
By: **Delegates Rosenberg and Brown**
Introduced and read first time: January 25, 2002
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Uniform Athlete Agents Act**

3 FOR the purpose of adopting the Maryland Uniform Athlete Agents Act; establishing
4 a method for the service of process for certain individuals under certain
5 circumstances; establishing a method for the issuance of subpoenas under
6 certain circumstances; prohibiting an individual from acting as an athlete agent
7 under certain circumstances; allowing an individual to act as an athlete agent
8 under certain circumstances; establishing a method of registration as an athlete
9 agent for certain individuals; specifying information to be included in an
10 application for registration as an athlete agent; establishing an alternate
11 method of registering as an athlete agent for certain individuals; providing for
12 the issuance of a certificate of registration to certain individuals; providing for
13 the refusal to issue a certificate of registration to certain individuals;
14 establishing a method of determining the refusal to issue a certificate of
15 registration to certain individuals under certain circumstances; providing for
16 the renewal of a certificate of registration; establishing an alternate method of
17 renewal for certain individuals under certain circumstances; authorizing the
18 suspension, revocation, or refusal to renew a certificate of registration under
19 certain circumstances; establishing an opportunity for notice and a hearing
20 under certain circumstances; providing for the administration of oaths under
21 certain circumstances; requiring the Secretary of Labor, Licensing, and
22 Regulation to set certain fees; providing for the disposition of fees; establishing
23 a method for issuing temporary certificates of registration to certain individuals
24 under certain circumstances; requiring certain information to be included in an
25 agency contract; authorizing the voiding of an agency contract under certain
26 circumstances; establishing a time period in which notice of an agency contract
27 must be given to certain individuals under certain circumstances; allowing the
28 cancellation of an agency contract under certain circumstances; requiring that
29 certain records be maintained by certain individuals for a certain amount of
30 time; providing for the inspection of certain records at certain times; prohibiting
31 certain conduct; providing for a criminal penalty; providing for an
32 administrative penalty; establishing a right of action for certain individuals
33 under certain circumstances; providing for the application and construction of
34 this Act; providing for the severability of this Act under certain circumstances;
35 defining certain terms; repealing certain provisions relating to the licensing of

1 sports agents; and generally relating to the Maryland Uniform Athlete Agents
2 Act.

3 BY repealing
4 Article - Business Regulation
5 Section 4-401 through 4-426, inclusive, and the subtitle "Subtitle 4. Sports
6 Agents"
7 Annotated Code of Maryland
8 (1998 Replacement Volume and 2001 Supplement)

9 BY adding to
10 Article - Business Regulation
11 Section 4-401 through 4-421, inclusive, to be under the new subtitle "Subtitle 4.
12 Maryland Uniform Athlete Agents Act"
13 Annotated Code of Maryland
14 (1998 Replacement Volume and 2001 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That Section(s) 4-401 through 4-426, inclusive, and the subtitle
17 "Subtitle 4. Sports Agents" of Article - Business Regulation of the Annotated Code of
18 Maryland be repealed.

19 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
20 read as follows:

21 **Article - Business Regulation**

22 **SUBTITLE 4. MARYLAND UNIFORM ATHLETE AGENTS ACT.**

23 4-401.

24 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
25 INDICATED.

26 (B) "AGENCY CONTRACT" MEANS AN AGREEMENT IN WHICH A
27 STUDENT-ATHLETE AUTHORIZES A PERSON TO NEGOTIATE OR SOLICIT ON BEHALF
28 OF THE STUDENT-ATHLETE A PROFESSIONAL-SPORTS-SERVICES CONTRACT OR AN
29 ENDORSEMENT CONTRACT.

30 (C) (1) "ATHLETE AGENT" MEANS AN INDIVIDUAL WHO ENTERS INTO AN
31 AGENCY CONTRACT WITH A STUDENT-ATHLETE OR, DIRECTLY OR INDIRECTLY,
32 RECRUITS OR SOLICITS A STUDENT-ATHLETE TO ENTER INTO AN AGENCY
33 CONTRACT.

34 (2) "ATHLETE AGENT" INCLUDES AN INDIVIDUAL WHO REPRESENTS TO
35 THE PUBLIC THAT THE INDIVIDUAL IS AN ATHLETE AGENT.

1 (3) "ATHLETE AGENT" DOES NOT INCLUDE A SPOUSE, PARENT, SIBLING,
2 GRANDPARENT, OR GUARDIAN OF THE STUDENT-ATHLETE, OR AN INDIVIDUAL
3 ACTING SOLELY ON BEHALF OF A PROFESSIONAL SPORTS TEAM OR PROFESSIONAL
4 SPORTS ORGANIZATION.

