

By: Representative Lamar

To: Judiciary A

HOUSE BILL NO. 819

1 AN ACT TO REVISE THE UNIFORM ATHLETE AGENTS ACT IN CONFORMITY
2 WITH THE 2015 AMENDED MODEL ACT ADOPTED BY THE UNIFORM LAW
3 COMMISSION; TO AMEND SECTION 73-42-3, MISSISSIPPI CODE OF 1972, TO
4 REVISE CERTAIN DEFINITIONS; TO AMEND SECTION 73-42-7, MISSISSIPPI
5 CODE OF 1972, TO CLARIFY WHEN AN INDIVIDUAL MAY ACT AS AN ATHLETE
6 AGENT BEFORE REGISTRATION WITH THE STATE AS AN ATHLETE AGENT; TO
7 AMEND SECTION 73-42-9, MISSISSIPPI CODE OF 1972, TO SPECIFY
8 ADDITIONAL INFORMATION THAT MUST BE PROVIDED BY AN APPLICANT WHEN
9 REGISTERING AS AN ATHLETE AGENT; TO AMEND SECTION 73-42-11,
10 MISSISSIPPI CODE OF 1972, TO CLARIFY GROUNDS FOR DENIAL OF
11 REGISTRATION AND THE PROCEDURE FOR FILING FOR RENEWAL; TO AMEND
12 SECTION 73-42-13, MISSISSIPPI CODE OF 1972, TO SPECIFY GROUNDS FOR
13 DENIAL, SUSPENSION, REVOCATION OR REFUSAL TO RENEW REGISTRATION;
14 TO AMEND SECTION 73-42-17, MISSISSIPPI CODE OF 1972, TO DELETE THE
15 SECRETARY OF STATE'S AUTHORITY TO CHARGE ADDITIONAL FEES FOR
16 CONDUCTING A BACKGROUND CHECK ON AN APPLICANT; TO AMEND SECTION
17 73-42-19, MISSISSIPPI CODE OF 1972, TO CLARIFY CONTRACTUAL
18 REQUIREMENTS FOR AGENCY CONTRACTS, INCLUDING A DISCLOSURE TO
19 STUDENT-ATHLETES REGARDING THE RISK OF LOSS OF COLLEGIATE
20 ELIGIBILITY; TO AMEND SECTION 73-42-21, MISSISSIPPI CODE OF 1972,
21 TO PRESCRIBE REQUIREMENTS FOR NOTICE TO EDUCATIONAL INSTITUTIONS
22 BY ATHLETE AGENTS WHEN COMMUNICATING WITH STUDENTS; TO AMEND
23 SECTION 73-42-23, MISSISSIPPI CODE OF 1972, TO RECOGNIZE THE
24 RIGHTS OF PARENTS OF A STUDENT ATHLETE WHO IS A MINOR; TO AMEND
25 SECTION 73-42-27, MISSISSIPPI CODE OF 1972, TO CLARIFY ACTS
26 PROHIBITED BY AN ATHLETE AGENT, TO AUTHORIZE THE PAYMENT OF
27 CERTAIN EXPENSES BY THE AGENT AND TO REQUIRE REPORTING OF INCURRED
28 EXPENSES; TO AMEND SECTION 73-42-31, MISSISSIPPI CODE OF 1972, TO
29 RECOGNIZE A STUDENT ATHLETE'S RIGHT TO BRING A CAUSE OF ACTION; TO
30 AMEND SECTION 73-42-33, MISSISSIPPI CODE OF 1972, TO INCREASE THE
31 MAXIMUM CIVIL PENALTY ALLOWED FOR VIOLATIONS OF THE ACT; TO AMEND
32 SECTION 73-42-34, MISSISSIPPI CODE OF 1972, TO REVISE THE VENUE
33 FOR APPEALS IN MISSISSIPPI BY OUT-OF-STATE AGENTS; TO CREATE NEW
34 SECTION 73-42-41, MISSISSIPPI CODE OF 1972, TO DECLARE THE



35 AUTHORITY AND AUTONOMY OF EDUCATIONAL INSTITUTIONS TO REGULATE
36 INTERACTIONS WITH STUDENT ATHLETES; AND FOR RELATED PURPOSES.

37 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

38 **SECTION 1.** Section 73-42-3, Mississippi Code of 1972, is
39 amended as follows:

40 73-42-3. In this chapter:

41 (a) "Agency contract" means an agreement in which a
42 student-athlete authorizes a person to negotiate or solicit on
43 behalf of the student-athlete a professional-sports-services
44 contract * * * or endorsement contract * * *.

