

By: Senator(s) Parks

To: Universities and  
Colleges

SENATE BILL NO. 2690

1 AN ACT TO BRING FORWARD SECTIONS 37-97-101, 37-97-103,  
 2 37-97-105, 37-97-107 AND 37-97-109, MISSISSIPPI CODE OF 1972,  
 3 WHICH IS THE MISSISSIPPI INTERCOLLEGIATE ATHLETICS COMPENSATION  
 4 RIGHTS ACT, FOR THE PURPOSES OF POSSIBLE AMENDMENT; TO BRING  
 5 FORWARD SECTIONS 73-42-1, 73-42-3, 73-42-5, 73-42-7, 73-42-9,  
 6 73-42-11, 73-42-13, 73-42-15, 73-42-17, 73-42-19, 73-42-21,  
 7 73-42-23, 73-42-25, 73-42-27, 73-42-29, 73-42-31, 73-42-33,  
 8 73-42-34, 73-42-35, 73-42-37 AND 73-42-39, MISSISSIPPI CODE OF  
 9 1972, WHICH IS THE MISSISSIPPI UNIFORM AGENTS ACT, FOR THE  
 10 PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 37-97-101, Mississippi Code of 1972, is  
 13 brought forward as follows:

14 37-97-101. This article shall be known and may be cited as  
 15 the "Mississippi Intercollegiate Athletics Compensation Rights  
 16 Act."

17 **SECTION 2.** Section 37-97-103, Mississippi Code of 1972, is  
 18 brought forward as follows:

19 37-97-103. (1) As used in this article, the following terms  
 20 shall have the following meanings unless the context clearly  
 21 indicates otherwise:



22           (a) "Compensation" means anything of value, monetary or  
23 otherwise, including, but not limited to, cash, gifts, in-kind  
24 items of value, social media compensation, payments for licensing  
25 or use of publicity rights, payments for other intellectual or  
26 intangible property rights under federal or state law, and any  
27 other form of payment or remuneration, except as excluded under  
28 this article.

29           For the purposes of this article, "compensation" shall not  
30 mean or include the following:

31                   (i) Tuition, room, board, books, fees and personal  
32 expenses that a postsecondary educational institution provides a  
33 student-athlete in accordance with the rules of the athletic  
34 association or conference of which the postsecondary educational  
35 institution is a member;

36                   (ii) Federal Pell Grants and other state and  
37 federal grants or scholarships unrelated to, and not awarded  
38 because of a student-athlete's participation in intercollegiate  
39 athletics or sports competition;

40                   (iii) Any other financial aid, benefits or awards  
41 that a postsecondary educational institution provides a  
42 student-athlete in accordance with the rules of the athletic  
43 association or conference of which the postsecondary educational  
44 institution is a member; or

45                   (iv) The payment of wages and benefits to a  
46 student-athlete for work actually performed (but not for athletic



47 ability or participation in intercollegiate athletics) at a rate  
48 commensurate with the prevailing rate for similar work in the  
49 locality of the student-athlete's postsecondary educational  
50 institution.

51 (b) "Image" means a picture of the student-athlete.

52 (c) "Intercollegiate athletics program" means an  
53 intercollegiate athletics program played at the collegiate level  
54 for which eligibility requirements for participation by a  
55 student-athlete are established by a national association for the  
56 promotion or regulation of collegiate athletics.

57 (d) "Likeness" means a physical, digital or other  
58 depiction or representation of a student-athlete.

59 (e) "Name" means the first or last name, or the  
60 nickname, of a student-athlete when used in a context that  
61 reasonably identifies the student-athlete with particularity.

62 (f) "Name, Image and Likeness Agreement" means a  
63 contract or similar arrangement between a student-athlete and a  
64 third-party licensee regarding the commercial use of the name,  
65 image or likeness of the student-athlete.

66 (g) "Publicity right" means any right that is:

67 (i) Licensed under a name, image, and likeness  
68 agreement; or

69 (ii) Recognized under a federal or state law that  
70 permits an individual to control and profit from the commercial  
71 use of the name, image or likeness of the individual.



72 (h) "Postsecondary educational institution" means a  
73 public university or community college or private university or  
74 college.

75 (i) "Social media compensation" means all forms of  
76 payment for engagement on social media received by a  
77 student-athlete as a result of the use of that student-athlete's  
78 name, image or likeness.

79 (j) "Student-athlete" means an individual who engages  
80 in, is eligible to engage in, or may be eligible in the future to  
81 engage in, intercollegiate athletics program at a postsecondary  
82 educational institution. If an individual is permanently  
83 ineligible to participate in a particular intercollegiate sport,  
84 the individual is not a student-athlete for purposes of that  
85 sport.

86 (k) "Third-party licensee" means any individual or  
87 entity that licenses publicity rights or the use of name, image or  
88 likeness from any prospective or current student-athlete or group  
89 of student-athletes. The term "third-party licensee" shall not  
90 include any national association for the promotion or regulation  
91 of collegiate athletics, athletics conference, or postsecondary  
92 educational institution.

93 **SECTION 3.** Section 37-97-105, Mississippi Code of 1972, is  
94 brought forward as follows:

95 37-97-105. (1) Except as provided in Section 37-97-107, a  
96 student-athlete may:



97 (a) Earn compensation, commensurate with market value,  
98 for the use of the name, image, or likeness of the student-athlete  
99 while enrolled at a postsecondary educational institution; and

100 (b) Obtain and retain a certified agent for any matter  
101 or activity relating to such compensation.

102 (2) No student-athlete may earn compensation in exchange for  
103 the student-athlete's athletic ability or participation in  
104 intercollegiate athletics or sports competition.

