness agreement that provides name, image, or likeness compensation to the athlete or the athlete's designee in an amount of more than \$300 or, if a record of the agreement does not exist, the amount of name, image,**

**or likeness compensation provided or to be provided under the agreement, if the amount is more than \$300;**

**(2) The amount of name, image, or likeness compensation provided to the athlete or the athlete's designee if the aggregate amount is more than \$2,000 in a calendar year and a copy of each name, image, or likeness agreement under which the compensation was received, if a record of the agreement exists;**

**(3) For each agreement or amount that must be provided:**

**(A) The arrangement for providing compensation;**

**(B) The amount of compensation;**

**(C) The identity of and a description of the relationship with the third party;**

**(D) The activity required or authorized; and**

**(E) If the athlete is represented by a name, image, or likeness agent, the name of and a description of the agreement with the agent;**

**(4) A copy of each agreement entered into by the athlete with a name, image, or likeness agent; and**

**(5) Other information required by the Department.**

**(b) An institution shall designate an individual or office to receive the information required by subsection (a) of this section.**

**(c) A college athlete shall provide:**

**(1) The information required by subsection (a) of this section before the earlier of:**

**(A) Receiving name, image, or likeness compensation required to be disclosed pursuant to this subsection; or**

**(B) Engaging in a name, image, or likeness activity required to be disclosed pursuant to this subsection; and**

**(2) An update after a change in any of the information required by subsection (a) of this section, not later than 10 days after the earlier of the change or the next scheduled athletic event in which the college athlete may participate.**

**(d) If an institution, conference, or athletic association voluntarily, or as required by this subtitle, adopts a limitation affecting a college athlete's ability to engage in name, image, or likeness activity, the institution shall provide in a record a copy of the limitation on its website that is accessible by the public and electronically searchable and to each college athlete the institution expects to participate in an intercollegiate sport:**

**(1) At or before the time an offer of admission or financial aid is made, whichever is earlier; or**

**(2) If the limitation is adopted after the college athlete is a student at the institution, as soon as practicable after adoption.**

**(e) A name, image, or likeness agreement must contain a statement that the agreement is the sole, complete, and final agreement between the parties. The statement must be made by:**

**(1) The college athlete or, if the athlete is a minor, the parent or guardian of the athlete;**

**(2) The third party; and**

**(3) If a name, image, or likeness agent provided service in connection with the agreement, the agent.**

**Sec. 217. Civil remedy.**

**(a) The civil remedies provided in D.C. Official Code § 47-2889.04 shall apply to an institution or college athlete who is adversely affected by an act or omission of the agent or third party in violation of this subtitle.**

**(b) A violation of this subtitle is a violation of and enforceable under Chapter 39 of Title 28.**

**Sec. 218. Civil penalty.**

**The Superior Court of the District of Columbia, pursuant to an action brought by the Attorney General for the District of Columbia, may assess a civil penalty against a name, image, or likeness agent or third party not to exceed \$50,000 for a violation of this subtitle**

**Sec. 219. Rulemaking authority.**

**The Mayor may adopt rules under Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), to administer and implement this subtitle.**

**Sec. 220. Uniformity of application and construction.**

**In applying and construing this subtitle, a court shall consider the promotion of uniformity of the law among jurisdictions that have enacted it.**

**Sec. 221. Relation to Electronic Signatures in Global and National Commerce Act. This subtitle modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act, approved June 30, 2000 (114 Stat. 467; 5 U.S.C. § 7002) (“Act”), but does not modify, limit, or supersede section 101(c) of that Act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that Act, 15 U.S.C. § 7003(b).**



**SUBTITLE B. REGULATION OF COLLEGE ATHLETE NAME, IMAGE,  
LIKENESS AGENTS AND THIRD PARTIES**

**Sec. 222. Subchapter IV of Chapter 28 of Title 47 of the District of Columbia  
Official Code is amended as follows:**

**(a) The table of contents is amended by adding the following after “§ 47–2888.08.  
Rules.”:**

**“Part G. College Athlete Name, Image, or Likeness Registration.**

**“47-2889.01. Definitions.**

**“47-2889.02. Registration as a name, image, or likeness agent; duties; fee arrangements.**

**“47-2889.03. Prohibited conduct by third party.**

**“47-2889.04. Civil remedy.**

**“47-2889.05. Civil penalty.**

**“47-2889.06. Rulemaking authority.**

**“47-2889.07. Uniformity of application and construction.**

**“47-2889.08. Relation to Electronic Signatures in Global and National Commerce Act.**

**“**

**(b) A new Part G is added to read as follows:**

**“Part G. College Athlete Name, Image, or Likeness Licensing.**

**“§ 47-2889.01. Definitions.**

**“For the purposes of this part, the definitions in section 211 of the Uniform College  
Athlete Name, Image, or Likeness Act of 2022, approved by the Committee of the Whole on  
November 1, 2022 (Committee Print of Bill 24-455), shall apply.**

**“§ 47-2889.02. Registration as a name, image, or likeness agent; duties; fee  
arrangements.**

**“(a) A name, image, or likeness agent shall register in the District as an athlete agent under Part E of this subchapter before engaging in conduct under this part.**

**“(b) An agreement between a college athlete and a name, image, or likeness agent must have a fee arrangement consistent with the customary practice of the agent’s industry and otherwise comply with Part E of this subchapter.**

**“§ 47-2889.03. Prohibited conduct by third party.**

**“A third party may not intentionally:**

**“(1) Give materially false or misleading information or make a materially false promise or representation with the intent to influence a college athlete, parent or guardian of the athlete, or another person to enter into a name, image, or likeness agreement, receive name, image, or likeness compensation, or engage in name, image, or likeness activity;**

**“(2) Provide anything of value to a college athlete or another person except as permitted under this part, if to do so may result in loss of the college athlete’s eligibility to participate in the athlete’s sport; or**

**“(3) Predate or postdate a name, image, or likeness agreement.**

**“§ 47-2889.04. Civil remedy.**

**“(a) An institution or college athlete has a cause of action for damages against a name, image, or likeness agent or third party if the institution or athlete is adversely affected by an act or omission of the agent or third party in violation of this part. An institution or college athlete is adversely affected by an act or omission of the agent or third party only if, because of the act or omission, the institution or college athlete:**

**“(1) Is sanctioned, suspended, or declared ineligible to participate in an intercollegiate sport; or**

**“(2) Suffers financial damage.**

**“(b) A college athlete has a cause of action under this section only if the athlete was a student at an institution at the time of the act or omission.**

**“(c) In an action under this section, a prevailing plaintiff may recover actual damages, reasonable attorney’s fees, and court costs.**

