

By: Representative Bounds

To: Judiciary A

HOUSE BILL NO. 860

1 AN ACT TO BRING FORWARD SECTIONS 37-97-103, 37-97-105,  
 2 37-97-107 AND 37-97-109, MISSISSIPPI CODE OF 1972, WHICH ARE  
 3 PROVISIONS ESTABLISHING THE "MISSISSIPPI INTERCOLLEGIATE ATHLETICS  
 4 COMPENSATION RIGHTS ACT," FOR THE PURPOSE OF POSSIBLE AMENDMENTS;  
 5 TO BRING FORWARD SECTIONS 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 ARE PROVISIONS ESTABLISHING THE "UNIFORM ATHLETE  
 10 AGENTS ACT," FOR THE PURPOSE OF POSSIBLE AMENDMENTS; AND FOR  
 11 RELATED PURPOSES.

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

13 **SECTION 1.** Section 37-97-103, Mississippi Code of 1972, is  
 14 brought forward as follows:

15 37-97-103. As used in this article, the following terms  
 16 shall have the following meanings unless the context clearly  
 17 indicates otherwise:

18 (a) "Compensation" means anything of value, monetary or  
 19 otherwise, including, but not limited to, cash, gifts, in-kind  
 20 items of value, social media compensation, payments for licensing  
 21 or use of publicity rights, payments for other intellectual or  
 22 intangible property rights under federal or state law, and any



23 other form of payment or remuneration, except as excluded under  
24 this article.

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

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

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

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

41 (iv) The payment of wages and benefits to a  
42 student-athlete for work actually performed for services unrelated  
43 to a student-athlete's publicity rights or other intellectual or  
44 intangible property rights of a student-athlete under federal or  
45 state law.

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



47 (c) "Intercollegiate athletics program" means an  
48 intercollegiate athletics program played at the collegiate level  
49 for which eligibility requirements for participation by a  
50 student-athlete are established by a national association for the  
51 promotion or regulation of collegiate athletics.

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

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

57 (f) "Name, Image and Likeness Agreement" means a  
58 contract or other arrangement between a student-athlete and a  
59 third-party regarding the use of the publicity of the  
60 student-athlete.

61 (g) "Publicity right" means any right:

62 (i) Associated with the name, image, likeness,  
63 publicity, reputation, fame or personal following of a  
64 student-athlete; or

65 (ii) Recognized under a federal or state law as  
66 permitting an individual to control and profit from the use of the  
67 name, image, likeness, publicity, reputation, fame or personal  
68 following of the individual.

69 (h) "Postsecondary educational institution" means a  
70 public university or community college or private university or  
71 college.



72 (i) "Social media compensation" means all forms of  
73 payment for engagement on social media received by a  
74 student-athlete as a result of the use of that student-athlete's  
75 publicity rights.

76 (j) "Student-athlete" means an individual who engages  
77 in, is eligible to engage in, or may be eligible in the future to  
78 engage in, intercollegiate athletics program at a postsecondary  
79 educational institution, including, without limitation,  
80 prospective student-athletes of an intercollegiate athletics  
81 program. If an individual is permanently ineligible to  
82 participate in a particular intercollegiate sport, the individual  
83 is not a student-athlete for purposes of that sport.

84 (k) "Third party" means any individual or entity or  
85 group of the same, acting independently or collectively, that  
86 enters into an agreement for the publicity rights of a  
87 student-athlete or group of student-athletes. The term "third  
88 party" shall not include any national association for the  
89 promotion or regulation of collegiate athletics, athletics  
90 conference, or postsecondary educational institution.

91 **SECTION 2.** Section 37-97-105, Mississippi Code of 1972, is  
92 brought forward as follows:

93 37-97-105. (1) Except as provided in Section 37-97-107, a  
94 student-athlete may:

95 (a) Earn compensation, for the use of publicity rights  
96 of the student-athlete; and



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

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

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

108 **SECTION 3.** Section 37-97-107, Mississippi Code of 1972, is  
109 brought forward as follows:

110 37-97-107. (1) Except as provided for under this article, a  
111 postsecondary educational institution shall not uphold any  
112 contract, rule, regulation, standard or other requirement that  
113 prevents a student-athlete of that institution from earning  
114 compensation for the use of the student's publicity rights. Any  
115 such contract, rule, regulation standard or other requirement  
116 shall be void and unenforceable against the postsecondary  
117 educational institution or the student-athlete. Compensation from  
118 the use of a student-athlete's publicity rights may not affect the  
119 student-athlete's scholarship eligibility, grant-in-aid or other  
120 financial aid, awards or benefits, or the student-athlete's  
121 intercollegiate athletic eligibility. Nothing in this article is



122 intended to alter any state and federal laws or regulations  
123 regarding the award of financial aid at postsecondary educational  
124 institutions.

