

1 SB444  
2 136389-5  
3 By Senators Allen and Dial  
4 RFD: Judiciary  
5 First Read: 22-MAR-12

1 SB444

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3  
4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 Relating to the Alabama Uniform Athlete Agents Act,  
12 to amend Sections 8-26A-2, 8-26A-4, 8-26A-5, 8-26A-6, 8-26A-9,  
13 8-26A-10, 8-26A-11, 8-26A-13, 8-26A-14, 8-26A-15, 8-26A-17,  
14 and 8-26A-30, Code of Alabama 1975, to prohibit persons for  
15 compensation from representing student-athletes in negotiating  
16 enrollment at a particular educational institution; to require  
17 athlete agents to be certified by any applicable professional  
18 league players' association, to require a bond if there is no  
19 applicable professional league players' association to revise  
20 the procedure and information required for applying for  
21 registration as an athlete agent, to authorize the Alabama  
22 Athlete Agents Commission to reprimand persons who violate the  
23 act, and to revise the membership of the Alabama Athlete  
24 Agents Commission; and in connection therewith would have as  
25 its purpose or effect the requirement of a new or increased  
26 expenditure of local funds within the meaning of Amendment 621

1 of the Constitution of Alabama of 1901, now appearing as  
2 Section 111.05 of the Official ReCompilation of the  
3 Constitution of Alabama of 1901, as amended.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Sections 8-26A-2, 8-26A-4, 8-26A-5,  
6 8-26A-6, 8-26A-9, 8-26A-10, 8-26A-11, 8-26A-13, 8-26A-14,  
7 8-26A-15, 8-26A-17, and 8-26A-30, Code of Alabama 1975, are  
8 amended read as follows:

9 "§8-26A-2.

10 "In this chapter the following words have the  
11 following meanings:

12 "(1) AGENCY CONTRACT. An agreement in which a  
13 student-athlete authorizes a person to negotiate or solicit on  
14 behalf of the student-athlete a professional-sports-services  
15 contract, ~~or~~ an endorsement contract, or enrollment at an  
16 educational institution.

17 "(2) ATHLETE AGENT. An individual who enters into an  
18 agency contract with a student-athlete or, directly or  
19 indirectly, recruits or solicits a student-athlete to enter  
20 into an agency contract. The term includes an individual who  
21 represents to the public that the individual is an athlete  
22 agent. The term does not include a spouse, parent, ~~or~~ sibling,  
23 grandparent, or legal guardian of the student-athlete or an  
24 individual acting solely on behalf of a professional sports  
25 team or professional sports organization.

1           "(3) ATHLETIC DIRECTOR. An individual responsible  
2 for administering the overall athletic program of an  
3 educational institution or, if an educational institution has  
4 separately administered athletic programs for male students  
5 and female students, the athletic program for males or the  
6 athletic program for females, as appropriate.

7           "(4) CERTIFIED WITH THE CORRESPONDING PROFESSIONAL  
8 LEAGUE PLAYERS' ASSOCIATION. A certificate from the  
9 appropriate players' association of the professional league  
10 for which an athlete agent is soliciting or representing  
11 athletes, if any, that the athlete agent is approved and in  
12 good standing with the association.

13           "~~(4)~~ (5) COMMISSION. The Alabama Athlete Agents  
14 Commission.

15           "~~(5)~~ (6) CONTACT. A communication, direct or  
16 indirect, between an athlete agent and a student-athlete, to  
17 recruit or solicit the student-athlete to enter into an agency  
18 contract.

19           "~~(6)~~ (7) ENDORSEMENT CONTRACT. An agreement under  
20 which a student-athlete is employed or receives consideration  
21 to use on behalf of the other party any value that the  
22 student-athlete may have because of publicity, reputation,  
23 following, or fame obtained because of athletic ability or  
24 performance.

25           "~~(7)~~ (8) INTERCOLLEGIATE SPORT. A sport played at  
26 the collegiate level for which eligibility requirements for

1 participation by a student-athlete are established by a  
2 national association for the promotion or regulation of  
3 collegiate athletics.

4 "~~(8)~~ (9) PERSON. An individual, corporation,  
5 business trust, estate, trust, partnership, limited liability  
6 company, association, joint venture, government; governmental  
7 subdivision, agency, or instrumentality; public corporation,  
8 or any other legal or commercial entity.

9 "~~(9)~~ (10) PROFESSIONAL-SPORTS-SERVICES CONTRACT. An  
10 agreement under which an individual is employed or agrees to  
11 render services as a player on a professional sports team,  
12 with a professional sports organization, or as a professional  
13 athlete in an individual sport.

