



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1580/1
KP:kjf

2019 ASSEMBLY BILL 82

March 19, 2019 - Introduced by Representatives BROOKS, TUSLER, KUGLITSCH, RAMTHUN and WICHGERS, cosponsored by Senator JACQUE. Referred to Committee on Regulatory Licensing Reform.

1 **AN ACT** *to repeal* 440.99 (4), 440.997 (2), 440.997 (3) and 440.997 (5); *to*
2 *renumber* 440.994 (2) (a); *to renumber and amend* 440.9945 (1); *to amend*
3 440.99 (6), 440.99 (7), 440.99 (11), 440.991 (2) (b), 440.9915 (title), 440.9915 (1)
4 (intro.), 440.9915 (1) (a), 440.9915 (1) (b), 440.9915 (1) (c), 440.9915 (1) (e),
5 440.9915 (1) (f), 440.9915 (1) (h), 440.9915 (1) (i), 440.9915 (1) (j), 440.9915 (1)
6 (k), 440.9915 (1) (L), 440.992 (1), 440.992 (2) (intro.), 440.992 (2) (e), 440.992 (2)
7 (f), 440.992 (2) (g), 440.992 (4), 440.9925 (1), 440.9925 (2), 440.994 (1), 440.994
8 (2) (intro.), 440.994 (3), 440.994 (4), 440.994 (5), 440.9945 (2), 440.995 (1),
9 440.995 (2), 440.995 (3), 440.9955 (1) (intro.), 440.9955 (1) (b), 440.9955 (1) (c),
10 440.9955 (2), 440.996 (1) (intro.), 440.996 (2) (intro.), 440.996 (2) (a), 440.996
11 (2) (b), 440.996 (2) (g), 440.997 (1), 440.9975 and 440.998; *to repeal and*
12 *recreate* 440.99 (2), 440.9915 (2), 440.992 (5) and 440.9985; and *to create*
13 440.99 (4r), 440.99 (5d), 440.99 (6c), 440.99 (6r), 440.99 (8c), 440.99 (9m),
14 440.9915 (1) (bm), 440.9915 (1) (gm), 440.9915 (1) (he), 440.9915 (1) (hm),

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1 440.9915 (1) (hs), 440.9915 (1) (m), 440.9915 (1) (n), 440.9915 (1) (o), 440.9925
2 (1m), 440.994 (2) (ag), 440.994 (3m), 440.994 (6), 440.9945 (1g), 440.9945 (3),
3 440.9945 (4), 440.9945 (5), 440.9945 (6), 440.9945 (7), 440.9945 (8), 440.997
4 (2m) and 440.997 (3m) of the statutes; **relating to:** adopting revisions to the
5 state's uniform athlete agents act and providing a penalty.

Analysis by the Legislative Reference Bureau

In 2000, the Uniform Law Commission, also known as the National Conference of Commissioners on Uniform State Laws, promulgated the Uniform Athlete Agents Act (UAAA). Wisconsin adopted the UAAA in 2003 Wisconsin Act 150. In 2015, the Uniform Law Commission adopted the Revised Uniform Athlete Agents Act (RUAAA).

This bill adopts, with some modifications, the changes to the UAAA made by the RUAAA, including the changes discussed below.

Definition of "athlete agent"

Under current law, a person may not act as an athlete agent in Wisconsin unless the person is registered with the Department of Safety and Professional Services. The bill expands the definition of "athlete agent" to include, subject to the exceptions specified in the bill, an individual who does any of the following:

1. Directly or indirectly attempts to influence the choice of an athlete agent or the choice to enter into an agency contract or both by a student athlete. Such influence does not include giving advice in a family, coaching, or social situation unless the person giving the advice does so in order to receive an economic benefit from an athlete agent.

2. For compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for a student athlete as a professional athlete or member of a professional sports team or organization.

3. For compensation or in anticipation of compensation in connection with a student athlete's participation in athletics, serves the student athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions.

4. In anticipation of representing a student athlete for a purpose related to the student athlete's participation in athletics, gives anything of value to the student athlete or another person; serves the student athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions; or manages the business affairs of the student athlete by providing assistance with bills, payments, contracts, or taxes.

Applications for registration

The bill requires that certain additional information be submitted to DSPS in an application for registration as an athlete agent, including the following:

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1. The applicant's social media accounts.
2. Whether, within the prior 15 years, the applicant has been a defendant or respondent in a civil proceeding.
3. Whether the applicant has an unsatisfied judgment or a judgment of continuing effect.
4. Whether, within the prior ten years, the applicant was adjudicated bankrupt or was an owner of a business that was adjudicated bankrupt.
5. Each state in which the applicant is registered or has applied for registration as an athlete agent.
6. Details concerning the applicant's certification or registration by a professional league or players association, including the date of any denial of an application for, suspension or revocation of, refusal to renew, withdrawal of, or termination of, the certification or registration or any reprimand or censure related to the certification or registration.

