

1 SB10  
2 143529-2  
3 By Senator Allen  
4 RFD: Judiciary  
5 First Read: 05-FEB-13  
6 PFD: 08/23/2012

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8 SYNOPSIS: Under the existing Alabama Uniform Athlete  
9 Agents Act, persons who solicit student-athletes to  
10 enter into a contract under which the person will  
11 negotiate a professional sports services contact or  
12 an endorsement contract on behalf of the  
13 student-athlete are required to register with the  
14 Secretary of State as athlete agents.

15 This bill would prohibit an athlete agent or  
16 any other person, for compensation, from  
17 negotiating enrollment on behalf of a  
18 student-athlete at a particular educational  
19 institution. The bill would also require  
20 certification by any professional league players'  
21 association, if there is one for the particular  
22 sport, to be eligible to be an athlete agent. The  
23 bill would also require a bond if the athlete agent  
24 is representing student-athletes in a sport that  
25 does not have a professional league players'  
26 association.

1                   This bill also revises the information  
2                   required to be provided when applying for  
3                   registration as an athlete agent and levies the  
4                   fees for registering. In addition to the existing  
5                   criminal penalties for violations of the act, this  
6                   bill would authorize the Alabama Athlete Agents  
7                   Commission to issue letters of reprimand and  
8                   censure to persons who violate the act and prohibit  
9                   individuals from being licensed as an athlete agent  
10                  after a third violation.

11                  This bill would also add representatives  
12                  from Birmingham Southern College and Samford  
13                  University to the Alabama Athlete Agents  
14                  Commission.

15                  Amendment 621 of the Constitution of Alabama  
16                  of 1901, now appearing as Section 111.05 of the  
17                  Official Recompilation of the Constitution of  
18                  Alabama of 1901, as amended, prohibits a general  
19                  law whose purpose or effect would be to require a  
20                  new or increased expenditure of local funds from  
21                  becoming effective with regard to a local  
22                  governmental entity without enactment by a 2/3 vote  
23                  unless: it comes within one of a number of  
24                  specified exceptions; it is approved by the  
25                  affected entity; or the Legislature appropriates  
26                  funds, or provides a local source of revenue, to  
27                  the entity for the purpose.

1                   The purpose or effect of this bill would be  
2                   to require a new or increased expenditure of local  
3                   funds within the meaning of the amendment. However,  
4                   the bill does not require approval of a local  
5                   governmental entity or enactment by a 2/3 vote to  
6                   become effective because it comes within one of the  
7                   specified exceptions contained in the amendment.

8  
9                   A BILL  
10                  TO BE ENTITLED  
11                  AN ACT

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

1 expenditure of local funds within the meaning of Amendment 621  
2 of the Constitution of Alabama of 1901, now appearing as  
3 Section 111.05 of the Official ReCompilation of the  
4 Constitution of Alabama of 1901, as amended.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

10 "§8-26A-2.

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

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

18 "(2) ATHLETE AGENT. An individual who enters into an  
19 agency contract with a student-athlete or, directly or  
20 indirectly, recruits or solicits a student-athlete to enter  
21 into an agency contract. The term includes an individual who  
22 represents to the public that the individual is an athlete  
23 agent. The term does not include a spouse, parent, ~~or~~ sibling,  
24 grandparent, or legal guardian of the student-athlete or an  
25 individual acting solely on behalf of a professional sports  
26 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  
27 participation by a student-athlete are established by a

1 national association for the promotion or regulation of  
2 collegiate athletics.

3 "~~(8)~~ (9) PERSON. An individual, corporation,  
4 business trust, estate, trust, partnership, limited liability  
5 company, association, joint venture, government; governmental  
6 subdivision, agency, or instrumentality; public corporation,  
7 or any other legal or commercial entity.

8 "~~(9)~~ (10) PROFESSIONAL-SPORTS-SERVICES CONTRACT. An  
9 agreement under which an individual is employed or agrees to  
10 render services as a player on a professional sports team,  
11 with a professional sports organization, or as a professional  
12 athlete in an individual sport.