14 "~~(10)~~ (11) RECORD. Information that is inscribed on  
15 a tangible medium or that is stored in an electronic or other  
16 medium and is retrievable in perceivable form.

17 "~~(11)~~ (12) REGISTRATION. Registration as an athlete  
18 agent pursuant to this chapter.

19 "~~(12)~~ (13) STATE. A state of the United States, the  
20 District of Columbia, Puerto Rico, the United States Virgin  
21 Islands, or any territory or insular possession subject to the  
22 jurisdiction of the United States.

23 "~~(13)~~ (14) STUDENT-ATHLETE. An individual who  
24 engages in, is eligible to engage in, or may be eligible in  
25 the future to engage in, any intercollegiate sport. If an  
26 individual is permanently ineligible to participate in a

1 particular intercollegiate sport, the individual is not a  
2 student-athlete for purposes of that sport.

3 "(15) THING OF VALUE. Anything of the slightest  
4 value, movable or immovable, corporeal or incorporeal, public  
5 or private, and specifically including transportation,  
6 telephone and telegraph services, or other services available  
7 for hire.

8 "§8-26A-4.

9 "(a) Except as otherwise provided in subsection ~~(b)~~  
10 (c), an individual may not act as an athlete agent in this  
11 state without holding a certificate of registration under  
12 Section 8-26A-6 or Section 8-26A-8.

13 "(b) An individual may not act as an athlete agent  
14 in this state without holding a certificate of registration  
15 with the corresponding professional league players'  
16 association, if such an association exists.

17 ~~"(b)~~ (c) Before being issued a certificate of  
18 registration, an individual may act as an athlete agent in  
19 this state for all purposes except signing an agency contract,  
20 if ~~both~~ all of the following occur:

21 "(1) A student-athlete or another person acting on  
22 behalf of the student-athlete initiates communication with the  
23 individual.

24 "(2) Within 14 days after an initial act as an  
25 athlete agent, the individual submits an application for  
26 registration as an athlete agent in this state.

1           "(3) The individual is certified with the  
2           corresponding professional league players' association.

3           "(d) ~~(c)~~ An agency contract resulting from conduct  
4           in violation of this section is void and the athlete agent  
5           shall return any consideration received under the contract.

6           "§8-26A-5.

7           "(a) An applicant for registration shall submit an  
8           application for registration to the Secretary of State in a  
9           form prescribed by the Secretary of State. The application  
10          shall be typewritten or submitted electronically, if  
11          technology is available from the Office of the Secretary of  
12          State for electronic submission, in the name of an individual,  
13          notarized, and, ~~except as otherwise provided in subsection~~  
14          ~~(b),~~ signed or otherwise authenticated by the applicant under  
15          penalty of perjury. and The application shall state or contain  
16          all of the following:

17               "(1) Certified copies of two forms of the  
18               applicant's identification, including one form of photo  
19               identification.

20               "~~(1)~~ (2) The name of the applicant and the address  
21               of the applicant's principal place of business.

22               "~~(2)~~ (3) The name of the applicant's business or  
23               employer, if applicable.

24               "~~(3)~~ (4) Any business or occupation engaged in by  
25               the applicant for the five years next preceding the date of  
26               submission of the application.

1           "~~(4)~~ (5) A description of the applicant's:

2           "a. Formal training as an athlete agent.

3           "b. Practical experience as an athlete agent.

4           "c. Educational background relating to the  
5 applicant's activities as an athlete agent.

6           "~~(5)~~ (6) The names and addresses of three  
7 individuals not related to the applicant and who are not  
8 current employers or co-workers of the applicant who are  
9 willing to serve as references.

10           "(7) The name and address of the applicant's agent  
11 for service of process, if the applicant is not domiciled in  
12 the State of Alabama, including an affidavit accepting such  
13 appointment from the applicant's agent for service of process,  
14 if not previously filed and on record with the Secretary of  
15 State.

16           "~~(6)~~ (8) The name, sport, and last known team for  
17 each individual for whom the applicant acted as an athlete  
18 agent during the five years next preceding the date of  
19 submission of the application. If an individual is granted  
20 registration, the list of individuals for whom the agent acts  
21 as an athlete agent shall be updated every three months.

22           "~~(8)~~ (9) Whether the applicant or any person named  
23 pursuant to subdivision ~~(7)~~ (12) has been convicted of a crime  
24 that, if committed in this state, would be a crime involving  
25 moral turpitude or a felony, and identify the crime.



1           "(10) Certified copies of a certificate of  
2 registration as an athlete agent with a professional league  
3 players' association, if applicable.

