

## HOUSE BILL NO. HB0186

Uniform Athlete Agents Act.

Sponsored by: Representative(s) Walsh, Brown, Esquibel,  
Morgan, Olsen, Reese, Slater and White and  
Senator(s) Coe, Decaria, Hines, Nicholas and  
Vasey

A BILL

for

1 AN ACT relating to athletic agents; providing for  
2 disclosure as specified; providing requirements for  
3 contracts and contacts with student athletes as specified;  
4 providing definitions; providing criminal and civil  
5 remedies; and providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 33-44-101 through 33-44-114 are  
10 created to read:

11

12 CHAPTER 44

13 UNIFORM ATHLETE AGENTS ACT

14

15 **33-44-101. Short title.**

1

2 This act may be cited as the "Uniform Athlete Agents Act."

3

4 **33-44-102. Definitions.**

5

6 (a) As used in this act:

7

8 (i) "Agency contract" means an agreement in which  
9 a student athlete authorizes a person to negotiate or  
10 solicit on behalf of the student athlete a professional  
11 sports services contract or an endorsement contract;

12

13 (ii) "Athlete agent" means an individual who  
14 enters into an agency contract with a student athlete or,  
15 directly or indirectly, recruits or solicits a student  
16 athlete to enter into an agency contract. The term does not  
17 include a spouse, parent, sibling, grandparent or legal  
18 guardian of the student athlete or an individual acting  
19 solely on behalf of a professional sports team or  
20 professional sports organization. The term includes an  
21 individual who represents to the public that the individual  
22 is an athlete agent;

23

1           (iii) "Athletic director" means an individual  
2 responsible for administering the overall athletic program  
3 of an educational institution or, if an educational  
4 institution has separately administered athletic programs  
5 for male students and female students, the athletic program  
6 for males or the athletic program for females, as  
7 appropriate;

8  
9           (iv) "Contact" means a communication, direct or  
10 indirect, between an athlete agent and a student athlete, to  
11 recruit or solicit the student athlete to enter into an  
12 agency contract;

13  
14           (v) "Endorsement contract" means an agreement  
15 under which a student athlete is employed or receives  
16 consideration to use on behalf of the other party any value  
17 that the student athlete may have because of publicity,  
18 reputation, following or fame obtained because of athletic  
19 ability or performance;

20  
21           (vi) "Intercollegiate sport" means a sport played  
22 at the collegiate level for which eligibility requirements  
23 for participation by a student athlete are established by a

1 national association for the promotion or regulation of  
2 collegiate athletics;

3

4 (vii) "Person" means an individual, corporation,  
5 business trust, estate, trust, partnership, limited  
6 liability company, association, joint venture or government;  
7 governmental subdivision, agency or instrumentality; public  
8 corporation; or any other legal or commercial entity;

9

10 (viii) "Professional sports services contract"  
11 means an agreement under which an individual is employed or  
12 agrees to render services as a player on a professional  
13 sports team, with a professional sports organization, or as  
14 a professional athlete;

15

16 (ix) "Record" means information that is inscribed  
17 on a tangible medium or that is stored in an electronic or  
18 other medium and is retrievable in perceivable form;

19

20 (x) "State" means a state of the United States,  
21 the District of Columbia, Puerto Rico, the United States  
22 Virgin Islands, or any territory or insular possession  
23 subject to the jurisdiction of the United States;

24

1           (xi) "Student athlete" means an individual who  
2 engages in, is eligible to engage in, or may be eligible in  
3 the future to engage in, any intercollegiate sport. If an  
4 individual is permanently ineligible to participate in a  
5 particular intercollegiate sport, the individual is not a  
6 student athlete for purposes of that sport; and

7  
8           (xii) "This act" means W.S. 33-44-101 through  
9 33-44-114.

10

11           **33-44-103. Service of process.**

12

13 By engaging in the business of an athlete agent in this  
14 state, a nonresident individual appoints the secretary of  
15 state as the individual's agent to accept service of process  
16 in any civil action related to the individual's business as  
17 an athlete agent in this state.

18

19           **33-44-104. Athlete agents; delivery of disclosure form**  
20 **required.**

21

22           (a) Except as otherwise provided in subsection (b) of  
23 this section, an individual may not act as an athlete agent  
24 in this state unless on the day of initial contact with any

1 student athlete the athlete agent delivers to the student  
2 athlete the athlete agent disclosure form as required by  
3 W.S. 33-44-105.