Reciprocal registration

The bill makes a number of changes to the requirements for reciprocal registration of out-of-state athlete agents, including the following:

1. Eliminates the requirement that an out-of-state athlete agent must have submitted his or her registration application to his or her home state within six months before the submission of an application for reciprocal registration in Wisconsin.
2. Requires DSPS to issue a certificate of registration to an applicant for reciprocal registration who satisfies the application requirements set forth in the bill and pays the initial credential fee if DSPS determines that the application and registration requirements of the applicant's home state are substantially similar to or more restrictive than the requirements in this state, the registration of the applicant's home state has not been revoked or suspended, and no action involving the applicant's conduct as an athlete agent is pending against the applicant or the applicant's registration in any state.
3. Requires DSPS to develop a common reciprocal registration form with other states and exchange information concerning athlete agents, including disciplinary information, with the other states.

Agency contracts

The bill requires that an agency contract between an athlete agent and a student athlete specify the states in which the athlete agent is registered and be accompanied by an acknowledgement of the student athlete that signing the agency contract may make the student athlete ineligible to participate in athletics at an educational institution.

Notice requirements

The bill establishes a number of new notice requirements, including the following:

1. If an athlete agent enters into an agency contract with a student athlete and the student athlete subsequently enrolls at an educational institution, the athlete agent must notify the educational institution of the existence of the contract.

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2. Under certain conditions, if an athlete agent has a prior relationship with a student athlete and the student athlete enrolls at an educational institution and receives an athletic scholarship, the athlete agent must notify the educational institution of the relationship.

3. An athlete agent must notify the educational institution at which a student athlete is enrolled before the athlete agent or another person on behalf of the athlete agent communicates or attempts to communicate with the student athlete to influence the student athlete to enter into an agency contract.

4. If a communication or attempt to communicate with an athlete agent is initiated by a student athlete, the athlete agent must notify the educational institution at which the student athlete is enrolled.

Under the bill, none of those notices are subject to disclosure under Wisconsin's public records law.

Prohibited conduct and enforcement

The bill authorizes a student athlete, in addition to an educational institution, to bring a civil action against an athlete agent for damages caused by a violation of the laws governing athlete agents. The bill specifies the conditions under which the civil action may be brought.

The bill prohibits an athlete agent from encouraging another person to engage in conduct the athlete agent is prohibited from doing by law. The bill also provides that any violation by an athlete agent of the laws governing athlete agents in Wisconsin constitutes an unfair method of competition and unfair trade practice, and the bill increases the maximum forfeiture amount for violations of the law by an athlete agent from \$25,000 to \$50,000.

Parent or guardian

The bill extends application of the laws governing athlete agents and their duties to and interactions with student athletes to the parent or guardian of a student athlete if the student athlete is a minor.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 1 **SECTION 1.** 440.99 (2) of the statutes is repealed and recreated to read:
2 440.99 (2) (a) "Athlete agent" means an individual, whether or not registered
3 under this act, who does any of the following:

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1 1. Directly or indirectly recruits or solicits or, for compensation, procures
2 employment or offers, promises, attempts, or negotiates to obtain employment for a
3 student athlete as a professional athlete or member of a professional sports team or
4 organization.

5 2. For compensation or in anticipation of compensation in connection with a
6 student athlete's participation in athletics, does any of the following:

7 a. Serves the student athlete in an advisory capacity on a matter related to
8 finances, business pursuits, or career management decisions, unless the individual
9 is an employee of an educational institution acting exclusively as an employee of the
10 educational institution for the benefit of the educational institution.

11 b. Manages the business affairs of the student athlete by providing assistance
12 with bills, payments, contracts, or taxes.

13 3. In anticipation of representing a student athlete for a purpose related to the
14 student athlete's participation in athletics, does any of the following:

15 a. Gives consideration to the student athlete or another person.

16 b. Serves the student athlete in an advisory capacity on a matter related to
17 finances, business pursuits, or career management decisions.

18 c. Manages the business affairs of the student athlete by providing assistance
19 with bills, payments, contracts, or taxes.

20 (b) "Athlete agent" does not include the following:

21 1. An individual who acts solely on behalf of a professional sports team or
22 organization.

23 2. An individual who is a licensed, registered, or certified professional and
24 offers or provides services to a student athlete customarily provided by members of
25 the profession, unless the individual does any of the following:

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1 a. Recruits or solicits.

2 b. For compensation, procures employment or offers, promises, attempts, or
3 negotiates to obtain employment for the student athlete as a professional athlete or
4 member of a professional sports team or organization.

5 c. Receives consideration for providing the services, and the consideration is
6 calculated using a different method than for an individual who is not a student
7 athlete.

8 **SECTION 2.** 440.99 (4) of the statutes is repealed.

9 **SECTION 3.** 440.99 (4r) of the statutes is created to read:

10 440.99 (4r) "Educational institution" includes all of the following, whether
11 public or private:

12 (a) An elementary school.

13 (b) A secondary school.

14 (c) A technical or vocational school.

15 (d) A community college.

16 (e) A college.

17 (f) A university.

18 **SECTION 4.** 440.99 (5d) of the statutes is created to read:

19 440.99 (5d) "Enrolled" means registered for courses and attending athletic
20 practice or class. "Enrolls" has a corresponding meaning.

21 **SECTION 5.** 440.99 (6) of the statutes is amended to read:

22 440.99 (6) "Intercollegiate sport" means a sport played at the collegiate level
23 for which eligibility requirements for participation by a student athlete are
24 established by a national association ~~for the promotion or regulation of that promotes~~
25 or regulates collegiate athletics.