105 (3) Notwithstanding any other provision of applicable law or  
106 agreement to the contrary, a student-athlete shall not be deemed  
107 an employee or independent contractor of an association, a  
108 conference, or a postsecondary educational institution based on  
109 the student-athlete's participation in an intercollegiate  
110 athletics program.

111 **SECTION 4.** Section 37-97-107, Mississippi Code of 1972, is  
112 brought forward as follows:

113 37-97-107. (1) Except as provided for under this article, a  
114 postsecondary educational institution shall not uphold any  
115 contract, rule, regulation, standard or other requirement that  
116 prevents a student-athlete of that institution from earning  
117 compensation as a result of the use of the student's name, image,  
118 or likeness. Any such contract, rule, regulation standard or  
119 other requirement shall be void and unenforceable against the  
120 postsecondary educational institution or the student-athlete.  
121 Compensation from the use of a student-athlete's name, image, or



122 likeness may not affect the student-athlete's scholarship  
123 eligibility, grant-in-aid or other financial aid, awards or  
124 benefits, or the student-athlete's intercollegiate athletic  
125 eligibility. Nothing in this article is intended to alter any  
126 state and federal laws or regulations regarding the award of  
127 financial aid at postsecondary educational institutions.

128       (2) Except as provided for in this article, an athletic  
129 association, conference or other group or organization with  
130 authority over intercollegiate athletic programs, including, but  
131 not limited to, the National Collegiate Athletic Association  
132 (NCAA) and the National Junior College Athletic Association  
133 (NJCAA), shall not prevent, or otherwise enforce a contract, rule,  
134 regulation, standard or other requirement that prevents, a  
135 student-athlete of a postsecondary educational institution from  
136 earning compensation as a result of the use of the  
137 student-athlete's name, image or likeness.

138       (3) To protect the integrity of its educational mission and  
139 intercollegiate athletics program, a postsecondary educational  
140 institution may impose reasonable limitations on the dates and  
141 time that a student-athlete may participate in endorsement,  
142 promotional, social media or other activities related to the  
143 license or use of the student-athlete's name, image and likeness.  
144 Nothing in this article shall restrict a postsecondary educational  
145 institution from exercising its sole discretion to control the  
146 authorized use of its marks or logos or to determine a



147 student-athlete's apparel, gear or other wearables during an  
148 intercollegiate athletics competition or institution-sponsored  
149 event. A student-athlete may not receive or enter into a contract  
150 for compensation for the use of his or her name, image or likeness  
151 in a way that also uses any registered or licensed marks, logos,  
152 verbiage or designs of a postsecondary institution, unless the  
153 institution has provided the student-athlete with written  
154 permission to do so prior to execution of the contract or receipt  
155 of compensation. If permission is granted, the postsecondary  
156 educational institution, by agreement of all parties, may be  
157 compensated for the use in a manner consistent with market rates.  
158 A postsecondary educational institution may also prohibit a  
159 student-athlete from wearing any item of clothing, shoes, or other  
160 gear or wearables with the name, logo or insignia of any entity  
161 during an intercollegiate athletics competition or  
162 institution-sponsored event.

163 (4) An athletic association, conference or other group or  
164 organization with authority over intercollegiate athletics  
165 programs, including, but not limited to, the National Collegiate  
166 Athletic Association and the National Junior College Athletic  
167 Association, shall not enforce a contract, rule, regulation,  
168 standard or other requirement that prevents a postsecondary  
169 educational institution from participating in an intercollegiate  
170 athletics program as a result of the compensation of a



171 student-athlete for the use of the student-athlete's name, image  
172 or likeness.

173 (5) A postsecondary educational institution, athletic  
174 association, conference or other group or organization with  
175 authority over intercollegiate athletics programs, including, but  
176 not limited to, the National Collegiate Athletic Association and  
177 the National Junior College Athletic Association, shall not,  
178 directly or indirectly:

179 (a) Enter into, or offer to enter into, a name, image  
180 and likeness agreement with a prospective or current  
181 student-athlete; or

182 (b) Provide a prospective or current student-athlete or  
183 the student-athlete's family compensation in relation to the use  
184 of the student-athlete's name, image or likeness.

185 (6) A postsecondary educational institution, athletic  
186 association, conference or other group or organization with  
187 authority over intercollegiate athletics programs, including, but  
188 not limited to, the National Collegiate Athletic Association and  
189 the National Junior College Athletic Association shall not prevent  
190 a student-athlete from obtaining professional representation in  
191 relation to name, image or likeness, or to secure a name, image  
192 and likeness agreement, including, but not limited to,  
193 representation provided by athlete agents or legal representation  
194 provided by attorneys. A student-athlete shall provide the  
195 postsecondary educational institution with written notice at least





196 seven (7) days prior to entering into a representation agreement  
197 with any individual for the purpose of exploring or securing  
198 compensation for use of the student-athlete's name, image or  
199 likeness.

200 (7) Professional representation obtained by student-athletes  
201 must be from persons registered as athlete agents as provided in  
202 Section 73-42-1 et seq. of the Uniform Athlete Agent Act.  
203 Attorneys who provide legal representation to student-athletes  
204 must be licensed to practice law in the State of Mississippi and  
205 in good standing with The Mississippi Bar.

206 (8) Athlete agents representing student-athletes shall  
207 comply with the Uniform Athlete Agents Act, Section 73-42-1 et  
208 seq., Mississippi Code of 1972, and the federal Sports Agent  
209 Responsibility and Trust Act in 15 USC Sections 7801-7807 in their  
210 relationships with student-athletes.