**“(d) A violation of this part is a violation of and enforceable under Chapter 39 of Title 28.**

**“§ 47-2889.05. Civil penalty.**

**“The Superior Court of the District of Columbia, pursuant to an action brought by the Attorney General for the District of Columbia, may assess a civil penalty against a name, image, or likeness agent or third party in an amount not to exceed \$50,000 for a violation of this part.**

**“§ 47-2889.06. Rulemaking authority.**

**“The Mayor may adopt rules under D.C. Official Code § 2-501 *et seq.*, to administer and implement this part.**

**“§ 47-2889.07. Uniformity of application and construction.**

**“In applying and construing this part, a court shall consider the promotion of uniformity of the law among jurisdictions that have enacted it.**

**“§ 47-2889.08. Relation to Electronic Signatures in Global and National Commerce Act.**

**“This part modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act, approved June 30, 2000 (114 Stat. 467; 5 U.S.C. § 7002) (“Act”), but does not modify, limit, or supersede section 101(c) of that Act, 15 U.S.C. § 7001(c), or authorize**

**electronic delivery of any of the notices described in section 103(b) of that Act, 15 U.S.C. § 7003(b).”.**

10  
11 A BILL

12  
13 24-455  
14

15 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
16  
17  
18  
19

20 To amend of Part E of Subchapter IV of Chapter 28 of Title 47 of the District of Columbia  
21 Official Code to adopt the provisions of the Revised Uniform Athletes Agents Act, to  
22 expand the definition of “athlete agent”, to provide for reciprocal registration of athlete  
23 agents licensed in other states, to enhance the requirements for an athlete agent’s signing  
24 of an agency contract; to require an athlete agent to notify the educational institution at  
25 which a student-athlete is enrolled before contacting a student-athlete, to prohibit an  
26 athlete agent from encouraging another individual to take an action on behalf of the agent  
27 that the agent is prohibited from taking; to accommodate recent amendments to National  
28 Collegiate Athletic Association bylaws that provide more freedom and flexibility to  
29 student-athletes considering a professional career, to give a student-athlete a right of  
30 action against an athlete agent for conduct in violation of the act; to adopt the Uniform  
31 College Athlete Name, Image, or Likeness Act of 2022 by establishing a legal framework  
32 for permitting college athletes to receive compensation for their name, image, and  
33 likeness, to provide parameters on the types of activity the athletes may engage in, and on  
34 the compensation the athletes may receive, to establish limitations on institution,  
35 conference, and athletic association involvement; to establish a disclosure requirement  
36 for college athletes, a mechanism for certifying and regulating agents, a mechanism for  
37 regulating third parties who provide compensation to college athletes for the use of their  
38 name, image, and likeness, a right of action for college athletes if their name, image, and  
39 likeness rights are violated, and civil penalties for violations.  
40

41 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
42 act may be cited as the “Omnibus Uniform Athlete Agent and College Athlete Name, Image, or  
43 Likeness Amendment Act of 2022”.

44 TITLE. I. ATHLETE AGENTS.

45 Sec. 101. Short title.

46 This subtitle may be cited as the “Uniform Athlete Agents Act Amendment Act of 2022”.

47 Sec. 102. Part E of Subchapter IV of Chapter 28 of Title 47 of the District of Columbia

48 Official Code is amended as follows:

49 (a) The table of contents is amended as follows:

50 (1) The section designation for § 47-2887.04 is amended by striking the phrase  
51 “form; requirements.” and inserting the phrase “application; requirements; reciprocal  
52 registration.” in its place.

53 (2) The section designation for § 47-2887.09 is amended by striking the phrase  
54 “of contract” and inserting the phrase “of agency contract” in its place.

55 (3) The section designation for § 47-2887.16 is amended by striking the word  
56 “Administrative” and inserting the word “Civil” in its place.

57 (4) Add a new section designation “§ 47-2887.16A. Rules.” after the section  
58 designation for § 47-2887.16.

59 (5) The section designation for § 47-2887.18 is amended by striking the word  
60 “Electronic” and inserting the phrase “Relation to Electronic” in its place.

61 (b) Section 47-2887.01 is amended as follows:

62 (1) Paragraph (2) is amended to read as follows:

63 “(2) “Athlete agent”:

64 “(A) Means an individual, whether or not registered under this part, who:

65 “(i) Directly or indirectly recruits or solicits a student-athlete to  
66 enter into an agency contract or, for compensation, procures employment or offers, promises,

67 attempts, or negotiates to obtain employment for a student-athlete as a professional athlete or  
68 member of a professional sports team or organization;

69                   “(ii) For compensation or in anticipation of compensation related  
70 to a student-athlete’s participation in athletics:

71                   “(I) Serves the athlete in an advisory capacity on a matter  
72 related to finances, business pursuits, or career management decisions, unless the individual is an  
73 employee of an educational institution acting exclusively as an employee of the institution for the  
74 benefit of the institution; or

75                   “(II) Manages the business affairs of the athlete by  
76 providing assistance with bills, payments, contracts, or taxes; or

77                   “(iii) In anticipation of representing a student-athlete for a purpose  
78 related to the athlete’s participation in athletics:

79                   “(I) Gives consideration to the student-athlete or another  
80 person;

81                   “(II) Serves the student-athlete in an advisory capacity on a  
82 matter related to finances, business pursuits, or career management decisions; or

83                   “(III) Manages the business affairs of the student-athlete by  
84 providing assistance with bills, payments, contracts, or taxes.

85                   “(B) Does not include an individual who:

86                   “(i) Acts solely on behalf of a professional sports team or  
87 organization; or

88                                   “(ii) Is a licensed, registered, or certified professional and offers or  
89 provides services to a student-athlete customarily provided by members of the profession, unless  
90 the individual:

91                                   “(I) Recruits or solicits the student-athlete to enter into an  
92 agency contract;

93                                   “(II) For compensation, procures employment or offers,  
94 promises, attempts, or negotiates to obtain employment for the student-athlete as a professional  
95 athlete or member of a professional sports team or organization; or

96                                   “(III) Receives consideration for providing the services  
97 calculated using a different method than for an individual who is not a student-athlete.”.

98                                   (2) A new paragraph (4A) is added to read as follows:

99                                   “(4A) “Educational institution” includes a public or private elementary school,  
100 secondary school, technical or vocational school, community college, college, or university.”.

101                                   (3) A new paragraph (5A) is added to read as follows:

102                                   “(5A) “Enrolled” or “enrolls” means registered for courses and attending athletic  
103 practice or class.”.