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

135 (3) To protect the integrity of its educational mission and  
136 intercollegiate athletics program, a postsecondary educational  
137 institution may impose reasonable limitations on the dates and  
138 time that a student-athlete may participate in endorsement,  
139 promotional, social media or other activities related to the  
140 license or use of the student-athlete's publicity rights. Nothing  
141 in this article shall restrict a postsecondary educational  
142 institution from exercising its sole discretion to control the  
143 authorized use of its marks or logos or to determine a  
144 student-athlete's apparel, gear or other wearables during an  
145 intercollegiate athletics competition or institution-sponsored  
146 event. A student-athlete may not receive or enter into a contract



147 for compensation for the use of his or her publicity rights in a  
148 way that also uses any registered or licensed marks, logos,  
149 verbiage or designs of a postsecondary institution, unless the  
150 institution has provided the student-athlete with written  
151 permission to do so prior to entering into the agreement or  
152 receipt of compensation. If permission is granted, the  
153 postsecondary educational institution, by agreement of all  
154 parties, may be compensated for the use in a manner consistent  
155 with market rates. A postsecondary educational institution may  
156 also prohibit a student-athlete from wearing any item of clothing,  
157 shoes, or other gear or wearables with the name, logo or insignia  
158 of any entity during an intercollegiate athletics competition or  
159 institution-sponsored event.

160 (4) An athletic association, conference or other group or  
161 organization with authority over intercollegiate athletics  
162 programs, including, but not limited to, the National Collegiate  
163 Athletic Association and the National Junior College Athletic  
164 Association, shall not enforce a contract, rule, regulation,  
165 standard or other requirement that prevents a postsecondary  
166 educational institution from participating in an intercollegiate  
167 athletics program, or otherwise penalize the postsecondary  
168 educational institution or its intercollegiate athletic program,  
169 as a result of activities permitted by this article, including,  
170 without limitation, the compensation of a student-athlete for the  
171 use of the student-athlete's publicity rights.



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

177 (i) Enter into, or offer to enter into, a name,  
178 image and likeness agreement with a student-athlete; or

179 (ii) Provide a student-athlete or the  
180 student-athlete's family compensation in relation to the use of  
181 the student-athlete's publicity rights.

182 (b) A postsecondary educational institution may  
183 facilitate opportunities for student-athletes to engage with third  
184 parties interested in entering into name, image, and likeness  
185 agreements, and may communicate with third parties interested in  
186 providing name, image, and likeness agreements to  
187 student-athletes.

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





197 attorneys. A student-athlete shall provide the postsecondary  
198 educational institution with written notice at least seven (7)  
199 days prior to entering into a representation agreement with any  
200 individual for the purpose of exploring or securing compensation  
201 for use of the student-athlete's publicity rights.

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

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

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

220 (10) Before any agreement for compensation for the use of a  
221 student-athlete's publicity rights is entered into, and before any



222 compensation is provided to the student-athlete in advance of an  
223 agreement, the student-athlete shall disclose the agreement to a  
224 designated official of the postsecondary educational institution  
225 in which the student-athlete is enrolled in a manner prescribed by  
226 the institution.

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

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

243 (13) No student-athlete shall enter into a name, image, and  
244 likeness agreement or receive compensation from a third-party  
245 licensee for the endorsement or promotion of gambling, sports  
246 betting, controlled substances, marijuana, tobacco or alcohol,



247 brand or product, alternative or electronic nicotine product or  
248 delivery system, performance-enhancing supplement, adult  
249 entertainment or any other product or service that is reasonably  
250 considered to be inconsistent with the values or mission of a  
251 postsecondary educational institution or that negatively impacts  
252 or reflects adversely on a postsecondary education institution or  
253 its athletic programs, including, without limitation, bringing  
254 about public disrepute, embarrassment, scandal, ridicule or  
255 otherwise negatively impacting the reputation or the moral or  
256 ethical standards of the postsecondary educational institution.

257 (14) An agreement for the use of a student-athlete's  
258 publicity rights which is formed while the student-athlete is  
259 participating in an intercollegiate sport at a postsecondary  
260 educational institution may not extend beyond the  
261 student-athlete's participation in the sport at the institution.