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1 **SECTION 6.** 440.99 (6c) of the statutes is created to read:

2 440.99 (6c) “Interscholastic sport” means a sport played between educational
3 institutions that are not community colleges, colleges, or universities.

4 **SECTION 7.** 440.99 (6r) of the statutes is created to read:

5 440.99 (6r) “Licensed, registered, or certified professional” means an
6 individual licensed, registered, or certified as an attorney, dealer in securities,
7 financial planner, insurance agent, real estate broker or sales agent, tax consultant,
8 accountant, or other member of a profession, other than that of athlete agent, who
9 is licensed, registered, or certified by this state or a nationally recognized
10 organization that licenses, registers, or certifies members of the profession on the
11 basis of experience, education, or testing.

12 **SECTION 8.** 440.99 (7) of the statutes is amended to read:

13 440.99 (7) “Professional-sports-services contract” means an agreement under
14 which an individual is employed, as a professional athlete or agrees to render
15 services, as a player on a professional sports team, or with a professional sports
16 organization, ~~or as a professional athlete.~~

17 **SECTION 9.** 440.99 (8c) of the statutes is created to read:

18 440.99 (8c) “Recruit or solicit” means attempt to influence the choice of an
19 athlete agent or the choice to enter into an agency contract or both by a student
20 athlete or, if the student athlete is a minor, a parent or guardian of the student
21 athlete. The term does not include giving advice with respect to the selection of a
22 particular athlete agent or with respect to entering into an agency contract if the
23 advice is given in a family, coaching, or social situation, unless the individual giving
24 the advice does so because of the receipt or anticipated receipt of an economic benefit,
25 directly or indirectly, from an athlete agent.

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1 **SECTION 10.** 440.99 (9m) of the statutes is created to read:

2 440.99 **(9m)** “Sign” means any of the following, with present intent to
3 authenticate or adopt a record:

4 (a) To execute or adopt a tangible symbol.

5 (b) To attach to or logically associate with the record an electronic symbol,
6 sound, or process.

7 **SECTION 11.** 440.99 (11) of the statutes is amended to read:

8 440.99 **(11)** “Student athlete” means an individual who is eligible to attend an
9 educational institution and engages in, is eligible to engage in, or may be eligible in
10 the future to engage in, any interscholastic or intercollegiate sport. If an individual
11 is permanently ineligible to participate in a particular interscholastic or
12 intercollegiate sport, the individual is not a student athlete for purposes of that sport.

13 **SECTION 12.** 440.991 (2) (b) of the statutes is amended to read:

14 440.991 **(2)** (b) ~~Within~~ Not later than 7 days after an initial act that requires
15 the individual to register as an athlete agent, ~~such as an effort to recruit or solicit a~~
16 ~~student athlete to enter into an agency contract,~~ the individual submits an
17 application for registration as an athlete agent in this state.

18 **SECTION 13.** 440.9915 (title) of the statutes is amended to read:

19 **440.9915** (title) **Registration as athlete agent; form; requirements;**
20 **reciprocal registration.**

21 **SECTION 14.** 440.9915 (1) (intro.) of the statutes is amended to read:

22 440.9915 **(1)** (intro.) An applicant for registration as an athlete agent shall
23 submit an application for registration to the department in a form prescribed by the
24 department. ~~The application must be in the name of~~ applicant must be an individual,
25 and, ~~except as otherwise provided in sub. (2),~~ the application must be signed or

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1 otherwise authenticated by the applicant under penalty of perjury ~~and state or.~~ The
2 application must contain at least all of the following:

3 **SECTION 15.** 440.9915 (1) (a) of the statutes is amended to read:

4 440.9915 (1) (a) The name, date, and place of birth of the applicant ~~and;~~ the
5 address of the applicant's principal place of business; the work and mobile telephone
6 numbers of the applicant; and means of communicating electronically with the
7 applicant, including facsimile number, electronic mail address, and personal and
8 business or employer Internet sites.

9 **SECTION 16.** 440.9915 (1) (b) of the statutes is amended to read:

10 440.9915 (1) (b) ~~The name~~ A description of the applicant's ~~each~~ business or
11 employer, if applicable, of the applicant, including the name, mailing address,
12 telephone number, organization form, and nature of the business, of the applicant's
13 business or employer.

14 **SECTION 17.** 440.9915 (1) (bm) of the statutes is created to read:

15 440.9915 (1) (bm) Each social media account with which the applicant or the
16 applicant's business or employer is affiliated.

17 **SECTION 18.** 440.9915 (1) (c) of the statutes is amended to read:

18 440.9915 (1) (c) ~~Any~~ Each business or occupation in which the applicant
19 engaged in by the applicant for the within 5 years next preceding before the date of
20 submission of the application, including self-employment and employment by
21 others, and any professional or occupational license, registration, or certification
22 held by the applicant during that time.

23 **SECTION 19.** 440.9915 (1) (e) of the statutes is amended to read:

24 440.9915 (1) (e) The name, or if the student athlete is a minor, the name of the
25 parent or guardian of the minor, sport, and last-known team for each individual for

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1 whom the applicant acted as an athlete agent ~~during the~~ within 5 years ~~next~~
2 ~~preceding before~~ the date of ~~submission of~~ the application.

