



D-NOTE

2001 BILL

Due 1/3

Gen. Cat.

making an appropriation

1 AN ACT to create 93.135 (1) (rp), 440.08 (2) (a) 14d. and subchapter XII of chapter  
2 440 of the statutes; relating to: regulating athlete agents, granting  
3 rule-making authority, and providing penalties.

**Analysis by the Legislative Reference Bureau**

This bill regulates athlete agents who represent student athletes by enacting the Uniform Athlete Agents Act, which was approved by the National Conference of Commissioners on Uniform State Laws in 2000. With certain exceptions, the bill defines an "athlete agent" as someone who does any of the following: 1) enters into an agency contract with a student athlete; 2) recruits or solicits a student athlete to enter into an agency contract; or 3) represents to the public that he or she is an athlete agent. An "agency contract" is defined as any of the following: 1) an agreement under which an athlete agent negotiates on behalf of a student athlete; 2) a professional-sports-services contract; or 3) an endorsement contract. A "student athlete" is defined as an individual who engages in, is eligible to engage in, or may be eligible in the future to engage in, any intercollegiate sport. However, if an individual is permanently ineligible to participate in a particular intercollegiate sport, the individual is not considered to be a student athlete for purposes of that sport.

The bill prohibits an individual from acting as an athlete agent unless he or she is registered with the department of regulation and licensing (DRL). The following are excluded from the definition of "athlete agent" and do not have to register: 1) a spouse, parent, sibling, grandparent, or guardian of a student athlete; 2) an

**BILL**

individual acting solely on behalf of a professional sports team or professional sports organization; or 3) an individual who provides information to a student athlete, but who does not recruit or solicit the student athlete to enter into an agency contract. Also, except for signing an agency contract, an individual may act as an athlete agent before being registered if a student athlete, or someone acting on behalf of the student athlete, initiates communication with the individual and he or she applies for registration within seven days after an initial act as an athlete agent. The bill provides that, if an unregistered athlete agent who is required to be registered enters into an agency contract with a student athlete, the contract is void and the athlete agent must return any consideration received under the contract.

An applicant for registration must describe the applicant's training, experience, and education and also identify his or her business associates. For a business that is not a corporation, the applicant must identify the partners, members, officers, managers, associates, or profit sharers of the business. For a corporation, the officers, directors, and shareholders with an interest of 5% or more must be identified. In addition, an applicant must describe all of the following: 1) any felony for which the applicant or a business associate has been convicted; 2) any administrative or judicial determination that the applicant or a business associate has made a false, misleading, deceptive, or fraudulent representation; 3) any instance in which the conduct of the applicant or a business associate has resulted in a sanction, suspension, or declaration of ineligibility to participate in an interscholastic or intercollegiate athletic event; and 4) any sanction, suspension, or disciplinary action taken against the applicant or a business associate arising out of occupational or professional misconduct.

An applicant must submit an application on a form prescribed by DRL. However if the applicant is registered or licensed as an athlete agent in another state, the applicant may, under certain circumstances, submit to DRL a copy of the application to the other state.

DRL must register an applicant as an athlete agent, unless DRL determines that the applicant has engaged in conduct that has a significant adverse effect on the applicant's fitness as an athlete agent. In making this determination, DRL may consider whether the applicant engaged in certain conduct, including the following: 1) conduct that would disqualify the applicant from serving in a fiduciary capacity; 2) conduct that significantly adversely reflects on the applicant's credibility, honesty, or integrity; or 3) conduct that violates prohibitions specified in the bill that are described below. An individual who is registered by DRL must apply to renew the registration every two years and pay a renewal fee. An applicant for renewal may, under certain circumstances, submit an application for renewal that was submitted to another state. DRL may suspend, revoke, or refuse to renew a registration for conduct that would have justified denial of the initial registration.

The bill imposes certain requirements on agency contracts between athlete agents and student athletes. An agency contract must contain specified provisions, including a notice to the student athlete that, by signing the contract, he or she may lose his or her eligibility to compete as a student athlete. The bill gives a student athlete the nonwaivable right to cancel an agency contract within 14 days after the



**BILL**

1           (1) “Agency contract” means an agreement in which a student athlete  
2 authorizes a person to negotiate or solicit on behalf of the student athlete a  
3 professional-sports-services contract or an endorsement contract.

4           (2) “Athlete agent” means an individual who enters into an agency contract  
5 with a student athlete or recruits or solicits a student athlete to enter into an agency  
6 contract. “Athlete agent” includes an individual who represents to the public that  
7 the individual is an athlete agent. “Athlete agent” does not include a spouse, parent,  
8 sibling, grandparent, or guardian of the student athlete or an individual acting solely  
9 on behalf of a professional sports team or professional sports organization. “Athlete  
10 agent” also does not include an individual who provides information to a student  
11 athlete, but who does not recruit or solicit the student athlete to enter into an agency  
12 contract.

13           (3) “Athletic director” means an individual responsible for administering the  
14 overall athletic program of an educational institution or, if an educational institution  
15 has separately administered athletic programs for male students and female  
16 students, the athletic program for males or the athletic program for females, as  
17 appropriate.

18           (4) “Contact” means a communication, direct or indirect, between an athlete  
19 agent and a student athlete, to recruit or solicit the student athlete to enter into an  
20 agency contract.

21           (5) “Endorsement contract” means an agreement under which a student  
22 athlete is employed or receives consideration to use on behalf of the other party any  
23 value that the student athlete may have because of publicity, reputation, following,  
24 or fame obtained because of athletic ability or performance.

**BILL**

1           (6) “Intercollegiate sport” means a sport played at the collegiate level for which  
2 eligibility requirements for participation by a student athlete are established by a  
3 national association for the promotion or regulation of collegiate athletics.

4           (7) “Professional-sports-services contract” means an agreement under which  
5 an individual is employed, or agrees to render services, as a player on a professional  
6 sports team, with a professional sports organization, or as a professional athlete.

7           (8) “Record” means information that is inscribed on a tangible medium or that  
8 is stored in an electronic or other medium and is retrievable in perceivable form.

9           (9) “Registration” means registration as an athlete agent under this  
10 subchapter.

11           (10) “State” means a state of the United States, the District of Columbia, Puerto  
12 Rico, the United States Virgin Islands, or any territory or insular possession subject  
13 to the jurisdiction of the United States.