13 "~~(10)~~ (11) RECORD. Information that is inscribed on  
14 a tangible medium or that is stored in an electronic or other  
15 medium and is retrievable in perceivable form.

16 "~~(11)~~ (12) REGISTRATION. Registration as an athlete  
17 agent pursuant to this chapter.

18 "~~(12)~~ (13) STATE. A state of the United States, the  
19 District of Columbia, Puerto Rico, the United States Virgin  
20 Islands, or any territory or insular possession subject to the  
21 jurisdiction of the United States.

22 "~~(13)~~ (14) STUDENT-ATHLETE. An individual who  
23 engages in, is eligible to engage in, or may be eligible in  
24 the future to engage in, any intercollegiate sport. If an  
25 individual is permanently ineligible to participate in a  
26 particular intercollegiate sport, the individual is not a  
27 student-athlete for purposes of that sport.

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

6           "§8-26A-4.

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

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

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

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

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

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



1           "(4) If the individual is seeking to solicit or  
2           represent a student-athlete in a professional sport for which  
3           there is a professional league players' association that does  
4           not certify agents until an athlete represented by an agent  
5           makes a specified minimum salary, the individual is not  
6           required to be certified by that association until the  
7           individual represents an athlete that makes the minimum  
8           salary.

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

12           "§8-26A-5.

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

23           "(1) Certified copies of two forms of the  
24           applicant's identification, including one form of photo  
25           identification.

26           ~~"(1)~~ (2) The name of the applicant and the address  
27          of the applicant's principal place of business.

1           "~~(2)~~ (3) The name of the applicant's business or  
2 employer, if applicable.

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

6           "~~(4)~~ (5) A description of the applicant's:

7           "a. Formal training as an athlete agent.

8           "b. Practical experience as an athlete agent.

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

11           "~~(5)~~ (6) The names and addresses of three  
12 individuals not related to the applicant and who are not  
13 current employers or co-workers of the applicant who are  
14 willing to serve as references.

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

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

1           "~~(8)~~ (9) Whether the applicant or any person named  
2 pursuant to subdivision ~~(7)~~ (12) has been convicted of a crime  
3 that, if committed in this state, would be a crime involving  
4 moral turpitude or a felony, and identify the crime.

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

8           "(11) Copies of all documentation establishing  
9 registration as an athlete agent in other states, if  
10 applicable.

11           "~~(7)~~ (12) The names and addresses of all persons who  
12 are:

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

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

19           "~~(9)~~ (13) Whether there has been any administrative  
20 or judicial determination that the applicant or any person  
21 named pursuant to subdivision ~~(7)~~ (12) has made a false,  
22 misleading, deceptive, or fraudulent representation.

23           "(14) Whether any professional league players'  
24 association or organization regulating athletics has at any  
25 time reprimanded, sanctioned, suspended, or otherwise  
26 penalized the applicant or any person named pursuant to

1 subdivision (12) and a description of the circumstances  
2 submitted by the association or organization.

3 "~~(10)~~ (15) Any instance in which the conduct of the  
4 applicant or any person named pursuant to subdivision ~~(7)~~ (12)  
5 resulted in the imposition of a sanction, suspension, or  
6 declaration of ineligibility to participate in an  
7 interscholastic or intercollegiate athletic event on a  
8 student-athlete or educational institution and a description  
9 of the circumstances submitted by the applicable sanctioning  
10 body.

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

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

22 "(18) If an applicant sends in the application to  
23 act as an agent for athletes in a professional league without  
24 a players' association, or the individual is not required to  
25 be certified under Section 8-26A-4(c) (3), he or she shall show  
26 proof that the applicant has posted with the commission a  
27 twenty-five thousand dollar (\$25,000) surety bond issued by an

1 insurance company authorized to do business in Alabama. The  
2 bond shall be in favor of the commission, for the use and  
3 benefit of any academic institution within Alabama injured or  
4 damaged as a result of acts or omissions by the applicant,  
5 including, but not limited to, reasonable costs and attorneys'  
6 fees. The bond shall be in effect for all times that the  
7 athlete agent has an active license or conducts business as an  
8 athlete agent in this or any other state.