4           "(11) Copies of all documentation establishing  
5 registration as an athlete agent in other states, if  
6 applicable.

7           "~~(7)~~ (12) The names and addresses of all persons who  
8 are:

9           "a. With respect to the athlete agent's business if  
10 it is not a corporation, the partners, members, officers,  
11 managers, associates, or profit-sharers of the business.

12           "b. With respect to a corporation employing the  
13 athlete agent, the officers, directors, and any shareholder of  
14 the corporation having an interest of five percent or greater.

15           "~~(9)~~ (13) Whether there has been any administrative  
16 or judicial determination that the applicant or any person  
17 named pursuant to subdivision ~~(7)~~ (12) has made a false,  
18 misleading, deceptive, or fraudulent representation.

19           "(14) Whether any professional league players'  
20 association or organization regulating athletics has at any  
21 time reprimanded, sanctioned, suspended, or otherwise  
22 penalized the applicant or any person named pursuant to  
23 subdivision (12) and a description of the circumstances  
24 submitted by the association or organization.

25           "~~(10)~~ (15) Any instance in which the conduct of the  
26 applicant or any person named pursuant to subdivision ~~(7)~~ (12)

1 resulted in the imposition of a sanction, suspension, or  
2 declaration of ineligibility to participate in an  
3 interscholastic or intercollegiate athletic event on a  
4 student-athlete or educational institution and a description  
5 of the circumstances submitted by the applicable sanctioning  
6 body.

7 "~~(11)~~ (16) Any sanction, suspension, or disciplinary  
8 action taken against the applicant or any person named  
9 pursuant to subdivision ~~(7)~~ (12) arising out of occupational  
10 or professional conduct and a description of the circumstances  
11 submitted by the applicable sanctioning body.

12 "~~(12)~~ (17) Whether there has been any denial of an  
13 application for, suspension or revocation of, or refusal to  
14 renew, the registration or licensure of the applicant or any  
15 person named pursuant to subdivision ~~(7)~~ (12) as an athlete  
16 agent in any state and the reasons for such action submitted  
17 by the applicable body.

18 "(18) If an applicant sends in the application to  
19 act as an agent for a professional sport without a players'  
20 association, he or she shall show proof that the applicant has  
21 posted with the commission a twenty-five thousand dollar  
22 (\$25,000) surety bond issued by an insurance company  
23 authorized to do business in Alabama. The bond shall be in  
24 favor of the commission, for the use and benefit of any  
25 academic institution within Alabama injured or damaged as a  
26 result of acts or omissions by the applicant, including, but

1 not limited to, reasonable costs and attorneys' fees. The bond  
2 shall be in effect for all times that the athlete agent has an  
3 active license or conducts business as an athlete agent in  
4 this or any other state.

5 "(b) To be considered valid on the first day in  
6 April, the Office of the Secretary of State by the first day  
7 of March. To be considered valid on the first day of August,  
8 the Office of the Secretary of State must receive the  
9 registration by the first day of July. To be considered valid  
10 on the first day of December, the office of Secretary of State  
11 must receive the registration by the first day of November.

12 "~~(b)~~ (c) An individual who has submitted an  
13 application for, and holds a certificate of, registration or  
14 licensure as an athlete agent in another state, may submit a  
15 copy of the application and certificate in lieu of submitting  
16 an application in the form prescribed pursuant to subsection  
17 (a). The Secretary of State shall accept the application and  
18 the certificate from the other state as an application for  
19 registration in this state if the applicant is certified with  
20 the corresponding professional league players' association and  
21 the application to the other state meets all of the following  
22 criteria:

23 "(1) It was submitted in the other state within six  
24 months next preceding the submission of the application in  
25 this state and the applicant certifies that the information  
26 contained in the application is current.

1           "(2) It contains information substantially similar  
2 to or more comprehensive than that required in an application  
3 submitted in this state.

4           "(3) It was signed by the applicant under penalty of  
5 perjury.

6           "~~(c)~~ (d) An applicant for registration shall be a  
7 citizen of the United States or, if not a citizen of the  
8 United States, a person who is legally present in the United  
9 States with appropriate documentation from the federal  
10 government.

11           "§8-26A-6.

12           "(a) Except as otherwise provided in subsection (b),  
13 the Secretary of State shall issue a certificate of  
14 registration to an individual who complies with subsection (a)  
15 of Section 8-26A-5 or whose application has been accepted  
16 under subsection ~~(b)~~ (c) of Section 8-26A-5 and pays the  
17 appropriate fee.