14           (11) “Student athlete” means an individual who engages in, is eligible to engage  
15 in, or may be eligible in the future to engage in, any intercollegiate sport. If an  
16 individual is permanently ineligible to participate in a particular intercollegiate  
17 sport, the individual is not a student athlete for purposes of that sport.

18           **440.9905 Service of process.** By acting as an athlete agent in this state, a  
19 nonresident individual appoints the secretary of state as the individual’s agent for  
20 service of process in any civil action in this state related to the individual’s acting as  
21 an athlete agent in this state.

22           **440.991 Athlete agents: registration required; void contracts.** (1)  
23 Except as otherwise provided in sub. (2), an individual may not act as an athlete  
24 agent in this state without holding a certificate of registration under s. 440.992 or  
25 440.993.

**BILL**

1           (2) Before being issued a certificate of registration, an individual may act as  
2 an athlete agent in this state for all purposes except signing an agency contract, if  
3 all of the following are satisfied:

4           (a) A student athlete or another person acting on behalf of the student athlete  
5 initiates communication with the individual.

6           (b) Within 7 days after an initial act as an athlete agent, such as an effort to  
7 recruit or solicit a student athlete to enter into an agency contract, the individual  
8 submits an application for registration as an athlete agent in this state.

9           (3) An agency contract resulting from conduct in violation of this section is void  
10 and the athlete agent shall return any consideration received under the contract.

11           **440.9915 Registration as athlete agent; form; requirements.** (1) An  
12 applicant for registration as an athlete agent shall submit an application for  
13 registration to the department in a form prescribed by the department. The  
14 application must be in the name of an individual and, except as otherwise provided  
15 in sub. (2), signed or otherwise authenticated by the applicant under penalty of  
16 perjury and state or contain all of the following:

17           (a) The name of the applicant and the address of the applicant's principal place  
18 of business.

19           (b) The name of the applicant's business or employer, if applicable.

20           (c) Any business or occupation engaged in by the applicant for the 5 years next  
21 preceding the date of submission of the application.

22           (d) A description of all of the following:

23           1. The applicant's formal training as an athlete agent.

24           2. The applicant's practical experience as an athlete agent.

**BILL**

1           3. The applicant's educational background relating to his or her activities as  
2 an athlete agent.

3           (e) The name, sport, and last-known team for each individual for whom the  
4 applicant acted as an athlete agent during the 5 years next preceding the date of  
5 submission of the application.

6           (f) If the athlete agent's business is not a corporation, the names and addresses  
7 of the partners, members, officers, managers, associates, or profit sharers of the  
8 business.

9           (g) If the athlete agent is employed by a corporation, the names and addresses  
10 of the officers and directors of the corporation and any shareholder of the corporation  
11 having an interest of 5% or more.

12           (h) Notwithstanding ss. 111.321, 111.322, and 111.335, whether the applicant  
13 or any person named pursuant to par. (f) or (g) has been convicted of a crime that, if  
14 committed in this state, would be a felony, and a description of the crime.

15           (i) Whether there has been any administrative or judicial determination that  
16 the applicant or any person named pursuant to par. (f) or (g) has made a false,  
17 misleading, deceptive, or fraudulent representation.

18           (j) Any instance in which the conduct of the applicant or any person named  
19 pursuant to par. (f) or (g) resulted in the imposition of a sanction, suspension, or  
20 declaration of ineligibility to participate in an interscholastic or intercollegiate  
21 athletic event on a student athlete or educational institution.

22           (k) Any sanction, suspension, or disciplinary action taken against the applicant  
23 or any person named pursuant to par. (f) or (g) arising out of occupational or  
24 professional conduct.

**BILL**

1 (L) Whether there has been any denial of an application for, suspension or  
2 revocation of, or refusal to renew, the registration or licensure of the applicant or any  
3 person named pursuant to par. (f) or (g) as an athlete agent in any state.

4 (2) An individual who has submitted an application for, and holds a certificate  
5 of, registration or licensure as an athlete agent in another state may submit a copy  
6 of the application and certificate in lieu of submitting an application in the form  
7 prescribed pursuant to sub. (1). The department shall accept the application and the  
8 certificate from the other state as an application for registration in this state if all  
9 of the following are satisfied:

10 (a) The application to the other state was submitted in the other state within  
11 the 6 months next preceding the submission of the application in this state and the  
12 applicant certifies that the information contained in the application to the other  
13 state is current.

14 (b) The application to the other state contains information substantially  
15 similar to or more comprehensive than that required in an application submitted in  
16 this state.

17 (c) The application to the other state was signed by the applicant under penalty  
18 of perjury.

19 **440.992 Certificate of registration; issuance or denial; renewal. (1)**  
20 Except as otherwise provided in sub. (2), the department shall issue a certificate of  
21 registration to an individual who complies with s. 440.9915 (1) or whose application  
22 has been accepted under s. 40.9915 (2).

23 (2) The department may refuse to issue a certificate of registration if the  
24 department determines that the applicant has engaged in conduct that has a  
25 significant adverse effect on the applicant's fitness to act as an athlete agent. In



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1 making the determination, the department may consider whether the applicant has  
2 done any of the following:

3 (a) Notwithstanding ss. 111.321, 111.322, and 111.335, been convicted of a  
4 crime that, if committed in this state, would be a felony.

5 (b) Made a materially false, misleading, deceptive, or fraudulent  
6 representation in the application or as an athlete agent.

7 (c) Engaged in unprofessional conduct or conduct that would disqualify the  
8 applicant from serving in a fiduciary capacity.

9 (d) Engaged in conduct prohibited by s. 440.996.

10 (e) Had registration or licensure as an athlete agent suspended, revoked, or  
11 denied or been refused renewal of registration or licensure as an athlete agent in any  
12 state.

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

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

19 (3) In making a determination under sub. (2), the department shall consider  
20 each of the following:

21 (a) How recently the conduct occurred.

22 (b) The nature of the conduct and the context in which it occurred.

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

24 (4) An athlete agent may apply to renew a registration by submitting an  
25 application for renewal in a form prescribed by the department. The application for

**BILL**

1 renewal must be signed by the applicant under penalty of perjury and must contain  
2 current information on all matters required in an original registration. Applications  
3 submitted under this subsection shall be open to inspection at all reasonable hours  
4 authorized by representatives of the department.