3 **SECTION 20.** 440.9915 (1) (f) of the statutes is amended to read:

4 440.9915 (1) (f) If the athlete agent's business is not a corporation, the names
5 and addresses of the partners, members, officers, managers, associates, or profit
6 sharers of the business and of all persons directly or indirectly holding an equity
7 interest of 5 percent or more of the business.

8 **SECTION 21.** 440.9915 (1) (gm) of the statutes is created to read:

9 440.9915 (1) (gm) A description of the status of any application by the
10 applicant, or any person named under par. (f) or (g), for a state or federal business,
11 professional, or occupational license, other than as an athlete agent, from a state or
12 federal agency, including any denial, refusal to renew, suspension, withdrawal, or
13 termination of the license and any reprimand or censure related to the license.

14 **SECTION 22.** 440.9915 (1) (h) of the statutes is amended to read:

15 440.9915 (1) (h) Whether the applicant or any person named pursuant to under
16 par. (f) or (g) has been convicted of, or has charges pending for, a crime that, if
17 committed in this state, would be a felony, and a description of the crime, the law
18 enforcement agency involved, and, if applicable, the date of the conviction and the
19 fine or penalty imposed.

20 **SECTION 23.** 440.9915 (1) (he) of the statutes is created to read:

21 440.9915 (1) (he) Whether, within 15 years before the date of the application,
22 the applicant, or any person named under par. (f) or (g), has been a defendant or
23 respondent in a civil proceeding, including a proceeding seeking an adjudication of
24 incompetence and, if so, the date and a full explanation of each proceeding.

25 **SECTION 24.** 440.9915 (1) (hm) of the statutes is created to read:

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1 440.9915 (1) (hm) Whether the applicant, or any person named under par. (f)
2 or (g), has an unsatisfied judgment or a judgment of continuing effect, including for
3 child or family support, maintenance, or spousal support that is not current at the
4 date of the application.

5 **SECTION 25.** 440.9915 (1) (hs) of the statutes is created to read:

6 440.9915 (1) (hs) Whether, within 10 years before the date of the application,
7 the applicant, or any person named under par. (f) or (g), was adjudicated bankrupt
8 or was an owner of a business that was adjudicated bankrupt.

9 **SECTION 26.** 440.9915 (1) (i) of the statutes is amended to read:

10 440.9915 (1) (i) Whether there has been any administrative or judicial
11 determination that the applicant or any person named pursuant to under par. (f) or
12 (g) has made a false, misleading, deceptive, or fraudulent representation.

13 **SECTION 27.** 440.9915 (1) (j) of the statutes is amended to read:

14 440.9915 (1) (j) ~~Any~~ Each instance in which the conduct of the applicant or any
15 person named pursuant to par. (f) or (g) resulted in the imposition of a sanction,
16 suspension, or declaration of ineligibility to participate in an interscholastic ~~or~~
17 intercollegiate athletic, or professional sports event on a student athlete or a
18 sanction on an educational institution.

19 **SECTION 28.** 440.9915 (1) (k) of the statutes is amended to read:

20 440.9915 (1) (k) ~~Any~~ Each sanction, suspension, or disciplinary action taken
21 against the applicant or any person named pursuant to under par. (f) or (g) arising
22 out of occupational or professional conduct.

23 **SECTION 29.** 440.9915 (1) (L) of the statutes is amended to read:

24 440.9915 (1) (L) Whether there has been any denial of an application for,
25 suspension or revocation of, ~~or~~ refusal to renew, or abandonment of, the registration

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1 or licensure of the applicant or any person named pursuant to under par. (f) or (g) as
2 an athlete agent in any state.

3 **SECTION 30.** 440.9915 (1) (m) of the statutes is created to read:

4 440.9915 (1) (m) Each state in which the applicant currently is registered as
5 an athlete agent or has applied to be registered as an athlete agent.

6 **SECTION 31.** 440.9915 (1) (n) of the statutes is created to read:

7 440.9915 (1) (n) If the applicant is certified or registered by a professional
8 league or players association, all of the following:

9 1. The name of the league or association.

10 2. The date of certification or registration, and the date of expiration of the
11 certification or registration, if any.

12 3. If applicable, the date of any denial of an application for, suspension or
13 revocation of, refusal to renew, withdrawal of, or termination of, the certification or
14 registration or any reprimand or censure related to the certification or registration.

15 **SECTION 32.** 440.9915 (1) (o) of the statutes is created to read:

16 440.9915 (1) (o) All additional information required by the department.

17 **SECTION 33.** 440.9915 (2) of the statutes is repealed and recreated to read:

18 440.9915 (2) (a) Instead of proceeding under sub. (1), an individual registered
19 as an athlete agent in another state may apply for registration as an athlete agent
20 in this state by submitting to the department all of the following:

21 1. A copy of the application for registration in the other state.

22 2. A statement that identifies any material change in the information on the
23 application for registration in the other state or verifies there is no material change
24 in the information, signed under penalty of perjury.

25 3. A copy of the certificate of registration from the other state.