211 (9) A grant-in-aid, including cost of attendance, and other  
212 permissible financial aid, awards or benefits from the  
213 postsecondary educational institution in which a student-athlete  
214 is enrolled shall not be revoked, reduced, nor the terms and  
215 conditions altered, as a result of a student-athlete earning  
216 compensation or obtaining professional or legal representation  
217 pursuant to this article.

218 (10) Before any contract for compensation for the use of a  
219 student-athlete's name, image or likeness is executed, and before  
220 any compensation is provided to the student-athlete in advance of



221 a contract, the student-athlete shall disclose the contract to a  
222 designated official of the postsecondary educational institution  
223 in which the student is enrolled in a manner prescribed by the  
224 institution.

225 (11) A third-party licensee may not enter into, or offer to  
226 enter into, a name, image and likeness agreement with a  
227 student-athlete or otherwise compensate a student-athlete for the  
228 use of the student-athlete's name, image and likeness rights if a  
229 provision of the name, image and likeness agreement or the use of  
230 the student-athlete's name, image and likeness rights conflicts  
231 with a provision of a contract, rule, regulation, standard or  
232 other requirement of the postsecondary educational institution  
233 unless such contract or use is expressly approved in writing by  
234 the postsecondary educational institution.

235 (12) No postsecondary educational institution, booster,  
236 third-party licensee or any other individual or entity shall  
237 provide a prospective or current student-athlete compensation or  
238 enter into a name, image and likeness agreement as an inducement  
239 for the student-athlete to attend or enroll in a specific  
240 institution or group of institutions. Compensation for a  
241 student-athlete's name, image, or likeness may not be conditioned  
242 on athletic performance or attendance at a particular  
243 postsecondary educational institution.

244 (13) No student-athlete shall enter into a name, image, and  
245 likeness agreement or receive compensation from a third-party



246 licensee relating to the name, image or likeness of the  
247 student-athlete before the date on which the student-athlete  
248 enrolls at a postsecondary educational institution.

249 (14) No student-athlete shall enter into a name, image, and  
250 likeness agreement or receive compensation from a third-party  
251 licensee for the endorsement or promotion of gambling, sports  
252 betting, controlled substances, marijuana, tobacco or alcohol  
253 company, brand or products, alternative or electronic nicotine  
254 product or delivery system, performance-enhancing supplements,  
255 adult entertainment or any other product or service that is  
256 reasonably considered to be inconsistent with the values or  
257 mission of a postsecondary educational institution or that  
258 negatively impacts or reflects adversely on a postsecondary  
259 education institution or its athletic programs, including, without  
260 limitation, bringing about public disrepute, embarrassment,  
261 scandal, ridicule or otherwise negatively impacting the reputation  
262 or the moral or ethical standards of the postsecondary educational  
263 institution.

264 (15) A contract for the use of the a student-athlete's name,  
265 image, or likeness which is formed while the student-athlete is  
266 participating in an intercollegiate sport at a postsecondary  
267 educational institution may not extend beyond the  
268 student-athlete's participation in the sport at the institution.



269 (16) Nothing in this article shall be interpreted to modify  
270 any requirements or obligations imposed under Title IX of the  
271 Education Amendments of 1972 (20 USC 1681 et seq.).

272 **SECTION 5.** Section 37-97-109, Mississippi Code of 1972, is  
273 brought forward as follows:

274 37-97-109. No postsecondary educational institution shall be  
275 subject to a claim for damages of any kind under this article,  
276 including, without limitation, a claim for unfair trade or  
277 competition or tortious interference. No postsecondary  
278 educational institution shall be subject to a claim for damages  
279 related to its adoption, implementation or enforcement of any  
280 contract, rule, regulation, standard or other requirement in  
281 compliance with this article. This article is not intended to and  
282 shall not waive or diminish any applicable defenses and  
283 immunities, including, without limitation, sovereign immunity  
284 applicable to postsecondary educational institutions.

285 **SECTION 6.** Section 73-42-1, Mississippi Code of 1972, is  
286 brought forward as follows:

287 73-42-1. This chapter may be cited as the "Uniform Athlete  
288 Agents Act."

289 **SECTION 7.** Section 73-42-3, Mississippi Code of 1972, is  
290 brought forward as follows:

291 73-42-3. In this chapter:

292 (a) "Agency contract" means an agreement in which a  
293 student-athlete authorizes a person to negotiate or solicit on



294 behalf of the student-athlete a professional-sports-services  
295 contract, an endorsement contract, compensation for the use of the  
296 student-athlete's name, image or likeness, or enrollment at any  
297 educational institution that offers an athletic scholarship to the  
298 student-athlete.

299 (b) "Athlete agent" means an individual who enters into  
300 an agency contract with a student-athlete or, directly or  
301 indirectly, recruits, induces or solicits a student-athlete to  
302 enter into an agency contract. The term does not include a  
303 spouse, parent, sibling, grandparent or guardian of the  
304 student-athlete or an individual acting solely on behalf of a  
305 professional sports team or professional sports organization. The  
306 term includes an individual who represents to the public that the  
307 individual is an athlete agent.

308 (c) "Athletic director" means an individual responsible  
309 for administering the overall athletic program of an educational  
310 institution or, if an educational institution has separately  
311 administered athletic programs for male students and female  
312 students, the athletic program for males or the athletic program  
313 for females, as appropriate.

314 (d) "Contact" means a communication, direct or  
315 indirect, written or oral, between an athlete agent and a  
316 student-athlete, to recruit, induce or solicit the student-athlete  
317 to enter into an agency contract.

318 (e) "Endorsement contract" means:



319 (i) An agreement under which a student-athlete is  
320 employed or receives consideration or anything of value for the  
321 student-athlete's publicity, reputation, following, or fame  
322 obtained because of the student-athlete's athletic ability or  
323 performance; and

324 (ii) An agreement under which a student-athlete  
325 receives compensation, consideration or anything of value for the  
326 use of the student-athlete's name, image or likeness.