5 (5) An individual who has submitted an application for renewal of registration  
6 or licensure in another state, in lieu of submitting an application for renewal in the  
7 form prescribed under sub. (4), may file a copy of the application for renewal and a  
8 valid certificate of registration or licensure from the other state. The department  
9 shall accept the application for renewal from the other state as an application for  
10 renewal in this state if the application to the other state satisfies all of the following:

11 (a) The application was submitted in the other state within the 6 months next  
12 preceding the filing in this state and the applicant certifies that the information  
13 contained in the application for renewal is current.

14 (b) The application contains information substantially similar to or more  
15 comprehensive than that required in an application for renewal submitted in this  
16 state.

17 (c) The application was signed by the applicant under penalty of perjury.

18 (6) A certificate of registration or a renewal of a registration is valid for 2 years.

19 **440.9925 Suspension, revocation, or refusal to renew registration. (1)**

20 The department may suspend, revoke, or refuse to renew a registration for conduct  
21 that would have justified denial of registration under s. 440.992 (2).

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

24 **440.993 Temporary registration.** The department may issue a temporary  
25 certificate of registration while an application for registration or renewal of

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1 registration is pending. The department shall promulgate rules establishing  
2 requirements and procedures for applying for and issuing temporary certificates of  
3 registration.

4 **440.9935 Registration and renewal fees.** An application for registration  
5 must be accompanied by the fee specified in s. 440.05 (1). The renewal dates for  
6 certificates of registration issued under this subchapter are specified in s. 440.08 (2)  
7 (a). Renewal applications shall be submitted to the department on a form provided  
8 by the department and shall include the fee specified in s. 440.08 (2) (a).

9 **440.994 Required form of contract. (1)** An agency contract must be in a  
10 record, signed or otherwise authenticated by the parties.

11 (2) An agency contract must state or contain all of the following:

12 (a) The amount and method of calculating the consideration to be paid by the  
13 student athlete for services to be provided by the athlete agent under the contract  
14 and any other consideration that the athlete agent has received or will receive from  
15 any other source for entering into the contract or for providing the services.

16 (b) The name of any person not listed in the application for registration or  
17 renewal of registration who will be compensated because the student athlete signed  
18 the agency contract.

19 (c) A description of any expenses that the student athlete agrees to reimburse.

20 (d) A description of the services to be provided to the student athlete.

21 (e) The duration of the contract.

22 (f) The date of execution.

23 (3) An agency contract must contain, in close proximity to the signature of the  
24 student athlete, a conspicuous notice in boldface type and capital letters stating the  
25 following:

**BILL****WARNING TO STUDENT ATHLETE**

IF YOU SIGN THIS CONTRACT:

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

2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER ENTERING INTO THIS CONTRACT, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR; AND

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

(4) An agency contract that does not conform to this section is voidable by the student athlete. If a student athlete voids an agency contract, the student athlete is not required to pay any consideration under the contract or to return any consideration received from the athlete agent to induce the student athlete to enter into the contract.

(5) The athlete agent shall give a record of the signed or otherwise authenticated agency contract to the student athlete at the time of execution.

**440.9945 Notice to educational institution.** (1) Within 72 hours after entering into an agency contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, the athlete agent shall give notice in a record of the existence of the contract to the athletic director of the educational institution at which the student athlete is enrolled or the athlete agent has reasonable grounds to believe the student athlete intends to enroll.

(2) Within 72 hours after entering into an agency contract or before the next athletic event in which the student athlete may participate, whichever occurs first,

**BILL**

1 the student athlete shall inform the athletic director of the educational institution  
2 at which the student athlete is enrolled that he or she has entered into an agency  
3 contract.

4 **440.995 Student athlete's right to cancel.** (1) A student athlete may cancel  
5 an agency contract by giving notice of the cancellation to the athlete agent in a record  
6 within 14 days after the contract is signed.

7 (2) A student athlete may not waive the right to cancel an agency contract.

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

12 **440.9955 Required records.** (1) An athlete agent shall retain all of the  
13 following records for a period of 5 years:

14 (a) The name and address of each individual represented by the athlete agent.

15 (b) Any agency contract entered into by the athlete agent.

16 (c) Any direct costs incurred by the athlete agent in the recruitment or  
17 solicitation of a student athlete to enter into an agency contract.

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

21 **440.996 Prohibited conduct.** (1) An athlete agent, with the intent to induce  
22 a student athlete to enter into an agency contract, may not do any of the following:

23 (a) Give any materially false or misleading information or make a materially  
24 false promise or representation.

**BILL**

1 (b) Furnish anything of value to a student athlete before the student athlete  
2 enters into the agency contract.

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

5 (2) An athlete agent may not intentionally do any of the following:

6 (a) Initiate contact with a student athlete unless registered under this  
7 subchapter.

8 (b) Refuse or fail to retain or permit inspection of the records required to be  
9 retained by s. 440.9955.

10 (c) Fail to register when required by s. 440.991.

11 (d) Provide materially false or misleading information in an application for  
12 registration or renewal of registration.

13 (f) Predate or postdate an agency contract.

14 (g) Fail to notify a student athlete before the student athlete signs or otherwise  
15 authenticates an agency contract for a particular sport that the signing or  
16 authentication may make the student athlete ineligible to participate as a student  
17 athlete in that sport.

18 **440.9965 Civil remedies.** (1) An educational institution may bring an action  
19 against an athlete agent or a former student athlete for damages caused by a  
20 violation of this subchapter. In an action under this subsection, the court may award  
21 to the prevailing party costs and, notwithstanding s. 814.04, reasonable attorney  
22 fees.

23 (2) Damages of an educational institution under sub. (1) include losses and  
24 expenses incurred because, as a result of the conduct of an athlete agent or former  
25 student athlete, the educational institution was injured by a violation of this

**BILL**

1 subchapter or was penalized, disqualified, or suspended from participation in  
2 athletics by a national association for the promotion and regulation of athletics, by  
3 an athletic conference, or by reasonable self-imposed disciplinary action taken to  
4 mitigate sanctions likely to be imposed by such an organization.

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

8 (4) Any liability of the athlete agent or the former student athlete under this  
9 subchapter is several and not joint.

10 (5) This subchapter does not restrict rights, remedies, or defenses of any person  
11 under law or equity.

12 **440.997 Administrative forfeiture.** The department may directly assess a  
13 forfeiture against an athlete agent of not more than \$25,000 for a violation of this  
14 subchapter.