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1 (b) The department shall issue a certificate of registration to an individual who
2 complies with par. (a) and pays the initial credential fee determined by the
3 department under s. 440.03 (9) (a) if the department determines that all of the
4 following are true:

5 1. The application and registration requirements of the other state are
6 substantially similar to or more restrictive than this subchapter.

7 2. The registration of the other state has not been revoked or suspended and
8 no action involving the individual's conduct as an athlete agent is pending against
9 the individual or the individual's registration in any state.

10 (c) For purposes of implementing par. (b), the department may do all of the
11 following:

12 1. Cooperate with national organizations concerned with athlete agent issues
13 and agencies in other states that register athlete agents to develop a common
14 registration form and determine which states have laws that are substantially
15 similar to or more restrictive than this subchapter.

16 2. Exchange information, including information related to actions taken
17 against registered athlete agents or their registrations, with those organizations and
18 agencies.

19 **SECTION 34.** 440.992 (1) of the statutes is amended to read:

20 440.992 (1) Except as otherwise provided in sub. (2), the department shall issue
21 a certificate of registration to an individual who complies with s. 440.9915 (1) ~~or~~
22 ~~whose application has been accepted under s. 440.9915 (2),~~ if the individual has paid
23 the initial credential fee determined by the department under s. 440.03 (9) (a).

24 **SECTION 35.** 440.992 (2) (intro.) of the statutes is amended to read:

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1 440.992 (2) (intro.) The department may refuse to issue a certificate of
2 registration to an applicant for registration under s. 440.9915 (1) if the department
3 determines that the applicant has engaged in conduct that ~~has a significant adverse~~
4 effect significantly adversely reflects on the applicant's fitness to act as an athlete
5 agent. In making the determination, the department may consider whether the
6 applicant has done any of the following:

7 **SECTION 36.** 440.992 (2) (e) of the statutes is amended to read:

8 440.992 (2) (e) Had a registration ~~or licensure~~ as an athlete agent suspended,
9 revoked, or denied or been refused renewal of registration ~~or licensure~~ as an athlete
10 agent in any state.

11 **SECTION 37.** 440.992 (2) (f) of the statutes is amended to read:

12 440.992 (2) (f) Engaged in conduct ~~the consequence of which was that~~ resulting
13 in imposition of a sanction, suspension, or declaration of ineligibility to participate
14 in an interscholastic ~~or~~ intercollegiate athletic, or professional sports event was
15 ~~imposed~~ on a student athlete or a sanction on an educational institution.

16 **SECTION 38.** 440.992 (2) (g) of the statutes is amended to read:

17 440.992 (2) (g) Engaged in conduct that ~~significantly~~ adversely reflects on the
18 applicant's credibility, honesty, or integrity.

19 **SECTION 39.** 440.992 (4) of the statutes is amended to read:

20 440.992 (4) An athlete agent registered under sub. (1) may apply to renew ~~a~~
21 the registration by submitting an application for renewal in a form prescribed by the
22 department. The applicant shall sign the application for renewal ~~must be signed by~~
23 ~~the applicant~~ under penalty of perjury and ~~must contain~~ include current information
24 on all matters required in an original application for registration. Applications

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1 submitted under this subsection shall be open to inspection at all reasonable hours
2 authorized by representatives of the department.

3 **SECTION 40.** 440.992 (5) of the statutes is repealed and recreated to read:

4 440.992 (5) An athlete agent registered under s. 440.9915 (2) may renew the
5 registration by proceeding under sub. (4) or, if the registration in the other state has
6 been renewed, by submitting to the department copies of the application for renewal
7 in the other state and the renewed registration from the other state. The department
8 shall renew the registration if it determines that all of the following are true:

9 (a) The registration requirements of the other state are substantially similar
10 to or more restrictive than this subchapter.

11 (b) The renewed registration has not been suspended or revoked and no action
12 involving the athlete agent's conduct as an athlete agent is pending against the
13 athlete agent or his or her registration in any state.

14 **SECTION 41.** 440.9925 (1) of the statutes is amended to read:

15 440.9925 (1) The department may limit, suspend, revoke, or refuse to renew
16 a registration of an individual issued a certificate of registration under s. 440.992 (1)
17 for conduct that would have justified denial justify refusal to issue a certificate of
18 registration under s. 440.992 (2).

19 **SECTION 42.** 440.9925 (1m) of the statutes is created to read:

20 440.9925 (1m) The department may suspend or revoke the registration of an
21 individual issued a certificate of registration under s. 440.9915 (2) or renewed under
22 s. 440.992 (5) for any reason for which the department could have refused to grant
23 or renew registration or for conduct that would justify refusal to issue a certificate
24 of registration under s. 440.992 (2).

25 **SECTION 43.** 440.9925 (2) of the statutes is amended to read:

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1 440.9925 (2) The department may deny, limit, suspend, revoke, or refuse to
2 renew a certificate of registration ~~or licensure~~ only after proper notice and an
3 opportunity for a hearing.

4 **SECTION 44.** 440.994 (1) of the statutes is amended to read:

5 440.994 (1) An agency contract must be in a record, signed ~~or otherwise~~
6 ~~authenticated~~ by the parties.