104                                   (4) New paragraphs (6A), (6B), and (6C) are added to read as follows:

105                                   “(6A) “Interscholastic sport” means a sport played between educational  
106 institutions that are not community colleges, colleges, or universities.

107                                   “(6B) “Licensed, registered, or certified professional” means an individual  
108 licensed, registered, or certified as an attorney, dealer in securities, financial planner, insurance  
109 agent, real estate broker or sales agent, tax consultant, accountant, or member of a profession,  
110 other than that of athlete agent, who is licensed, registered, or certified by the District or a



111 nationally recognized organization that licenses, registers, or certifies members of the profession  
112 on the basis of experience, education, or testing.

113 “(6C) “Mayor” includes the Mayor’s delegee.”.

114 (5) Paragraph (8) is amended to read as follows:

115 “(8) Professional-sports-services-contract” means an agreement under which an  
116 individual is employed as a professional athlete or agrees to render services as a player on a  
117 professional sports team or with a professional sports organization.”.

118 (6) A new paragraph (9A) is added to read as follows:

119 “(9A) “Recruit or solicit” means to attempt to influence the choice of an athlete  
120 agent by a student-athlete or, if the student-athlete is a minor, the choice by a parent or guardian  
121 of the student-athlete. The term does not include giving advice on the selection of a particular  
122 agent in a family, coaching, or social situation unless the individual giving the advice does so  
123 because of the receipt or anticipated receipt of an economic benefit, directly or indirectly, from  
124 the agent.”.

125 (7) A new paragraph (10A) is added to read as follows:

126 “(10A) “Sign” means, with present intent to authenticate or adopt a record, to:

127 “(A) Execute or adopt a tangible symbol; or

128 “(B) Attach to or logically associate with the record an electronic symbol,  
129 sound, or process.”.

130 (8) Paragraph (12) is amended to read as follows:

131 “(12) “Student-athlete” means an individual who is eligible to attend an educational  
132 institution and engages in, is eligible to engage in, or may be eligible in the future to engage in,

133 any interscholastic or intercollegiate sport. The term does not include an individual permanently  
134 ineligible to participate in a particular interscholastic or intercollegiate sport for that sport.”.

135 (c) Section 47-2887.04 is amended to read as follows:

136 “§ 47-2887.04. Registration as athlete agent; application; requirements; reciprocal  
137 registration.

138 “(a) An applicant for registration as an athlete agent shall submit an application for  
139 registration to the Mayor in a form prescribed by the Mayor. The applicant must be an  
140 individual, and the application shall be signed by the applicant under penalty of perjury. The  
141 application must contain at least the following:

142 “(1) The applicant’s

143 “(A) Legal name and other names used;

144 “(B) Date and place of birth;

145 “(C) Contact information, including:

146 “(i) Address for the applicant’s principal place of business;

147 “(ii) Work and mobile telephone numbers;

148 “(iii) Any means the applicant uses to communicate electronically,  
149 including a facsimile number, electronic-mail address, and personal and business or employer  
150 websites;

151 “(2) The name of the applicant’s business or employer, if applicable, including for  
152 each business or employer, its mailing address, telephone number, organization form, and the  
153 nature of the business;

154 “(3) Each social-media account with which the applicant or the applicant’s  
155 business or employer is affiliated;

156                   “(4) Each business or occupation in which the applicant engaged within the 5  
157 years before the date of the application, including self-employment and employment by others,  
158 and any professional or occupational license, registration, or certification held by the applicant  
159 during that time;

160                   “(5) A description of the applicant’s:

161                           “(A) Formal training as an athlete agent;

162                           “(B) Practical experience as an athlete agent; and

163                           “(C) Educational background relating to the applicant’s activities as an  
164 athlete agent;

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

169                   “(7) The name and address of each person that:

170                           “(A) Is a partner, member, officer, manager, associate, or profit sharer or  
171 directly or indirectly holds an equity interest of 5% or greater of the athlete agent’s business if it  
172 is not a corporation; and

173                           “(B) Is an officer or director of a corporation employing the athlete agent  
174 or a shareholder having an interest of 5% percent or greater in the corporation;

175                   “(8) A description of the status of any application by the applicant, or any person  
176 named under paragraph (7) of this subsection, for a State or federal business, professional, or  
177 occupational license, other than as an athlete-agent, including any denial, refusal to renew,

178 suspension, withdrawal, or termination of the license and any reprimand or censure related to the  
179 license;

180           “(9) Whether the applicant, or any person named under paragraph (7) of this  
181 subsection, has pleaded guilty or no contest to, has been convicted of, or has charges pending for,  
182 a crime that would involve moral turpitude or be a felony if committed in the District and, if so,  
183 identification of:

184                   “(A) The crime;

185                   “(B) The law-enforcement agency involved; and

186                   “(C) If applicable, the date of the conviction and the fine or penalty  
187 imposed;

188           “(10) Whether, within 15 years before the date of application, the applicant, or  
189 any person named under paragraph (7) of this subsection, has been a defendant or respondent in  
190 a civil proceeding, including a proceeding seeking an adjudication of legal incompetence and, if  
191 so, the date and a full explanation of each proceeding;

192           “(11) Whether the applicant, or any person named under paragraph (7) of this  
193 subsection, has an unsatisfied judgment or a judgment of continuing effect, including alimony or  
194 a domestic order in the nature of child support, which is not current at the date of the application;

195           “(12) Whether, within 10 years before the date of application, the applicant, or  
196 any person named under paragraph (7) of this subsection, was adjudicated bankrupt or was an  
197 owner of a business that was adjudicated bankrupt;

198           “(13) Whether there has been any administrative or judicial determination that the  
199 applicant, or any person named under paragraph (7) of this subsection, made a false, misleading,  
200 deceptive, or fraudulent representation;

201                   “(14) Each instance in which conduct of the applicant, or any person named under  
202 paragraph (7) of this subsection, resulted in the imposition of a sanction, suspension, or  
203 declaration of ineligibility to participate in an interscholastic, intercollegiate, or professional  
204 athletic event on a student-athlete or a sanction on an educational institution;

205                   “(15) Each sanction, suspension, or disciplinary action taken against the applicant,  
206 or any person named under paragraph (7) of this subsection, arising out of occupational or  
207 professional conduct;

208                   “(16) Whether there has been a denial of an application for, suspension or  
209 revocation of, refusal to renew, or abandonment of, the registration of the applicant, or any  
210 person named under paragraph (7) of this subsection, as an athlete agent in any State;

211                   “(17) Each State in which the applicant currently is registered as an athlete agent  
212 or has applied to be registered as an athlete agent;

213                   “(18) If the applicant is certified or registered by a professional league or players  
214 association:

215                                 “(A) The name of the league or association;

216                                 “(B) The date of certification or registration, and the date of expiration of  
217 the certification or registration, if any; and

218                                 “(C) If applicable, the date of any denial of an application for, suspension  
219 or revocation of, refusal to renew, withdrawal of, or termination of, the certification or  
220 registration or any reprimand or censure related to the certification or registration; and

221                   “(19) Any additional information required by the Mayor.

