

By: Senator(s) Parks

To: Universities and  
Colleges

SENATE BILL NO. 2486

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. 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 for services unrelated



47 to a student-athlete's publicity rights or other intellectual or  
48 intangible property rights of a student-athlete under federal or  
49 state law.

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

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

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

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

61 (f) "Name, Image and Likeness Agreement" means a  
62 contract or other arrangement between a student-athlete and a  
63 third-party regarding the use of the publicity of the  
64 student-athlete.

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

66 (i) Associated with the name, image, likeness,  
67 publicity, reputation, fame or personal following of a  
68 student-athlete; or

69 (ii) Recognized under a federal or state law as  
70 permitting an individual to control and profit from the use of the



71 name, image, likeness, publicity, reputation, fame or personal  
72 following of the individual.

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

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

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

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



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

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

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

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

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

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

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

114           37-97-107. (1) Except as provided for under this article, a  
115 postsecondary educational institution shall not uphold any  
116 contract, rule, regulation, standard or other requirement that  
117 prevents a student-athlete of that institution from earning  
118 compensation for the use of the student's publicity rights. Any  
119 such contract, rule, regulation standard or other requirement



120 shall be void and unenforceable against the postsecondary  
121 educational institution or the student-athlete. Compensation from  
122 the use of a student-athlete's publicity rights may not affect the  
123 student-athlete's scholarship eligibility, grant-in-aid or other  
124 financial aid, awards or benefits, or the student-athlete's  
125 intercollegiate athletic eligibility. Nothing in this article is  
126 intended to alter any state and federal laws or regulations  
127 regarding the award of financial aid at postsecondary educational  
128 institutions.

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

139       (3) To protect the integrity of its educational mission and  
140 intercollegiate athletics program, a postsecondary educational  
141 institution may impose reasonable limitations on the dates and  
142 time that a student-athlete may participate in endorsement,  
143 promotional, social media or other activities related to the  
144 license or use of the student-athlete's publicity rights. Nothing



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

164 (4) An athletic association, conference or other group or  
165 organization with authority over intercollegiate athletics  
166 programs, including, but not limited to, the National Collegiate  
167 Athletic Association and the National Junior College Athletic  
168 Association, shall not enforce a contract, rule, regulation,  
169 standard or other requirement that prevents a postsecondary



170 educational institution from participating in an intercollegiate  
171 athletics program, or otherwise penalize the postsecondary  
172 educational institution or its intercollegiate athletic program,  
173 as a result of activities permitted by this article, including,  
174 without limitation, the compensation of a student-athlete for the  
175 use of the student-athlete's publicity rights.

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

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

183 (ii) Provide a student-athlete or the  
184 student-athlete's family compensation in relation to the use of  
185 the student-athlete's publicity rights.

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

192 (6) A postsecondary educational institution, athletic  
193 association, conference or other group or organization with  
194 authority over intercollegiate athletics programs, including, but





195 not limited to, the National Collegiate Athletic Association and  
196 the National Junior College Athletic Association shall not prevent  
197 a student-athlete from obtaining professional representation in  
198 relation to publicity rights, or to secure a name, image and  
199 likeness agreement, including, but not limited to, representation  
200 provided by athlete agents or legal representation provided by  
201 attorneys. A student-athlete shall provide the postsecondary  
202 educational institution with written notice at least seven (7)  
203 days prior to entering into a representation agreement with any  
204 individual for the purpose of exploring or securing compensation  
205 for use of the student-athlete's publicity rights.

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

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

217 (9) A grant-in-aid, including cost of attendance, and other  
218 permissible financial aid, awards or benefits from the  
219 postsecondary educational institution in which a student-athlete



220 is enrolled shall not be revoked, reduced, nor the terms and  
221 conditions altered, as a result of a student-athlete earning  
222 compensation or obtaining professional or legal representation  
223 pursuant to this article.

224 (10) Before any agreement for compensation for the use of a  
225 student-athlete's publicity rights is entered into, and before any  
226 compensation is provided to the student-athlete in advance of an  
227 agreement, the student-athlete shall disclose the agreement to a  
228 designated official of the postsecondary educational institution  
229 in which the student-athlete is enrolled in a manner prescribed by  
230 the institution.

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

240 (12) No postsecondary educational institution, booster or  
241 third-party shall provide a student-athlete compensation or enter  
242 into a name, image and likeness agreement as an inducement for the  
243 student-athlete to attend or enroll in a specific institution or  
244 group of institutions. Compensation for a student-athlete's



245 publicity rights may not be conditioned on athletic performance or  
246 attendance.