45 (b) "Athlete agent":

46 (i) Means an individual, whether or not registered
47 under this chapter, who:

48 1. * * * Directly or indirectly recruits or
49 solicits a student-athlete to enter into an agency contract or,
50 for compensation, procures employment or offers, promises,
51 attempts or negotiates to obtain employment for a student-athlete
52 as a professional athlete or member of a professional sports team
53 or organization;

54 2. For compensation or in anticipation of
55 compensation related to a student-athlete's participation in
56 athletics:

57 a. Serves the student-athlete in an
58 advisory capacity on a matter related to finances, business
59 pursuits or career management decisions, unless the individual is



60 an employee of an educational institution acting exclusively as an
61 employee of the institution for the benefit of the institution; or

62 b. Manages the business affairs of the
63 student-athlete by providing assistance with bills, payments,
64 contracts or taxes; or

65 3. In anticipation of representing a
66 student-athlete for a purpose related to the student-athlete's
67 participation in athletics:

68 a. Gives consideration to the
69 student-athlete or another person;

70 b. Serves the student-athlete in an
71 advisory capacity on a matter related to finances, business
72 pursuits or career management decisions; or

73 c. Manages the business affairs of the
74 student-athlete by providing assistance with bills, payments,
75 contracts or taxes; but

76 (ii) Does not include an individual who:

77 1. Acts solely on behalf of a professional
78 sports team or organization; or

79 2. Is a licensed, registered or certified
80 professional and offers or provides services to a student-athlete
81 customarily provided by members of the profession, unless the
82 individual:

83 a. Also recruits or solicits the
84 student-athlete to enter into an agency contract;



85 b. Also, for compensation, procures
86 employment or offers, promises, attempts or negotiates to obtain
87 employment for the student-athlete as a professional athlete or
88 member of a professional sports team or organization; or

89 c. Receives consideration for providing
90 the services calculated using a different method than for an
91 individual who is not a student-athlete.

92 (c) "Athletic director" means an individual responsible
93 for administering the overall athletic program of an educational
94 institution or, if an educational institution has separately
95 administered athletic programs for male students and female
96 students, the athletic program for males or the athletic program
97 for females, as appropriate.

98 (d) "Contact" means a communication, direct or
99 indirect, written or oral, between an athlete agent and a
100 student-athlete, to recruit, induce or solicit the student-athlete
101 to enter into an agency contract.

102 (e) "Educational institution" includes a public or
103 private elementary school, secondary school, technical or
104 vocational school, community college, college and university.

105 (* * * f) "Endorsement contract" means an agreement
106 under which a student-athlete is employed or receives
107 consideration * * * to use on behalf of the other party any value
108 that the student-athlete may have because of publicity,



109 reputation, following * * * or fame obtained because of the
110 student-athlete's athletic ability or performance.

111 (g) "Enrolled" means registered for courses and
112 attending athletic practice or class. "Enrolls" has a
113 corresponding meaning.

114 (* * * h) "Intercollegiate sport" means a sport played
115 at the collegiate level for which eligibility requirements for
116 participation by a student-athlete are established by a national
117 association * * * that promotes or regulates collegiate athletics.

118 (i) "Interscholastic sport" means a sport played
119 between educational institutions that are not community colleges,
120 colleges or universities.

121 (j) "Licensed, registered or certified professional"
122 means an individual licensed, registered or certified as an
123 attorney, dealer in securities, financial planner, insurance
124 agent, real estate broker or sales agent, tax consultant,
125 accountant, or member of a profession, other than that of athlete
126 agent, who is licensed, registered or certified by the state or a
127 nationally recognized organization that licenses, registers or
128 certifies members of the profession on the basis of experience,
129 education or testing.

130 (* * * k) "Person" means an individual, * * *
131 estate, * * * business or nonprofit entity, public corporation,
132 government * * * or governmental subdivision, agency or
133 instrumentality * * *, or * * * other legal * * * entity.



134 (* * *l) "Professional-sports-services contract" means
135 an agreement under which an individual is employed as a
136 professional athlete or agrees to render services as a player on a
137 professional sports team * * * or with a professional sports
138 organization * * *.

139 (* * *m) "Record" means information that is inscribed
140 on a tangible medium or that is stored in an electronic or other
141 medium and is retrievable in perceivable form.

142 (n) "Recruit or solicit" means attempt to influence the
143 choice of an athlete agent by a student-athlete, or if the
144 student-athlete is a minor, a parent or guardian of the
145 student-athlete. The term does not include giving advice on the
146 selection of a particular agent in a family, coaching or social
147 situation unless the individual giving the advice does so because
148 of the receipt or anticipated receipt of an economic benefit,
149 directly or indirectly, from the agent.

150 (* * *o) "Registration" means registration as an
151 athlete agent pursuant to this chapter.