262 (15) Nothing in this article shall be interpreted to modify  
263 any requirements or obligations imposed under Title IX of the  
264 Education Amendments of 1972 (20 USC 1681 et seq.).

265 **SECTION 4.** Section 37-97-109, Mississippi Code of 1972, is  
266 brought forward as follows:

267 37-97-109. No postsecondary educational institution shall be  
268 subject to a claim for damages of any kind under this article,  
269 including, without limitation, a claim for unfair trade or  
270 competition or tortious interference. No postsecondary  
271 educational institution shall be subject to a claim for damages



272 related to its adoption, implementation or enforcement of any  
273 contract, rule, regulation, standard or other requirement in  
274 compliance with this article. This article is not intended to and  
275 shall not waive or diminish any applicable defenses and  
276 immunities, including, without limitation, sovereign immunity  
277 applicable to postsecondary educational institutions.

278 **SECTION 5.** Section 73-42-3, Mississippi Code of 1972, is  
279 brought forward as follows:

280 73-42-3. In this chapter:

281 (a) "Agency contract" means an agreement in which a  
282 student-athlete authorizes a person to negotiate or solicit on  
283 behalf of the student-athlete a professional-sports-services  
284 contract, an endorsement contract, compensation for the use of the  
285 student-athlete's name, image or likeness, or enrollment at any  
286 educational institution that offers an athletic scholarship to the  
287 student-athlete.

288 (b) "Athlete agent" means an individual who enters into  
289 an agency contract with a student-athlete or, directly or  
290 indirectly, recruits, induces or solicits a student-athlete to  
291 enter into an agency contract. The term does not include a  
292 spouse, parent, sibling, grandparent or guardian of the  
293 student-athlete or an individual acting solely on behalf of a  
294 professional sports team or professional sports organization. The  
295 term includes an individual who represents to the public that the  
296 individual is an athlete agent.



297           (c) "Athletic director" means an individual responsible  
298 for administering the overall athletic program of an educational  
299 institution or, if an educational institution has separately  
300 administered athletic programs for male students and female  
301 students, the athletic program for males or the athletic program  
302 for females, as appropriate.

303           (d) "Contact" means a communication, direct or  
304 indirect, written or oral, between an athlete agent and a  
305 student-athlete, to recruit, induce or solicit the student-athlete  
306 to enter into an agency contract.

307           (e) "Endorsement contract" means:

308                   (i) An agreement under which a student-athlete is  
309 employed or receives consideration or anything of value for the  
310 student-athlete's publicity, reputation, following, or fame  
311 obtained because of the student-athlete's athletic ability or  
312 performance; and

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

316           (f) "Intercollegiate sport" means a sport played at the  
317 collegiate level for which eligibility requirements for  
318 participation by a student-athlete are established by a national  
319 association for the promotion or regulation of collegiate  
320 athletics.



321 (g) "Person" means an individual, corporation, business  
322 trust, estate, trust, partnership, limited liability company,  
323 association, joint venture, government; governmental subdivision,  
324 agency or instrumentality; public corporation, or any other legal  
325 or commercial entity.

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

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

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

335 (k) "State" means a state of the United States, the  
336 District of Columbia, Puerto Rico, the United States Virgin  
337 Islands, or any territory or insular possession subject to the  
338 jurisdiction of the United States.

339 (l) "Student-athlete" means an individual who engages  
340 in, is eligible to engage in, or may be eligible in the future to  
341 engage in, a sport for a professional sports team or in any  
342 intercollegiate sport at any educational institution. If an  
343 individual is permanently ineligible to participate in a  
344 particular intercollegiate sport, the individual is not a  
345 student-athlete for purposes of that sport.



346           **SECTION 6.** Section 73-42-5, Mississippi Code of 1972, is  
347 brought forward as follows:

348           73-42-5. (1) The Secretary of State shall administer this  
349 chapter.

350           (2) By engaging in the business of an athlete agent in this  
351 state, a nonresident individual appoints the Secretary of State as  
352 the individual's agent to accept service of process in any civil  
353 action related to the individual's business as an athlete agent in  
354 this state.