222           “(b) Instead of proceeding under subsection (a) of this section, an individual registered as  
223 an athlete agent in another State may apply for registration as an athlete agent in the District by  
224 submitting to the Mayor:

225                   “(1) A copy of the application for registration in the other State;

226                   “(2) A statement that identifies any material change in the information on the  
227 application or verifies there is no material change in the information, signed under penalty of  
228 perjury; and

229                   “(3) A copy of the certificate of registration from the other State.

230           “(c) Except as provided in § 47-2887.05(b), The Mayor shall issue a certificate of  
231 registration to an individual who applies for registration under subsection (b) of this section if the  
232 Mayor determines:

233                   “(1) The application and registration requirements of the other State are  
234 substantially similar to or more restrictive than this part; and

235                   “(2) The applicant’s registration in another State has not been revoked or  
236 suspended, and no action involving the individual’s conduct as an athlete agent is pending  
237 against the individual or the individual’s registration in any other State.

238           “(d) For purposes of implementing subsection (c) of this section, the Mayor shall:

239                   “(1) Cooperate with national organizations concerned with athlete agent issues  
240 and agencies in other States that register athlete agents to develop a common registration form  
241 and determine which States have laws that are substantially similar to or more restrictive than  
242 this part; and

243 “(2) Exchange information, including information related to actions taken against  
244 registered athlete agents or their registrations, with those national organizations and State  
245 agencies.”.

246 (d) Section 47-2887.05 is amended to read as follows:

247 (1) Subsection (b) is amended by adding a new paragraph (5A) to read as follows:

248 “(5A) Been refused renewal of registration as an athlete agent in any  
249 State;”.

250 (2) Subsection (e) is amended to read as follows:

251 “(e) An athlete agent registered under § 47-2887.04(c) may renew the registration by  
252 proceeding under subsection (d) of this section or, if the registration in the other State has been  
253 renewed, by submitting to the Mayor copies of the application for renewal in the other State and  
254 the renewed registration from the other State. The Mayor shall renew the registration if the  
255 Mayor determines:

256 “(A) The registration requirements of the other State are substantially  
257 similar to or more restrictive than this part; and

258 “(B) The renewed registration has not been suspended or revoked and no  
259 action involving the individual’s conduct as an athlete agent is pending against the individual or  
260 the individual’s registration in any State.”.

261 (e) Section 48-2887.06 is amended as follows:

262 (1) Subsection (a) is amended by striking the phrase “may suspend” and inserting  
263 the phrase “may limit, suspend” in its place.

264 (2) Subsection (b) is amended by striking the phrase “may deny” and inserting the  
265 phase “may limit, deny” in its place.

266 (f) Section 47-2887.09 is amended as follows:

267 (1) The section heading is amended to read as follows:

268 “§ 47-2887.09. Required form of agency contract.”.

269 (2) Subsection (a) is amended to read as follows:

270 “(a) An agency contract must be in a record signed by the parties.”.

271 (3) Subsection (b) is amended by adding a new paragraph (1A) to read as follows:

272 “(1A) A statement that the athlete agent is registered as an athlete agent in the  
273 District and a list of any other States in which the person is registered as an athlete agent;”.

274 (4) Subsection (c) is amended to read as follows:

275 “(c) Subject to subsection (f) of this section, an agency contract must contain a  
276 conspicuous notice in boldface type and in substantially the following form:

277 “WARNING TO STUDENT-ATHLETE.

278 “IF YOU SIGN THIS CONTRACT:

279 “(1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT-  
280 ATHLETE IN YOUR SPORT;

281 “(2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER  
282 SIGNING THIS CONTRACT OR BEFORE THE NEXT SCHEDULED ATHLETIC EVENT  
283 IN WHICH YOU PARTICIPATE, WHICHEVER OCCURS FIRST, BOTH YOU AND YOUR  
284 ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR THAT YOU HAVE  
285 ENTERED INTO THIS CONTRACT AND PROVIDE THE NAME AND CONTACT  
286 INFORMATION OF THE ATHLETE AGENT; AND



287           “(3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING  
288 IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY  
289 AS A STUDENT-ATHLETE IN YOUR SPORT.”.

290           (5) A new subsection (c-1) is added to read as follows:

291           “(c-1) An agency contract must be accompanied by a separate record signed by the  
292 student-athlete or, if the athlete is a minor, the parent or guardian of the athlete, acknowledging  
293 that signing the contract may result in the loss of the student-athlete’s eligibility to participate in  
294 the student-athlete’s sport.”.

295           (6) Subsections (d) and (e) are amended to read as follows:

296           “(d) A student-athlete or, if the student-athlete is a minor, the parent or guardian of the  
297 student-athlete may void an agency contract that does not conform to this section. If the contract  
298 is voided, any consideration received from the athlete agent under the contract to induce entering  
299 into the contract is not required to be returned.

300           “(e) At the time an agency contract is executed, the athlete agent shall give the student-  
301 athlete or, if the student-athlete is a minor, the parent or guardian of the student-athlete a copy in  
302 a record of the contract and the separate acknowledgement required by subsection (c-1) of this  
303 section.”.

304           (7) A new subsection (f) is added to read as follows:

305           “(f) If a student-athlete is a minor, an agency contract must be signed by the parent or  
306 guardian of the minor and the notice required by subsection (c) of this section must be revised to  
307 accordingly.”.

308           (g) Section 47-2887.10 is amended to read as follows:

309           “§ 47-2887.10. Notice to educational institution.

310           “(a) Not later than 72 hours after entering into an agency contract or before the next  
311 scheduled athletic event in which the student-athlete may participate, whichever occurs first, the  
312 athlete agent shall give notice in a record of the existence of the contract to the athletic director  
313 of the educational institution at which the student-athlete is enrolled or at which the agent has  
314 reasonable grounds to believe the student-athlete intends to enroll.

315           “(b) Not later than 72 hours after entering into an agency contract or before the next  
316 scheduled athletic event in which the student-athlete may participate, whichever occurs first, the  
317 athlete agent shall inform the athletic director of the educational institution at which the student-  
318 athlete is enrolled that the student-athlete has entered into an agency contract and the name and  
319 contact information of the athlete agent.