152 (p) "Sign" means, with present intent to authenticate
153 or adopt a record:

154 (i) To execute or adopt a tangible symbol; or

155 (ii) To attach to or logically associate with the
156 record an electronic symbol, sound or process.

157 (* * *q) "State" means a state of the United States,
158 the District of Columbia, Puerto Rico, the United States Virgin



159 Islands, or any territory or insular possession subject to the
160 jurisdiction of the United States.

161 (* * * r) "Student-athlete" means an individual who is
162 eligible to attend an educational institution and engages in, is
163 eligible to engage in, or may be eligible in the future to engage
164 in * * * any interscholastic or intercollegiate sport * * *. The
165 term does not include an individual permanently ineligible to
166 participate in a particular interscholastic or intercollegiate
167 sport for that sport.

168 **SECTION 2.** Section 73-42-7, Mississippi Code of 1972, is
169 amended as follows:

170 73-42-7. (1) Except as otherwise provided in subsection
171 (2), an individual may not act as an athlete agent in this state
172 before being issued a certificate of registration under * * * this
173 chapter.

174 (2) Before being issued a certificate of registration under
175 this chapter, an individual may act as an athlete agent for all
176 purposes except signing an agency contract if:

177 (a) A student-athlete or another person acting on
178 behalf of the student-athlete initiates communication with the
179 individual; and

180 (b) * * * Not later than seven (7) days after an
181 initial act that requires the individual to register as an athlete
182 agent, the individual submits an application * * * for
183 registration as an athlete agent in this state.



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

187 **SECTION 3.** Section 73-42-9, Mississippi Code of 1972, is
188 amended as follows:

189 73-42-9. (1) An applicant for registration as an athlete
190 agent shall submit an application for registration to the
191 Secretary of State * * * on a form prescribed by the Secretary of
192 State. * * * The applicant must be an individual, and the
193 application must be signed by the applicant under penalty of
194 perjury. The application must contain at least the following:

195 (a) The name, date and place of birth of the applicant
196 and the * * * following contact information for the applicant:

197 (i) The address of the applicant's principal place
198 of business;

199 (ii) Work and mobile telephone numbers; and

200 (iii) Any means of communicating electronically,
201 including a facsimile number, electronic-mail address and personal
202 and business or employer websites;

203 (b) The name of the applicant's business or employer,
204 if applicable * * *, including for each business or employer, its
205 mailing address, telephone number, organization form and the
206 nature of the business;

207 (c) Each social-media account with which the applicant
208 or the applicant's business or employer is affiliated;



209 (d) Each business or occupation in which the applicant
210 engaged within five (5) years before the date of the application,
211 including self-employment and employment by others, and any
212 professional or occupational license, registration or
213 certification held by the applicant during that time;

214 * * *

215 (* * *e) A description of the applicant's:

216 (i) Formal training as an athlete agent;

217 (ii) Practical experience as an athlete agent; and

218 (iii) Educational background relating to the

219 applicant's activities as an athlete agent;

220 * * *

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

226 (g) The * * * name and * * * address of * * * each
227 person that:

228 (i) * * * Is a partner, member, officer, manager,
229 associate or profit-sharer or directly or indirectly holds an
230 equity interest of five percent (5%) or greater of the athlete
231 agent's business if it is not a corporation; and

232 (ii) * * * Is an officer or director of a
233 corporation employing the athlete agent * * * or a



234 shareholder * * * having an interest of five percent (5%) or
235 greater * * * in the corporation;

236 (h) A description of the status of any application by
237 the applicant, or any person named under paragraph (g), for a
238 state or federal business, professional or occupational license,
239 other than as an athlete agent, from a state or federal agency,
240 including any denial, refusal to renew, suspension, withdrawal or
241 termination of the license and any reprimand or censure related to
242 the license;

243 (* * * i) Whether the applicant or any other person
244 named pursuant to paragraph (g) * * * has been convicted of, or
245 has charges pending for a crime that would involve moral
246 turpitude * * * or be a felony * * * if committed in this state
247 and if so, the identification of:

248 (i) The crime;

249 (ii) The law enforcement agency involved; and

250 (iii) If applicable, the date of the conviction
251 and the fine or penalty imposed;

252 (j) Whether, within fifteen (15) years before the date
253 of application, the applicant or any person named under paragraph
254 (g) has been a defendant or respondent in a civil proceeding,
255 including a proceeding seeking adjudication of legal incompetence
256 and if so, the date and a full explanation of each proceeding;

257 (k) Whether the applicant or any person named under
258 paragraph (g) has an unsatisfied judgment or a judgment of



259 continuing effect, including alimony or a domestic order in the
260 nature of child support, which is not current at the date of the
261 application;