9 "(b) To be considered valid on the first day in  
10 April, the Secretary of State must receive the registration by  
11 the first day of March. To be considered valid on the first  
12 day of August, the Secretary of State must receive the  
13 registration by the first day of July. To be considered valid  
14 on the first day of December, the Secretary of State must  
15 receive the registration by the first day of November.

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

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

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

8           "(3) It was signed by the applicant under penalty of  
9 perjury.

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

15           "§8-26A-6.

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

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

1           "(c) Any educational institution, at its expense,  
2           may conduct a financial or criminal background check on any  
3           applicant and once information is obtained, the institution  
4           shall share the information with the commission, the  
5           institutions represented on the commission, and other  
6           entities, as appropriate.

7           "~~(c)~~ (d) In making the determination under  
8           subsection (b), the Secretary of State may consider, without  
9           limitation, whether the applicant has done any of the  
10          following:

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

14                 "(2) Made a materially false, misleading, deceptive,  
15                 or fraudulent representation in the application or as an  
16                 athlete agent.

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

19                 "(4) Engaged in conduct prohibited by Section  
20                 8-26A-14.

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

24                 "(6) Engaged in conduct that has caused an  
25                 institution or school to be sanctioned by any entity governing  
26                 or otherwise regulating intercollegiate, interscholastic, or  
27                 professional sports.

1           "~~(6)~~ (7) Engaged in conduct the consequence of which  
2 was that a sanction, suspension, or declaration of  
3 ineligibility to participate in an interscholastic or  
4 intercollegiate athletic event was imposed on a  
5 student-athlete or educational institution.

6           "~~(7)~~ (8) Engaged in conduct that significantly  
7 adversely reflects on the applicant's credibility, honesty, or  
8 integrity.

9           "(9) Failed to post a surety bond in favor of the  
10 State of Alabama Athlete Agent Commission pursuant to Section  
11 8-26A-5(a)(18).

12           "~~(d)~~ (e) In making a determination under subsection  
13 (b), the Secretary of State shall consider all of the  
14 following:

15           "(1) How recently the conduct occurred.

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

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

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

25           "(g) ~~(f)~~ An individual who has submitted an  
26 application for renewal of registration or licensure in  
27 another state, in lieu of submitting an application for



1 renewal in the form prescribed pursuant to subsection ~~(e)~~ (f),  
2 may file a copy of the application for renewal and a valid  
3 certificate of registration or licensure from the other state.  
4 The Secretary of State shall accept the application for  
5 renewal from the other state as an application for renewal in  
6 this state if the applicant is certified with the  
7 corresponding professional league players' association and the  
8 application to the other state meets all of the following  
9 criteria:

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

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

17 "(3) It was signed by the applicant under penalty of  
18 perjury.

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

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

25 "(1) In the event that proper notice of appeal is  
26 given to the Secretary of State, the Secretary of State shall  
27 forward the file to the Chief Administrative Law Judge of the

1 Central Panel of Administrative Law Judges in the office of  
2 the Attorney General, along with a request that an  
3 administrative law judge be assigned to conduct the hearing of  
4 the requested appeal.

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

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

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

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

22 "§8-26A-9.

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

26 "(1) ~~Two hundred dollars (\$200)~~ Five hundred dollars  
27 (\$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  
26                   agency contract, and an explanation of services rendered by  
27                   that person.

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

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

5           "(5) The duration of the contract.

6           "(6) The date of execution.

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

14           "WARNING TO STUDENT-ATHLETE

15           "IF YOU SIGN THIS CONTRACT:

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

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

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

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

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

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

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

14                   "§8-26A-11.