355           (3) The Secretary of State may:

356           (a) Conduct public or private investigations within or  
357 outside of this state which he considers necessary or appropriate  
358 to determine whether a person has violated, is violating, or is  
359 about to violate any provision of this chapter or a rule adopted  
360 under this chapter, or to aid in the enforcement of this chapter  
361 or in the adoption of rules and forms under this chapter;

362           (b) Require or permit a person to testify, file a  
363 statement, or produce a record, under oath or otherwise as he may  
364 determine, as to all facts and circumstances concerning a matter  
365 to be investigated or about which an action or proceeding is to be  
366 instituted; and

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



371 (4) For the purpose of an investigation under this chapter,  
372 the Secretary of State or his designated officer may administer  
373 oaths and affirmations, subpoena witnesses, seek compulsion of  
374 attendance, take evidence, require the filing of statements, and  
375 require the production of any records that the Secretary of State  
376 considers relevant or material to the investigation.

377 **SECTION 7.** Section 73-42-7, Mississippi Code of 1972, is  
378 brought forward as follows:

379 73-42-7. (1) Except as otherwise provided in subsection  
380 (2), an individual may not act as an athlete agent in this state  
381 before being issued a certificate of registration under Section  
382 73-42-11 or 73-42-15.

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

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

392 **SECTION 8.** Section 73-42-9, Mississippi Code of 1972, is  
393 brought forward as follows:

394 73-42-9. (1) An applicant for registration shall submit an  
395 application for registration to the Secretary of State in a form





396 prescribed by the Secretary of State. An application filed under  
397 this section is a public record. Except as otherwise provided in  
398 subsection (2), the application must be in the name of an  
399 individual, signed by the applicant under penalty of perjury and  
400 must state or contain:

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

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

405 (c) Any business or occupation engaged in by the  
406 applicant for the five (5) years next preceding the date of  
407 submission of the application;

408 (d) A description of the applicant's:

409 (i) Formal training as an athlete agent;

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

411 (iii) Educational background relating to the  
412 applicant's activities as an athlete agent;

413 (e) The names and addresses of three (3) individuals  
414 not related to the applicant who are willing to serve as  
415 references;

416 (f) The name, sport and last known team for each  
417 individual for whom the applicant provided services as an athlete  
418 agent during the five (5) years next preceding the date of  
419 submission of the application;

420 (g) The names and addresses of all persons who are:



421 (i) With respect to the athlete agent's business  
422 if it is not a corporation, the partners, officers, associates,  
423 individuals or profit-sharers; and

424 (ii) With respect to a company or corporation  
425 employing the athlete agent, the officers, directors and any  
426 shareholder of the corporation or member with a five percent (5%)  
427 or greater interest;

428 (h) Whether the applicant or any other person named  
429 pursuant to paragraph (g) has been convicted of a crime that, if  
430 committed in this state, would be a felony or other crime  
431 involving moral turpitude, and identify the crime;

432 (i) Whether there has been any administrative or  
433 judicial determination that the applicant or any other person  
434 named pursuant to paragraph (g) has made a false, misleading,  
435 deceptive or fraudulent representation;

436 (j) Any instance in which the conduct of the applicant  
437 or any other person named pursuant to paragraph (g) resulted in  
438 the imposition of a sanction, suspension or declaration of  
439 ineligibility to participate in an interscholastic or  
440 intercollegiate athletic event on a student-athlete or educational  
441 institution;

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



445           (1) Whether there has been any denial of an application  
446 for, suspension or revocation of, or refusal to renew, the  
447 certification, registration or licensure of the applicant or any  
448 other person named pursuant to paragraph (g) as an athlete agent  
449 in any state;

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

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

455           (o) Consent to submit to a criminal background check  
456 before being issued a certificate of registration. Any fees  
457 connected with the background check shall be assessed to the  
458 applicant.

459           (2) An individual who has submitted an application for, and  
460 received a certificate of, registration or licensure as an athlete  
461 agent in another state, may submit a copy of the application and a  
462 valid certificate of registration or licensure from the other  
463 state in lieu of submitting an application in the form prescribed  
464 pursuant to subsection (1), along with the information requested  
465 in paragraphs (1), (m), (n) and (o) of subsection (1). The  
466 Secretary of State shall accept the application and the  
467 certificate from the other state as an application for  
468 registration in this state if the application to the other state:



469           (a) Was submitted in the other state within the six (6)  
470 months next preceding the submission of the application in this  
471 state and the applicant certifies the information contained in the  
472 application is current;

473           (b) Contains information substantially similar to or  
474 more comprehensive than that required in an application submitted  
475 in this state; and

476           (c) Was signed by the applicant under penalty of  
477 perjury.