262 (l) Whether within ten (10) years before the date of
263 application, the applicant or any person named under paragraph (g)
264 was adjudicated bankrupt or was an owner of a business that was
265 adjudicated bankrupt;

266 (* * * m) Whether there has been any administrative or
267 judicial determination that the applicant or any other person
268 named pursuant to paragraph (g) has made a false, misleading,
269 deceptive or fraudulent representation;

270 (* * * n) * * * Each instance in which the conduct of
271 the applicant or any other person named pursuant to paragraph (g)
272 resulted in the imposition of a sanction, suspension or
273 declaration of ineligibility to participate in an interscholastic,
274 professional or intercollegiate athletic event on a
275 student-athlete or a sanction on an educational institution;

276 (* * * o) * * * Each sanction, suspension or
277 disciplinary action taken against the applicant or any other
278 person named pursuant to paragraph (g) arising out of occupational
279 or professional conduct;

280 (* * * p) Whether there has been any denial of an
281 application for, suspension or revocation of, * * * refusal to
282 renew, * * * or abandonment of the registration * * * of the



283 applicant or any other person named pursuant to paragraph (g) as
284 an athlete agent in any state;

285 * * *

286 (* * * g) * * * Each state in which the applicant is
287 currently * * * registered as an athlete agent * * * or has
288 applied to be registered as an athlete agent;

289 * * * (r) If the applicant is certified or registered by
290 a professional league or players association:

291 (i) The name of the league or association;

292 (ii) The date of certification or registration and
293 the date of expiration of the certification or registration, if
294 any; and

295 (iii) If applicable, the date of any denial of an
296 application for, suspension or revocation of, refusal to renew,
297 withdrawal of, or termination of the certification or registration
298 or any reprimand or censure related to the certification or
299 registration; and

300 (s) Any additional information required by the
301 Secretary of State.

302 (2) * * * Instead of proceeding under subsection (1), an
303 individual registered as an athlete agent in another state may
304 apply for registration as an athlete agent in this state by
305 submitting to the Secretary of State:

306 (a) A copy of the application for registration in the
307 other state;



308 (b) A statement that identifies any material change in
309 the information on the application or verifies there is no
310 material change in the information, signed under penalty of
311 perjury; and

312 (c) A copy of the certificate of registration from the
313 other state.

314 (3) * * * The Secretary of State * * * shall issue a
315 certificate of registration to an individual who applies for
316 registration under subsection (2) if the Secretary of State
317 determines:

318 (a) * * * The application and registration requirements
319 of the other state are substantially similar to or more
320 restrictive than this chapter; and

321 (b) * * * The registration has not been revoked or
322 suspended, and no action involving the individual's conduct as an
323 athlete agent is pending against the individual or the
324 individual's registration in any state.

325 * * *

326 (4) For purposes of implementing subsection (3), the
327 Secretary of State shall:

328 (a) Cooperate with national organizations concerned
329 with athlete agent issues and agencies in other states which
330 register athlete agents to develop a common registration form and
331 determine which states have laws that are substantially similar to
332 or more restrictive than this chapter; and



333 (b) Exchange information, including information related
334 to actions taken against registered athlete agents or their
335 registrations, with those organizations and agencies.

336 **SECTION 4.** Section 73-42-11, Mississippi Code of 1972, is
337 amended as follows:

338 73-42-11. (1) Except as otherwise provided in
339 subsection * * * (2), the Secretary of State shall issue a
340 certificate of registration to an * * * applicant for registration
341 who complies with Section 73-42-9(1).

342 (2) * * * The Secretary of State may refuse to issue a
343 certificate of registration to an applicant for registration under
344 Section 73-42-9(1) if * * * the Secretary of State determines that
345 the applicant has engaged in conduct that * * * adversely reflects
346 on the applicant's fitness to * * * act as an athlete agent. In
347 making the determination, the Secretary of State may consider
348 whether the applicant has:

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

352 (b) Made a materially false, misleading, deceptive or
353 fraudulent representation as an athlete agent or in the
354 application;

355 (c) Engaged in conduct that would disqualify the
356 applicant from serving in a fiduciary capacity;

357 (d) Engaged in conduct prohibited by Section 73-42-27;



358 (e) Had a registration * * * as an athlete agent
359 suspended, revoked, or denied * * * in any state;

360 (f) Been refused renewal of registration as an athlete
361 agent in any state;

362 (* * *g) Engaged in conduct * * * resulting in
363 imposition of a sanction, suspension or declaration of
364 ineligibility to participate in an interscholastic * * *,
365 intercollegiate or professional athletic event * * * on a
366 student-athlete or a sanction on an educational institution; or

367 (* * *h) Engaged in conduct that * * * adversely
368 reflects on the applicant's * * * credibility, honesty or
369 integrity.