18           "(b) The Secretary of State may refuse to issue a  
19 certificate of registration if the Secretary of State  
20 determines that the applicant has engaged in conduct that has  
21 a significant adverse effect on the applicant's fitness to act  
22 as an athlete agent.

23           "(c) Any educational institution, at its expense,  
24 may conduct a financial or criminal background check on any  
25 applicant and once information is obtained, the institution  
26 shall share the information with the commission, the

1 institutions represented on the commission, and other  
2 entities, as appropriate.

3 ~~"(c)~~ (d) In making the determination under  
4 subsection (b), the Secretary of State may consider, without  
5 limitation, whether the applicant has done any of the  
6 following:

7 "(1) Been convicted of a crime that, if committed in  
8 this state, would be a crime involving moral turpitude or a  
9 felony.

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

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

15 "(4) Engaged in conduct prohibited by Section  
16 8-26A-14.

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

20 "(6) Engaged in conduct that has caused an  
21 institution or school to be sanctioned by any entity governing  
22 or otherwise regulating intercollegiate, interscholastic, or  
23 professional sports.

24 ~~"(6)~~ (7) Engaged in conduct the consequence of which  
25 was that a sanction, suspension, or declaration of  
26 ineligibility to participate in an interscholastic or

1 intercollegiate athletic event was imposed on a  
2 student-athlete or educational institution.

3 ~~"(7)~~ (8) Engaged in conduct that significantly  
4 adversely reflects on the applicant's credibility, honesty, or  
5 integrity.

6 "(9) Failed to post a surety bond in favor of the  
7 State of Alabama Athlete Agent Commission pursuant to Section  
8 8-26A-5(a)(18).

9 ~~"(d)~~ (e) In making a determination under subsection  
10 (b), the Secretary of State shall consider all of the  
11 following:

12 "(1) How recently the conduct occurred.

13 "(2) The nature of the conduct and the context in  
14 which it occurred.

15 "(3) Any other relevant conduct of the applicant.

16 ~~"(e)~~ (f) An athlete agent may apply to renew a  
17 registration by submitting an application for renewal in a  
18 form prescribed by the Secretary of State. The application for  
19 renewal shall be signed by the applicant under penalty of  
20 perjury and shall contain current information on all matters  
21 required in an original registration.

22 "(g) ~~(f)~~ An individual who has submitted an  
23 application for renewal of registration or licensure in  
24 another state, in lieu of submitting an application for  
25 renewal in the form prescribed pursuant to subsection ~~(e)~~ (f),  
26 may file a copy of the application for renewal and a valid

1 certificate of registration or licensure from the other state.  
2 The Secretary of State shall accept the application for  
3 renewal from the other state as an application for renewal in  
4 this state if the applicant is certified with the  
5 corresponding professional league players' association and the  
6 application to the other state meets all of the following  
7 criteria:

8 "(1) It was submitted in the other state within six  
9 months next preceding the filing in this state and the  
10 applicant certifies the information contained in the  
11 application for renewal is current.

12 "(2) It contains information substantially similar  
13 to or more comprehensive than that required in an application  
14 for renewal submitted in this state.

15 "(3) It was signed by the applicant under penalty of  
16 perjury.

17 "~~(g)~~ (h) A certificate of registration or a renewal  
18 of a registration is valid for two years.

19 "~~(h)~~ (i) A denial of a certificate of registration  
20 may be appealed to the commission in accordance with the  
21 Alabama Administrative Procedure Act. The following rules  
22 apply to an appeal under this subsection.

23 "(1) In the event that proper notice of appeal is  
24 given to the Secretary of State, the Secretary of State shall  
25 forward the file to the Chief Administrative Law Judge of the  
26 Central Panel of Administrative Law Judges in the office of

1 the Attorney General, along with a request that an  
2 administrative law judge be assigned to conduct the hearing of  
3 the requested appeal.

4 "(2) The administrative law judge designated to hear  
5 the appeal shall proceed to give notice of the hearing under  
6 the Administrative Procedure Act. The administrative law judge  
7 shall conduct the hearing and provide the commission with  
8 proposed findings of fact, conclusions of law, and a  
9 recommendation.

10 "(3) Upon receipt of the report of the  
11 administrative law judge along with the file and record of the  
12 appeal, the commission may adopt, alter, or reject the  
13 proposed findings of the administrative law judge and issue  
14 the final order.

15 "(4) The final order of the commission may be  
16 appealed to the circuit court under the terms and standards  
17 set out in the Administrative Procedure Act.

18 "(5) Costs incurred by the state for any appeal to  
19 the commission shall be paid by the Secretary of State from  
20 monies appropriated for the implementation of this chapter.