327 (f) "Intercollegiate sport" means a sport played at the  
328 collegiate level for which eligibility requirements for  
329 participation by a student-athlete are established by a national  
330 association for the promotion or regulation of collegiate  
331 athletics.

332 (g) "Person" means an individual, corporation, business  
333 trust, estate, trust, partnership, limited liability company,  
334 association, joint venture, government; governmental subdivision,  
335 agency or instrumentality; public corporation, or any other legal  
336 or commercial entity.

337 (h) "Professional-sports-services contract" means an  
338 agreement under which an individual is employed or agrees to  
339 render services as a player on a professional sports team, with a  
340 professional sports organization, or as a professional athlete.

341 (i) "Record" means information that is inscribed on a  
342 tangible medium or that is stored in an electronic or other medium  
343 and is retrievable in perceivable form.



344 (j) "Registration" means registration as an athlete  
345 agent pursuant to this chapter.

346 (k) "State" means a state of the United States, the  
347 District of Columbia, Puerto Rico, the United States Virgin  
348 Islands, or any territory or insular possession subject to the  
349 jurisdiction of the United States.

350 (l) "Student-athlete" means an individual who engages  
351 in, is eligible to engage in, or may be eligible in the future to  
352 engage in, a sport for a professional sports team or in any  
353 intercollegiate sport at any educational institution. If an  
354 individual is permanently ineligible to participate in a  
355 particular intercollegiate sport, the individual is not a  
356 student-athlete for purposes of that sport.

357 **SECTION 8.** Section 73-42-5, Mississippi Code of 1972, is  
358 brought forward as follows:

359 73-42-5. (1) The Secretary of State shall administer this  
360 chapter.

361 (2) By engaging in the business of an athlete agent in this  
362 state, a nonresident individual appoints the Secretary of State as  
363 the individual's agent to accept service of process in any civil  
364 action related to the individual's business as an athlete agent in  
365 this state.

366 (3) The Secretary of State may:

367 (a) Conduct public or private investigations within or  
368 outside of this state which he considers necessary or appropriate



369 to determine whether a person has violated, is violating, or is  
370 about to violate any provision of this chapter or a rule adopted  
371 under this chapter, or to aid in the enforcement of this chapter  
372 or in the adoption of rules and forms under this chapter;

373 (b) Require or permit a person to testify, file a  
374 statement, or produce a record, under oath or otherwise as he may  
375 determine, as to all facts and circumstances concerning a matter  
376 to be investigated or about which an action or proceeding is to be  
377 instituted; and

378 (c) Publish a record concerning an action, proceeding,  
379 or an investigation under, or a violation of, this chapter or a  
380 rule adopted under this chapter if he determines it is necessary  
381 or appropriate in the public interest.

382 (4) For the purpose of an investigation under this chapter,  
383 the Secretary of State or his designated officer may administer  
384 oaths and affirmations, subpoena witnesses, seek compulsion of  
385 attendance, take evidence, require the filing of statements, and  
386 require the production of any records that the Secretary of State  
387 considers relevant or material to the investigation.

388 **SECTION 9.** Section 73-42-7, Mississippi Code of 1972, is  
389 brought forward as follows:

390 73-42-7. (1) Except as otherwise provided in subsection  
391 (2), an individual may not act as an athlete agent in this state  
392 before being issued a certificate of registration under Section  
393 73-42-11 or 73-42-15.





394 (2) Before being issued a certificate of registration, an  
395 individual may act as an athlete agent for all purposes except  
396 signing an agency contract if within seven (7) days after an  
397 initial act as an athlete agent, the individual submits an  
398 application to register as an athlete agent in this state.

399 (3) An agency contract resulting from conduct in violation  
400 of this section is void. The athlete agent shall return any  
401 consideration received under the contract to the individual or  
402 entity who tendered or paid the consideration.

403 **SECTION 10.** Section 73-42-9, Mississippi Code of 1972, is  
404 brought forward as follows:

405 73-42-9. (1) An applicant for registration shall submit an  
406 application for registration to the Secretary of State in a form  
407 prescribed by the Secretary of State. An application filed under  
408 this section is a public record. Except as otherwise provided in  
409 subsection (2), the application must be in the name of an  
410 individual, signed by the applicant under penalty of perjury and  
411 must state or contain:

412 (a) The name of the applicant and the address of the  
413 applicant's principal place of business;

414 (b) The name of the applicant's business or employer,  
415 if applicable;

416 (c) Any business or occupation engaged in by the  
417 applicant for the five (5) years next preceding the date of  
418 submission of the application;



419 (d) A description of the applicant's:  
420 (i) Formal training as an athlete agent;  
421 (ii) Practical experience as an athlete agent; and  
422 (iii) Educational background relating to the  
423 applicant's activities as an athlete agent;  
424 (e) The names and addresses of three (3) individuals  
425 not related to the applicant who are willing to serve as  
426 references;  
427 (f) The name, sport and last known team for each  
428 individual for whom the applicant provided services as an athlete  
429 agent during the five (5) years next preceding the date of  
430 submission of the application;  
431 (g) The names and addresses of all persons who are:  
432 (i) With respect to the athlete agent's business  
433 if it is not a corporation, the partners, officers, associates,  
434 individuals or profit-sharers; and  
435 (ii) With respect to a company or corporation  
436 employing the athlete agent, the officers, directors and any  
437 shareholder of the corporation or member with a five percent (5%)  
438 or greater interest;  
439 (h) Whether the applicant or any other person named  
440 pursuant to paragraph (g) has been convicted of a crime that, if  
441 committed in this state, would be a felony or other crime  
442 involving moral turpitude, and identify the crime;