478           (3) An athlete agent must notify the Secretary of State  
479 within thirty (30) days whenever the information contained in any  
480 application for registration as an athlete agent in this state  
481 changes in a material way or is, or becomes, inaccurate or  
482 incomplete in any respect. Events requiring notice shall include,  
483 but are not limited to, the following:

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

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

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

491           (d) Sanction, suspension or other disciplinary action  
492 taken against the athlete agent arising out of occupational or  
493 professional conduct.



494           **SECTION 9.** Section 73-42-11, Mississippi Code of 1972, is  
495 brought forward as follows:

496           73-42-11. (1) Except as otherwise provided in subsection  
497 (3), the Secretary of State shall issue a certificate of  
498 registration to an individual who complies with Section  
499 73-42-9(1).

500           (2) Except as otherwise provided in subsection (3), the  
501 Secretary of State shall issue a certificate of registration to an  
502 individual whose application has been accepted under Section  
503 73-42-9(2).

504           (3) The Secretary of State may refuse to issue a certificate  
505 of registration if he determines that the applicant has engaged in  
506 conduct that has a significant adverse effect on the applicant's  
507 fitness to serve as an athlete agent. In making the  
508 determination, the Secretary of State may consider whether the  
509 applicant has:

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

513           (b) Made a materially false, misleading, deceptive or  
514 fraudulent representation as an athlete agent or in the  
515 application;

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

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



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

522 (f) Engaged in conduct or failed to engage in conduct  
523 the consequence of which was that a sanction, suspension or  
524 declaration of ineligibility to participate in an interscholastic  
525 or intercollegiate athletic event was imposed on a student-athlete  
526 or educational institution; or

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

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

531 (a) How recently the conduct occurred;

532 (b) The nature of the conduct and the context in which  
533 it occurred; and

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

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

541 (6) An individual who has submitted an application for  
542 renewal of registration or licensure in another state, in lieu of  
543 submitting an application for renewal in the form prescribed



544 pursuant to subsection (5), may file a copy of the application for  
545 renewal and a valid certificate of registration from the other  
546 state. The Secretary of State shall accept the application for  
547 renewal from the other state as an application for renewal in this  
548 state if the application to the other state:

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

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

555 (c) Was signed by the applicant under penalty of  
556 perjury.

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

560 **SECTION 10.** Section 73-42-13, Mississippi Code of 1972, is  
561 brought forward as follows:

562 73-42-13. (1) After proper notice and an opportunity for a  
563 hearing, the Secretary of State may deny, suspend, revoke or  
564 refuse to renew a registration for conduct that would have  
565 justified denial of registration under Section 73-42-11(3) or for  
566 a violation of any provision of this chapter.

567 (2) (a) The Secretary of State shall appoint at least one  
568 (1) hearing officer for the purpose of holding hearings, compiling



569 evidence and rendering decisions under this section and Section  
570 73-42-11. The hearing officer shall fix the date for an  
571 adjudicatory hearing and notify the athlete agent involved. The  
572 hearing shall be held at a location to be designated by the  
573 hearing officer. Unless the time period is extended by the  
574 hearing officer, the hearing shall be held not less than fifteen  
575 (15) nor more than thirty (30) days after the mailing of notice to  
576 the athlete agent involved. At the conclusion of the hearing, the  
577 hearing officer shall make a recommendation regarding the  
578 registration of the athlete agent involved. The Secretary of  
579 State shall then take appropriate action by final order.

580 (b) Any athlete agent whose application for  
581 registration has been denied or not renewed, or whose registration  
582 has been revoked or suspended by the Secretary of State, within  
583 thirty (30) days after the date of such final order, shall have  
584 the right of a trial de novo on appeal to the circuit court of the  
585 county of residence of the athlete agent, the student-athlete, or  
586 the educational institution that issued an athletic scholarship to  
587 the student-athlete. If the secretary's final order is supported  
588 by substantial evidence and does not violate a state or federal  
589 law, then it shall be affirmed by the circuit court. Either party  
590 shall have the right of appeal to the Supreme Court as provided by  
591 law from any decision of the circuit court. No athlete agent  
592 shall be allowed to deliver services to a student-athlete





593 domiciled or residing in Mississippi while any such appeal is  
594 pending.