320           “(c) If an athlete agent enters into an agency contract with a student-athlete and the  
321 student-athlete subsequently enrolls at an educational institution, the agent shall notify the  
322 athletic director of the institution of the existence of the contract not later than 72 hours after the  
323 agent knew or should have known the student-athlete enrolled in the educational institution.

324           “(d) If an athlete agent has a relationship with a student-athlete before the student-athlete  
325 enrolls in an educational institution and receives an athletic scholarship from the institution, the  
326 agent shall notify the institution of the relationship not later than 10 days after the enrollment if  
327 the agent knows or should have known of the enrollment and:

328                   “(1) The relationship was motivated in whole or part by the intention of the agent  
329 to recruit or solicit the student-athlete to enter an agency contract in the future; or

330                   “(2) The agent directly or indirectly recruited or solicited the student-athlete to  
331 enter an agency contract before the enrollment.

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

335 “(1) The student-athlete or, if the student-athlete is a minor, a parent or guardian  
336 of the student-athlete, to influence the student-athlete or parent or guardian of the student-athlete,  
337 to enter into an agency contract; or

338 “(2) Another individual to have that individual influence the student-athlete or, if  
339 the student-athlete is a minor, the parent or guardian of the student-athlete, to enter into an  
340 agency contract.

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

345 “(g) An educational institution that becomes aware of a violation of this part by an athlete  
346 agent shall notify the following entities of the violation:

347 “(1) The Mayor; and

348 “(2) Any professional league or players association with which the athlete agent is  
349 licensed or registered, to the extent the educational institution is aware of such affiliations.

350 “(h) For the purposes of this section, the term “communicating or attempting to  
351 communicate” means contacting or attempting to contact by an in-person meeting, a record, or  
352 any other method that conveys or attempts to convey a message.”.

353 (h) Section 47-2887.11 is amended to read as follows:

354 “§ 47-2887.11. Student-athlete’s right to cancel.

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

358           “(b) A student-athlete or, if the student-athlete is a minor, the parent or guardian of the  
359 athlete, may not waive the right to cancel an agency contract.

360           “(c) If a student-athlete, parent, or guardian cancels an agency contract, the student-  
361 athlete, parent, or guardian is not required to pay any consideration under the contract or return  
362 any consideration received from the athlete agent to influence the student-athlete, parent, or  
363 guardian to enter into the contract.”.

364           (i) Section 47-2887.13 is amended to read as follows:

365           “§ 47-2887.13. Prohibited conduct.

366           “An athlete agent may not intentionally:

367           “(1) Give a student-athlete or, if the student-athlete is a minor, a parent or guardian of the  
368 student-athlete materially false or misleading information or make a materially false promise or  
369 representation with the intent to influence the student-athlete, parent, or guardian to enter into an  
370 agency contract;

371           “(2) Furnish anything of value to a student-athlete or another individual, if to do so may  
372 result in loss of the student-athlete’s eligibility to participate in the student-athlete’s sport, unless:

373           “(A) The agent notifies the athletic director of the educational institution at which  
374 the student-athlete is enrolled or at which the agent has reasonable grounds to believe the  
375 student-athlete intends to enroll, not later than 72 hours after giving the thing of value; and

376                   “(B) The student-athlete or, if the student-athlete is a minor, a parent or guardian  
377 of the student-athlete acknowledges to the agent in a record that receipt of the thing of value may  
378 result in loss of the student-athlete’s eligibility to participate in the athlete’s sport;

379                   “(3) Initiate contact, directly or indirectly, with a student-athlete or, if the student-athlete  
380 is a minor, a parent or guardian of the student-athlete, to recruit or solicit the student-athlete,  
381 parent, or guardian to enter an agency contract unless the athlete agent is registered under this  
382 part;

383                   “(4) Fail to create, retain, or permit inspection of the records required by § 47-2887.12;

384                   “(5) Fail to register when required by § 47-2887.03;

385                   “(6) Provide materially false or misleading information in an application for registration  
386 or renewal of registration;

387                   “(7) Predate or postdate an agency contract;

388                   “(8) Fail to notify a student-athlete or, if the athlete is a minor, a parent or guardian of the  
389 student-athlete, before the student-athlete, parent, or guardian signs an agency contract for a  
390 particular sport that the signing may result in loss of the student-athlete’s eligibility to participate  
391 in the student-athlete’s sport;

392                   “(9) Encourage another individual to do any of the acts described in paragraphs (1)  
393 through (8) of this subsection on behalf of the athlete agent; or

394                   “(10) Encourage another individual to assist any other individual in doing any of the acts  
395 described in paragraphs (1) through (8) of this subsection on behalf of the athlete agent.”.

396                   (j) Section 47-2887.15 is amended to read as follows:

397                   “§ 47-2887.15. Civil remedies.

398           “(a) An educational institution or student-athlete may bring an action for damages against  
399 an athlete agent if the institution or student-athlete is adversely affected by an act or omission of  
400 the athlete agent in violation of this part. An educational institution or student-athlete is  
401 adversely affected by an act or omission of the agent only if, because of the act or omission, the  
402 institution or an individual who was a student-athlete at the time of the act or omission and  
403 enrolled in the institution:

404                   “(1) Is suspended or disqualified from participation in an interscholastic or  
405 intercollegiate sports event by or under the rules of a State or national federation or association  
406 that promotes or regulates interscholastic or intercollegiate sports; or

407                   “(2) Suffers financial damage.

408           “(b) A plaintiff that prevails in an action under this section may recover actual damages,  
409 costs, and reasonable attorney’s fees. An athlete agent found liable under this section forfeits  
410 any right of payment for anything of benefit or value provided to the student-athlete and shall  
411 refund any consideration paid to the agent by or on behalf of the student-athlete.”.

412           (k) Section 47-2887.16 is amended by striking the phrase “Administrative penalty” in the  
413 section heading and inserting the phrase “Civil penalty” in its place.

414           (l) A new section 47-2887.16A is added to read as follows:

415                   “§ 47-1887.16A. Rules.

416                   “The Mayor may issue rules under § 2-501 *et seq* to carry out the provisions of this  
417 part.”.

418           (m) Section 47-2887.18 is amended to read as follows:

419                   “§ 47-2887.18. Relation to Electronic Signatures in Global and National Commerce Act.

420 “This part modifies, limits, or supersedes the Electronic Signatures in Global and  
421 National Commerce Act, approved June 30, 2000 (114 Stat. 467; 5 U.S.C. § 7002) (“Act”), but  
422 does not modify, limit, or supersede section 101(c) of that Act, 15 U.S.C. § 7001(c), or authorize  
423 electronic delivery of any of the notices described in section 103(b) of that Act, 15 U.S.C. §  
424 7003(b).”.