443 (i) Whether there has been any administrative or  
444 judicial determination that the applicant or any other person  
445 named pursuant to paragraph (g) has made a false, misleading,  
446 deceptive or fraudulent representation;

447 (j) Any instance in which the conduct of the applicant  
448 or any other person named pursuant to paragraph (g) resulted in  
449 the imposition of a sanction, suspension or declaration of  
450 ineligibility to participate in an interscholastic or  
451 intercollegiate athletic event on a student-athlete or educational  
452 institution;

453 (k) Any sanction, suspension or disciplinary action  
454 taken against the applicant or any other person named pursuant to  
455 paragraph (g) arising out of occupational or professional conduct;

456 (l) Whether there has been any denial of an application  
457 for, suspension or revocation of, or refusal to renew, the  
458 certification, registration or licensure of the applicant or any  
459 other person named pursuant to paragraph (g) as an athlete agent  
460 in any state;

461 (m) Any pending litigation against the applicant in the  
462 applicant's capacity as an agent;

463 (n) A list of all other states in which the applicant  
464 is currently licensed or registered as an athlete agent and a copy  
465 of each state's license or registration, as applicable; and

466 (o) Consent to submit to a criminal background check  
467 before being issued a certificate of registration. Any fees



468 connected with the background check shall be assessed to the  
469 applicant.

470 (2) An individual who has submitted an application for, and  
471 received a certificate of, registration or licensure as an athlete  
472 agent in another state, may submit a copy of the application and a  
473 valid certificate of registration or licensure from the other  
474 state in lieu of submitting an application in the form prescribed  
475 pursuant to subsection (1), along with the information requested  
476 in paragraphs (l), (m), (n) and (o) of subsection (1). The  
477 Secretary of State shall accept the application and the  
478 certificate from the other state as an application for  
479 registration in this state if the application to the other state:

480 (a) Was submitted in the other state within the six (6)  
481 months next preceding the submission of the application in this  
482 state and the applicant certifies the information contained in the  
483 application is current;

484 (b) Contains information substantially similar to or  
485 more comprehensive than that required in an application submitted  
486 in this state; and

487 (c) Was signed by the applicant under penalty of  
488 perjury.

489 (3) An athlete agent must notify the Secretary of State  
490 within thirty (30) days whenever the information contained in any  
491 application for registration as an athlete agent in this state  
492 changes in a material way or is, or becomes, inaccurate or



493 incomplete in any respect. Events requiring notice shall include,  
494 but are not limited to, the following:

495 (a) Change in address of the athlete agent's principal  
496 place of business;

497 (b) Conviction of a felony or other crime involving  
498 moral turpitude by the athlete agent;

499 (c) Denial, suspension, refusal to renew, or revocation  
500 of a registration or license of the athlete agent as an athlete  
501 agent in any state; or

502 (d) Sanction, suspension or other disciplinary action  
503 taken against the athlete agent arising out of occupational or  
504 professional conduct.

505 **SECTION 11.** Section 73-42-11, Mississippi Code of 1972, is  
506 brought forward as follows:

507 73-42-11. (1) Except as otherwise provided in subsection  
508 (3), the Secretary of State shall issue a certificate of  
509 registration to an individual who complies with Section  
510 73-42-9(1).

511 (2) Except as otherwise provided in subsection (3), the  
512 Secretary of State shall issue a certificate of registration to an  
513 individual whose application has been accepted under Section  
514 73-42-9(2).

515 (3) The Secretary of State may refuse to issue a certificate  
516 of registration if he determines that the applicant has engaged in  
517 conduct that has a significant adverse effect on the applicant's



518 fitness to serve as an athlete agent. In making the  
519 determination, the Secretary of State may consider whether the  
520 applicant has:

521 (a) Been convicted of a crime in another state that, if  
522 committed in this state, would be a felony or other crime  
523 involving moral turpitude;

524 (b) Made a materially false, misleading, deceptive or  
525 fraudulent representation as an athlete agent or in the  
526 application;

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

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

530 (e) Had a registration, licensure or certification as  
531 an athlete agent suspended, revoked, or denied or been refused  
532 renewal of registration, licensure or certification in any state;

533 (f) Engaged in conduct or failed to engage in conduct  
534 the consequence of which was that a sanction, suspension or  
535 declaration of ineligibility to participate in an interscholastic  
536 or intercollegiate athletic event was imposed on a student-athlete  
537 or educational institution; or

538 (g) Engaged in conduct that significantly adversely  
539 reflects on the applicant's trustworthiness or credibility.

540 (4) In making a determination under subsection (3), the  
541 Secretary of State shall consider:

542 (a) How recently the conduct occurred;



543           (b) The nature of the conduct and the context in which  
544 it occurred; and

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

546           (5) An athlete agent may apply to renew a registration by  
547 submitting an application for renewal in a form prescribed by the  
548 Secretary of State. An application filed under this section is a  
549 public record. The application for renewal must be signed by the  
550 applicant under penalty of perjury and must contain current  
551 information on all matters required in an original registration.

552           (6) An individual who has submitted an application for  
553 renewal of registration or licensure in another state, in lieu of  
554 submitting an application for renewal in the form prescribed  
555 pursuant to subsection (5), may file a copy of the application for  
556 renewal and a valid certificate of registration from the other  
557 state. The Secretary of State shall accept the application for  
558 renewal from the other state as an application for renewal in this  
559 state if the application to the other state:

560           (a) Was submitted in the other state within the last  
561 six (6) months and the applicant certifies the information  
562 contained in the application for renewal is current;

563           (b) Contains information substantially similar to or  
564 more comprehensive than that required in an application for  
565 renewal submitted in this state; and

566           (c) Was signed by the applicant under penalty of  
567 perjury.