595 (3) In addition to the reasons specified in subsection (1)  
596 of this section, the secretary shall be authorized to suspend the  
597 registration of any person for being out of compliance with an  
598 order for support, as defined in Section 93-11-153. The procedure  
599 for suspension of a registration for being out of compliance with  
600 an order for support, and the procedure for the reissuance or  
601 reinstatement of a registration suspended for that purpose, and  
602 the payment of any fees for the reissuance or reinstatement of a  
603 registration suspended for that purpose, shall be governed by  
604 Section 93-11-157 or 93-11-163, as the case may be. Actions taken  
605 by the secretary in suspending the registration of a person when  
606 required by Section 93-11-157 are not actions from which an appeal  
607 may be taken under this section. Any appeal of a registration  
608 suspension that is required by Section 93-11-157 or 93-11-163  
609 shall be taken in accordance with the appeal procedure specified  
610 in Section 93-11-157 or 93-11-163, as the case may be, rather than  
611 the procedure specified in this section. If there is any conflict  
612 between any provision of Section 93-11-157 or 93-11-163 and any  
613 provision of this chapter, the provisions of Section 93-11-157 or  
614 93-11-163, as the case may be, shall control.

615 **SECTION 11.** Section 73-42-15, Mississippi Code of 1972, is  
616 brought forward as follows:



617 73-42-15. The Secretary of State may issue a temporary  
618 certificate of registration while an application for registration  
619 or renewal is pending.

620 **SECTION 12.** Section 73-42-17, Mississippi Code of 1972, is  
621 brought forward as follows:

622 73-42-17. (1) An application for registration or renewal of  
623 registration must be accompanied by a fee in the following amount:

624 (a) Two Hundred Dollars (\$200.00) for an initial  
625 application for registration.

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

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

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

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

638 **SECTION 13.** Section 73-42-19, Mississippi Code of 1972, is  
639 brought forward as follows:

640 73-42-19. (1) An agency contract must be in a record,  
641 signed by the parties.



642 (2) An agency contract must state or contain:  
643 (a) The amount and method of calculating the  
644 consideration to be paid by the student-athlete for services to be  
645 provided by the athlete agent under the contract and any other  
646 consideration or anything of value that the athlete agent has  
647 received or will receive from any other source for entering into  
648 the contract or for providing the services;  
649 (b) The name of any person not listed in the  
650 application for registration or renewal who will be compensated  
651 because the student-athlete signed the agency contract;  
652 (c) A description of any expenses that the  
653 student-athlete agrees to reimburse;  
654 (d) A description of the services to be provided to the  
655 student-athlete;  
656 (e) The duration of the contract; and  
657 (f) The date of execution.

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

661 **WARNING TO STUDENT-ATHLETE**

662 **IF YOU SIGN THIS CONTRACT:**

663 (1) **YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A**  
664 **STUDENT-ATHLETE IN YOUR SPORT UNLESS THIS CONTRACT IS SERVING AS A**  
665 **NAME, IMAGE AND LIKENESS AGREEMENT PURSUANT TO SECTION 37-97-103;**



666 (2) BOTH YOU AND YOUR ATHLETE AGENT ARE REQUIRED TO TELL  
667 YOUR ATHLETIC DIRECTOR, IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN  
668 72 HOURS AFTER ENTERING INTO AN AGENCY CONTRACT; AND

669 (3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER  
670 SIGNING IT. CANCELLATION OF THE CONTRACT MAY NOT REINSTATE YOUR  
671 ELIGIBILITY.

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

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

676 **SECTION 14.** Section 73-42-21, Mississippi Code of 1972, is  
677 brought forward as follows:

678 73-42-21. (1) Before an athlete agent, or his or her  
679 employee or representative, may initiate a first contact, direct  
680 or indirect, with any of the individuals listed below, with the  
681 intent or for the purpose of soliciting the student-athlete or of  
682 procuring employment from the student-athlete, the athlete agent,  
683 or his or her employee or representative, must provide the  
684 educational institution at which the student-athlete is enrolled  
685 with written notification of the planned contact with these  
686 individuals:

687 (a) The student-athlete;

688 (b) The student-athlete's spouse, parent, foster  
689 parent, guardian, sibling, aunt, uncle, grandparent, child or  
690 first cousin; or the parent, foster parent, sibling, aunt, uncle,



691 grandparent, child or first cousin of the student-athlete's  
692 spouse; or

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

695 (2) Within seventy-two (72) hours after entering into an  
696 agency contract or before the next scheduled athletic event in  
697 which the student-athlete may participate, whichever occurs first,  
698 the athlete agent shall give notice of the existence of the agency  
699 contract to the athletic director of the educational institution  
700 at which the student-athlete is enrolled or at which the athlete  
701 agent has reasonable grounds to believe the student-athlete  
702 intends to enroll.