21 "§8-26A-9.

22 "An application for registration or renewal of  
23 registration shall be accompanied by a fee in the following  
24 amount:

25 "(1) ~~Two hundred dollars (\$200)~~ Five hundred dollars  
26 (\$500) for an initial ~~application for~~ registration.



1                   "(2) Two hundred dollars (\$200) for renewal of  
2                   registration.

3                   "~~(2) One hundred dollars (\$100) for an application~~  
4                   ~~for registration based upon a certificate of registration or~~  
5                   ~~licensure issued by another state.~~

6                   "~~(3) One hundred dollars (\$100) for an application~~  
7                   ~~for renewal of registration.~~

8                   "~~(4) One hundred dollars (\$100) for an application~~  
9                   ~~for renewal of registration based upon an application for~~  
10                   ~~renewal of registration or licensure submitted in another~~  
11                   ~~state.~~

12                   "§8-26A-10.

13                   "(a) An agency contract shall be in a record, signed  
14                   or otherwise authenticated by the parties.

15                   "(b) An agency contract shall state or contain all  
16                   of the following:

17                   "(1) The amount and method of calculating the  
18                   consideration to be paid by the student-athlete for services  
19                   to be provided by the athlete agent under the contract and any  
20                   other consideration the athlete agent has received or will  
21                   receive from any other source for entering into the contract  
22                   or for providing the services.

23                   "(2) The name of any person not listed in the  
24                   application for registration or renewal of registration who  
25                   will be compensated because the student-athlete signed the

1 agency contract, and an explanation of services rendered by  
2 that person.

3 "(3) A description of any expenses that the  
4 student-athlete agrees to reimburse.

5 "(4) A description of the services to be provided to  
6 the student-athlete.

7 "(5) The duration of the contract.

8 "(6) The date of execution.

9 "(c) An agency contract shall contain the following  
10 ~~in close proximity to the signature of the student-athlete, a~~  
11 ~~conspicuous notice in boldface type in capital letters~~  
12 ~~stating:~~ in a separate document which shall be attached to the  
13 agent contract and signed separately by the student-athlete,  
14 in conspicuous bold face, capitalized, and underlined text ten  
15 font or larger:

16 "WARNING TO STUDENT-ATHLETE

17 "IF YOU SIGN THIS CONTRACT:

18 "(1) YOU ~~MAY~~ WILL LIKELY IMMEDIATELY LOSE YOUR  
19 ELIGIBILITY TO COMPETE AS A STUDENT-ATHLETE IN YOUR SPORT. ~~;~~

20 "(2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72  
21 HOURS AFTER ENTERING INTO THIS CONTRACT, OR BEFORE THE NEXT  
22 SCHEDULED ATHLETIC EVENT IN WHICH YOU MAY PARTICIPATE,  
23 WHICHEVER OCCURS FIRST, BOTH YOU AND YOUR ATHLETE AGENT MUST  
24 NOTIFY YOUR ATHLETIC DIRECTOR AND HEAD COACH. ~~;~~ ~~AND~~

1           "(3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS  
2 AFTER SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT  
3 REINSTATE YOUR ELIGIBILITY.

4           "(4) DO NOT SIGN THIS CONTRACT IF IT CONTAINS BLANK  
5 SPACES.

6           "(5) IF YOU BELIEVE YOU HAVE BEEN UNLAWFULLY INDUCED  
7 INTO SIGNING THIS CONTRACT, CONTACT YOUR ATHLETIC DIRECTOR OR  
8 HEAD COACH, WHO CAN HELP GET THIS CONTRACT DECLARED VOID AND  
9 UNENFORCEABLE.

10           "(d) An agency contract that does not conform to  
11 this section is voidable by the student-athlete. If a  
12 student-athlete voids an agency contract, the student-athlete  
13 is not required to pay any consideration under the contract or  
14 to return any consideration received from the athlete agent to  
15 induce the student-athlete to enter into the contract.

16           "(e) The athlete agent shall give a record of the  
17 signed or otherwise authenticated agency contract to the  
18 student-athlete at the time of execution.

19           "§8-26A-11.

20           "(a) Within 72 hours after entering into an agency  
21 contract or before the next scheduled athletic event in which  
22 the student-athlete may participate, whichever occurs first,  
23 the athlete agent shall give notice in a record of the  
24 existence of the contract to the athletic director of the  
25 educational institution at which the student-athlete is  
26 enrolled or the athlete agent has reasonable grounds to

1 believe the student-athlete intends to enroll, and to the head  
2 coach of the sport at the educational institution in which the  
3 student-athlete participates or will participate.