568 (7) Except as provided in Section 33-1-39, a certificate of  
569 registration or a renewal of a registration is valid for two (2)  
570 years.

571 **SECTION 12.** Section 73-42-13, Mississippi Code of 1972, is  
572 brought forward as follows:

573 73-42-13. (1) After proper notice and an opportunity for a  
574 hearing, the Secretary of State may deny, suspend, revoke or  
575 refuse to renew a registration for conduct that would have  
576 justified denial of registration under Section 73-42-11(3) or for  
577 a violation of any provision of this chapter.

578 (2) (a) The Secretary of State shall appoint at least one  
579 (1) hearing officer for the purpose of holding hearings, compiling  
580 evidence and rendering decisions under this section and Section  
581 73-42-11. The hearing officer shall fix the date for an  
582 adjudicatory hearing and notify the athlete agent involved. The  
583 hearing shall be held at a location to be designated by the  
584 hearing officer. Unless the time period is extended by the  
585 hearing officer, the hearing shall be held not less than fifteen  
586 (15) nor more than thirty (30) days after the mailing of notice to  
587 the athlete agent involved. At the conclusion of the hearing, the  
588 hearing officer shall make a recommendation regarding the  
589 registration of the athlete agent involved. The Secretary of  
590 State shall then take appropriate action by final order.

591 (b) Any athlete agent whose application for  
592 registration has been denied or not renewed, or whose registration





593 has been revoked or suspended by the Secretary of State, within  
594 thirty (30) days after the date of such final order, shall have  
595 the right of a trial de novo on appeal to the circuit court of the  
596 county of residence of the athlete agent, the student-athlete, or  
597 the educational institution that issued an athletic scholarship to  
598 the student-athlete. If the secretary's final order is supported  
599 by substantial evidence and does not violate a state or federal  
600 law, then it shall be affirmed by the circuit court. Either party  
601 shall have the right of appeal to the Supreme Court as provided by  
602 law from any decision of the circuit court. No athlete agent  
603 shall be allowed to deliver services to a student-athlete  
604 domiciled or residing in Mississippi while any such appeal is  
605 pending.

606 (3) In addition to the reasons specified in subsection (1)  
607 of this section, the secretary shall be authorized to suspend the  
608 registration of any person for being out of compliance with an  
609 order for support, as defined in Section 93-11-153. The procedure  
610 for suspension of a registration for being out of compliance with  
611 an order for support, and the procedure for the reissuance or  
612 reinstatement of a registration suspended for that purpose, and  
613 the payment of any fees for the reissuance or reinstatement of a  
614 registration suspended for that purpose, shall be governed by  
615 Section 93-11-157 or 93-11-163, as the case may be. Actions taken  
616 by the secretary in suspending the registration of a person when  
617 required by Section 93-11-157 are not actions from which an appeal



618 may be taken under this section. Any appeal of a registration  
619 suspension that is required by Section 93-11-157 or 93-11-163  
620 shall be taken in accordance with the appeal procedure specified  
621 in Section 93-11-157 or 93-11-163, as the case may be, rather than  
622 the procedure specified in this section. If there is any conflict  
623 between any provision of Section 93-11-157 or 93-11-163 and any  
624 provision of this chapter, the provisions of Section 93-11-157 or  
625 93-11-163, as the case may be, shall control.

626 **SECTION 13.** Section 73-42-15, Mississippi Code of 1972, is  
627 brought forward as follows:

628 73-42-15. The Secretary of State may issue a temporary  
629 certificate of registration while an application for registration  
630 or renewal is pending.

631 **SECTION 14.** Section 73-42-17, Mississippi Code of 1972, is  
632 brought forward as follows:

633 73-42-17. (1) An application for registration or renewal of  
634 registration must be accompanied by a fee in the following amount:

635 (a) Two Hundred Dollars (\$200.00) for an initial  
636 application for registration.

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

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



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

645 (2) In addition, the Secretary of State may impose a fee for  
646 the actual costs incurred by the Secretary of State's office for  
647 processing and administering one or more criminal history  
648 background checks.

649 **SECTION 15.** Section 73-42-19, Mississippi Code of 1972, is  
650 brought forward as follows:

651 73-42-19. (1) An agency contract must be in a record,  
652 signed by the parties.

653 (2) An agency contract must state or contain:

654 (a) The amount and method of calculating the  
655 consideration to be paid by the student-athlete for services to be  
656 provided by the athlete agent under the contract and any other  
657 consideration or anything of value that the athlete agent has  
658 received or will receive from any other source for entering into  
659 the contract or for providing the services;

660 (b) The name of any person not listed in the  
661 application for registration or renewal who will be compensated  
662 because the student-athlete signed the agency contract;

663 (c) A description of any expenses that the  
664 student-athlete agrees to reimburse;

665 (d) A description of the services to be provided to the  
666 student-athlete;



667 (e) The duration of the contract; and

668 (f) The date of execution.

669 (3) An agency contract must contain, in close proximity to  
670 the signature of the student-athlete, a conspicuous notice in  
671 boldface type in capital letters stating:

672 **WARNING TO STUDENT-ATHLETE**

673 **IF YOU SIGN THIS CONTRACT:**

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

676 (2) **BOTH YOU AND YOUR ATHLETE AGENT ARE REQUIRED TO TELL**  
677 **YOUR ATHLETIC DIRECTOR, IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN**  
678 **72 HOURS AFTER ENTERING INTO AN AGENCY CONTRACT; AND**

679 (3) **YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER**  
680 **SIGNING IT. CANCELLATION OF THE CONTRACT MAY NOT REINSTATE YOUR**  
681 **ELIGIBILITY.**

682 (4) An agency contract that does not conform to this section  
683 is voidable by the student-athlete.

