March 20, 2019 – Introduced by Senator JACQUE, cosponsored by Representatives BROOKS, TUSLER, KUGLITSCH, RAMTHUN and WICHGERS. Referred to Committee on Universities, Technical Colleges, Children and Families.

**AN ACT to repeal 440.99 (4), 440.997 (2), 440.997 (3) and 440.997 (5); to renumber 440.994 (2) (a); to renumber and amend 440.9945 (1); to amend 440.99 (6), 440.99 (7), 440.99 (11), 440.991 (2) (b), 440.9915 (title), 440.9915 (1) (intro.), 440.9915 (1) (a), 440.9915 (1) (b), 440.9915 (1) (c), 440.9915 (1) (e), 440.9915 (1) (f), 440.9915 (1) (h), 440.9915 (1) (i), 440.9915 (1) (j), 440.9915 (1) (k), 440.9915 (1) (L), 440.992 (1), 440.992 (2) (intro.), 440.992 (2) (e), 440.992 (2) (f), 440.992 (2) (g), 440.992 (4), 440.9925 (1), 440.9925 (2), 440.994 (1), 440.994 (2) (intro.), 440.994 (3), 440.994 (4), 440.994 (5), 440.9945 (2), 440.995 (1), 440.995 (2), 440.995 (3), 440.9955 (1) (intro.), 440.9955 (1) (b), 440.9955 (1) (c), 440.9955 (2), 440.996 (1) (intro.), 440.996 (2) (intro.), 440.996 (2) (a), 440.996 (2) (b), 440.996 (2) (g), 440.997 (1), 440.9975 and 440.998; to repeal and recreate 440.99 (2), 440.9915 (2), 440.992 (5) and 440.9985; and to create 440.99 (4r), 440.99 (5d), 440.99 (6c), 440.99 (6r), 440.99 (8c), 440.99 (9m), 440.9915 (1) (bm), 440.9915 (1) (gm), 440.9915 (1) (he), 440.9915 (1) (hm),...
SENATE BILL 117

440.9915 (1) (hs), 440.9915 (1) (m), 440.9915 (1) (n), 440.9915 (1) (o), 440.9925
(1m), 440.994 (2) (ag), 440.994 (3m), 440.994 (6), 440.9945 (1g), 440.9945 (3),
440.9945 (4), 440.9945 (5), 440.9945 (6), 440.9945 (7), 440.9945 (8), 440.997
(2m) and 440.997 (3m) of the statutes; relating to: adopting revisions to the
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:
SENATE BILL 117

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.
SENATE BILL 117

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:

SECTION 1. 440.99 (2) of the statutes is repealed and recreated to read:

440.99 (2) (a) “Athlete agent” means an individual, whether or not registered under this act, who does any of the following:
1. Directly or indirectly recruits or solicits or, 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.

2. For compensation or in anticipation of compensation in connection with a student athlete's participation in athletics, does any of the following:
   a. Serves the student athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions, unless the individual is an employee of an educational institution acting exclusively as an employee of the educational institution for the benefit of the educational institution.
   b. Manages the business affairs of the student athlete by providing assistance with bills, payments, contracts, or taxes.

3. In anticipation of representing a student athlete for a purpose related to the student athlete's participation in athletics, does any of the following:
   a. Gives consideration to the student athlete or another person.
   b. Serves the student athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions.
   c. Manages the business affairs of the student athlete by providing assistance with bills, payments, contracts, or taxes.

(b) “Athlete agent” does not include the following:
1. An individual who acts solely on behalf of a professional sports team or organization.
2. An individual who is a licensed, registered, or certified professional and offers or provides services to a student athlete customarily provided by members of the profession, unless the individual does any of the following:
a. Recruits or solicits.

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

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

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

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

440.99 (4r) “Educational institution” includes all of the following, whether public or private:

(a) An elementary school.

(b) A secondary school.

(c) A technical or vocational school.

(d) A community college.

(e) A college.

(f) A university.

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

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

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

440.99 (6) “Intercollegiate sport” means a sport played at the collegiate level for which eligibility requirements for participation by a student athlete are established by a national association for the promotion or regulation of that promotes or regulates collegiate athletics.
SECTION 6. 440.99 (6c) of the statutes is created to read:

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

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

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

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

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

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

440.99 (8c) “Recruit or solicit” means attempt to influence the choice of an athlete agent or the choice to enter into an agency contract or both by a student athlete or, if the student athlete is a minor, a parent or guardian of the student athlete. The term does not include giving advice with respect to the selection of a particular athlete agent or with respect to entering into an agency contract if the advice is given in a family, coaching, or social situation, unless the individual giving the advice does so because of the receipt or anticipated receipt of an economic benefit, directly or indirectly, from an athlete agent.
SECTION 10. 440.99 (9m) of the statutes is created to read:

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

(a) To execute or adopt a tangible symbol.
(b) To attach to or logically associate with the record an electronic symbol, sound, or process.

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

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

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

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

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

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

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

440.9915 (1) (intro.) An applicant for registration as an athlete agent shall submit an application for registration to the department in a form prescribed by the department. The application must be in the name of applicant must be an individual, and, except as otherwise provided in sub. (2), the application must be signed or
otherwise authenticated by the applicant under penalty of perjury and state or. The application must contain at least all of the following:

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

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

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

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

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

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

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

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

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

440.9915 (1) (e) The name, or if the student athlete is a minor, the name of the parent or guardian of the minor, sport, and last-known team for each individual for
whom the applicant acted as an athlete agent during the within 5 years next preceding before the date of submission of the application.