7 **SECTION 45.** 440.994 (2) (intro.) of the statutes is amended to read:

8 440.994 (2) (intro.) An agency contract must ~~state or~~ contain all of the
9 following:

10 **SECTION 46.** 440.994 (2) (a) of the statutes is renumbered 440.994 (2) (ar).

11 **SECTION 47.** 440.994 (2) (ag) of the statutes is created to read:

12 440.994 (2) (ag) A statement that the athlete agent is registered as an athlete
13 agent in this state and a list of all other states in which the athlete agent is registered
14 as an athlete agent.

15 **SECTION 48.** 440.994 (3) of the statutes is amended to read:

16 440.994 (3) ~~An Subject to sub. (6), an agency contract must contain, in close~~
17 ~~proximity to the signature of the student athlete, a conspicuous notice in boldface~~
18 ~~type and capital letters stating, in substantially the same form, the following:~~

19 WARNING TO STUDENT ATHLETE

20 IF YOU SIGN THIS CONTRACT:

21 1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT
22 ATHLETE IN YOUR SPORT;

23 2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER
24 ~~ENTERING INTO~~ SIGNING THIS CONTRACT OR BEFORE THE NEXT
25 SCHEDULED ATHLETIC EVENT IN WHICH YOU MAY PARTICIPATE,

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1 WHICHEVER OCCURS FIRST, BOTH YOU AND YOUR ATHLETE AGENT
2 MUST NOTIFY YOUR ATHLETIC DIRECTOR THAT YOU HAVE ENTERED
3 INTO THIS CONTRACT AND PROVIDE THE NAME AND CONTACT
4 INFORMATION OF THE ATHLETE AGENT; AND

5 3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER
6 SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE
7 YOUR ELIGIBILITY AS A STUDENT ATHLETE IN YOUR SPORT.

8 **SECTION 49.** 440.994 (3m) of the statutes is created to read:

9 440.994 (3m) An agency contract must be accompanied by a separate record
10 signed by the student athlete or, if the student athlete is a minor, the parent or
11 guardian of the student athlete acknowledging that signing the contract may result
12 in the loss of the student athlete's eligibility to participate in the student athlete's
13 sport.

14 **SECTION 50.** 440.994 (4) of the statutes is amended to read:

15 440.994 (4) ~~An A student athlete or, if the student athlete is a minor, the parent~~
16 ~~or guardian of the student athlete may void an~~ agency contract that does not conform
17 to this section ~~is voidable by the student athlete. If a student athlete voids an agency~~
18 ~~contract, the student athlete is not required to pay~~ the contract is voided, any
19 consideration received from the athlete agent under the contract ~~or to return any~~
20 ~~consideration received from the athlete agent to induce the student athlete to enter~~
21 to influence entering into the contract is not required to be returned.

22 **SECTION 51.** 440.994 (5) of the statutes is amended to read:

23 440.994 (5) ~~The~~ At the time an agency contract is executed, the athlete agent
24 shall give the student athlete or, if the student athlete is a minor, the parent or
25 guardian of the student athlete a copy in a record of the signed ~~or otherwise~~

ASSEMBLY BILL 82**SECTION 51**

1 ~~authenticated agency contract to the student athlete at the time of execution and the~~
2 ~~separate acknowledgement required under sub. (3m).~~

3 **SECTION 52.** 440.994 (6) of the statutes is created to read:

4 440.994 (6) If a student athlete is a minor, an agency contract must be signed
5 by the parent or guardian of the minor and the notice required by sub. (3) must be
6 revised accordingly.

7 **SECTION 53.** 440.9945 (1) of the statutes is renumbered 440.9945 (1r) and
8 amended to read:

9 440.9945 (1r) ~~Within~~ Not later than 72 hours after entering into an agency
10 contract or before the next scheduled athletic event in which the student athlete may
11 participate, whichever occurs first, the athlete agent shall give notice in a record of
12 the existence of the contract to the athletic director of the educational institution at
13 which the student athlete is enrolled or the athlete agent has reasonable grounds to
14 believe the student athlete intends to enroll.

15 **SECTION 54.** 440.9945 (1g) of the statutes is created to read:

16 440.9945 (1g) In this section, “communicating or attempting to communicate”
17 means contacting or attempting to contact by an in-person meeting, a record, or any
18 other method that conveys or attempts to convey a message.

19 **SECTION 55.** 440.9945 (2) of the statutes is amended to read:

20 440.9945 (2) ~~Within~~ Not later than 72 hours after entering into an agency
21 contract or before the next scheduled athletic event in which the student athlete may
22 participate, whichever occurs first, the student athlete shall inform the athletic
23 director of the educational institution at which the student athlete is enrolled that
24 he or she has entered into an agency contract and the name and contact information
25 of the athlete agent.

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1 **SECTION 56.** 440.9945 (3) of the statutes is created to read:

2 440.9945 (3) If an athlete agent enters into an agency contract with a student
3 athlete and the student athlete subsequently enrolls at an educational institution,
4 the athlete agent shall notify the athletic director of the educational institution of the
5 existence of the contract not later than 72 hours after the athlete agent knew or
6 should have known the student athlete enrolled.