15                   "(a) Within 72 hours after entering into an agency  
16 contract or before the next scheduled athletic event in which  
17 the student-athlete may participate, whichever occurs first,  
18 the athlete agent shall give notice in a record of the  
19 existence of the contract to the athletic director of the  
20 educational institution at which the student-athlete is  
21 enrolled or the athlete agent has reasonable grounds to  
22 believe the student-athlete intends to enroll, and to the head  
23 coach of the sport at the educational institution in which the  
24 student-athlete participates or will participate.

25                   "(b) Within 72 hours after entering into an agency  
26 contract or before the next athletic event in which the  
27 student-athlete may participate, whichever occurs first, the

1 student-athlete shall inform the athletic director of the  
2 educational institution at which the student-athlete is  
3 enrolled and the head coach of the sport at the educational  
4 institution in which he or she participates that he or she has  
5 entered into an agency contract.

6 "§8-26A-13.

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

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

11 "(2) Any agency contract entered into by the athlete  
12 agent.

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

15 "~~(3)~~ (4) A detailed accounting of any direct costs  
16 incurred by the athlete agent in the recruitment or  
17 solicitation of a student-athlete to enter into an agency  
18 contract.

19 "(5) Documentation of all notifications made to  
20 athletic directors or head coaches concerning intended contact  
21 with student-athletes.

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

25 "§8-26A-14.

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

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

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

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

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

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

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

19           "(3) Fail to register when required by Section  
20 8-26A-4.

21           "(4) Provide materially false or misleading  
22 information in an application for registration or renewal of  
23 registration.

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

25           "(c) An athlete agent may not fail to notify a  
26 student-athlete before the student-athlete signs or otherwise  
27 authenticates an agency contract for a particular sport that

1 the signing or authentication will likely ~~may~~ make the  
2 student-athlete ineligible to participate as a student-athlete  
3 in that sport.

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

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

10 "(2) Fail to give notice to the head coach of the  
11 sport in which the student-athlete participates or former  
12 student-athlete participated at the academic institution in  
13 which he or she is enrolled that he or she has entered into an  
14 agency contract.

15 "~~(2)~~ (3) Accept anything from an athlete agent  
16 without first entering into a contract in conformity with this  
17 chapter.

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

19 "(1) For compensation, negotiate or advocate with an  
20 educational institution on behalf of a student-athlete for  
21 enrollment at the educational institution with the expectation  
22 that the student-athlete will participate in an  
23 intercollegiate sport.

24 "(2) Solicit or receive any thing of value from an  
25 educational institution or any other person in return for  
26 attempting to influence one or more student-athletes to enroll  
27 or otherwise securing their enrollment at that educational



1 institution with the expectation that the student-athlete will  
2 participate in an intercollegiate sport, unless the person  
3 soliciting or receiving any thing of value is directly  
4 employed by the educational institution and the recruiting of  
5 student-athletes to participate in intercollegiate sports for  
6 that educational institution occurs in the course of their  
7 employment.

8 "(3) Provide to a student-athlete any thing of value  
9 that may compromise his or her eligibility to participate in  
10 an intercollegiate sport according to requirements set by a  
11 national association for the promotion or regulation of  
12 collegiate athletics.

13 "§8-26A-15.

14 "(a) The commission of any conduct prohibited by an  
15 athlete agent in subsection (a) of Section 8-26A-14 and who  
16 has intentionally not registered under this chapter is a Class  
17 B felony.

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

21 "(c) The commission of any conduct prohibited by an  
22 athlete agent in subdivision (1) of subsection (b) of Section  
23 8-26A-14 is a Class A misdemeanor.

24 "(d) The commission of any conduct prohibited by a  
25 student-athlete in Section 8-26A-14 is a Class A misdemeanor,  
26 and in addition to penalties otherwise prescribed by law, an

1 individual having been convicted shall perform a minimum of 70  
2 hours of community service.