703 (3) Within seventy-two (72) hours after entering into an  
704 agency contract or before the next athletic event in which the  
705 student-athlete may participate, whichever occurs first, the  
706 student-athlete shall inform the athletic director of the  
707 educational institution at which the student-athlete is enrolled  
708 that he or she has entered into an agency contract.

709 **SECTION 15.** Section 73-42-23, Mississippi Code of 1972, is  
710 brought forward as follows:

711 73-42-23. (1) A student-athlete may cancel an agency  
712 contract by giving notice to the athlete agent of the cancellation  
713 within fourteen (14) days after the date the contract is signed.

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



716 (3) If a student-athlete cancels an agency contract, the  
717 student-athlete is not required to pay any consideration under the  
718 contract or to return any consideration received from the athlete  
719 agent to induce the student-athlete to enter into the contract.

720 **SECTION 16.** Section 73-42-25, Mississippi Code of 1972, is  
721 brought forward as follows:

722 73-42-25. (1) An athlete agent shall retain the following  
723 records for a period of five (5) years:

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

726 (b) Any agency contract entered into by the athlete  
727 agent; and

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

730 (2) Records required by subsection (1) to be retained are  
731 open to inspection by the Secretary of State during normal  
732 business hours.

733 **SECTION 17.** Section 73-42-27, Mississippi Code of 1972, is  
734 brought forward as follows:

735 73-42-27. (1) An athlete agent may not engage in any of the  
736 following activities, within this state or otherwise, with the  
737 intent to induce a student-athlete to enter into an agency  
738 contract:

739 (a) Give any materially false or misleading information  
740 or make a materially false promise or representation;



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

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

745 (2) An athlete agent may not intentionally:

746 (a) Initiate contact with a student-athlete unless  
747 registered under this chapter;

748 (b) Refuse or willfully fail to retain or permit  
749 inspection of the records required by Section 73-42-25 or fail to  
750 provide the Secretary of State with any statements, documents,  
751 records or testimony required by the secretary under Section  
752 73-42-5(3) and (4);

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

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

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

757 (f) Fail to notify a student-athlete prior to the  
758 student-athlete's signing an agency contract for a particular  
759 sport that the signing by the student-athlete may make the  
760 student-athlete ineligible to participate as a student-athlete in  
761 that sport.

762 **SECTION 18.** Section 73-42-29, Mississippi Code of 1972, is  
763 brought forward as follows:

764 73-42-29. The commission of any act prohibited by Section  
765 73-42-27 by an athlete agent is a felony punishable by a fine of



766 not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment  
767 of not more than two (2) years, or both.

768         **SECTION 19.** Section 73-42-31, Mississippi Code of 1972, is  
769 brought forward as follows:

770         73-42-31. (1) An educational institution has a right of  
771 action against an athlete agent or a former student-athlete for  
772 damages caused by a violation of this act. In an action under  
773 this section, the court may award to the prevailing party costs  
774 and reasonable attorney's fees.

775         (2) Damages of an educational institution under subsection  
776 (1) include losses and expenses incurred because, as a result of  
777 the activities of an athlete agent or former student-athlete, the  
778 educational institution was injured by a violation of this chapter  
779 or was penalized, disqualified or suspended from participation in  
780 athletics by a national association for the promotion and  
781 regulation of athletics, by an athletic conference, or by  
782 reasonable self-imposed disciplinary action taken to mitigate  
783 sanctions.

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

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





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

792 **SECTION 20.** Section 73-42-33, Mississippi Code of 1972, is  
793 brought forward as follows:

794 73-42-33. The Secretary of State may assess a civil penalty  
795 against an athlete agent not to exceed Twenty-five Thousand  
796 Dollars (\$25,000.00) for a violation of this chapter.

797 **SECTION 21.** Section 73-42-34, Mississippi Code of 1972, is  
798 brought forward as follows:

799 73-42-34. (1) If the Secretary of State determines that a  
800 person has engaged in or is engaging in an act, practice, or  
801 course of business constituting a violation of this chapter or a  
802 rule adopted or order issued under this chapter, or that a person  
803 has materially aided or is materially aiding in an act, practice,  
804 or course of business constituting a violation of this chapter or  
805 a rule adopted or order issued under this chapter, then the  
806 secretary may:

807 (a) Issue an order directing the person to cease and  
808 desist from engaging in the act, practice, or course of business,  
809 or to take other action necessary or appropriate to comply with  
810 this chapter or any rule adopted or order issued under this  
811 chapter;

812 (b) Issue an order imposing an administrative penalty  
813 against an athlete agent who violated any provision of this



814 chapter or any rule adopted or order issued under this chapter;  
815 and

816 (c) Take any other action authorized under the  
817 provisions of this chapter.