370 (3) In making a determination under subsection * * * (2),
371 the Secretary of State shall consider:

372 (a) How recently the conduct occurred;

373 (b) The nature of the conduct and the context in which
374 it occurred; and

375 (c) Any other relevant conduct of the applicant.

376 (* * *4) An athlete agent registered under subsection (1)
377 may apply to renew * * * the registration by submitting an
378 application for renewal in a form prescribed by the Secretary of
379 State. * * * The applicant shall sign the application for
380 renewal * * * under penalty of perjury and * * * include current
381 information on all matters required in an original registration.



382 (* * *5) * * * An athlete agent registered under Section
383 73-42-9(4) may renew the registration by proceeding under
384 subsection (4) or, if the registration in the other state has been
385 renewed, by submitting to the Secretary of State copies of the
386 application for renewal in the other state and the renewed
387 registration from the other state. The Secretary of State shall
388 renew the registration if the Secretary of State determines:

389 (a) The registration requirements of the other state
390 are substantially similar to or more restrictive than this
391 chapter; and

392 (b) The renewed registration has not been suspended or
393 revoked, and no action involving the individual's conduct as an
394 athlete agent is pending against the individual or the
395 individual's registration in any state.

396 (* * *6) Except as provided in Section 33-1-39, a
397 certificate of registration or a renewal of a registration is
398 valid for two (2) years.

399 **SECTION 5.** Section 73-42-13, Mississippi Code of 1972, is
400 amended as follows:

401 73-42-13. (1) * * * The Secretary of State may * * * limit,
402 suspend, revoke or refuse to renew a registration of an individual
403 registered under Section 73-42-11(1) for conduct that would have
404 justified * * * refusal to issue a certificate of registration
405 under Section 73-42-11(2).



406 (2) * * * The Secretary of State may suspend or revoke the
407 registration of an individual registered under Section 73-42-11(1)
408 or renewed under Section 73-42-11(4) for any reason for which the
409 Secretary of State could have refused to grant or renew
410 registration or for conduct that would justify refusal to issue a
411 certificate of registration under Section 73-42-11(2).

412 **SECTION 6.** Section 73-42-17, Mississippi Code of 1972, is
413 amended as follows:

414 73-42-17. * * * An application for registration or renewal
415 of registration must be accompanied by a fee in the following
416 amount:

417 (a) Two Hundred Dollars (\$200.00) for an initial
418 application for registration.

419 (b) Two Hundred Dollars (\$200.00) for an application
420 for registration based upon a certificate of registration or
421 licensure issued by another state.

422 (c) Two Hundred Dollars (\$200.00) for an application
423 for renewal of registration.

424 (d) Two Hundred Dollars (\$200.00) for an application
425 for renewal of registration based upon an application for renewal
426 of registration or licensure submitted in another state.

427 * * *

428 **SECTION 7.** Section 73-42-19, Mississippi Code of 1972, is
429 amended as follows:



430 73-42-19. (1) An agency contract must be in a record,
431 signed by the parties.

432 (2) An agency contract must * * * contain:

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

436 (* * * b) The amount and method of calculating the
437 consideration to be paid by the student-athlete for services to be
438 provided by the * * * agent under the contract and any other
439 consideration * * * the * * * agent has received or will receive
440 from any other source for entering into the contract or for
441 providing the services;

442 (* * * c) The name of any person not listed in the
443 agent's application for registration or renewal * * * of
444 registration which will be compensated because the student-athlete
445 signed the * * * contract;

446 (* * * d) A description of any expenses that the
447 student-athlete agrees to reimburse;

448 (* * * e) A description of the services to be provided
449 to the student-athlete;

450 (* * * f) The duration of the contract; and

451 (* * * g) The date of execution.

452 (3) * * * Subject to subsection (7), an agency contract must
453 contain * * * a conspicuous notice in boldface type and in * * *
454 substantially the following form:



455 **WARNING TO STUDENT-ATHLETE**

456 **IF YOU SIGN THIS CONTRACT:**

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

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

466 (3) **YOU MAY CANCEL THIS CONTRACT WITHIN FOURTEEN (14) DAYS**
467 **AFTER SIGNING IT. CANCELLATION OF THE CONTRACT MAY NOT REINSTATE**
468 **YOUR ELIGIBILITY AS A STUDENT-ATHLETE IN YOUR SPORT. * * ***

469 (4) * * * An agency contract must be accompanied by a
470 separate record signed by the student-athlete or, if the
471 student-athlete is a minor, the parent or guardian of the
472 student-athlete acknowledging that signing the contract may result
473 in the loss of the student-athlete's eligibility to participate in
474 the student-athlete's sport.