5 (D) "ATHLETIC DIRECTOR" MEANS AN INDIVIDUAL RESPONSIBLE FOR
6 ADMINISTERING:

7 (1) THE OVERALL ATHLETIC PROGRAM OF AN EDUCATIONAL
8 INSTITUTION; OR

9 (2) THE ATHLETIC PROGRAM FOR MALES OR THE ATHLETIC PROGRAM
10 FOR FEMALES IF AN EDUCATIONAL INSTITUTION HAS SEPARATELY ADMINISTERED
11 ATHLETIC PROGRAMS FOR MALE STUDENTS AND FEMALE STUDENTS, AS
12 APPROPRIATE.

13 (E) "CONTACT" MEANS A COMMUNICATION, DIRECT OR INDIRECT, BETWEEN
14 AN ATHLETE AGENT AND A STUDENT-ATHLETE, TO RECRUIT OR SOLICIT THE
15 STUDENT-ATHLETE TO ENTER INTO AN AGENCY CONTRACT.

16 (F) "ENDORSEMENT CONTRACT" MEANS AN AGREEMENT UNDER WHICH A
17 STUDENT-ATHLETE IS EMPLOYED OR RECEIVES CONSIDERATION TO USE ON
18 BEHALF OF THE OTHER PARTY ANY VALUE THAT THE STUDENT-ATHLETE MAY HAVE
19 BECAUSE OF PUBLICITY, REPUTATION, FOLLOWING, OR FAME OBTAINED BECAUSE
20 OF ATHLETIC ABILITY OR PERFORMANCE.

21 (G) "INTERCOLLEGIATE SPORT" MEANS A SPORT PLAYED AT THE COLLEGIATE
22 LEVEL FOR WHICH ELIGIBILITY REQUIREMENTS FOR PARTICIPATION BY A
23 STUDENT-ATHLETE ARE ESTABLISHED BY A NATIONAL ASSOCIATION FOR THE
24 PROMOTION OR REGULATION OF COLLEGIATE ATHLETICS.

25 (H) "PERSON" MEANS AN INDIVIDUAL, CORPORATION, BUSINESS TRUST,
26 ESTATE, TRUST, PARTNERSHIP, LIMITED LIABILITY COMPANY, ASSOCIATION, JOINT
27 VENTURE, GOVERNMENTAL AGENCY OR INSTRUMENTALITY, PUBLIC CORPORATION,
28 OR ANY OTHER LEGAL OR COMMERCIAL ENTITY.

29 (I) "PROFESSIONAL-SPORTS-SERVICES CONTRACT" MEANS AN AGREEMENT
30 UNDER WHICH AN INDIVIDUAL IS EMPLOYED, OR AGREES TO RENDER SERVICES, AS
31 A PLAYER ON A PROFESSIONAL SPORTS TEAM, WITH A PROFESSIONAL SPORTS
32 ORGANIZATION, OR AS A PROFESSIONAL ATHLETE.

33 (J) "RECORD" MEANS INFORMATION THAT IS INSCRIBED ON A TANGIBLE
34 MEDIUM OR THAT IS STORED IN AN ELECTRONIC OR OTHER MEDIUM AND IS
35 RETRIEVABLE IN PERCEIVABLE FORM.

36 (K) "REGISTRATION" MEANS REGISTRATION AS AN ATHLETE AGENT IN
37 ACCORDANCE WITH THIS SUBTITLE.

1 (L) "STATE" MEANS A STATE OF THE UNITED STATES, THE DISTRICT OF
2 COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS, OR ANY TERRITORY
3 OR INSULAR POSSESSION SUBJECT TO THE JURISDICTION OF THE UNITED STATES.

4 (M) (1) "STUDENT-ATHLETE" MEANS AN INDIVIDUAL WHO ENGAGES IN, IS
5 ELIGIBLE TO ENGAGE IN, OR MAY BE ELIGIBLE IN THE FUTURE TO ENGAGE IN, ANY
6 INTERCOLLEGIATE SPORT.

7 (2) "STUDENT-ATHLETE" INCLUDES AN INDIVIDUAL WHO IS OR WAS A
8 MEMBER OF A SPORTS TEAM OF A HIGH SCHOOL.