4

5 (b) An individual may act as an athlete agent before  
6 delivering an athlete agent disclosure form for all purposes  
7 except signing an agency contract if:

8

9 (i) A student athlete or another acting on behalf  
10 of the student athlete initiates communication with the  
11 individual; and

12

13 (ii) Within seven (7) days after an initial act  
14 as an athlete agent, the individual delivers an athlete  
15 agent disclosure form to the student athlete.

16

17 (c) An agency contract resulting from conduct in  
18 violation of this section is void. The athlete agent shall  
19 return any consideration received under the contract.

20

21 **33-44-105. Athlete agent disclosure form;**  
22 **requirements.**

23

1           (a) The athlete agent disclosure form shall be in a  
2 record executed in the name of an individual and signed by  
3 the athlete agent under penalty of perjury and, except as  
4 otherwise provided in subsection (b) of this section, must  
5 state or contain:

6

7           (i) The name of the athlete agent and the  
8 address of the athlete agent's principal place of business;

9

10           (ii) The name of the athlete agent's business or  
11 employer, if applicable;

12

13           (iii) Any business or occupation engaged in by  
14 the athlete agent for the five (5) years next preceding the  
15 date of execution of the athlete agent disclosure form;

16

17           (iv) A description of the athlete agent's:

18

19                   (A) Formal training as an athlete agent;

20

21                   (B) Practical experience as an athlete  
22 agent; and

23

1 (C) Educational background relating to the  
2 athlete agent's activities as an athlete agent;

3

4 (v) The names and addresses of three (3)  
5 individuals not related to the athlete agent who are  
6 willing to serve as references;

7

8 (vi) The name, sport, and last known team for  
9 each individual for whom the athlete agent provided  
10 services as an athlete agent during the five (5) years next  
11 preceding the date of execution of the athlete agent  
12 disclosure form;

13

14 (vii) The names and addresses of all persons who  
15 are:

16

17 (A) With respect to the athlete agent's  
18 business if it is not a corporation, the partners,  
19 officers, associates or profit-sharers; and

20

21 (B) With respect to a corporation employing  
22 the athlete agent, the officers, directors and any  
23 shareholder of the corporation with a five percent (5%) or  
24 greater interest;



1

2           (viii) Whether the athlete agent or any other  
3 person named pursuant to paragraph (vii) of this subsection  
4 has been convicted of a crime that, if committed in this  
5 state, would be a felony or other crime involving moral  
6 turpitude, and identify the crime;

7

8           (ix) Whether there has been any administrative  
9 or judicial determination that the athlete agent or any  
10 other person named pursuant to paragraph (vii) of this  
11 subsection has made a false, misleading, deceptive or  
12 fraudulent representation;

13

14           (x) Any instance in which the conduct of the  
15 athlete agent or any other person named pursuant to  
16 paragraph (vii) of this subsection resulted in the  
17 imposition of a sanction, suspension or declaration of  
18 ineligibility to participate in an interscholastic or  
19 intercollegiate athletic event on a student athlete or  
20 educational institution;

21

22           (xi) Any sanction, suspension or disciplinary  
23 action taken against the athlete agent or any other person

1 named pursuant to paragraph (vii) of this subsection  
2 arising out of occupational or professional conduct; and  
3

4 (xii) Whether there has been any denial of an  
5 application for, suspension or revocation of, or refusal to  
6 renew, the registration or licensure of the athlete agent  
7 or any other person named pursuant to paragraph (vii) of  
8 this subsection as an athlete agent in any state.  
9

10 (b) An individual who has submitted an application  
11 for, and received a certificate of or a renewal of a  
12 certificate of, registration or licensure as an athlete  
13 agent in another state may submit a copy of the application  
14 and a valid certificate of registration or licensure from  
15 the other state in lieu of submitting an athlete agent  
16 disclosure form in the form prescribed pursuant to  
17 subsection (a) of this section, but only if the application  
18 to the other state:  
19

20 (i) Was submitted in the other state within the  
21 six (6) months next preceding the date of delivery of the  
22 athlete agent disclosure form in this state and the athlete  
23 agent certifies the information contained in the  
24 application is current;

1

2           (ii) Contains information substantially similar  
3 to or more comprehensive than that required in an athlete  
4 agent disclosure form under subsection (a) of this section;  
5 and

6

7           (iii) Was signed by the athlete agent under  
8 penalty of perjury.