7 **SECTION 57.** 440.9945 (4) of the statutes is created to read:

8 440.9945 (4) If an athlete agent has a relationship with a student athlete before
9 the student athlete enrolls in an educational institution and receives an athletic
10 scholarship from the educational institution, the athlete agent shall notify the
11 educational institution of the relationship not later than 10 days after the enrollment
12 if the athlete agent knows or should have known of the enrollment and any of the
13 following is true:

14 (a) The relationship was motivated in whole or part by the intention of the
15 athlete agent to recruit or solicit the student athlete for a future agency contract.

16 (b) The athlete agent directly or indirectly recruited or solicited the student
17 athlete for the purpose of executing an agency contract before the enrollment.

18 **SECTION 58.** 440.9945 (5) of the statutes is created to read:

19 440.9945 (5) An athlete agent shall give notice in a record to the athletic
20 director of any educational institution at which a student athlete is enrolled before
21 the athlete agent communicates or attempts to communicate with any of the
22 following:

23 (a) The student athlete or, if the student athlete is a minor, a parent or guardian
24 of the student athlete, to influence the student athlete or parent or guardian to enter
25 into an agency contract.

ASSEMBLY BILL 82**SECTION 58**

1 (b) Any individual not identified in par. (a) to have that individual influence the
2 student athlete or, if the student athlete is a minor, the parent or guardian of the
3 student athlete, to enter into an agency contract.

4 **SECTION 59.** 440.9945 (6) of the statutes is created to read:

5 440.9945 (6) If a communication or attempt to communicate with an athlete
6 agent is initiated by a student athlete or another individual on behalf of the student
7 athlete, the athlete agent shall notify in a record the athletic director of any
8 educational institution at which the student athlete is enrolled. The notification
9 must be made not later than 10 days after the communication or attempt.

10 **SECTION 60.** 440.9945 (7) of the statutes is created to read:

11 440.9945 (7) A notice under subs. (1r) to (6) is exempt from disclosure under
12 s. 19.35 (1).

13 **SECTION 61.** 440.9945 (8) of the statutes is created to read:

14 440.9945 (8) An educational institution that becomes aware of a violation of
15 this subchapter by an athlete agent shall notify the department and any professional
16 league or players association with which the educational institution is aware the
17 athlete agent is licensed or registered of the violation.

18 **SECTION 62.** 440.995 (1) of the statutes is amended to read:

19 440.995 (1) A student athlete or, if the student athlete is a minor, the parent
20 or guardian of the student athlete may cancel an agency contract by giving notice in
21 a record of the cancellation to the athlete agent ~~in a record within~~ not later than 14
22 days after the contract is signed.

23 **SECTION 63.** 440.995 (2) of the statutes is amended to read:

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1 440.995 (2) A student athlete or, if the student athlete is a minor, the parent
2 or guardian of the student athlete may not waive the right to cancel an agency
3 contract.

4 **SECTION 64.** 440.995 (3) of the statutes is amended to read:

5 440.995 (3) If a student athlete, parent, or guardian cancels an agency contract,
6 the student athlete, parent, or guardian is not required to pay any consideration
7 under the contract or to return any consideration received from the athlete agent to
8 ~~induce~~ influence the student athlete to enter into the contract.

9 **SECTION 65.** 440.9955 (1) (intro.) of the statutes is amended to read:

10 440.9955 (1) (intro.) An athlete agent shall create and retain for 5 years all of
11 the following records ~~for a period of 5 years~~:

12 **SECTION 66.** 440.9955 (1) (b) of the statutes is amended to read:

13 440.9955 (1) (b) ~~Any~~ Each agency contract entered into by the athlete agent.

14 **SECTION 67.** 440.9955 (1) (c) of the statutes is amended to read:

15 440.9955 (1) (c) ~~Any~~ The direct costs incurred by the athlete agent in the
16 recruitment or solicitation of ~~a~~ each student athlete ~~to enter into an agency contract~~.

17 **SECTION 68.** 440.9955 (2) of the statutes is amended to read:

18 440.9955 (2) Records ~~required by~~ described in sub. (1) ~~to be retained~~ are open
19 to inspection by the department during normal business hours. Upon demand, an
20 athlete agent shall provide a copy of such a record to the department.

21 **SECTION 69.** 440.996 (1) (intro.) of the statutes is amended to read:

22 440.996 (1) (intro.) An athlete agent, with the intent to ~~induce~~ influence a
23 student athlete or, if the student athlete is a minor, the parent or guardian of the
24 student athlete to enter into an agency contract, may not ~~do~~ take any of the following

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1 actions or encourage any other individual to take or assist another individual in
2 taking any of the following actions on behalf of the athlete agent:

3 **SECTION 70.** 440.996 (2) (intro.) of the statutes is amended to read:

4 440.996 (2) (intro.) An athlete agent may not intentionally do any of the
5 following or encourage any other individual to do any of the following on behalf of the
6 athlete agent:

7 **SECTION 71.** 440.996 (2) (a) of the statutes is amended to read:

8 440.996 (2) (a) Initiate contact, directly or indirectly, with a student athlete or,
9 if the student athlete is a minor, a parent or guardian of the student athlete, to recruit
10 or solicit the student athlete, parent, or guardian unless registered under this
11 subchapter.

12 **SECTION 72.** 440.996 (2) (b) of the statutes is amended to read:

13 440.996 (2) (b) ~~Refuse or fail~~ Fail to create or retain or to permit inspection of
14 the records required to ~~be retained~~ by s. 440.9955.