425 TITLE II. COLLEGE ATHLETE NAME, IMAGE, LIKENESS

426 Sec. 201. Short title.

427 This title may be cited as the “Uniform College Athlete Name, Image, or Likeness Act of  
428 2022”.

429 SUBTITLE A. COLLEGE ATHLETE NAME, IMAGE, OR LIKENESS ACTIVITY

430 Sec. 211. Definitions.

431 For the purposes of this subtitle, the term:

432 (1) “Athletic association” means a nonprofit, intercollegiate sport governance  
433 association that regulates the eligibility of players and institutions.

434 (2) “College athlete” means an individual who attends or is eligible to attend an  
435 institution and engages in or is eligible to engage in an intercollegiate sport. The term does not  
436 include an individual:

437 (A) Participating in a sport in kindergarten through grade 12 or at a youth,  
438 preparatory school, recreation, or similar level; or

439 (B) Permanently ineligible to participate in a particular intercollegiate  
440 sport for that sport.

441 (3) “Conference” means a person, other than an athletic association, with the  
442 primary purpose of governing the athletic programs of more than one institution.

443 (4) “Department” means the Department of Licensing and Consumer Protection.

444 (5) “Group license” means a name, image, or likeness agreement that covers the  
445 name, image, or likeness of more than one college athlete.

446 (6) “Institution” means a public or private institution of higher education in the  
447 District, including a community college, junior college, college, and university.

448 (7) “Intercollegiate sport” means a sport played at the collegiate level for which  
449 eligibility requirements for participation by a college athlete are established by an athletic  
450 association. The term does not include a recreational, intramural, or club sport.

451 (8) “Name, image, or likeness” includes a symbol, word, name, or design that  
452 readily identifies a college athlete.

453 (9) “Name, image, or likeness activity” means licensing, transferring, or other  
454 commercial use of a name, image, or likeness.

455 (10) “Name, image, or likeness agent” means an individual who:

456 (A) Directly or indirectly recruits or solicits a college athlete or, if the  
457 athlete is a minor, the athlete’s parent or guardian, to enter into an agency contract or name,  
458 image, or likeness agreement;

459 (B) Enters into an agency contract with an athlete or, if the athlete is a  
460 minor, the athlete’s parent or guardian; or

461 (C) Directly or indirectly offers, promises, attempts, or negotiates to  
462 obtain name, image, or likeness compensation or a name, image, or likeness agreement.

463 (11) “Name, image, or likeness agreement” means an express or implied  
464 agreement, oral or in a record, under which a third party provides name, image, or likeness  
465 compensation.



466 (12) “Name, image, or likeness compensation” means money or other thing of  
467 value provided by a third party in exchange for use of a college athlete’s name, image, or  
468 likeness.

469 (13) “Person” means an individual, estate, business or nonprofit entity, public  
470 corporation, government or governmental subdivision, agency, or instrumentality, or other legal  
471 entity.

472 (14) “Record” means information:

473 “(A) Inscribed on a tangible medium; or

474 “(B) Stored in an electronic or other medium and retrievable in  
475 perceivable form.

476 (15) “State” means a state of the United States, the District of Columbia, Puerto  
477 Rico, the United States Virgin Islands, or any other territory or possession subject to the  
478 jurisdiction of the United States.

479 (16) “Student” means an individual enrolled at an institution under the rules of the  
480 institution.

481 (17) “Third party” means a person, other than an institution, that offers, solicits,  
482 or enters into a name, image, or likeness agreement or offers or provides name, image, or  
483 likeness compensation.

484 Sec. 212. Scope.

485 (a) This subtitle applies only to college athletes and intercollegiate sports.

486 (b) This subtitle does not create an employment relationship between a college athlete  
487 and the athlete’s institution with respect to the athlete’s participation in an intercollegiate sport.

488 This subtitle may not be used as a factor in determining whether an employment relationship  
489 exists.

490 Sec. 213. Name, image, or likeness activity and compensation; limits on institutions,  
491 conferences, and athletic associations.

492 (a) Except as provided in section 214, this subtitle does not limit the ability of a college  
493 athlete to engage in name, image, or likeness activity to the extent permitted under other District  
494 law.

495 (b) Except as provided in section 214:

496 (1) An institution, conference, or athletic association may not:

497 (A) Prevent or restrict a college athlete from:

498 (i) Receiving name, image, or likeness compensation;

499 (ii) Entering into a name, image, or likeness agreement;

500 (iii) Engaging in name, image, or likeness activity;

501 (iv) Obtaining the services of a name, image, or likeness agent; or

502 (v) Creating or participating in a group license; or

503 (B) Interfere with the formation or recognition of a collective

504 representative to facilitate or provide representation to negotiate a group license.

505 (2) An athletic association may not prevent or restrict an institution or college  
506 athlete from participating in an intercollegiate sport because the college athlete:

507 (A) Receives name, image, or likeness compensation;

508 (B) Enters into a name, image, or likeness agreement; or

509 (C) Engages in name, image, or likeness activity, or obtains the services of  
510 a name, image, or likeness agent.

511 (3) Receipt of name, image, or likeness compensation may not affect eligibility of  
512 a college athlete or the duration, amount, or renewal of an athletic scholarship.

513 Sec. 214. Limit on name, image, or likeness activity and compensation.

514 (a) Unless the use is permitted under intellectual property law, a college athlete may not  
515 include in name, image, or likeness activity an institution, conference, or athletic association  
516 name, trademark, service mark, logo, uniform design, or other identifier of athletic performance  
517 depicted or included in a media broadcast or related game footage.

518 (b) Name, image, or likeness compensation or an offer, promise, or solicitation of  
519 compensation, except to the extent permitted by the rules and regulations of the relevant athletic  
520 association:

521 (1) May not attempt to influence the decision of a college athlete to attend,  
522 continue attending, or transfer to an institution or an institution in a conference;

523 (2) Must represent only compensation for use of the athlete's name, image, or  
524 likeness; and

525 (3) May not include compensation for performance, participation, or service in an  
526 intercollegiate sport.

527 (c) A college athlete may not express or imply that an institution, conference, or athletic  
528 association endorses or is otherwise affiliated with the athlete's name, image, or likeness activity  
529 without the consent of the institution, conference, or athletic association.

530 (d) An institution may adopt a policy to prevent a college athlete from engaging in name,  
531 image, or likeness activity that is illegal or, if the institution complies with the same policy with  
532 respect to the institution's sponsorships and similar commercial activity, that the institution  
533 determines has an adverse impact on its reputation. An institution that adopts a policy under this

534 subsection shall disclose the policy and the institution’s rationale in a record maintained on the  
535 institution’s website that is accessible by the public and electronically searchable.