4 "(b) Within 72 hours after entering into an agency  
5 contract or before the next athletic event in which the  
6 student-athlete may participate, whichever occurs first, the  
7 student-athlete shall inform the athletic director of the  
8 educational institution at which the student-athlete is  
9 enrolled and the head coach of the sport at the educational  
10 institution in which he or she participates that he or she has  
11 entered into an agency contract.

12 "§8-26A-13.

13 "(a) An athlete agent shall retain the following  
14 records for a period of five years:

15 "(1) The name and address of each individual  
16 represented by the athlete agent.

17 "(2) Any agency contract entered into by the athlete  
18 agent.

19 "(3) The names and addresses of each individual that  
20 contacted any student-athlete on behalf of the athlete agent.

21 "~~(3)~~ (4) A detailed accounting of any direct costs  
22 incurred by the athlete agent in the recruitment or  
23 solicitation of a student-athlete to enter into an agency  
24 contract.

1                   "(5) Documentation of all notifications made to  
2                   athletic directors or head coaches concerning intended contact  
3                   with student-athletes.

4                   "(b) Records required by subsection (a) to be  
5                   retained are open to inspection by the Secretary of State or  
6                   the commission during normal business hours.

7                   "§8-26A-14.

8                   "(a) An athlete agent, with the intent to induce a  
9                   student-athlete to enter into an agency contract, may not do  
10                  any of the following:

11                  "(1) Give any materially false or misleading  
12                  information or make a materially false promise or  
13                  representation.

14                  "(2) Furnish, directly or indirectly, any thing of  
15                  value to a student-athlete before the student-athlete enters  
16                  into the agency contract.

17                  "(3) Furnish, directly or indirectly, any thing of  
18                  value to any individual other than the student-athlete or  
19                  another registered athlete agent.

20                  "(b) An athlete agent may not intentionally or  
21                  knowingly do any of the following:

22                  "(1) Initiate contact with a student-athlete unless  
23                  registered under this chapter.

24                  "(2) Refuse to permit inspection of the records  
25                  required to be retained by Section 8-26A-13.

1                   "(3) Fail to register when required by Section  
2 8-26A-4.

3                   "(4) Provide materially false or misleading  
4 information in an application for registration or renewal of  
5 registration.

6                   "(5) Predate or postdate an agency contract.

7                   "(c) An athlete agent may not fail to notify a  
8 student-athlete before the student-athlete signs or otherwise  
9 authenticates an agency contract for a particular sport that  
10 the signing or authentication will likely ~~may~~ make the  
11 student-athlete ineligible to participate as a student-athlete  
12 in that sport.

13                   "(d) A student-athlete or former student-athlete may  
14 not do ~~either~~ any of the following:

15                   "(1) Fail to give ~~the~~ notification to the athletic  
16 director of the educational institution at which the  
17 student-athlete or former student-athlete is enrolled that he  
18 or she has entered into an agency contract.

19                   "(2) Fail to give notice to the head coach of the  
20 sport in which the student-athlete participates or former  
21 student-athlete participated at the academic institution in  
22 which he or she is enrolled that he or she has entered into an  
23 agency contract.

24                   "~~(2)~~ (3) Accept anything from an athlete agent  
25 without first entering into a contract in conformity with this  
26 chapter.

1           "(e) An athlete agent or any other person may not:

2           "(1) For compensation, negotiate or advocate with an  
3 educational institution on behalf of a student-athlete for  
4 enrollment at the educational institution with the expectation  
5 that the student-athlete will participate in an  
6 intercollegiate sport.

7           "(2) Solicit or receive any thing of value from an  
8 educational institution or any other person in return for  
9 attempting to influence one or more student-athletes to enroll  
10 or otherwise securing their enrollment at that educational  
11 institution with the expectation that the student-athlete will  
12 participate in an intercollegiate sport, unless the person  
13 soliciting or receiving any thing of value is directly  
14 employed by the educational institution and the recruiting of  
15 student-athletes to participate in intercollegiate sports for  
16 that educational institution occurs in the course of their  
17 employment.

18           "(3) Provide to a student-athlete any thing of value  
19 that may compromise his or her eligibility to participate in  
20 an intercollegiate sport according to requirements set by a  
21 national association for the promotion or regulation of  
22 collegiate athletics.

23           "§8-26A-15.

24           "(a) The commission of any conduct prohibited by an  
25 athlete agent in subsection (a) of Section 8-26A-14 and who

1 has intentionally not registered under this chapter is a Class  
2 B felony.