15 **SECTION 73.** 440.996 (2) (g) of the statutes is amended to read:

16 440.996 (2) (g) Fail to notify a student athlete or, if the student athlete is a
17 minor, the parent or guardian of the student athlete before the student athlete,
18 parent, or guardian signs ~~or otherwise authenticates~~ an agency contract for a
19 particular sport that the signing ~~or authentication~~ may make the student athlete
20 ineligible to participate as a student athlete in that sport.

21 **SECTION 74.** 440.997 (1) of the statutes is amended to read:

22 440.997 (1) An educational institution or student athlete may bring an action
23 against an athlete agent ~~for damages caused by a~~ if the educational institution or
24 student athlete is adversely affected by an act or omission of the athlete agent in
25 violation of this subchapter. ~~In an action under this subsection, the court may award~~

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1 to the prevailing party costs and, notwithstanding s. 814.04, reasonable attorney
2 fees. An educational institution or student athlete is adversely affected by an act or
3 omission of the athlete agent only if, because of the act or omission, the educational
4 institution or an individual who was a student athlete at the time of the act or
5 omission and enrolled in the institution suffers financial damage or is suspended or
6 disqualified from participation in an interscholastic or intercollegiate sports event
7 by or under the rules of a state or national federation or association that promotes
8 or regulates interscholastic or intercollegiate sports.

9 **SECTION 75.** 440.997 (2) of the statutes is repealed.

10 **SECTION 76.** 440.997 (2m) of the statutes is created to read:

11 440.997 (2m) A plaintiff that prevails in an action under this section may
12 recover actual damages, costs, and, notwithstanding s. 814.04, reasonable attorney
13 fees. An athlete agent found liable under this section forfeits any right of payment
14 for anything of benefit or value provided to the student athlete and shall refund any
15 consideration paid to the athlete agent by or on behalf of the student athlete.

16 **SECTION 77.** 440.997 (3) of the statutes is repealed.

17 **SECTION 78.** 440.997 (3m) of the statutes is created to read:

18 440.997 (3m) Any violation of this subchapter by an athlete agent is an unfair
19 method of competition and unfair trade practice prohibited under s. 100.20.

20 **SECTION 79.** 440.997 (5) of the statutes is repealed.

21 **SECTION 80.** 440.9975 of the statutes is amended to read:

22 **440.9975 Administrative forfeiture.** The department may directly assess
23 a forfeiture against an athlete agent of not more than ~~\$25,000~~ \$50,000 for a violation
24 of this subchapter.

25 **SECTION 81.** 440.998 of the statutes is amended to read:

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1 **440.998 Uniformity of application and construction.** In applying and
2 construing this subchapter, consideration must be given to the need to promote
3 uniformity of the law with respect to its subject matter among the states that enact
4 the Uniform Athlete Agents Act and Revised Uniform Athlete Agents Act (2015).

5 **SECTION 82.** 440.9985 of the statutes is repealed and recreated to read:

6 **440.9985 Relation to Electronic Signatures in Global and National**
7 **Commerce Act.** This subchapter modifies, limits, or supersedes the Electronic
8 Signatures in Global and National Commerce Act, 15 USC 7001 to 7031, except that
9 this subchapter does not modify, limit, or supersede 15 USC 7001 (c) or authorize
10 electronic delivery of any of the notices described in 15 USC 7003 (b).

11 **SECTION 83. Initial applicability.**

12 (1) INITIAL APPLICATION PROCEDURES. The treatment of s. 440.9915 (1) (intro.),
13 (a), (b), (bm), (c), (e), (f), (gm), (h), (he), (hm), (hs), (i), (j), (k), (L), (m), and (n) first
14 applies to an application for registration under that section received by the
15 department of safety and professional services on the effective date of this
16 subsection.

17 (2) RECIPROCAL REGISTRATION. The treatment of s. 440.9915 (2) first applies to
18 an application for reciprocal registration under that section received by the
19 department of safety and professional services on the effective date of this
20 subsection.

21 (3) RECIPROCAL REGISTRATION RENEWAL. The treatment of s. 440.992 (5) first
22 applies to an application for renewal of a reciprocal registration received by the
23 department of safety and professional services on the effective date of this
24 subsection.

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1 (4) AGENCY CONTRACTS. The treatment of s. 440.994 (1), (2) (intro.), (a), and (ag),
2 (3), (3m), (4), (5), and (6) first applies to an agency contract executed on the effective
3 date of this subsection.

4 (5) PROHIBITED CONDUCT. The treatment of s. 440.996 (1) (intro.) and (2) (intro.),
5 (a), (b), and (g) first applies to conduct that occurs on the effective date of this
6 subsection.

7 (6) CIVIL REMEDIES. The treatment of s. 440.997 (1), (2), (2m), (3), (3m), and (5)
8 first applies to an action that accrues on the effective date of this subsection.

9 (7) ADMINISTRATIVE FORFEITURE. The treatment of s. 440.9975 first applies to a
10 violation that occurs on the effective date of this subsection.

11 **SECTION 84. Effective date.**

12 (1) This act takes effect on the first day of the 4th month beginning after
13 publication.

14 (END)