15 **440.9975 Uniformity of application and construction.** In applying and  
16 construing this subchapter, consideration must be given to the need to promote  
17 uniformity of the law with respect to its subject matter among the states that enact  
18 the Uniform Athlete Agents Act.

19 **440.998 Electronic Signatures in Global and National Commerce Act.**  
20 The provisions of this subchapter governing the legal effect, validity, or  
21 enforceability of electronic records or signatures, and of contracts formed or  
22 performed with the use of such records or signatures conform to the requirements  
23 of section 102 of the federal Electronic Signatures in Global and National Commerce  
24 Act, 15 USC 7002, and supersede, modify, and limit the federal Electronic Signatures  
25 in Global and National Commerce Act, 15 USC 7001 to 7031.

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1           **440.9985 Rules.** The department shall promulgate rules that define  
2 unprofessional conduct for purposes of s. 440.992 (2) (c).

3           **SECTION 4. Nonstatutory provisions.**

*as created by this act,*

4           (1) If an athlete agent, as defined in section 440.99 (2) of the statutes, or student  
5 athlete, as defined in section 440.99 (11) of the statutes, is subject to a contract that  
6 is in effect on the effective date of this subsection and that contains provisions that  
7 are inconsistent with subchapter XII of chapter 440 of the statutes, as created by this  
8 act, then, notwithstanding subchapter XII of chapter 440 of the statutes, as created  
9 by this act, the athlete agent or student athlete may perform his or her obligations,  
10 and exercise his or her rights, under that contract until the contract expires, is  
11 extended, is modified, or is renewed, whichever occurs first.

12           **SECTION 5. Appropriation changes.**

13           (1) POSITION AUTHORIZATION. In the schedule under section 20.005 (3) of the  
14 statutes for the appropriation to the department of regulation and licensing under  
15 section 20.165 (1) (g) of the statutes, as affected by the acts of 2001, the dollar amount  
16 is increased by \$31,900 for fiscal year 2002–03 to increase the authorized FTE  
17 positions for the department by 0.5 PR position to perform services related to the  
18 regulation of athlete agents.

19           **SECTION 6. Initial applicability.**

20           (1) The treatment of section 440.9945 of the statutes first applies to contracts  
21 entered into on the effective date of this subsection.

22           (2) The treatment of section 440.9965 (2) of the statutes first applies to losses  
23 or expenses incurred on the effective date of this subsection.

24           **SECTION 7. Effective date.**





**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3241/5dn  
MDK:kmg&hnh:pg

January 2, 2002

This /5 draft makes only technical corrections.

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**Emery, Lynn**

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**From:** Emery, Lynn  
**Sent:** Friday, January 04, 2002 4:26 PM  
**To:** Rep.Wieckert  
**Subject:** LRB-3241/5 & /5dn (attached as requested)

Lynn Emery

Lynn Emery - Program Asst. (PH. 608-266-3561)  
(E-Mail: [lynn.emery@legis.state.wi.us](mailto:lynn.emery@legis.state.wi.us)) (FAX: 608-264-6948)

Legislative Reference Bureau - Legal Section - Front Office  
100 N. Hamilton Street - 5th Floor  
Madison, WI 53703

## Kunkel, Mark

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**From:** Becher, Scott  
**Sent:** Friday, January 11, 2002 3:27 PM  
**To:** 'Dehon, Lisa'; Kunkel, Mark  
**Subject:** RE: criminal penalty

I am fine with that at this point in time..

-----Original Message-----

**From:** Dehon, Lisa [mailto:ldehon@ncaa.org]  
**Sent:** Friday, January 11, 2002 3:18 PM  
**To:** 'Kunkel, Mark'; Becher, Scott  
**Subject:** RE: criminal penalty

I prefer the use of a blanket penalty so I am certainly in favor. A blanket penalty mirrors what other states have done in the imposition of a criminal penalty. - Lisa

-----Original Message-----

**From:** Kunkel, Mark [mailto:Mark.Kunkel@legis.state.wi.us]  
**Sent:** Friday, January 11, 2002 12:32 PM  
**To:** Becher, Scott; Dehon, Lisa  
**Subject:** RE: criminal penalty

Scott and Lisa:

I don't think it's advisable to draft a criminal penalty that applies only if the NCAA has taken action to penalize a student or institution. Arguably, such an approach would be an improper delegation of authority to a nongovernmental, private entity. In essence, you would have the imposition of a criminal penalty dependent on whether or not the NCAA exercised discretion to penalize someone.

Instead, I think it best to have a blanket penalty that applies to persons who act as agents without registering. In addition, I will require district attorneys to consider the magnitude of harm to students and institutions when determining whether to bring an action against an agent.

Therefore, unless you or the NCAA has strong objections to my approach, I will go ahead and redraft the bill to include such a penalty. Also, unless you want to do something different, I will make the fine no more than \$10,000 and the imprisonment no more than 9 months (which were the penalties in the previous version of the bill).

-- Mark Kunkel, Legislative Attorney (608) 266-0131

-----Original Message-----

**From:** Becher, Scott  
**Sent:** Wednesday, January 09, 2002 4:38 PM  
**To:** Kunkel, Mark  
**Subject:** FW: criminal penalty

Mark-

Could you re-draft the bill to include a criminal penalty and you may contact Lisa Dehon of the NCAA for assistance. If you have any questions, please feel free to call me.. Thanks..  
Scott

-----Original Message-----

From: Dusso, William  
Sent: Wednesday, January 09, 2002 12:53 PM  
To: Becher, Scott  
Subject: RE: criminal penalty

Scott: The concept seems fine. I would leave this to Mark to work out the language. WLD

-----Original Message-----

From: Becher, Scott  
Sent: Wednesday, January 09, 2002 8:37 AM  
To: Dusso, William  
Subject: FW: criminal penalty

Bill-

This is what Lisa came up with.

-----Original Message-----

From: Dehon, Lisa [mailto:ldehon@ncaa.org]  
Sent: Wednesday, January 09, 2002 7:07 AM  
To: Becher, Scott  
Subject: criminal penalty

Scott - I've tried to do this various ways and really the best way is to leave it as a blanket penalty with the understanding that the NCAA would not

be asking for criminal prosecution for minor infractions of the law. However, if that isn't going to work I thought of the following:

An athlete agent who violates sub. (13) [this is with the understanding that this will apply to those who violate sub. 13 and who aren't registered]and who's conduct results in loss of eligibility for the student-athlete or in penalties assessed to the educational institution may be fined....