684 (5) The athlete agent shall give a copy of the signed agency  
685 contract to the student-athlete at the time of signing.

686 **SECTION 16.** Section 73-42-21, Mississippi Code of 1972, is  
687 brought forward as follows:

688 73-42-21. (1) Before an athlete agent, or his or her  
689 employee or representative, may initiate a first contact, direct  
690 or indirect, with any of the individuals listed below, with the  
691 intent or for the purpose of soliciting the student-athlete or of



692 procuring employment from the student-athlete, the athlete agent,  
693 or his or her employee or representative, must provide the  
694 educational institution at which the student-athlete is enrolled  
695 with written notification of the planned contact with these  
696 individuals:

697 (a) The student-athlete;

698 (b) The student-athlete's spouse, parent, foster  
699 parent, guardian, sibling, aunt, uncle, grandparent, child or  
700 first cousin; or the parent, foster parent, sibling, aunt, uncle,  
701 grandparent, child or first cousin of the student-athlete's  
702 spouse; or

703 (c) A representative of any of the individuals  
704 enumerated in paragraphs (a) and (b) of this subsection (1).

705 (2) Within seventy-two (72) hours after entering into an  
706 agency contract or before the next scheduled athletic event in  
707 which the student-athlete may participate, whichever occurs first,  
708 the athlete agent shall give notice of the existence of the agency  
709 contract to the athletic director of the educational institution  
710 at which the student-athlete is enrolled or at which the athlete  
711 agent has reasonable grounds to believe the student-athlete  
712 intends to enroll.

713 (3) Within seventy-two (72) hours after entering into an  
714 agency contract or before the next athletic event in which the  
715 student-athlete may participate, whichever occurs first, the  
716 student-athlete shall inform the athletic director of the



717 educational institution at which the student-athlete is enrolled  
718 that he or she has entered into an agency contract.

719 **SECTION 17.** Section 73-42-23, Mississippi Code of 1972, is  
720 brought forward as follows:

721 73-42-23. (1) A student-athlete may cancel an agency  
722 contract by giving notice to the athlete agent of the cancellation  
723 within fourteen (14) days after the date the contract is signed.

724 (2) A student-athlete may not waive the right to cancel any  
725 agency contract.

726 (3) If a student-athlete cancels an agency contract, the  
727 student-athlete is not required to pay any consideration under the  
728 contract or to return any consideration received from the athlete  
729 agent to induce the student-athlete to enter into the contract.

730 **SECTION 18.** Section 73-42-25, Mississippi Code of 1972, is  
731 brought forward as follows:

732 73-42-25. (1) An athlete agent shall retain the following  
733 records for a period of five (5) years:

734 (a) The name and address of each individual represented  
735 by the athlete agent;

736 (b) Any agency contract entered into by the athlete  
737 agent; and

738 (c) Any direct costs incurred by the athlete agent in  
739 the recruitment or solicitation of a student-athlete.



740 (2) Records required by subsection (1) to be retained are  
741 open to inspection by the Secretary of State during normal  
742 business hours.

743 **SECTION 19.** Section 73-42-27, Mississippi Code of 1972, is  
744 brought forward as follows:

745 73-42-27. (1) An athlete agent may not engage in any of the  
746 following activities, within this state or otherwise, with the  
747 intent to induce a student-athlete to enter into an agency  
748 contract:

749 (a) Give any materially false or misleading information  
750 or make a materially false promise or representation;

751 (b) Furnish anything of value to a student-athlete  
752 before the student-athlete enters into the agency contract; or

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

755 (2) An athlete agent may not intentionally:

756 (a) Initiate contact with a student-athlete unless  
757 registered under this chapter;

758 (b) Refuse or willfully fail to retain or permit  
759 inspection of the records required by Section 73-42-25 or fail to  
760 provide the Secretary of State with any statements, documents,  
761 records or testimony required by the secretary under Section  
762 73-42-5(3) and (4);

763 (c) Violate Section 73-42-7 by failing to register;



764 (d) Provide materially false or misleading information  
765 in an application for registration or renewal of registration;  
766 (e) Predate or postdate an agency contract; or  
767 (f) Fail to notify a student-athlete prior to the  
768 student-athlete's signing an agency contract for a particular  
769 sport that the signing by the student-athlete may make the  
770 student-athlete ineligible to participate as a student-athlete in  
771 that sport.

772 **SECTION 20.** Section 73-42-29, Mississippi Code of 1972, is  
773 brought forward as follows:

774 73-42-29. The commission of any act prohibited by Section  
775 73-42-27 by an athlete agent is a felony punishable by a fine of  
776 not more than Ten Thousand Dollars (\$10,000.00) or by  
777 imprisonment \* \* \* for not more than two (2) years, or both.

778 **SECTION 21.** Section 73-42-31, Mississippi Code of 1972, is  
779 brought forward as follows:

780 73-42-31. (1) An educational institution has a right of  
781 action against an athlete agent or a former student-athlete for  
782 damages caused by a violation of this act. In an action under  
783 this section, the court may award to the prevailing party costs  
784 and reasonable attorney's fees.

785 (2) Damages of an educational institution under subsection  
786 (1) include losses and expenses incurred because, as a result of  
787 the activities of an athlete agent or former student-athlete, the  
788 educational institution was injured by a violation of this chapter





789 or was penalized, disqualified or suspended from participation in  
790 athletics by a national association for the promotion and  
791 regulation of athletics, by an athletic conference, or by  
792 reasonable self-imposed disciplinary action taken to mitigate  
793 sanctions.