9 (3) "STUDENT-ATHLETE" DOES NOT INCLUDE AN INDIVIDUAL
10 PERMANENTLY INELIGIBLE TO PARTICIPATE IN A PARTICULAR SPORT.

11 4-402.

12 (A) BY ACTING AS AN ATHLETE AGENT IN THE STATE, A NONRESIDENT
13 INDIVIDUAL APPOINTS THE SECRETARY OF STATE AS THE INDIVIDUAL'S AGENT FOR
14 SERVICE OF PROCESS IN ANY CIVIL ACTION IN THE STATE RELATED TO THE
15 INDIVIDUAL'S ACTING AS AN ATHLETE AGENT IN THE STATE.

16 (B) THE SECRETARY OF STATE MAY ISSUE SUBPOENAS FOR ANY MATERIAL
17 THAT IS RELEVANT TO THE ADMINISTRATION OF THIS SUBTITLE.

18 4-403.

19 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B) OF THIS SECTION,
20 AN INDIVIDUAL MAY NOT ACT AS AN ATHLETE AGENT IN THE STATE WITHOUT
21 HOLDING A CERTIFICATE OF REGISTRATION UNDER § 4-405 OR § 4-409 OF THIS
22 SUBTITLE.

23 (B) BEFORE BEING ISSUED A CERTIFICATE OF REGISTRATION, AN
24 INDIVIDUAL MAY ACT AS AN ATHLETE AGENT IN THE STATE FOR ALL PURPOSES
25 EXCEPT SIGNING AN AGENCY CONTRACT IF:

26 (1) A STUDENT-ATHLETE OR ANOTHER PERSON ACTING ON BEHALF OF
27 THE STUDENT-ATHLETE INITIATES COMMUNICATION WITH THE INDIVIDUAL; AND

28 (2) WITHIN 7 DAYS AFTER AN INITIAL ACT AS AN ATHLETE AGENT, THE
29 INDIVIDUAL SUBMITS AN APPLICATION FOR REGISTRATION AS AN ATHLETE AGENT
30 IN THE STATE.

31 (C) AN AGENCY CONTRACT RESULTING FROM CONDUCT IN VIOLATION OF
32 THIS SECTION IS VOID AND THE ATHLETE AGENT SHALL RETURN ANY
33 CONSIDERATION RECEIVED UNDER THE CONTRACT.

34 4-404.

35 (A) AN APPLICANT FOR REGISTRATION SHALL:

1 (1) SUBMIT TO THE SECRETARY AN APPLICATION ON THE FORM THE
2 SECRETARY REQUIRES; AND

3 (2) PAY TO THE SECRETARY THE APPLICATION FEE SET BY THE
4 SECRETARY.

5 (B) IN ADDITION TO ANY OTHER INFORMATION REQUIRED ON THE
6 APPLICATION, THE APPLICATION MUST BE IN THE NAME OF AN INDIVIDUAL AND,
7 EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (D) OF THIS SECTION, SIGNED OR
8 OTHERWISE AUTHENTICATED BY THE APPLICANT UNDER PENALTY OF PERJURY
9 AND STATE OR CONTAIN:

10 (1) THE NAME OF THE APPLICANT AND THE ADDRESS OF THE
11 APPLICANT'S PRINCIPAL PLACE OF BUSINESS;

12 (2) THE NAME OF THE APPLICANT'S BUSINESS OR EMPLOYER, IF
13 APPLICABLE;

14 (3) ANY BUSINESS OR OCCUPATION ENGAGED IN BY THE APPLICANT
15 FOR 5 YEARS BEFORE THE DATE OF THE APPLICATION;

16 (4) A DESCRIPTION OF THE APPLICANT'S:

17 (I) FORMAL TRAINING AS AN ATHLETE AGENT;

18 (II) PRACTICAL EXPERIENCE AS AN ATHLETE AGENT; AND

19 (III) EDUCATIONAL BACKGROUND RELATING TO THE APPLICANT'S
20 ACTIVITIES AS AN ATHLETE AGENT;

21 (5) THE NAMES AND ADDRESSES OF THREE INDIVIDUALS NOT RELATED
22 TO THE APPLICANT WHO ARE WILLING TO SERVE AS REFERENCES;

23 (6) THE NAME, SPORT, AND LAST KNOWN TEAM FOR EACH INDIVIDUAL
24 FOR WHOM THE APPLICANT ACTED AS AN ATHLETE AGENT DURING THE 5 YEARS
25 BEFORE THE DATE OF THE APPLICATION;