475 (5) * * * A student-athlete or, if the student-athlete is a
476 minor, the parent or guardian of the student-athlete may void an
477 agency contract that does not conform to this section. If the
478 contract is voided, any consideration received from the athlete



479 agent under the contract to induce entering into the contract is
480 not required to be returned.

481 (6) At the time an agency contract is executed, the athlete
482 agent shall give the student-athlete or, if the student-athlete is
483 a minor, the parent or guardian of the student-athlete a copy in a
484 record of the contract and the separate acknowledgement required
485 by subsection (4).

486 (7) If a student-athlete is a minor, an agency contract must
487 be signed by the parent or guardian of the minor and the notice
488 required by subsection (3) must be revised accordingly.

489 **SECTION 8.** Section 73-42-21, Mississippi Code of 1972, is
490 amended as follows:

491 73-42-21. (1) * * * In this section, "communicating" or
492 "attempting to communicate" means contacting or attempting to
493 contact by an in-person meeting, a record or any other method that
494 conveys or attempts to convey a message.

495 (2) * * * Not later than seventy-two (72) hours after
496 entering into an agency contract or before the next scheduled
497 athletic event in which the student-athlete may participate,
498 whichever occurs first, the athlete agent shall give notice in a
499 record of the existence of the * * * contract to the athletic
500 director of the educational institution at which the
501 student-athlete is enrolled or at which the * * * agent has
502 reasonable grounds to believe the student-athlete intends to
503 enroll.



504 (3) * * * Not later than seventy-two (72) hours after
505 entering into an agency contract or before the next scheduled
506 athletic event in which the student-athlete may participate,
507 whichever occurs first, the student-athlete shall inform the
508 athletic director of the educational institution at which the
509 student-athlete is enrolled that * * * the student-athlete has
510 entered into an agency contract and the name and contact
511 information of the athlete agent.

512 (4) If an athlete agent enters into an agency contract with
513 a student-athlete and the student-athlete subsequently enrolls at
514 an educational institution, the agent shall notify the athletic
515 director of the institution of the existence of the contract not
516 later than seventy-two (72) hours after the agent knew or should
517 have known the athlete enrolled.

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

524 (a) The relationship was motivated in whole or part by
525 the intention of the agent to recruit or solicit the
526 student-athlete to enter an agency contract in the future; or



527 (b) The agent directly or indirectly recruited or
528 solicited the student-athlete to enter an agency contract before
529 the enrollment.

530 (6) An athlete agent shall give notice in a record to the
531 athletic director of any educational institution or to an athletic
532 director for compliance at any educational institution at which a
533 student-athlete is enrolled before the agent communicates or
534 attempts to communicate with:

535 (a) The student-athlete or, if the student-athlete is a
536 minor, a parent or guardian of the student-athlete to influence
537 the student-athlete or parent or guardian to enter into an agency
538 contract; or

539 (b) Another individual to have that individual
540 influence the student-athlete or, if the student-athlete is a
541 minor, the parent or guardian of the student-athlete to enter into
542 an agency contract.

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

550 (8) An educational institution that becomes aware of a
551 violation of this chapter by an athlete agent shall notify the



552 Secretary of State and any professional league or players
553 association with which the institution is aware the agent is
554 licensed or registered of the violation.

555 **SECTION 9.** Section 73-42-23, Mississippi Code of 1972, is
556 amended as follows:

557 73-42-23. (1) A student-athlete or, if the student-athlete
558 is a minor, the parent or guardian of the student-athlete may
559 cancel an agency contract by giving notice in a record to the
560 athlete agent of the cancellation * * * not later than fourteen
561 (14) days after the date the contract is signed.

562 (2) A student-athlete or, if the student-athlete is a minor,
563 the parent or guardian of the student-athlete may not waive the
564 right to cancel * * * an agency contract.

565 (3) If a student-athlete, parent or guardian cancels an
566 agency contract, the student-athlete, parent or guardian is not
567 required to pay any consideration under the contract or * * *
568 return any consideration received from the athlete agent to induce
569 the student-athlete to enter into the contract.

570 **SECTION 10.** Section 73-42-27, Mississippi Code of 1972, is
571 amended as follows:

572 73-42-27. (1) * * * Except as otherwise provided in
573 subsection (3), an athlete agent * * *, with the intent to * * *
574 influence a student-athlete or, if the student-athlete is a minor,
575 the parent or guardian of the student-athlete to enter into an
576 agency contract, may not take any of the following actions or



577 encourage any other individual to take or assist any other
578 individual in taking any of the following actions on behalf of the
579 agent:

580 (a) Give * * * materially false or misleading
581 information or make a materially false promise or representation;

582 (b) Furnish anything of value to * * * the
583 student-athlete before the student-athlete enters into the * * *
584 contract; or

585 (c) Furnish anything of value to any individual other
586 than the student-athlete or another registered athlete agent.