As I said although I'm more comfortable with it being a blanket penalty, in reality it would probably take some impact on the SA or school before a prosecutor would want to prosecute.

I'm going to be away from my computer for most of the day so if you need to get a hold of me, please leave a message on my voicemail 317-917-6363. I'll be checking it throughout the day. I hope this is of some help. - Lisa



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-3241/5-e (6)  
MDK:kmg&hnh:pg  
Stays

D-NOTE

2001 BILL

Tomorrow  
Called  
a.m.

Gen. Conf.

1 AN ACT to create 93.135 (1) (rp), 440.08 (2) (a) 14d. and subchapter XII of chapter  
2 440 [precedes 440.99] of the statutes; relating to: regulating athlete agents,  
3 granting rule-making authority, making an appropriation, and providing  
4 penalties.

*Analysis by the Legislative Reference Bureau*

This bill regulates athlete agents who represent student athletes by enacting the Uniform Athlete Agents Act, which was approved by the National Conference of Commissioners on Uniform State Laws in 2000. With certain exceptions, the bill defines an "athlete agent" as someone who does any of the following: 1) enters into an agency contract with a student athlete; 2) recruits or solicits a student athlete to enter into an agency contract; or 3) represents to the public that he or she is an athlete agent. An "agency contract" is defined as any of the following: 1) an agreement under which an athlete agent negotiates on behalf of a student athlete; 2) a professional-sports-services contract; or 3) an endorsement contract. A "student athlete" is defined as an individual who engages in, is eligible to engage in, or may be eligible in the future to engage in, any intercollegiate sport. However, if an individual is permanently ineligible to participate in a particular intercollegiate sport, the individual is not considered to be a student athlete for purposes of that sport.

The bill prohibits an individual from acting as an athlete agent unless he or she is registered with the department of regulation and licensing (DRL). The following are excluded from the definition of "athlete agent" and do not have to register: 1) a

**BILL**

spouse, parent, sibling, grandparent, or guardian of a student athlete; 2) an individual acting solely on behalf of a professional sports team or professional sports organization; or 3) an individual who provides information to a student athlete, but who does not recruit or solicit the student athlete to enter into an agency contract. Also, except for signing an agency contract, an individual may act as an athlete agent before being registered if a student athlete, or someone acting on behalf of the student athlete, initiates communication with the individual and he or she applies for registration within seven days after an initial act as an athlete agent. The bill provides that, if an unregistered athlete agent who is required to be registered enters into an agency contract with a student athlete, the contract is void and the athlete agent must return any consideration received under the contract.

An applicant for registration must describe the applicant's training, experience, and education and also identify his or her business associates. For a business that is not a corporation, the applicant must identify the partners, members, officers, managers, associates, or profit sharers of the business. For a corporation, the officers, directors, and shareholders with an interest of 5% or more must be identified. In addition, an applicant must describe all of the following: 1) any felony for which the applicant or a business associate has been convicted; 2) any administrative or judicial determination that the applicant or a business associate has made a false, misleading, deceptive, or fraudulent representation; 3) any instance in which the conduct of the applicant or a business associate has resulted in a sanction, suspension, or declaration of ineligibility to participate in an interscholastic or intercollegiate athletic event; and 4) any sanction, suspension, or disciplinary action taken against the applicant or a business associate arising out of occupational or professional misconduct.

An applicant must submit an application on a form prescribed by DRL. However if the applicant is registered or licensed as an athlete agent in another state, the applicant may, under certain circumstances, submit to DRL a copy of the application to the other state.

DRL must register an applicant as an athlete agent, unless DRL determines that the applicant has engaged in conduct that has a significant adverse effect on the applicant's fitness as an athlete agent. In making this determination, DRL may consider whether the applicant engaged in certain conduct, including the following: 1) conduct that would disqualify the applicant from serving in a fiduciary capacity; 2) conduct that significantly adversely reflects on the applicant's credibility, honesty, or integrity; or 3) conduct that violates prohibitions specified in the bill that are described below. An individual who is registered by DRL must apply to renew the registration every two years and pay a renewal fee. An applicant for renewal may, under certain circumstances, submit an application for renewal that was submitted to another state. DRL may suspend, revoke, or refuse to renew a registration for conduct that would have justified denial of the initial registration.

The bill imposes certain requirements on agency contracts between athlete agents and student athletes. An agency contract must contain specified provisions, including a notice to the student athlete that, by signing the contract, he or she may lose his or her eligibility to compete as a student athlete. The bill gives a student

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athlete the nonwaivable right to cancel an agency contract within 14 days after the contract is signed. In addition, a student athlete may void an agency contract that does not comply with the bill's requirements. Also, both the athlete agent and student athlete must notify the student athlete's athletic director about an agency contract within 72 hours after execution of the contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first.

The bill prohibits an athlete agent from engaging in the following conduct with the intent to induce a student athlete to enter into an agency contract: 1) making materially false promises or representations; or 2) furnishing anything of value to the student athlete or any other individual, including another athlete agent. The bill also prohibits an athlete agent from intentionally engaging in certain conduct, including the following: 1) initiating contact with a student athlete unless the athlete agent is registered under the bill; or 2) failing to notify a student athlete that signing an agency contract may make him or her ineligible to participate in a sport as a student athlete. In addition, the bill imposes record-keeping requirements on athlete agents.

INSERT  
3A ✓

*also* The bill allows DRL to directly assess a forfeiture of not more than \$25,000 for a violation of the bill. In addition, an educational institution may bring an action against an athlete agent or former student athlete for damages caused by a violation of the bill.

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

(I) ↓ (B) *and local*

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

1           **SECTION 1.** 93.135 (1) (rp) of the statutes is created to read:  
2           93.135 (1) (rp) A registration as an athlete agent under subch. XII of ch. 440.

3           **SECTION 2.** 440.08 (2) (a) 14d. of the statutes is created to read:  
4           440.08 (2) (a) 14d. Athlete agent: July 1 of each even-numbered year; \$53.

5           **SECTION 3.** Subchapter XII of chapter 440 [precedes 440.99] of the statutes is  
6 created to read:

**CHAPTER 440**

**SUBCHAPTER XII**

**UNIFORM ATHLETE AGENTS ACT**

10           **440.99 Definitions.** In this subchapter:



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1           (1) "Agency contract" means an agreement in which a student athlete  
2 authorizes a person to negotiate or solicit on behalf of the student athlete a  
3 professional-sports-services contract or an endorsement contract.