9

10           **33-44-106. Disqualifications.**

11

12           (a) No person may engage in the business of an athlete  
13 agent who has:

14

15           (i) Been convicted of a crime that, if committed  
16 in this state, would be a felony or other crime involving  
17 moral turpitude;

18

19           (ii) Made a materially false, misleading,  
20 deceptive or fraudulent representation as an athlete agent  
21 or in the application for licensure or registration as an  
22 athlete agent in another state;

23

1 (iii) Engaged in conduct prohibited by W.S.  
2 33-44-111;

3

4 (iv) Had a registration or licensure as an  
5 athlete agent suspended, revoked or denied or been refused  
6 renewal of registration or licensure in any state; or

7

8 (v) Engaged in conduct or failed to engage in  
9 conduct the consequence of which was that a sanction,  
10 suspension or declaration of ineligibility to participate in  
11 an interscholastic or intercollegiate athletic event was  
12 imposed on a student athlete or educational institution.

13

14 **33-44-107. Form of contract.**

15

16 (a) An agency contract shall be in a record signed by  
17 the parties.

18

19 (b) An agency contract shall state or contain:

20

21 (i) The amount and method of calculating the  
22 consideration to be paid by the student athlete for services  
23 to be provided by the athlete agent under the contract and  
24 any other consideration the athlete agent has received or

1 will receive from any other source for entering into the  
2 contract or for providing the services;

3

4 (ii) The name of any person other than the  
5 athlete agent who will be compensated because the student  
6 athlete signed the agency contract;

7

8 (iii) A description of any expenses that the  
9 student athlete agrees to reimburse;

10

11 (iv) A description of the services to be provided  
12 to the student athlete;

13

14 (v) The duration of the contract; and

15

16 (vi) The date of execution.

17

18 (c) An agency contract must contain, in close  
19 proximity to the signature of the student athlete, a  
20 conspicuous notice in boldface type in capital letters  
21 stating:

22

23 **WARNING TO STUDENT ATHLETE**

24 **IF YOU SIGN THIS CONTRACT:**

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23

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

(2) BOTH YOU AND YOUR ATHLETE AGENT ARE  
REQUIRED TO TELL YOUR ATHLETIC DIRECTOR, IF YOU  
HAVE AN ATHLETIC DIRECTOR, AT LEAST SEVENTY-TWO  
(72) HOURS PRIOR TO ENTERING INTO AN AGENCY  
CONTRACT AND AGAIN WITHIN SEVENTY-TWO (72) HOURS  
AFTER ENTERING INTO AN AGENCY CONTRACT; AND

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

(d) A copy of the athlete agent disclosure form  
delivered to the student athlete shall be attached to the  
agency contract.

(e) An agency contract that does not conform to this  
section is voidable by the student athlete.

1           (f) The athlete agent shall give a copy of the signed  
2 agency contract to the student athlete at the time of  
3 signing.

4

5           **33-44-108. Notice to educational institution.**

6

7           (a) At least seventy-two (72) hours prior to entering  
8 into an agency contract, the athlete agent shall give  
9 notice in a record of the existence of the contract and  
10 shall provide a copy of the athlete agent disclosure form  
11 to the athletic director of the educational institution at  
12 which the student athlete is enrolled or the athlete agent  
13 has reasonable grounds to believe the student athlete  
14 intends to enroll.

15

16           (b) Within seventy-two (72) hours after entering into  
17 an agency contract or before the next scheduled athletic  
18 event in which the student athlete may participate,  
19 whichever occurs first, the athlete agent shall give notice  
20 in a record of the existence of the contract and shall  
21 provide a copy of the athlete agent disclosure form to the  
22 athletic director of the educational institution at which  
23 the student athlete is enrolled or the athlete agent has

1 reasonable grounds to believe the student athlete intends  
2 to enroll.

3

4 (c) At least seventy-two (72) hours prior to entering  
5 into an agency contract, the student athlete shall give  
6 notice in a record of the existence of the contract and  
7 shall provide a copy of the athlete agent disclosure form  
8 to the athletic director of the educational institution at  
9 which the student athlete is enrolled.

10

11 (d) Within seventy-two (72) hours after entering into  
12 an agency contract or before the next athletic event in  
13 which the student athlete may participate, whichever occurs  
14 first, the student athlete shall inform the athletic  
15 director of the educational institution at which the  
16 student athlete is enrolled that he has entered into an  
17 agency contract and shall provide a copy of the athlete  
18 agent disclosure form.