587 (2) An athlete agent may not intentionally do any of the
588 following or encourage any other individual to do any of the
589 following on behalf of the agent:

590 (a) Initiate contact, directly or indirectly, with a
591 student-athlete or, if the student-athlete is a minor, a parent or
592 guardian of the student-athlete to recruit or solicit the
593 student-athlete, parent or guardian to enter an agency contract
594 unless registered under this chapter;

595 (b) * * * Fail to create or retain or to permit
596 inspection of the records required by Section 73-42-25 * * *;

597 (c) * * * Fail to register when required by Section
598 73-42-7 * * *;

599 (d) Provide materially false or misleading information
600 in an application for registration or renewal of registration;

601 (e) Predate or postdate an agency contract; or



602 (f) Fail to notify a student-athlete * * * or, if the
603 student-athlete is a minor, a parent or guardian of the
604 student-athlete before the student-athlete, parent or guardian
605 signs an agency contract for a particular sport that the
606 signing * * * may make the student-athlete ineligible to
607 participate as a student-athlete in that sport.

608 (3) (a) In this subsection, "certified athlete agent" means
609 an athlete agent registered under this chapter who is certified to
610 be an athlete agent in a particular sport by a national
611 association that promotes or regulates intercollegiate athletics
612 and establishes eligibility standards for participation by a
613 student-athlete in that sport.

614 (b) A certified athlete agent may pay expenses of a
615 student-athlete and the student-athlete's family members incurred
616 before the signing of an agency contract if:

617 (i) The expenses are for the benefit of a
618 student-athlete who is a member of a class of student-athletes
619 authorized to receive the benefit by the national association that
620 certified the agent;

621 (ii) The expenses are of a type authorized to be
622 paid by a certified agent by the national association that
623 certified the agent; and

624 (iii) The expenses are for a purpose authorized by
625 the national association that certified the agent.



626 (c) All certified athlete agents who pay any expenses
627 authorized by this subsection must file an itemized report of the
628 same with the athletic director or their designee with the
629 educational institution the student-athlete attends or intends to
630 enroll. The report must be submitted by the fifth day of the
631 month following the month during which the expenses were incurred.
632 The reporting of expenses must be in a format required by the
633 educational institution.

634 **SECTION 11.** Section 73-42-31, Mississippi Code of 1972, is
635 amended as follows:

636 73-42-31. (1) An educational institution * * * or a
637 student-athlete may bring an action for damages against an athlete
638 agent if the institution or student-athlete is adversely affected
639 by an act or omission of the agent in violation of this chapter.
640 An educational institution or student-athlete is adversely
641 affected by an act or omission of the agent only if, because of
642 the act or omission, the institution or an individual who was a
643 student-athlete at the time of the act or omission and enrolled in
644 the institution:

645 (a) Is suspended or disqualified from participation in
646 an interscholastic or intercollegiate sports event by or under the
647 rules of a state or national federation or association that
648 promotes or regulates interscholastic or intercollegiate sports;
649 or

650 (b) Suffers financial damage.



651 (2) A plaintiff that prevails in an action under this
652 section may recover treble damages, punitive damages, costs and
653 reasonable attorney's fees. An athlete agent found liable under
654 this section forfeits any right of payment for anything of benefit
655 or value provided to the student-athlete and must refund any
656 consideration paid to the agent by or on behalf of the
657 student-athlete.

658 (3) A violation of this chapter is an unfair trade or
659 deceptive practice for purposes of 75-24-5.

660 **SECTION 12.** Section 73-42-33, Mississippi Code of 1972, is
661 amended as follows:

662 73-42-33. The Secretary of State may assess a civil penalty
663 against an athlete agent not to exceed * * * Fifty Thousand
664 Dollars (\$50,000.00) for a violation of this chapter.

665 **SECTION 13.** Section 73-42-34, Mississippi Code of 1972, is
666 amended as follows:

667 73-42-34. (1) If the Secretary of State determines that a
668 person has engaged in or is engaging in an act, practice, or
669 course of business constituting a violation of this chapter or a
670 rule adopted or order issued under this chapter, or that a person
671 has materially aided or is materially aiding in an act, practice,
672 or course of business constituting a violation of this chapter or
673 a rule adopted or order issued under this chapter, then the
674 secretary may:



675 (a) Issue an order directing the person to cease and
676 desist from engaging in the act, practice, or course of business,
677 or to take other action necessary or appropriate to comply with
678 this chapter or any rule adopted or order issued under this
679 chapter;

680 (b) Issue an order imposing an administrative penalty
681 against an athlete agent who violated any provision of this
682 chapter or any rule adopted or order issued under this chapter;
683 and

684 (c) Take any other action authorized under the
685 provisions of this chapter.