4           (2) "Athlete agent" means an individual who enters into an agency contract  
5 with a student athlete or recruits or solicits a student athlete to enter into an agency  
6 contract. "Athlete agent" includes an individual who represents to the public that  
7 the individual is an athlete agent. "Athlete agent" does not include a spouse, parent,  
8 sibling, grandparent, or guardian of the student athlete or an individual acting solely  
9 on behalf of a professional sports team or professional sports organization. "Athlete  
10 agent" also does not include an individual who provides information to a student  
11 athlete, but who does not recruit or solicit the student athlete to enter into an agency  
12 contract.

13           (3) "Athletic director" means an individual responsible for administering the  
14 overall athletic program of an educational institution or, if an educational institution  
15 has separately administered athletic programs for male students and female  
16 students, the athletic program for males or the athletic program for females, as  
17 appropriate.

18           (4) "Contact" means a communication, direct or indirect, between an athlete  
19 agent and a student athlete, to recruit or solicit the student athlete to enter into an  
20 agency contract.

21           (5) "Endorsement contract" means an agreement under which a student  
22 athlete is employed or receives consideration to use on behalf of the other party any  
23 value that the student athlete may have because of publicity, reputation, following,  
24 or fame obtained because of athletic ability or performance.

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1           (6) "Intercollegiate sport" means a sport played at the collegiate level for which  
2 eligibility requirements for participation by a student athlete are established by a  
3 national association for the promotion or regulation of collegiate athletics.

4           (7) "Professional-sports-services contract" means an agreement under which  
5 an individual is employed, or agrees to render services, as a player on a professional  
6 sports team, with a professional sports organization, or as a professional athlete.

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

9           (9) "Registration" means registration as an athlete agent under this  
10 subchapter.

11           (10) "State" means a state of the United States, the District of Columbia, Puerto  
12 Rico, the United States Virgin Islands, or any territory or insular possession subject  
13 to the jurisdiction of the United States.

14           (11) "Student athlete" means an individual who engages in, is eligible to engage  
15 in, or may be eligible in the future to engage in, any intercollegiate sport. If an  
16 individual is permanently ineligible to participate in a particular intercollegiate  
17 sport, the individual is not a student athlete for purposes of that sport.

18           **440.9905 Service of process.** By acting as an athlete agent in this state, a  
19 nonresident individual appoints the secretary of state as the individual's agent for  
20 service of process in any civil action in this state related to the individual's acting as  
21 an athlete agent in this state.

22           **440.991 Athlete agents: registration required; void contracts.** (1)  
23 Except as otherwise provided in sub. (2), an individual may not act as an athlete  
24 agent in this state without holding a certificate of registration under s. 440.992 or  
25 440.993.

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1           (2) Before being issued a certificate of registration, an individual may act as  
2 an athlete agent in this state for all purposes except signing an agency contract, if  
3 all of the following are satisfied:

4           (a) A student athlete or another person acting on behalf of the student athlete  
5 initiates communication with the individual.

6           (b) Within 7 days after an initial act as an athlete agent, such as an effort to  
7 recruit or solicit a student athlete to enter into an agency contract, the individual  
8 submits an application for registration as an athlete agent in this state.

9           (3) An agency contract resulting from conduct in violation of this section is void  
10 and the athlete agent shall return any consideration received under the contract.

11           **440.9915 Registration as athlete agent; form; requirements.** (1) An  
12 applicant for registration as an athlete agent shall submit an application for  
13 registration to the department in a form prescribed by the department. The  
14 application must be in the name of an individual and, except as otherwise provided  
15 in sub. (2), signed or otherwise authenticated by the applicant under penalty of  
16 perjury and state or contain all of the following:

17           (a) The name of the applicant and the address of the applicant's principal place  
18 of business.

19           (b) The name of the applicant's business or employer, if applicable.

20           (c) Any business or occupation engaged in by the applicant for the 5 years next  
21 preceding the date of submission of the application.

22           (d) A description of all of the following:

23           1. The applicant's formal training as an athlete agent.

24           2. The applicant's practical experience as an athlete agent.

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1           3. The applicant's educational background relating to his or her activities as  
2 an athlete agent.

3           (e) The name, sport, and last-known team for each individual for whom the  
4 applicant acted as an athlete agent during the 5 years next preceding the date of  
5 submission of the application.

6           (f) If the athlete agent's business is not a corporation, the names and addresses  
7 of the partners, members, officers, managers, associates, or profit sharers of the  
8 business.

9           (g) If the athlete agent is employed by a corporation, the names and addresses  
10 of the officers and directors of the corporation and any shareholder of the corporation  
11 having an interest of 5% or more.

12           (h) Notwithstanding ss. 111.321, 111.322, and 111.335, whether the applicant  
13 or any person named pursuant to par. (f) or (g) has been convicted of a crime that, if  
14 committed in this state, would be a felony, and a description of the crime.

15           (i) Whether there has been any administrative or judicial determination that  
16 the applicant or any person named pursuant to par. (f) or (g) has made a false,  
17 misleading, deceptive, or fraudulent representation.

18           (j) Any instance in which the conduct of the applicant or any person named  
19 pursuant to par. (f) or (g) resulted in the imposition of a sanction, suspension, or  
20 declaration of ineligibility to participate in an interscholastic or intercollegiate  
21 athletic event on a student athlete or educational institution.

22           (k) Any sanction, suspension, or disciplinary action taken against the applicant  
23 or any person named pursuant to par. (f) or (g) arising out of occupational or  
24 professional conduct.

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1 (L) Whether there has been any denial of an application for, suspension or  
2 revocation of, or refusal to renew, the registration or licensure of the applicant or any  
3 person named pursuant to par. (f) or (g) as an athlete agent in any state.

4 (2) An individual who has submitted an application for, and holds a certificate  
5 of, registration or licensure as an athlete agent in another state may submit a copy  
6 of the application and certificate in lieu of submitting an application in the form  
7 prescribed pursuant to sub. (1). The department shall accept the application and the  
8 certificate from the other state as an application for registration in this state if all  
9 of the following are satisfied:

10 (a) The application to the other state was submitted in the other state within  
11 the 6 months next preceding the submission of the application in this state and the  
12 applicant certifies that the information contained in the application to the other  
13 state is current.