536 (e) An institution may adopt and enforce rules of conduct relating to name, image, or  
537 likeness activity that apply when the college athlete is engaged in an official team activity. An  
538 official team activity includes a competition, practice, supervised workout, and community  
539 service activity done at the direction of, or supervised by, a member of the institution’s coaching  
540 or sport staff.

541 (f) An institution, conference, or athletic association may require a college athlete to  
542 waive, or otherwise transfer to the institution, conference, or athletic association, a name, image,  
543 or likeness right associated with promotion, display, broadcast, or rebroadcast of an  
544 intercollegiate sport.

545 (g) A student-athlete shall not enter into a name, image, or likeness agreement or receive  
546 name, image, or likeness compensation if the agreement or compensation is contingent upon:

547 (1) Illegal activity;

548 (2) Any activity that is in conflict with rules set forth by the institution at which  
549 the college athlete is enrolled and that apply equally to its sponsorships and similar commercial  
550 activity; or

551 (3) An endorsement or promotion of the following:

552 (A) Alcohol;

553 (B) Tobacco, or an electronic smoking device as that term is defined in  
554 section 4915(1) of the Department of Health Functions Clarification Act of 2001, effective April  
555 4, 2006 (D.C. Law 16-90; D.C. Official Code § 7-741.01(1));

556 (C) Other controlled substances, including marijuana;

- 557 (D) Anabolic steroids;
- 558 (E) Other performance enhancing substances, the use of which is
- 559 prohibited by the athletic association under which the college athlete participates in
- 560 intercollegiate sports;
- 561 (F) Sports betting;
- 562 (G) Gambling;
- 563 (H) Firearms; or
- 564 (I) Adult entertainment.

565 (h) This section shall not be construed to prohibit a college athlete from engaging in

566 online marketplace activities that promote, for compensation, the college athlete's name, image,

567 or likeness in a manner consistent with this section.

568 Sec. 215. Institution, conference, and athletic association involvement.

569 (a) An institution, conference, or athletic association shall:

570 (1) Assist a college athlete:

571 (A) In evaluating the permissibility of name, image, or likeness

572 activity, including compliance with the law and institution, conference, and association rules;

573 (B) With the disclosure requirements of section 216; and

574 (C) By providing a good-faith evaluation of a name, image, or

575 likeness agent or third party; and

576 (2) Permit a college athlete to use the institution's facilities for name,

577 image, or likeness activity under the same terms and conditions as other students at the

578 institution.

579 (b) An institution, conference, or athletic association shall educate a college athlete about  
580 name, image, or likeness compensation, agreements, and activity by offering financial literacy  
581 and life skills programming to college athletes. At a minimum, the programming should include:

582 (1) Information concerning student loan, financial aid, and debt management;

583 (2) Time management skills necessary for success as a college athlete, and an  
584 overview of available academic support services;

585 (3) Budgeting based on cost of attendance, living expenses, and scholarship  
586 resources;

587 (4) An explanation of services offered by and guidance for accessing banks and  
588 basic banking products;

589 (5) An introduction to income taxes, including income earned as an independent  
590 contractor; and

591 (6) Warnings about payday and predatory lending practices.

592 (c) This subsection shall not place an obligation on an institution to provide  
593 individualized tax or legal guidance to college athletes seeking or earning name, image, or  
594 likeness compensation.

595 (d) Except as provided in subsection (b) of this section, an institution or conference and  
596 its employees, agents, and independent contractors may not:

597 (1) Provide compensation to a college athlete for the athlete's name, image, or  
598 likeness;

599 (2) Assist with selecting, arranging for, or providing payment to a name, image,  
600 or likeness agent, subject to an institution's right to determine in which instances its name,

601 trademark, service mark, logo, or uniform design are used in connection with name, image, and  
602 likeness activities; or

603 (3) Assist with selecting, arranging for, or collecting payment from a third party  
604 engaged in specific name, image, or likeness agreements with a college athlete or athletes.

605 Sec. 216. Required disclosures.

606 (a) A college athlete shall provide or disclose to the individual or office designated under  
607 subsection (b) of this section:

608 (1) A copy of a name, image, or likeness agreement that provides name, image, or  
609 likeness compensation to the athlete or the athlete's designee in an amount of more than \$300 or,  
610 if a record of the agreement does not exist, the amount of name, image, or likeness compensation  
611 provided or to be provided under the agreement, if the amount is more than \$300;

612 (2) The amount of name, image, or likeness compensation provided to the athlete  
613 or the athlete's designee if the aggregate amount is more than \$2,000 in a calendar year and a  
614 copy of each name, image, or likeness agreement under which the compensation was received, if  
615 a record of the agreement exists;

616 (3) For each agreement or amount that must be provided:

617 (A) The arrangement for providing compensation;

618 (B) The amount of compensation;

619 (C) The identity of and a description of the relationship with the third  
620 party;

621 (D) The activity required or authorized; and

622 (E) If the athlete is represented by a name, image, or likeness agent, the  
623 name of and a description of the agreement with the agent;

624 (4) A copy of each agreement entered into by the athlete with a name, image, or  
625 likeness agent; and

626 (5) Other information required by the Department.

627 (b) An institution shall designate an individual or office to receive the information  
628 required by subsection (a) of this section.

629 (c) A college athlete shall provide:

630 (1) The information required by subsection (a) of this section before the earlier of:

631 (A) Receiving name, image, or likeness compensation required to be  
632 disclosed pursuant to this subsection; or

633 (B) Engaging in a name, image, or likeness activity required to be  
634 disclosed pursuant to this subsection; and

635 (2) An update after a change in any of the information required by subsection (a)  
636 of this section, not later than 10 days after the earlier of the change or the next scheduled athletic  
637 event in which the college athlete may participate.

638 (d) If an institution, conference, or athletic association voluntarily, or as required by this  
639 subtitle, adopts a limitation affecting a college athlete's ability to engage in name, image, or  
640 likeness activity, the institution shall provide in a record a copy of the limitation on its website  
641 that is accessible by the public and electronically searchable and to each college athlete the  
642 institution expects to participate in an intercollegiate sport:

643 (1) At or before the time an offer of admission or financial aid is made, whichever  
644 is earlier; or

645 (2) If the limitation is adopted after the college athlete is a student at the  
646 institution, as soon as practicable after adoption.



647 (e) A name, image, or likeness agreement must contain a statement that the agreement is  
648 the sole, complete, and final agreement between the parties. The statement must be made by:

649 (1) The college athlete or, if the athlete is a minor, the parent or guardian of the  
650 athlete;

651 (2) The third party; and

652 (3) If a name, image, or likeness agent provided service in connection with the  
653 agreement, the agent.