818 (2) An order issued under subsection (1) of this section is  
819 effective on the date of its issuance. Upon the order's issuance,  
820 the Secretary of State shall promptly serve each person subject to  
821 the order with a copy of the order and a notice that the order has  
822 been entered. The order must include a statement of any civil  
823 penalty or other administrative remedy to be imposed under  
824 subsection (1) of this section, a statement of the costs of  
825 investigation that the secretary will seek to recover, a statement  
826 of the reasons for the order, and a statement notifying the person  
827 of his or her right to a hearing under Section 73-42-13. If a  
828 person subject to the order does not request a hearing in writing  
829 within thirty (30) days of the date of the order and none is  
830 ordered by the hearing officer, then the order, including the  
831 imposition of a civil penalty or requirement for payment of the  
832 costs of investigation, shall become final as to that person by  
833 operation of law.

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

837 (4) If a petition for judicial review of a final order is  
838 not filed in accordance with Section 73-42-37, or the petition is



839 denied by the court, the secretary may file a certified copy of  
840 the final order with the clerk of a court in the jurisdiction  
841 where enforcement will be sought. The order so filed has the same  
842 effect as a judgment of the court and may be recorded, enforced,  
843 or satisfied in the same manner as a judgment of the court.

844 (5) If a person does not comply with an order issued under  
845 this section, the secretary may petition a court of competent  
846 jurisdiction to enforce the order and collect administrative civil  
847 penalties and costs imposed under the final order. The court may  
848 not require the secretary to post a bond in an action or  
849 proceeding under this section. If the court finds, after service  
850 and opportunity for hearing, that the person did not comply with  
851 the order, the court may adjudge the person in civil contempt of  
852 the order. The court may grant any relief the court determines is  
853 just and proper in the circumstances.

854 (6) Any person aggrieved by a final order of the secretary  
855 may obtain a review of the order in the circuit court of the  
856 county of residence of the athlete agent, the student-athlete, or  
857 the public or private college, university, community or junior  
858 college in the state that issued an athletic scholarship to the  
859 student-athlete, by filing within thirty (30) days after the entry  
860 of the order, a written petition praying that the order be  
861 modified or set aside, in whole or in part. A copy of the  
862 petition shall be served upon the secretary, and the secretary  
863 shall certify and file with the court a copy of the record and



864 evidence upon which the order was entered. When these have been  
865 filed, the court has exclusive jurisdiction to affirm, modify,  
866 enforce or set aside the order, in whole or in part. The findings  
867 of the secretary as to the facts, if supported by competent  
868 material and substantial evidence, are conclusive. The beginning  
869 of proceedings under this subsection does not operate as a stay of  
870 the secretary's order, unless specifically ordered by the court.

871 **SECTION 22.** Section 73-42-35, Mississippi Code of 1972, is  
872 brought forward as follows:

873 73-42-35. In applying and construing this uniform act,  
874 consideration must be given to the need to promote uniformity of  
875 the law with respect to its subject matter among states that enact  
876 it.

877 **SECTION 23.** Section 73-42-37, Mississippi Code of 1972, is  
878 brought forward as follows:

879 73-42-37. The provisions of this chapter modify, limit and  
880 supersede the federal Electronic Signatures in Global and National  
881 Commerce Act, 15 USCS Section 7001, et seq., except that those  
882 provisions do not modify, limit, or supersede Section 101(c) of  
883 that act, 15 USCS Section 7001(c), and do not authorize electronic  
884 delivery of any of the notices described in Section 103(b) of that  
885 act, 15 USCS Section 7003(b).

886 **SECTION 24.** Section 73-42-39, Mississippi Code of 1972, is  
887 brought forward as follows:



888           73-42-39. The Secretary of State may promulgate rules and  
889 regulations necessary to administer, carry out and enforce this  
890 chapter and to define terms whether or not used in this chapter,  
891 but those definitions may not be inconsistent with this chapter.

892           **SECTION 25.** This act shall take effect and be in force from  
893 and after July 1, 2023.