14 (b) The application to the other state contains information substantially  
15 similar to or more comprehensive than that required in an application submitted in  
16 this state.

17 (c) The application to the other state was signed by the applicant under penalty  
18 of perjury.

19 **440.992 Certificate of registration; issuance or denial; renewal. (1)**  
20 Except as otherwise provided in sub. (2), the department shall issue a certificate of  
21 registration to an individual who complies with s. 440.9915 (1) or whose application  
22 has been accepted under s. 40.9915 (2).

23 (2) The department may refuse to issue a certificate of registration if the  
24 department determines that the applicant has engaged in conduct that has a  
25 significant adverse effect on the applicant's fitness to act as an athlete agent. In

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1 making the determination, the department may consider whether the applicant has  
2 done any of the following:

3 (a) Notwithstanding ss. 111.321, 111.322, and 111.335, been convicted of a  
4 crime that, if committed in this state, would be a felony.

5 (b) Made a materially false, misleading, deceptive, or fraudulent  
6 representation in the application or as an athlete agent.

7 (c) Engaged in unprofessional conduct or conduct that would disqualify the  
8 applicant from serving in a fiduciary capacity.

9 (d) Engaged in conduct prohibited by s. 440.996.

10 (e) Had a registration or licensure as an athlete agent suspended, revoked, or  
11 denied or been refused renewal of registration or licensure as an athlete agent in any  
12 state.

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

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

19 (3) In making a determination under sub. (2), the department shall consider  
20 each of the following:

21 (a) How recently the conduct occurred.

22 (b) The nature of the conduct and the context in which it occurred.

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

24 (4) An athlete agent may apply to renew a registration by submitting an  
25 application for renewal in a form prescribed by the department. The application for

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1 renewal must be signed by the applicant under penalty of perjury and must contain  
2 current information on all matters required in an original registration. Applications  
3 submitted under this subsection shall be open to inspection at all reasonable hours  
4 authorized by representatives of the department.

5 (5) An individual who has submitted an application for renewal of registration  
6 or licensure in another state, in lieu of submitting an application for renewal in the  
7 form prescribed under sub. (4), may file a copy of the application for renewal and a  
8 valid certificate of registration or licensure from the other state. The department  
9 shall accept the application for renewal from the other state as an application for  
10 renewal in this state if the application to the other state satisfies all of the following:

11 (a) The application was submitted in the other state within the 6 months next  
12 preceding the filing in this state and the applicant certifies that the information  
13 contained in the application for renewal is current.

14 (b) The application contains information substantially similar to or more  
15 comprehensive than that required in an application for renewal submitted in this  
16 state.

17 (c) The application was signed by the applicant under penalty of perjury.

18 (6) A certificate of registration or a renewal of a registration is valid for 2 years.

19 **440.9925 Suspension, revocation, or refusal to renew registration. (1)**  
20 The department may suspend, revoke, or refuse to renew a registration for conduct  
21 that would have justified denial of registration under s. 440.992 (2).

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

24 **440.993 Temporary registration.** The department may issue a temporary  
25 certificate of registration while an application for registration or renewal of

**BILL**

1 registration is pending. The department shall promulgate rules establishing  
2 requirements and procedures for applying for and issuing temporary certificates of  
3 registration.

4 **440.9935 Registration and renewal fees.** An application for registration  
5 must be accompanied by the fee specified in s. 440.05 (1). The renewal dates for  
6 certificates of registration issued under this subchapter are specified in s. 440.08 (2)

7 (a). Renewal applications shall be submitted to the department on a form provided  
8 by the department and shall include the fee specified in s. 440.08 (2) (a).

9 **440.994 Required form of contract.** (1) An agency contract must be in a  
10 record, signed or otherwise authenticated by the parties.

11 (2) An agency contract must state or contain all of the following:

12 (a) The amount and method of calculating the consideration to be paid by the  
13 student athlete for services to be provided by the athlete agent under the contract  
14 and any other consideration that the athlete agent has received or will receive from  
15 any other source for entering into the contract or for providing the services.

16 (b) The name of any person not listed in the application for registration or  
17 renewal of registration who will be compensated because the student athlete signed  
18 the agency contract.

19 (c) A description of any expenses that the student athlete agrees to reimburse.

20 (d) A description of the services to be provided to the student athlete.

21 (e) The duration of the contract.

22 (f) The date of execution.

23 (3) An agency contract must contain, in close proximity to the signature of the  
24 student athlete, a conspicuous notice in boldface type and capital letters stating the  
25 following:





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1 the student athlete shall inform the athletic director of the educational institution  
2 at which the student athlete is enrolled that he or she has entered into an agency  
3 contract.

4 **440.995 Student athlete's right to cancel.** (1) A student athlete may cancel  
5 an agency contract by giving notice of the cancellation to the athlete agent in a record  
6 within 14 days after the contract is signed.

7 (2) A student athlete may not waive the right to cancel an agency contract.

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

12 **440.9955 Required records.** (1) An athlete agent shall retain all of the  
13 following records for a period of 5 years:

14 (a) The name and address of each individual represented by the athlete agent.

15 (b) Any agency contract entered into by the athlete agent.

16 (c) Any direct costs incurred by the athlete agent in the recruitment or  
17 solicitation of a student athlete to enter into an agency contract.

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

21 **440.996 Prohibited conduct.** (1) An athlete agent, with the intent to induce  
22 a student athlete to enter into an agency contract, may not do any of the following:

23 (a) Give any materially false or misleading information or make a materially  
24 false promise or representation.

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1 (b) Furnish anything of value to a student athlete before the student athlete  
2 enters into the agency contract.

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

5 (2) An athlete agent may not intentionally do any of the following:

6 (a) Initiate contact with a student athlete unless registered under this  
7 subchapter.

8 (b) Refuse or fail to retain or permit inspection of the records required to be  
9 retained by s. 440.9955.

10 (c) Fail to register when required by s. 440.991.

11 (d) Provide materially false or misleading information in an application for  
12 registration or renewal of registration.

13 (f) Predate or postdate an agency contract.

14 (g) Fail to notify a student athlete before the student athlete signs or otherwise  
15 authenticates an agency contract for a particular sport that the signing or  
16 authentication may make the student athlete ineligible to participate as a student  
17 athlete in that sport.