3 "(e) Intentionally or knowingly filing a false sworn  
4 complaint or giving false sworn testimony to any person  
5 concerning activities covered by this chapter is a Class C  
6 felony.

7 "§8-26A-17.

8 "(a) The Secretary of State, with concurrence of the  
9 Attorney General, may assess an administrative penalty against  
10 an athlete agent not to exceed twenty-five thousand dollars  
11 (\$25,000) for each violation of this chapter.

12 "(b) The assessment of an administrative penalty may  
13 be appealed to the commission in accordance with the Alabama  
14 Administrative Procedure Act. The following rules apply to an  
15 appeal under this subsection.

16 ~~"(1) In the event that proper notice of appeal is~~  
17 ~~given to the Secretary of State, the Secretary of State shall~~  
18 ~~forward the file to the Chief Administrative Law Judge of the~~  
19 ~~Central Panel of Administrative Law Judges in the office of~~  
20 ~~the Attorney General, along with a request that an~~  
21 ~~administrative law judge be assigned to conduct the hearing of~~  
22 ~~the requested appeal.~~

23 ~~"(2)~~(1) The administrative law judge designated to  
24 hear the appeal shall proceed to give notice of the hearing  
25 under the Administrative Procedure Act. The administrative law  
26 judge shall conduct the hearing and provide the commission

1 with proposed findings of fact, conclusions of law, and a  
2 recommendation.

3 ~~"(3)~~(2) Upon receipt of the report of the  
4 administrative law judge along with the file and record of the  
5 appeal, the commission may adopt, alter, or reject the  
6 proposed findings of the administrative law judge and issue  
7 the final order.

8 ~~"(4)~~(3) The final order of the commission may be  
9 appealed to the circuit court under the terms and standards  
10 set out in the Administrative Procedure Act.

11 ~~"(5)~~(4) Costs incurred by the state for any appeal  
12 to the commission shall be paid by the Secretary of State from  
13 monies appropriated for the implementation of this chapter.

14 "(c) An individual's first violation of any section  
15 of this chapter shall result in a public letter of reprimand  
16 and censure from the commission. Copies of the letter shall be  
17 sent to the players' association of any professional league in  
18 which the athlete agent represents a player.

19 "(d) An individual's second violation of any section  
20 of this chapter shall result in suspension of his or her  
21 license to serve as an athlete agent in the State of Alabama.  
22 After one calendar year, the individual may re-apply for an  
23 athlete agent license and pay all applicable registration fees  
24 to reinstate. Notification of the individual's suspension  
25 shall be sent to the players' association of any professional  
26 league in which the athlete agent represents a player.

1           "(e) An individual's third violation of any section  
2 of this chapter shall result in a permanent disassociation  
3 from the State of Alabama as an athlete agent. Notification of  
4 the individual's ineligibility to serve as an athlete agent in  
5 Alabama will be sent to the players' association of any  
6 professional league in which the athlete agent represents a  
7 player.

8           "§8-26A-30.

9           "(a) The Alabama Athlete Agents Regulatory  
10 Commission is continued in existence as the Alabama Athlete  
11 Agents Commission. The commission shall consist of the  
12 Secretary of State and ~~18~~ 17 members to be appointed as  
13 follows:

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

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

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

19           "(4) The athletic director or an individual  
20 appointed by the athletic director at each of the following  
21 institutions of higher education:

22           "a. Auburn University.

23           "b. University of Alabama, Tuscaloosa.

24           "c. University of South Alabama.

25           "d. Alabama State University.

26           "e. Alabama A & M University.

27           "f. Tuskegee University.

- 1 "g. Troy University.
- 2 "h. Jacksonville State University.
- 3 "i. University of North Alabama.
- 4 "j. University of West Alabama.
- 5 "k. Miles College.
- 6 "l. University of Montevallo.
- 7 "m. University of Alabama, Huntsville.
- 8 "n. University of Alabama, Birmingham.
- 9 "o. Birmingham-Southern College.
- 10 "p. Samford University.