26 (7) THE NAMES AND ADDRESSES OF ALL PERSONS WHO ARE:

27 (I) WITH RESPECT TO THE ATHLETE AGENT'S BUSINESS IF IT IS
28 NOT A CORPORATION, THE PARTNERS, MEMBERS, OFFICERS, MANAGERS,
29 ASSOCIATES, OR PROFIT SHARERS OF THE BUSINESS; AND

30 (II) WITH RESPECT TO A CORPORATION EMPLOYING THE ATHLETE
31 AGENT, THE OFFICER'S DIRECTORS, AND ANY SHAREHOLDER OF THE CORPORATION
32 HAVING AN INTEREST OF 5% OR GREATER;

33 (8) WHETHER THE APPLICANT OR ANY PERSON NAMED IN ACCORDANCE
34 WITH ITEM (7) OF THIS SUBSECTION HAS BEEN CONVICTED OF A CRIME THAT, IF
35 COMMITTED IN THE STATE, WOULD BE A CRIME INVOLVING MORAL TURPITUDE OR A
36 FELONY, AND IDENTIFY THE CRIME;

1 (9) WHETHER THERE HAS BEEN ANY ADMINISTRATIVE OR JUDICIAL
2 DETERMINATION THAT THE APPLICANT OR ANY PERSON NAMED IN ACCORDANCE
3 WITH ITEM (7) OF THIS SUBSECTION HAS MADE A FALSE, MISLEADING, DECEPTIVE,
4 OR FRAUDULENT REPRESENTATION;

5 (10) ANY INSTANCE WHICH THE CONDUCT OF THE APPLICANT OR ANY
6 PERSON NAMED IN ACCORDANCE WITH ITEM (7) OF THIS SUBSECTION RESULTED IN
7 THE IMPOSITION OF A SANCTION, SUSPENSION, OR DECLARATION OF INELIGIBILITY
8 TO PARTICIPATE IN AN INTERSCHOLASTIC OR INTERCOLLEGIATE ATHLETIC EVENT
9 ON A STUDENT-ATHLETE OR EDUCATIONAL INSTITUTION;

10 (11) ANY SANCTION, SUSPENSION, OR DISCIPLINARY ACTION TAKEN
11 AGAINST THE APPLICANT OR ANY PERSON NAMED IN ACCORDANCE WITH ITEM (7) OF
12 THIS SUBSECTION ARISING OUT OF OCCUPATIONAL OR PROFESSIONAL
13 MISCONDUCT; AND

14 (12) WHETHER THERE HAS BEEN ANY DENIAL OF AN APPLICATION FOR,
15 SUSPENSION OR REVOCATION OF, OR REFUSAL TO RENEW THE REGISTRATION OR
16 LICENSURE OF THE APPLICANT OR ANY PERSON NAMED IN ACCORDANCE WITH ITEM
17 (7) OF THIS SUBSECTION AS AN ATHLETE AGENT IN ANY STATE.

18 (C) NOTWITHSTANDING SUBSECTION (B)(7) OF THIS SECTION, AN APPLICANT
19 WHO IS A MEMBER OF THE BAR OF THE COURT OF APPEALS OF MARYLAND NEED NOT
20 PROVIDE THE NAME AND ADDRESS OF A PERSON WHO IS A PARTNER, MEMBER,
21 ASSOCIATE, OR PROFIT SHARER IN A LAW FIRM OR PROFESSIONAL CORPORATION.

22 (D) (1) AN INDIVIDUAL WHO HAS SUBMITTED AN APPLICATION FOR, AND
23 HOLDS A CERTIFICATE OF REGISTRATION OR LICENSURE AS AN ATHLETE AGENT IN
24 ANOTHER STATE, MAY SUBMIT A COPY OF THE APPLICATION AND CERTIFICATE IN
25 LIEU OF SUBMITTING AN APPLICATION IN THE FORM REQUIRED BY SUBSECTION (B)
26 OF THIS SECTION.

27 (2) THE SECRETARY SHALL ACCEPT THE APPLICATION AND THE
28 CERTIFICATE FROM THE OTHER STATE AS AN APPLICATION FOR REGISTRATION IN
29 THE STATE IF THE APPLICATION TO THE OTHER STATE:

30 (I) WAS SUBMITTED IN THE OTHER STATE 6 MONTHS BEFORE THE
31 SUBMISSION OF THE APPLICATION IN THE STATE AND THE APPLICANT CERTIFIES
32 THAT THE INFORMATION CONTAINED IN THE APPLICATION IS CURRENT;

33 (II) CONTAINS INFORMATION SUBSTANTIALLY SIMILAR TO OR
34 MORE COMPREHENSIVE THAN THAT REQUIRED IN AN APPLICATION SUBMITTED IN
35 THE STATE; AND

36 (III) WAS SIGNED BY THE APPLICANT UNDER PENALTY OF PERJURY.