18 ~~440.9965~~<sup>7</sup> **Civil remedies.** (1) An educational institution may bring an action  
19 against an athlete agent or a former student athlete for damages caused by a  
20 violation of this subchapter. In an action under this subsection, the court may award  
21 to the prevailing party costs and, notwithstanding s. 814.04, reasonable attorney  
22 fees.

23 (2) Damages of an educational institution under sub. (1) include losses and  
24 expenses incurred because, as a result of the conduct of an athlete agent or former  
25 student athlete, the educational institution was injured by a violation of this

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1 subchapter or was penalized, disqualified, or suspended from participation in  
2 athletics by a national association for the promotion and regulation of athletics, by  
3 an athletic conference, or by reasonable self-imposed disciplinary action taken to  
4 mitigate sanctions likely to be imposed by such an organization.

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

8 (4) Any liability of the athlete agent or the former student athlete under this  
9 subchapter is several and not joint.

10 (5) This subchapter does not restrict rights, remedies, or defenses of any person  
11 under law or equity.

12 **440.997<sup>5</sup> Administrative forfeiture.** The department may directly assess a  
13 forfeiture against an athlete agent of not more than \$25,000 for a violation of this  
14 subchapter.

15 **440.997<sup>8</sup> Uniformity of application and construction.** In applying and  
16 construing this subchapter, consideration must be given to the need to promote  
17 uniformity of the law with respect to its subject matter among the states that enact  
18 the Uniform Athlete Agents Act.

19 **440.998<sup>5</sup> Electronic Signatures in Global and National Commerce Act.**  
20 The provisions of this subchapter governing the legal effect, validity, or  
21 enforceability of electronic records or signatures, and of contracts formed or  
22 performed with the use of such records or signatures conform to the requirements  
23 of section 102 of the federal Electronic Signatures in Global and National Commerce  
24 Act, 15 USC 7002, and supersede, modify, and limit the federal Electronic Signatures  
25 in Global and National Commerce Act, 15 USC 7001 to 7031.

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① ~~440.9945~~<sup>9</sup> **Rules.** The department shall promulgate rules that define  
2 unprofessional conduct for purposes of s. 440.992 (2) (c).

**SECTION 4. Nonstatutory provisions.**

3  
4 (1) If an athlete agent, as defined in section 440.99 (2) of the statutes, as created  
5 by this act, or student athlete, as defined in section 440.99 (11) of the statutes, as  
6 created by this act, is subject to a contract that is in effect on the effective date of this  
7 subsection and that contains provisions that are inconsistent with subchapter XII of  
8 chapter 440 of the statutes, as created by this act, then, notwithstanding subchapter  
9 XII of chapter 440 of the statutes, as created by this act, the athlete agent or student  
10 athlete may perform his or her obligations, and exercise his or her rights, under that  
11 contract until the contract expires, is extended, is modified, or is renewed, whichever  
12 occurs first.

**SECTION 5. Appropriation changes.**

13  
14 (1) POSITION AUTHORIZATION. In the schedule under section 20.005 (3) of the  
15 statutes for the appropriation to the department of regulation and licensing under  
16 section 20.165 (1) (g) of the statutes, as affected by the acts of 2001, the dollar amount  
17 is increased by \$31,900 for fiscal year 2002-03 to increase the authorized FTE  
18 positions for the department by 0.5 PR position to perform services related to the  
19 regulation of athlete agents.

**SECTION 6. Initial applicability.**

20  
21 (1) The treatment of section 440.9945 of the statutes first applies to contracts  
22 entered into on the effective date of this subsection. 7 ✓

② (2) The treatment of section 440.9945 (2) of the statutes first applies to losses  
24 or expenses incurred on the effective date of this subsection.

**SECTION 7. Effective date.**



2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3241/6ins  
MDK.....

1

INSERT 3A: ✓

An athlete agent who violates the bill's prohibitions may be fined \$10,000 or imprisoned for not more than 9 months or both. ✓ or

2

INSERT 14-17:

3

440.9965 Criminal penalties. An athlete agent who violates s. 440.996 may  
4 be fined not more than \$10,000 or imprisoned for not more than 9 months or both. ✓

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3241/6dn

MDK: King

Representative Wieckert:

This version is identical to the previous version, except that this version includes criminal penalties.

Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: mark.kunkel@legis.state.wi.us



**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3241/6dn  
MDK:kmg:kjf

January 15, 2002

**Representative Wieckert:**

This version is identical to the previous version, except that this version includes criminal penalties.

Mark D. Kunkel  
Legislative Attorney  
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# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

STEPHEN R. MILLER  
CHIEF

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

January 15, 2002

### MEMORANDUM

To: Representative Wieckert

From: Mark D. Kunkel, Legislative Attorney

Re: LRB-3241/6 Uniform athlete agents act

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY     JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-0131 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.

# Memo

To: Rep. Wieckert

(The Draft's Requestor)

Per your request ... the attached is a fiscal estimate was prepared for your un-introduced 2001 draft.

LRB Number: LRB - 3241

Version: " / 6 "

Entered In Computer And Copy Sent To Requestor Via E-Mail: 02 / 06 / 2002

Fiscal Estimate Prepared By: (agency abbr.) DORL

If you have questions about the attached fiscal estimate, you may contact the agency/ individual who prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

\* \* \* \* \*

To: LRB – Legal Section PA's

Subject: Fiscal Estimate Received For A Un-Introduced Draft

- If this draft is **re-drafted** ... please insert this early fiscal estimate into the drafting file ... after the draft's old version (the version this fiscal estimate was based on), and before mark-up of the draft on the updated version.
- If this draft is **Introduced** ... and the version of the attached fiscal estimate is for a **previous version** ... please insert this early fiscal estimate into the drafting file ... after the draft's old version (the version this fiscal estimate was based on), and before mark-up of the draft on the updated version.  
Have Mike (or Lynn) get the ball rolling on getting a fiscal estimate prepared for the introduced version.
- If this draft is **introduced** ... and the version of the attached fiscal estimate is for the **current version** ... please write the drafts intro. number below and give this fiscal estimate to Mike (or Lynn) to process.

THIS DRAFT WAS INTRODUCED AS: 2001 AB-829

## Barman, Mike

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**From:** Barman, Mike  
**Sent:** Wednesday, February 06, 2002 4:11 PM  
**To:** Rep.Wieckert  
**Subject:** LRB-3241/6 (FE by DORL - attached - for your review)



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