794 (3) A right of action under this section does not accrue  
795 until the educational institution discovers or by the exercise of  
796 reasonable diligence would have discovered the violation by the  
797 athlete agent or former student-athlete.

798 (4) Any liability of the athlete agent or the former  
799 student-athlete under this section is several and not joint.

800 (5) This chapter does not restrict rights, remedies or  
801 defenses of any person under law or equity.

802 **SECTION 22.** Section 73-42-33, Mississippi Code of 1972, is  
803 brought forward as follows:

804 73-42-33. The Secretary of State may assess a civil penalty  
805 against an athlete agent not to exceed Twenty-five Thousand  
806 Dollars (\$25,000.00) for a violation of this chapter.

807 **SECTION 23.** Section 73-42-34, Mississippi Code of 1972, is  
808 brought forward as follows:

809 73-42-34. (1) If the Secretary of State determines that a  
810 person has engaged in or is engaging in an act, practice, or  
811 course of business constituting a violation of this chapter or a  
812 rule adopted or order issued under this chapter, or that a person  
813 has materially aided or is materially aiding in an act, practice,



814 or course of business constituting a violation of this chapter or  
815 a rule adopted or order issued under this chapter, then the  
816 secretary may:

817           (a) Issue an order directing the person to cease and  
818 desist from engaging in the act, practice, or course of business,  
819 or to take other action necessary or appropriate to comply with  
820 this chapter or any rule adopted or order issued under this  
821 chapter;

822           (b) Issue an order imposing an administrative penalty  
823 against an athlete agent who violated any provision of this  
824 chapter or any rule adopted or order issued under this chapter;  
825 and

826           (c) Take any other action authorized under the  
827 provisions of this chapter.

828           (2) An order issued under subsection (1) of this section is  
829 effective on the date of its issuance. Upon the order's issuance,  
830 the Secretary of State shall promptly serve each person subject to  
831 the order with a copy of the order and a notice that the order has  
832 been entered. The order must include a statement of any civil  
833 penalty or other administrative remedy to be imposed under  
834 subsection (1) of this section, a statement of the costs of  
835 investigation that the secretary will seek to recover, a statement  
836 of the reasons for the order, and a statement notifying the person  
837 of his or her right to a hearing under Section 73-42-13. If a  
838 person subject to the order does not request a hearing in writing



839 within thirty (30) days of the date of the order and none is  
840 ordered by the hearing officer, then the order, including the  
841 imposition of a civil penalty or requirement for payment of the  
842 costs of investigation, shall become final as to that person by  
843 operation of law.

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

847 (4) If a petition for judicial review of a final order is  
848 not filed in accordance with Section 73-42-37, or the petition is  
849 denied by the court, the secretary may file a certified copy of  
850 the final order with the clerk of a court in the jurisdiction  
851 where enforcement will be sought. The order so filed has the same  
852 effect as a judgment of the court and may be recorded, enforced,  
853 or satisfied in the same manner as a judgment of the court.

854 (5) If a person does not comply with an order issued under  
855 this section, the secretary may petition a court of competent  
856 jurisdiction to enforce the order and collect administrative civil  
857 penalties and costs imposed under the final order. The court may  
858 not require the secretary to post a bond in an action or  
859 proceeding under this section. If the court finds, after service  
860 and opportunity for hearing, that the person did not comply with  
861 the order, the court may adjudge the person in civil contempt of  
862 the order. The court may grant any relief the court determines is  
863 just and proper in the circumstances.



864 (6) Any person aggrieved by a final order of the secretary  
865 may obtain a review of the order in the circuit court of the  
866 county of residence of the athlete agent, the student-athlete, or  
867 the public or private college, university, community or junior  
868 college in the state that issued an athletic scholarship to the  
869 student-athlete, by filing within thirty (30) days after the entry  
870 of the order, a written petition praying that the order be  
871 modified or set aside, in whole or in part. A copy of the  
872 petition shall be served upon the secretary, and the secretary  
873 shall certify and file with the court a copy of the record and  
874 evidence upon which the order was entered. When these have been  
875 filed, the court has exclusive jurisdiction to affirm, modify,  
876 enforce or set aside the order, in whole or in part. The findings  
877 of the secretary as to the facts, if supported by competent  
878 material and substantial evidence, are conclusive. The beginning  
879 of proceedings under this subsection does not operate as a stay of  
880 the secretary's order, unless specifically ordered by the court.

881 **SECTION 24.** Section 73-42-35, Mississippi Code of 1972, is  
882 brought forward as follows:

883 73-42-35. In applying and construing this uniform act,  
884 consideration must be given to the need to promote uniformity of  
885 the law with respect to its subject matter among states that enact  
886 it.

887 **SECTION 25.** Section 73-42-37, Mississippi Code of 1972, is  
888 brought forward as follows:



889           73-42-37. The provisions of this chapter modify, limit and  
890 supersede the federal Electronic Signatures in Global and National  
891 Commerce Act, 15 USCS Section 7001, et seq., except that those  
892 provisions do not modify, limit, or supersede Section 101(c) of  
893 that act, 15 USCS Section 7001(c), and do not authorize electronic  
894 delivery of any of the notices described in Section 103(b) of that  
895 act, 15 USCS Section 7003(b).

896           **SECTION 26.** Section 73-42-39, Mississippi Code of 1972, is  
897 brought forward as follows:

898           73-42-39. The Secretary of State may promulgate rules and  
899 regulations necessary to administer, carry out and enforce this  
900 chapter and to define terms whether or not used in this chapter,  
901 but those definitions may not be inconsistent with this chapter.

902           **SECTION 27.** This act shall take effect and be in force from  
903 and after July 1, 2022.