686 (2) An order issued under subsection (1) of this section is
687 effective on the date of its issuance. Upon the order's issuance,
688 the Secretary of State shall promptly serve each person subject to
689 the order with a copy of the order and a notice that the order has
690 been entered. The order must include a statement of any civil
691 penalty or other administrative remedy to be imposed under
692 subsection (1) of this section, a statement of the costs of
693 investigation that the secretary will seek to recover, a statement
694 of the reasons for the order, and a statement notifying the person
695 of his or her right to a hearing * * *. If a person subject to
696 the order does not request a hearing in writing within thirty (30)
697 days of the date of the order and none is ordered by the hearing
698 officer, then the order, including the imposition of a civil



699 penalty or requirement for payment of the costs of investigation,
700 shall become final as to that person by operation of law.

701 (3) In a final order, the secretary may charge the actual
702 cost of an investigation or proceeding for a violation of this
703 chapter or a rule adopted or order issued under this chapter.

704 (4) If a petition for judicial review of a final order is
705 not filed in accordance with * * * this section, or the petition
706 is denied by the court, the secretary may file a certified copy of
707 the final order with the clerk of a court in the jurisdiction
708 where enforcement will be sought. The order so filed has the same
709 effect as a judgment of the court and may be recorded, enforced,
710 or satisfied in the same manner as a judgment of the court.

711 (5) If a person does not comply with an order issued under
712 this section, the secretary may petition a court of competent
713 jurisdiction to enforce the order and collect administrative civil
714 penalties and costs imposed under the final order. The court may
715 not require the secretary to post a bond in an action or
716 proceeding under this section. If the court finds, after service
717 and opportunity for hearing, that the person did not comply with
718 the order, the court may adjudge the person in civil contempt of
719 the order. The court may grant any relief the court determines is
720 just and proper in the circumstances.

721 (6) Any person aggrieved by a final order of the secretary
722 may obtain a review of the order in the circuit court of the
723 county of residence of the athlete agent, * * * if the athlete



724 agent is a Mississippi resident, or the circuit court of the
725 county in which the educational institution that the
726 student-athlete attends or attended is located, by filing within
727 thirty (30) days after the entry of the order, a written petition
728 praying that the order be modified or set aside, in whole or in
729 part. A copy of the petition shall be served upon the secretary,
730 and the secretary shall certify and file with the court a copy of
731 the record and evidence upon which the order was entered. When
732 these have been filed, the court has exclusive jurisdiction to
733 affirm, modify, enforce or set aside the order, in whole or in
734 part. The findings of the secretary as to the facts, if supported
735 by competent material and substantial evidence, are conclusive.
736 The beginning of proceedings under this subsection does not
737 operate as a stay of the secretary's order, unless specifically
738 ordered by the court.

739 (7) In addition to the reasons specified in this section,
740 the secretary may suspend the registration of any person for being
741 out of compliance with an order for support, as defined in Section
742 93-11-153. The procedure for suspension of a registration for
743 being out of compliance with an order for support, and the
744 procedure for the reissuance or reinstatement of a registration
745 suspended for that purpose, and the payment of any fees for the
746 reissuance or reinstatement of a registration suspended for that
747 purpose, is governed by Section 93-11-157 or 93-11-163, as the
748 case may be. Actions taken by the secretary in suspending the



749 registration of a person when required by Section 93-11-157 are
750 not actions from which an appeal may be taken under this section.
751 Any appeal of a registration suspension that is required by
752 Section 93-11-157 or 93-11-163 must be taken in accordance with
753 the appeal procedure specified in Section 93-11-157 or 93-11-163,
754 as the case may be, rather than the procedure specified in this
755 section. If there is any conflict between any provision of
756 Section 93-11-157 or 93-11-163 and any provision of this chapter,
757 the provisions of Section 93-11-157 or 93-11-163, as the case may
758 be, are controlling.

759 **SECTION 14.** The following shall be codified as Section
760 73-42-41, Mississippi Code of 1972.

761 73-42-41. This chapter may not be interpreted or construed
762 to limit, in any way, the right of a Mississippi educational
763 institution to adopt and enforce its own policies, rules or
764 regulations addressing athlete agent solicitations or interactions
765 with the student-athletes attending that institution.

766 **SECTION 15.** This act shall take effect and be in force from
767 and after July 1, 2019.