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

262 (14) An agreement for the use of a student-athlete's  
263 publicity rights which is formed while the student-athlete is  
264 participating in an intercollegiate sport at a postsecondary  
265 educational institution may not extend beyond the  
266 student-athlete's participation in the sport at the institution.

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



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

272           37-97-109. No postsecondary educational institution shall be  
273 subject to a claim for damages of any kind under this article,  
274 including, without limitation, a claim for unfair trade or  
275 competition or tortious interference. No postsecondary  
276 educational institution shall be subject to a claim for damages  
277 related to its adoption, implementation or enforcement of any  
278 contract, rule, regulation, standard or other requirement in  
279 compliance with this article. This article is not intended to and  
280 shall not waive or diminish any applicable defenses and  
281 immunities, including, without limitation, sovereign immunity  
282 applicable to postsecondary educational institutions.

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

285           73-42-1. This chapter may be cited as the "Uniform Athlete  
286 Agents Act."

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

289           73-42-3. In this chapter:

290           (a) "Agency contract" means an agreement in which a  
291 student-athlete authorizes a person to negotiate or solicit on  
292 behalf of the student-athlete a professional-sports-services  
293 contract, an endorsement contract, compensation for the use of the  
294 student-athlete's name, image or likeness, or enrollment at any



295 educational institution that offers an athletic scholarship to the  
296 student-athlete.

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

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

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

316 (e) "Endorsement contract" means:

317 (i) An agreement under which a student-athlete is  
318 employed or receives consideration or anything of value for the  
319 student-athlete's publicity, reputation, following, or fame



320 obtained because of the student-athlete's athletic ability or  
321 performance; and

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

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

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

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

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

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



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

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

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

357 73-42-5. (1) The Secretary of State shall administer this  
358 chapter.

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

364 (3) The Secretary of State may:

365 (a) Conduct public or private investigations within or  
366 outside of this state which he considers necessary or appropriate  
367 to determine whether a person has violated, is violating, or is  
368 about to violate any provision of this chapter or a rule adopted



369 under this chapter, or to aid in the enforcement of this chapter  
370 or in the adoption of rules and forms under this chapter;

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

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

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

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

388 73-42-7. (1) Except as otherwise provided in subsection  
389 (2), an individual may not act as an athlete agent in this state  
390 before being issued a certificate of registration under Section  
391 73-42-11 or 73-42-15.

392 (2) Before being issued a certificate of registration, an  
393 individual may act as an athlete agent for all purposes except





394 signing an agency contract if within seven (7) days after an  
395 initial act as an athlete agent, the individual submits an  
396 application to register as an athlete agent in this state.

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

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

403 73-42-9. (1) An applicant for registration shall submit an  
404 application for registration to the Secretary of State in a form  
405 prescribed by the Secretary of State. An application filed under  
406 this section is a public record. Except as otherwise provided in  
407 subsection (2), the application must be in the name of an  
408 individual, signed by the applicant under penalty of perjury and  
409 must state or contain:

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

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

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

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

418 (i) Formal training as an athlete agent;



419 (ii) Practical experience as an athlete agent; and  
420 (iii) Educational background relating to the  
421 applicant's activities as an athlete agent;

422 (e) The names and addresses of three (3) individuals  
423 not related to the applicant who are willing to serve as  
424 references;

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

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

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

433 (ii) With respect to a company or corporation  
434 employing the athlete agent, the officers, directors and any  
435 shareholder of the corporation or member with a five percent (5%)  
436 or greater interest;

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

441 (i) Whether there has been any administrative or  
442 judicial determination that the applicant or any other person



443 named pursuant to paragraph (g) has made a false, misleading,  
444 deceptive or fraudulent representation;

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

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

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

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

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

464 (o) Consent to submit to a criminal background check  
465 before being issued a certificate of registration. Any fees  
466 connected with the background check shall be assessed to the  
467 applicant.



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

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

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

485                   (c) Was signed by the applicant under penalty of  
486 perjury.

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



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

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

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

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

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

505 73-42-11. (1) Except as otherwise provided in subsection  
506 (3), the Secretary of State shall issue a certificate of  
507 registration to an individual who complies with Section  
508 73-42-9(1).