19

20 **33-44-109. Student athlete's right to cancel.**

21

22 (a) A student athlete may cancel an agency contract by  
23 giving notice in a record to the athlete agent of the



1 cancellation within fourteen (14) days after the contract is  
2 signed.

3

4 (b) A student athlete may not waive the right to  
5 cancel an agency contract.

6

7 (c) If a student athlete cancels an agency contract,  
8 the student athlete is not required to pay any consideration  
9 under the contract or to return any consideration received  
10 from the agent to induce the student athlete to enter into  
11 the contract.

12

13 **33-44-110. Required records; retention.**

14

15 (a) An athlete agent shall retain the following  
16 records for a period of five (5) years:

17

18 (i) The name and address of each individual  
19 represented by the athlete agent;

20

21 (ii) Any agency contract entered into by the  
22 athlete agent; and

23

1           (iii) Any direct costs incurred by the athlete  
2 agent in the recruitment or solicitation of a student  
3 athlete.

4  
5           (b) Records required by subsection (a) of this section  
6 to be retained are subject to subpoena in a judicial  
7 proceeding.

8

9           **33-44-111. Prohibited acts.**

10

11           (a) An athlete agent may not do any of the following  
12 with the intent to induce a student athlete to enter into an  
13 agency contract:

14

15           (i) Give any materially false or misleading  
16 information or make a materially false promise or  
17 representation;

18

19           (ii) Furnish anything of value to a student  
20 athlete before the student athlete enters into the agency  
21 contract; or

22

1           (iii)   Furnish anything of value to any individual  
2 other than the student athlete or another registered athlete  
3 agent.

4

5           (b)   An athlete agent may not intentionally:

6

7           (i)   Initiate contact with a student athlete  
8 unless providing the student athlete with the athlete agent  
9 disclosure form as provided in W.S. 33-44-104;

10

11           (ii)   Refuse or willfully fail to retain or  
12 produce in response to subpoena the records required by W.S.  
13 33-44-110;

14

15           (iii)   Fail to disclose information required by  
16 W.S. 33-44-105;

17

18           (iv)   Provide materially false or misleading  
19 information in an athlete agent disclosure form;

20

21           (v)   Predate or postdate an agency contract;

22

23           (vi)   Fail to notify a student athlete prior to  
24 the student athlete's signing an agency contract for a

1 particular sport that the signing by the student athlete may  
2 make the student athlete ineligible to participate as a  
3 student athlete in that sport;

4  
5 (vii) Ask or allow a student athlete to waive or  
6 attempt to waive rights under this act;

7  
8 (viii) Fail to give notice required under W.S.  
9 33-44-108; or

10  
11 (ix) Engage in the business of an athlete agent  
12 in this state:

13  
14 (A) At any time after conviction under W.S.  
15 33-44-112; or

16  
17 (B) Within five (5) years of entry of a  
18 civil judgment under W.S. 33-44-113.

19  
20 **33-44-112. Criminal and civil penalties.**

21  
22 The commission of any act prohibited by W.S. 33-44-111 by an  
23 athlete agent is a felony punishable by imprisonment of not  
24 less than one (1) year, a fine of not more than ten thousand

1 dollars (\$10,000.00), or both. In addition to any criminal  
2 penalties, the court may assess a civil penalty of up to ten  
3 thousand dollars (\$10,000.00) for a violation of W.S.  
4 33-44-111.

5

6 **33-44-113. Civil remedies.**

7

8 (a) An educational institution has a right of action  
9 against an athlete agent or a former student athlete for  
10 damages caused by a violation of this act. In an action  
11 under this section, the court may award to the prevailing  
12 party costs and reasonable attorneys' fees.

13

14 (b) Damages of an educational institution under  
15 subsection (a) of this section include losses and expenses  
16 incurred because, as a result of the activities of an  
17 athlete agent or former student athlete, the educational  
18 institution was injured by a violation of this act or was  
19 penalized, disqualified or suspended from participation in  
20 athletics by a national association for the promotion and  
21 regulation of athletics, by an athletic conference or by  
22 reasonable self-imposed disciplinary action taken to  
23 mitigate sanctions.

24

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

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

(e) This act does not restrict rights, remedies or defenses of any person under law or equity.

33-44-114. Application; construction.

In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter of this act among states that enact it.

**Section 2.** This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)