11 "(5) One member appointed by the Alabama High School  
12 Athletic Association.

13 "(b) In appointing members to the board, the  
14 appointing power shall select those persons whose  
15 appointments, to the extent possible, ensure that the  
16 membership of the board is inclusive and reflects the racial,  
17 gender, urban/rural, and economic diversity of the state. All  
18 appointed members of the commission shall be citizens of the  
19 United States and residents of Alabama. The term of each  
20 appointed commission member shall be three years and members  
21 are eligible for reappointment. If a vacancy occurs, the  
22 appointing power for the vacant position shall appoint a  
23 successor who shall take office immediately and serve the  
24 remainder of the unexpired term. Members of the Alabama  
25 Athlete Agents Regulatory Commission serving on October 1,  
26 2001, shall continue to serve on the Alabama Athlete Agents  
27 Commission until their term expires.

1           "(c) Within 15 days after their appointment, the  
2 members of the commission shall take an oath before any person  
3 lawfully authorized to administer oaths in this state to  
4 faithfully and impartially perform their duties as members of  
5 the commission, and the same shall be filed with the Secretary  
6 of State.

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

9           "(e) The commission shall elect annually a  
10 chairperson, a vice chairperson, and a secretary-treasurer  
11 from its members.

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

14           "(g) The Secretary of State shall keep records of  
15 the proceedings of the commission; and, in any proceeding in  
16 court, civil or criminal, arising out of or founded upon any  
17 provision of this chapter, copies of those records certified  
18 as correct by the Secretary of State shall be admissible in  
19 evidence as tending to prove the content of the records.

20           "(h) The Secretary of State shall have printed and  
21 published for distribution an annual register which shall  
22 contain the names, arranged alphabetically, of all persons  
23 registered under this chapter. The Secretary of State shall  
24 also provide a quarterly report to the commission of all  
25 agents registered during the quarter, any suspension or  
26 revocation of registered agents during the quarter, and other  
27 disciplinary action taken against an agent.

1           "(i) The Secretary of State may employ personnel and  
2 arrange for assistance, service, and supplies as the Secretary  
3 of State may require for the performance of the duties of the  
4 commission.

5           "(j) The commission may promulgate, and from time to  
6 time, amend rules and standards of conduct for athlete agents  
7 appropriate for the protection of the residents of the state.  
8 At least 35 days prior to the completion of notice of any rule  
9 or amendment, the Secretary of State shall mail copies of the  
10 proposed rule or amendment to all persons registered under  
11 this chapter, with a notice advising them of the completion of  
12 notice of the rule or amendment and requesting that they  
13 submit advisory comments thereon at least 15 days prior to the  
14 completion of notice. Failure to receive by mail a rule,  
15 amendment, or notice by all persons registered under this  
16 chapter shall not affect the validity of the rule or  
17 amendment.

18           "(k) Except for the Secretary of State, each member  
19 of the commission, who is not otherwise reimbursed by public  
20 funds for services provided to this commission, shall be paid  
21 fifty dollars (\$50) for each day the member is actively  
22 engaged in the discharge of official duties as a member of the  
23 commission, and shall also be entitled to, and shall receive,  
24 reimbursement for actual necessary expenses incurred in the  
25 discharge of official duties on behalf of the commission.

26           "(l) The Alabama Athlete Agents Commission shall be  
27 subject to the Alabama Sunset Law, Chapter 20, Title 41, as an

1 enumerated agency as provided in Section 41-20-3, and shall  
2 have a termination date of October 1, 2003, and every four  
3 years thereafter, unless continued pursuant to the Alabama  
4 Sunset Law."

5 Section 2. Although this bill would have as its  
6 purpose or effect the requirement of a new or increased  
7 expenditure of local funds, the bill is excluded from further  
8 requirements and application under Amendment 621 because the  
9 bill defines a new crime or amends the definition of an  
10 existing crime.

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