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

513 (3) The Secretary of State may refuse to issue a certificate  
514 of registration if he determines that the applicant has engaged in  
515 conduct that has a significant adverse effect on the applicant's  
516 fitness to serve as an athlete agent. In making the



517 determination, the Secretary of State may consider whether the  
518 applicant has:

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

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

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

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

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

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

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

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

540 (a) How recently the conduct occurred;



541 (b) The nature of the conduct and the context in which  
542 it occurred; and

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

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

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

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

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

564 (c) Was signed by the applicant under penalty of  
565 perjury.



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

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

571 73-42-13. (1) After proper notice and an opportunity for a  
572 hearing, the Secretary of State may deny, suspend, revoke or  
573 refuse to renew a registration for conduct that would have  
574 justified denial of registration under Section 73-42-11(3) or for  
575 a violation of any provision of this chapter.

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

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





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

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



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

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

626 73-42-15. The Secretary of State may issue a temporary  
627 certificate of registration while an application for registration  
628 or renewal is pending.

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

631 73-42-17. (1) An application for registration or renewal of  
632 registration must be accompanied by a fee in the following amount:

633 (a) Two Hundred Dollars (\$200.00) for an initial  
634 application for registration.

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

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



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

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

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

649 73-42-19. (1) An agency contract must be in a record,  
650 signed by the parties.

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

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

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

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

663 (d) A description of the services to be provided to the  
664 student-athlete;



665 (e) The duration of the contract; and

666 (f) The date of execution.

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

670 **WARNING TO STUDENT-ATHLETE**

671 **IF YOU SIGN THIS CONTRACT:**

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

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

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

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

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

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

687 73-42-21. (1) Before an athlete agent, or his or her  
688 employee or representative, may initiate a first contact, direct  
689 or indirect, with any of the individuals listed below, with the



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

696 (a) The student-athlete;

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

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

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

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



715 student-athlete shall inform the athletic director of the  
716 educational institution at which the student-athlete is enrolled  
717 that he or she has entered into an agency contract.

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

720 73-42-23. (1) A student-athlete may cancel an agency  
721 contract by giving notice to the athlete agent of the cancellation  
722 within fourteen (14) days after the date the contract is signed.

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

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

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

731 73-42-25. (1) An athlete agent shall retain the following  
732 records for a period of five (5) years:

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

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

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



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

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

744 73-42-27. (1) An athlete agent may not engage in any of the  
745 following activities, within this state or otherwise, with the  
746 intent to induce a student-athlete to enter into an agency  
747 contract:

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

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

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

754 (2) An athlete agent may not intentionally:

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

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

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



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

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

773 73-42-29. The commission of any act prohibited by Section  
774 73-42-27 by an athlete agent is a felony punishable by a fine of  
775 not more than Ten Thousand Dollars (\$10,000.00) or by  
776 imprisonment \* \* \* for not more than two (2) years, or both.

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

779 73-42-31. (1) An educational institution has a right of  
780 action against an athlete agent or a former student-athlete for  
781 damages caused by a violation of this act. In an action under  
782 this section, the court may award to the prevailing party costs  
783 and reasonable attorney's fees.

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





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

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

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

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

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

803 73-42-33. The Secretary of State may assess a civil penalty  
804 against an athlete agent not to exceed Twenty-five Thousand  
805 Dollars (\$25,000.00) for a violation of this chapter.

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

808 73-42-34. (1) If the Secretary of State determines that a  
809 person has engaged in or is engaging in an act, practice, or  
810 course of business constituting a violation of this chapter or a  
811 rule adopted or order issued under this chapter, or that a person  
812 has materially aided or is materially aiding in an act, practice,



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

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

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

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

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



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

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

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

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



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

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

882 73-42-35. In applying and construing this uniform act,  
883 consideration must be given to the need to promote uniformity of  
884 the law with respect to its subject matter among states that enact  
885 it.

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



888           73-42-37. The provisions of this chapter modify, limit and  
889 supersede the federal Electronic Signatures in Global and National  
890 Commerce Act, 15 USCS Section 7001, et seq., except that those  
891 provisions do not modify, limit, or supersede Section 101(c) of  
892 that act, 15 USCS Section 7001(c), and do not authorize electronic  
893 delivery of any of the notices described in Section 103(b) of that  
894 act, 15 USCS Section 7003(b).

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

897           73-42-39. The Secretary of State may promulgate rules and  
898 regulations necessary to administer, carry out and enforce this  
899 chapter and to define terms whether or not used in this chapter,  
900 but those definitions may not be inconsistent with this chapter.

901           **SECTION 27.** This act shall take effect and be in force from  
902 and after July 1, 2023.