3 "(b) Except for subdivision (1) of subsection (b) of  
4 Section 8-26A-14, the commission of any conduct prohibited by  
5 an athlete agent in Section 8-26A-14 is a Class C felony.

6 "(c) The commission of any conduct prohibited by an  
7 athlete agent in subdivision (1) of subsection (b) of Section  
8 8-26A-14 is a Class A misdemeanor.

9 "(d) The commission of any conduct prohibited by a  
10 student-athlete in Section 8-26A-14 is a Class A misdemeanor,  
11 and in addition to penalties otherwise prescribed by law, an  
12 individual having been convicted shall perform a minimum of 70  
13 hours of community service.

14 "(e) Intentionally or knowingly filing a false sworn  
15 complaint or giving false sworn testimony to any person  
16 concerning activities covered by this chapter is a Class C  
17 felony.

18 "§8-26A-17.

19 "(a) The Secretary of State, with concurrence of the  
20 Attorney General, may assess an administrative penalty against  
21 an athlete agent not to exceed twenty-five thousand dollars  
22 (\$25,000) for each violation of this chapter.

23 "(b) The assessment of an administrative penalty may  
24 be appealed to the commission in accordance with the Alabama  
25 Administrative Procedure Act. The following rules apply to an  
26 appeal under this subsection.



1           ~~"(1) In the event that proper notice of appeal is~~  
2 ~~given to the Secretary of State, the Secretary of State shall~~  
3 ~~forward the file to the Chief Administrative Law Judge of the~~  
4 ~~Central Panel of Administrative Law Judges in the office of~~  
5 ~~the Attorney General, along with a request that an~~  
6 ~~administrative law judge be assigned to conduct the hearing of~~  
7 ~~the requested appeal.~~

8           ~~"(2)(1)~~ The administrative law judge designated to  
9 hear the appeal shall proceed to give notice of the hearing  
10 under the Administrative Procedure Act. The administrative law  
11 judge shall conduct the hearing and provide the commission  
12 with proposed findings of fact, conclusions of law, and a  
13 recommendation.

14           ~~"(3)(2)~~ Upon receipt of the report of the  
15 administrative law judge along with the file and record of the  
16 appeal, the commission may adopt, alter, or reject the  
17 proposed findings of the administrative law judge and issue  
18 the final order.

19           ~~"(4)(3)~~ The final order of the commission may be  
20 appealed to the circuit court under the terms and standards  
21 set out in the Administrative Procedure Act.

22           ~~"(5)(4)~~ Costs incurred by the state for any appeal  
23 to the commission shall be paid by the Secretary of State from  
24 monies appropriated for the implementation of this chapter.

25           "(c) An individual's first violation of any section  
26 of this chapter shall result in a public letter of reprimand

1 and censure from the commission. Copies of the letter shall be  
2 sent to the players' association of any professional league in  
3 which the athlete agent represents a player.

4 "(d) An individual's second violation of any section  
5 of this chapter shall result in suspension of his or her  
6 license to serve as an athlete agent in the State of Alabama.  
7 After one calendar year, the individual may re-apply for an  
8 athlete agent license and pay all applicable registration fees  
9 to reinstate. Notification of the individual's suspension  
10 shall be sent to the players' association of any professional  
11 league in which the athlete agent represents a player.

12 "(e) An individual's third violation of any section  
13 of this chapter shall result in a permanent disassociation  
14 from the State of Alabama as an athlete agent. Notification of  
15 the individual's ineligibility to serve as an athlete agent in  
16 Alabama will be sent to the players' association of any  
17 professional league in which the athlete agent represents a  
18 player.

19 "§8-26A-30.

20 "(a) The Alabama Athlete Agents Regulatory  
21 Commission is continued in existence as the Alabama Athlete  
22 Agents Commission. The commission shall consist of the  
23 Secretary of State and ~~18~~ 17 members to be appointed as  
24 follows:

25 "(1) One member appointed by the Governor.

1                   "(2) One member appointed by the Lieutenant  
2 Governor.

3                   "(3) One member appointed by the Speaker of the  
4 House of Representatives.

5                   "(4) The athletic director or an individual  
6 appointed by the athletic director at each of the following  
7 institutions of higher education:

8                   "a. Auburn University.

9                   "b. University of Alabama, Tuscaloosa.

10                  "c. University of South Alabama.

11                  "d. Alabama State University.

12                  "e. Alabama A & M University.

13                  "f. Tuskegee University.

14                  "g. Troy University.

15                  "h. Jacksonville State University.

16                  "i. University of North Alabama.

17                  "j. University of West Alabama.

18                  "k. Miles College.

19                  "l. University of Montevallo.