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

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

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

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

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

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

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

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

**SECTION 24.** 440.9915 (1) (hm) of the statutes is created to read:
440.9915 (1) (hm) Whether the applicant, or any person named under par. (f) or (g), has an unsatisfied judgment or a judgment of continuing effect, including for child or family support, maintenance, or spousal support that is not current at the date of the application.

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

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

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

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

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

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

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

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

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

440.9915 (1) (L) Whether there has been any denial of an application for, suspension or revocation of, or refusal to renew, or abandonment of, the registration
or licensure of the applicant or any person named pursuant to under par. (f) or (g) as an athlete agent in any state.

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

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

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

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

1. The name of the league or association.

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

3. If applicable, 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SECTION 35.** 440.992 (2) (intro.) of the statutes is amended to read:
440.992 (2) (intro.) The department may refuse to issue a certificate of registration to an applicant for registration under s. 440.9915 (1) if the department determines that the applicant has engaged in conduct that has a significant adverse effect significantly adversely reflects on the applicant’s fitness to act as an athlete agent. In making the determination, the department may consider whether the applicant has done any of the following:

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

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

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

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

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

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

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

440.992 (4) An athlete agent registered under sub. (1) may apply to renew a the registration by submitting an application for renewal in a form prescribed by the department. The applicant shall sign the application for renewal must be signed by the applicant under penalty of perjury and must contain include current information on all matters required in an original application for registration. Applications
submitted under this subsection shall be open to inspection at all reasonable hours authorized by representatives of the department.

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

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

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

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

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

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

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

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

SECTION 43. 440.9925 (2) of the statutes is amended to read:
440.9925 (2) The department may deny, limit, suspend, revoke, or refuse to renew a certificate of registration or licensure only after proper notice and an opportunity for a hearing.

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

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

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

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

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

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

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

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

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

**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 SIGNING THIS CONTRACT OR BEFORE THE NEXT SCHEDULED ATHLETIC EVENT IN WHICH YOU MAY PARTICIPATE,**
WHICHEVER OCCURS FIRST, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR THAT YOU HAVE ENTERED INTO THIS CONTRACT AND PROVIDE THE NAME AND CONTACT INFORMATION OF THE ATHLETE AGENT; AND

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

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

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

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

440.994 (4) An student athlete or, if the student athlete is a minor, the parent or guardian of the student athlete may void 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 the contract is voided, any consideration received from the athlete agent under the contract or to return any consideration received from the athlete agent to induce the student athlete to enter to influence entering into the contract is not required to be returned.

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

440.994 (5) The At the time an agency contract is executed, the athlete agent shall give the student athlete or, if the student athlete is a minor, the parent or guardian of the student athlete a copy in a record of the signed or otherwise
Section 51

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

Section 52. 440.994 (6) of the statutes is created to read:

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

Section 53. 440.9945 (1) of the statutes is renumbered 440.9945 (1r) and amended to read:

440.9945 (1r) Within Not later than 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.

Section 54. 440.9945 (1g) of the statutes is created to read:

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

Section 55. 440.9945 (2) of the statutes is amended to read:

440.9945 (2) Within Not later than 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 student athlete shall inform the athletic director of the educational institution at which the student athlete is enrolled that he or she has entered into an agency contract and the name and contact information of the athlete agent.
SECTION 56. 440.9945 (3) of the statutes is created to read:

440.9945 (3) 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 shall notify the athletic director of the educational institution of the existence of the contract not later than 72 hours after the athlete agent knew or should have known the student athlete enrolled.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 63. 440.995 (2) of the statutes is amended to read:
440.995 (2) A student athlete or, if the student athlete is a minor, the parent or guardian of the student athlete may not waive the right to cancel an agency contract.

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

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

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

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

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

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

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

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

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

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

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

440.996 (1) (intro.) An athlete agent, with the intent to induce influence a student athlete or, if the student athlete is a minor, the parent or guardian of the student athlete to enter into an agency contract, may not do take any of the following
actions or encourage any other individual to take or assist another individual in
taking any of the following actions on behalf of the athlete agent:

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

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

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

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

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

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

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

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

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

440.997 (1) An educational institution or student athlete may bring an action
against an athlete agent for damages caused by a if the educational institution or
student athlete is adversely affected by an act or omission of the athlete agent in
violation of this subchapter. In an action under this subsection, the court may award
to the prevailing party costs and, notwithstanding s. 814.04, reasonable attorney fees. An educational institution or student athlete is adversely affected by an act or omission of the athlete agent only if, because of the act or omission, the educational institution or an individual who was a student athlete at the time of the act or omission and enrolled in the institution suffers financial damage or is suspended or disqualified from participation in an interscholastic or intercollegiate sports event by or under the rules of a state or national federation or association that promotes or regulates interscholastic or intercollegiate sports.

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

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

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

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

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

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

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

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

> 440.9975 Administrative forfeiture. The department may directly assess a forfeiture against an athlete agent of not more than $25,000 for a violation of this subchapter.

**SECTION 81.** 440.998 of the statutes is amended to read:
440.998 Uniformity of application and construction. In applying and
construing this subchapter, consideration must be given to the need to promote
uniformity of the law with respect to its subject matter among the states that enact

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

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

SECTION 83. Initial applicability.

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

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

(3) Reciprocal registration renewal. The treatment of s. 440.992 (5) first
applies to an application for renewal of a reciprocal registration received by the
department of safety and professional services on the effective date of this
subsection.
(4) AGENCY CONTRACTS. The treatment of s. 440.994 (1), (2) (intro.), (a), and (ag), (3), (3m), (4), (5), and (6) first applies to an agency contract executed on the effective date of this subsection.

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

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

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

SECTION 84. Effective date.

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