654 Sec. 217. Civil remedy.

655 (a) The civil remedies provided in D.C. Official Code § 47-2889.04 shall apply to an  
656 institution or college athlete who is adversely affected by an act or omission of the agent or third  
657 party in violation of this subtitle.

658 (b) A violation of this subtitle is a violation of and enforceable under Chapter 39 of Title  
659 28.

660 Sec. 218. Civil penalty.

661 The Superior Court of the District of Columbia, pursuant to an action brought by the  
662 Attorney General for the District of Columbia, may assess a civil penalty against a name, image,  
663 or likeness agent or third party not to exceed \$50,000 for a violation of this subtitle

664 Sec. 219. Rulemaking authority.

665 The Mayor may adopt rules under Title I of the District of Columbia Administrative  
666 Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), to  
667 administer and implement this subtitle.

668 Sec. 220. Uniformity of application and construction.

669 In applying and construing this subtitle, a court shall consider the promotion of  
670 uniformity of the law among jurisdictions that have enacted it.

671 Sec. 221. Relation to Electronic Signatures in Global and National Commerce Act.  
672 This subtitle modifies, limits, or supersedes the Electronic Signatures in Global and National  
673 Commerce Act, approved June 30, 2000 (114 Stat. 467; 5 U.S.C. § 7002) (“Act”), but does not  
674 modify, limit, or supersede section 101(c) of that Act, 15 U.S.C. § 7001(c), or authorize  
675 electronic delivery of any of the notices described in section 103(b) of that Act, 15 U.S.C. §  
676 7003(b).

677 SUBTITLE B. REGULATION OF COLLEGE ATHLETE NAME, IMAGE, LIKENESS  
678 AGENTS AND THIRD PARTIES

679 Sec. 222. Subchapter IV of Chapter 28 of Title 47 of the District of Columbia Official  
680 Code is amended as follows:

681 (a) The table of contents is amended by adding the following after “§ 47–2888.08.  
682 Rules.”:

683 “Part G. College Athlete Name, Image, or Likeness Registration.

684 “47-2889.01. Definitions.

685 “47-2889.02. Registration as a name, image, or likeness agent; duties; fee arrangements.

686 “47-2889.03. Prohibited conduct by third party.

687 “47-2889.04. Civil remedy.

688 “47-2889.05. Civil penalty.

689 “47-2889.06. Rulemaking authority.

690 “47-2889.07. Uniformity of application and construction.

691 “47-2889.08. Relation to Electronic Signatures in Global and National Commerce Act.

692 “

693 (b) A new Part G is added to read as follows:

694 “Part G. College Athlete Name, Image, or Likeness Licensing.

695 “§ 47-2889.01. Definitions.

696 “For the purposes of this part, the definitions in section 211 of the Uniform College  
697 Athlete Name, Image, or Likeness Act of 2022, approved by the Committee of the Whole on  
698 November 1, 2022 (Committee Print of Bill 24-455), shall apply.

699 “§ 47-2889.02. Registration as a name, image, or likeness agent; duties; fee  
700 arrangements.

701 “(a) A name, image, or likeness agent shall register in the District as an athlete agent  
702 under Part E of this subchapter before engaging in conduct under this part.

703 “(b) An agreement between a college athlete and a name, image, or likeness agent must  
704 have a fee arrangement consistent with the customary practice of the agent’s industry and  
705 otherwise comply with Part E of this subchapter.

706 “§ 47-2889.03. Prohibited conduct by third party.

707 “A third party may not intentionally:

708 “(1) Give materially false or misleading information or make a materially false  
709 promise or representation with the intent to influence a college athlete, parent or guardian of the  
710 athlete, or another person to enter into a name, image, or likeness agreement, receive name,  
711 image, or likeness compensation, or engage in name, image, or likeness activity;

712 “(2) Provide anything of value to a college athlete or another person except as  
713 permitted under this part, if to do so may result in loss of the college athlete’s eligibility to  
714 participate in the athlete’s sport; or

715                   “(3) Predate or postdate a name, image, or likeness agreement.

716                   “§ 47-2889.04. Civil remedy.

717                   “(a) An institution or college athlete has a cause of action for damages against a name,  
718 image, or likeness agent or third party if the institution or athlete is adversely affected by an act  
719 or omission of the agent or third party in violation of this part. An institution or college athlete is  
720 adversely affected by an act or omission of the agent or third party only if, because of the act or  
721 omission, the institution or college athlete:

722                   “(1) Is sanctioned, suspended, or declared ineligible to participate in an  
723 intercollegiate sport; or

724                   “(2) Suffers financial damage.

725                   “(b) A college athlete has a cause of action under this section only if the athlete was a  
726 student at an institution at the time of the act or omission.

727                   “(c) In an action under this section, a prevailing plaintiff may recover actual damages,  
728 reasonable attorney’s fees, and court costs.

729                   “(d) A violation of this part is a violation of and enforceable under Chapter 39 of Title 28.

730                   “§ 47-2889.05. Civil penalty.

731                   “The Superior Court of the District of Columbia, pursuant to an action brought by the  
732 Attorney General for the District of Columbia, may assess a civil penalty against a name, image,  
733 or likeness agent or third party in an amount not to exceed \$50,000 for a violation of this part.

734                   “§ 47-2889.06. Rulemaking authority.

735                   “The Mayor may adopt rules under D.C. Official Code § 2-501 *et seq.*, to administer and  
736 implement this part.

737

738 “§ 47-2889.07. Uniformity of application and construction.

739 “In applying and construing this part, a court shall consider the promotion of uniformity  
740 of the law among jurisdictions that have enacted it.

741 “§ 47-2889.08. Relation to Electronic Signatures in Global and National Commerce Act.

742 “This part modifies, limits, or supersedes the Electronic Signatures in Global and National  
743 Commerce Act, approved June 30, 2000 (114 Stat. 467; 5 U.S.C. § 7002) (“Act”), but does not  
744 modify, limit, or supersede section 101(c) of that Act, 15 U.S.C. § 7001(c), or authorize  
745 electronic delivery of any of the notices described in section 103(b) of that Act, 15 U.S.C. §  
746 7003(b).”.

747 **TITLE III. FISCAL IMPACT; EFFECTIVE DATE.**

748 Sec. 301. Fiscal impact statement.

749 The Council adopts the fiscal impact statement in the committee report as the fiscal  
750 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,  
751 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

752 Sec. 302. Effective date.

753 This act shall take effect following approval by the Mayor (or in the event of veto by the  
754 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as  
755 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
756 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
757 Columbia Register.