20                  "m. University of Alabama, Huntsville.

21                  "n. University of Alabama, Birmingham.

22                  "o. Birmingham-Southern College.

23                  "p. Samford University.

24                  "(5) One member appointed by the Alabama High School  
25 Athletic Association.

1           "(b) In appointing members to the board, the  
2 appointing power shall select those persons whose  
3 appointments, to the extent possible, ensure that the  
4 membership of the board is inclusive and reflects the racial,  
5 gender, urban/rural, and economic diversity of the state. All  
6 appointed members of the commission shall be citizens of the  
7 United States and residents of Alabama. The term of each  
8 appointed commission member shall be three years and members  
9 are eligible for reappointment. If a vacancy occurs, the  
10 appointing power for the vacant position shall appoint a  
11 successor who shall take office immediately and serve the  
12 remainder of the unexpired term. Members of the Alabama  
13 Athlete Agents Regulatory Commission serving on October 1,  
14 2001, shall continue to serve on the Alabama Athlete Agents  
15 Commission until their term expires.

16           "(c) Within 15 days after their appointment, the  
17 members of the commission shall take an oath before any person  
18 lawfully authorized to administer oaths in this state to  
19 faithfully and impartially perform their duties as members of  
20 the commission, and the same shall be filed with the Secretary  
21 of State.

22           "(d) The Governor may remove from the commission any  
23 appointed member for neglect of duty or other just cause.

24           "(e) The commission shall elect annually a  
25 chairperson, a vice chairperson, and a secretary-treasurer  
26 from its members.

1           "(f) A majority of the commission shall constitute a  
2 quorum for the transaction of business.

3           "(g) The Secretary of State shall keep records of  
4 the proceedings of the commission; and, in any proceeding in  
5 court, civil or criminal, arising out of or founded upon any  
6 provision of this chapter, copies of those records certified  
7 as correct by the Secretary of State shall be admissible in  
8 evidence as tending to prove the content of the records.

9           "(h) The Secretary of State shall have printed and  
10 published for distribution an annual register which shall  
11 contain the names, arranged alphabetically, of all persons  
12 registered under this chapter. The Secretary of State shall  
13 also provide a quarterly report to the commission of all  
14 agents registered during the quarter, any suspension or  
15 revocation of registered agents during the quarter, and other  
16 disciplinary action taken against an agent.

17           "(i) The Secretary of State may employ personnel and  
18 arrange for assistance, service, and supplies as the Secretary  
19 of State may require for the performance of the duties of the  
20 commission.

21           "(j) The commission may promulgate, and from time to  
22 time, amend rules and standards of conduct for athlete agents  
23 appropriate for the protection of the residents of the state.  
24 At least 35 days prior to the completion of notice of any rule  
25 or amendment, the Secretary of State shall mail copies of the  
26 proposed rule or amendment to all persons registered under

1 this chapter, with a notice advising them of the completion of  
2 notice of the rule or amendment and requesting that they  
3 submit advisory comments thereon at least 15 days prior to the  
4 completion of notice. Failure to receive by mail a rule,  
5 amendment, or notice by all persons registered under this  
6 chapter shall not affect the validity of the rule or  
7 amendment.

8 "(k) Except for the Secretary of State, each member  
9 of the commission, who is not otherwise reimbursed by public  
10 funds for services provided to this commission, shall be paid  
11 fifty dollars (\$50) for each day the member is actively  
12 engaged in the discharge of official duties as a member of the  
13 commission, and shall also be entitled to, and shall receive,  
14 reimbursement for actual necessary expenses incurred in the  
15 discharge of official duties on behalf of the commission.

16 "(l) The Alabama Athlete Agents Commission shall be  
17 subject to the Alabama Sunset Law, Chapter 20, Title 41, as an  
18 enumerated agency as provided in Section 41-20-3, and shall  
19 have a termination date of October 1, 2003, and every four  
20 years thereafter, unless continued pursuant to the Alabama  
21 Sunset Law."

22 Section 2. Although this bill would have as its  
23 purpose or effect the requirement of a new or increased  
24 expenditure of local funds, the bill is excluded from further  
25 requirements and application under Amendment 621 because the

1 bill defines a new crime or amends the definition of an  
2 existing crime.

3 Section 3. This act shall become effective on the  
4 first day of the third month following its passage and  
5 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate committee on Judiciary.....	22-MAR-12
Read for the second time and placed on the calen- dar.....	12-APR-12
Read for the third time and passed as amended ....	02-MAY-12

Yeas 33  
Nays 0  
Abstaining 1

Patrick Harris  
Secretary