37 4-405.

38 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B) OF THIS SECTION,
39 THE SECRETARY SHALL ISSUE A CERTIFICATE OF REGISTRATION TO AN INDIVIDUAL

1 WHO COMPLIES WITH § 4-404(B) OF THIS SUBTITLE OR WHOSE APPLICATION HAS
2 BEEN ACCEPTED UNDER § 4-404(D) OF THIS SUBTITLE.

3 (B) (1) THE SECRETARY MAY REFUSE TO ISSUE A CERTIFICATE OF
4 REGISTRATION IF THE SECRETARY DETERMINES THAT THE APPLICANT HAS
5 ENGAGED IN CONDUCT THAT HAS A SIGNIFICANT ADVERSE EFFECT ON THE
6 APPLICANT'S FITNESS TO ACT AS AN ATHLETE AGENT.

7 (2) IN MAKING THE DETERMINATION UNDER PARAGRAPH (1) OF THIS
8 SUBSECTION, THE SECRETARY MAY CONSIDER WHETHER THE APPLICANT HAS:

9 (I) BEEN CONVICTED OF A CRIME THAT, IF COMMITTED IN THE
10 STATE, WOULD BE A CRIME INVOLVING MORAL TURPITUDE OR A FELONY;

11 (II) MADE A MATERIALLY FALSE, MISLEADING, DECEPTIVE, OR
12 FRAUDULENT REPRESENTATION IN THE APPLICATION OR AS AN ATHLETE AGENT;

13 (III) ENGAGED IN CONDUCT THAT WOULD DISQUALIFY THE
14 APPLICANT FROM SERVING IN A FIDUCIARY CAPACITY;

15 (IV) ENGAGED IN CONDUCT PROHIBITED BY § 4-414 OF THIS
16 SUBTITLE;

17 (V) HAD A REGISTRATION OR LICENSURE AS AN ATHLETE AGENT
18 SUSPENDED, REVOKED, OR DENIED OR BEEN REFUSED RENEWAL OF REGISTRATION
19 OR LICENSURE AS AN ATHLETE AGENT IN ANY STATE;

20 (VI) ENGAGED IN CONDUCT THE CONSEQUENCE OF WHICH WAS
21 THAT A SANCTION, SUSPENSION, OR DECLARATION OF INELIGIBILITY TO
22 PARTICIPATE IN AN INTERSCHOLASTIC OR INTERCOLLEGIATE ATHLETIC EVENT WAS
23 IMPOSED ON A STUDENT-ATHLETE OR EDUCATIONAL INSTITUTION; OR

24 (VII) ENGAGED IN CONDUCT THAT SIGNIFICANTLY ADVERSELY
25 REFLECTS ON THE APPLICANT'S CREDIBILITY, HONESTY, OR INTEGRITY.

26 (C) IN MAKING A DETERMINATION UNDER SUBSECTION (B) OF THIS SECTION,
27 THE SECRETARY SHALL CONSIDER:

28 (1) HOW RECENTLY THE CONDUCT OCCURRED;

29 (2) THE NATURE OF THE CONDUCT AND THE CONTEXT IN WHICH IT
30 OCCURRED; AND

31 (3) ANY OTHER RELEVANT CONDUCT OF THE APPLICANT.

32 (D) (1) AN ATHLETE AGENT MAY APPLY TO RENEW A REGISTRATION BY:

33 (I) SUBMITTING AN APPLICATION FOR RENEWAL IN A FORM
34 REQUIRED BY THE SECRETARY; AND

35 (II) PAYING THE RENEWAL FEE SET BY THE SECRETARY.

1 (2) THE APPLICATION FOR RENEWAL MUST BE SIGNED BY THE
2 APPLICANT UNDER PENALTY OF PERJURY AND MUST CONTAIN CURRENT
3 INFORMATION ON ALL MATTERS REQUIRED IN AN ORIGINAL APPLICATION FOR
4 REGISTRATION.

5 (E) (1) AN INDIVIDUAL WHO HAS SUBMITTED AN APPLICATION FOR
6 RENEWAL OF REGISTRATION OR LICENSURE IN ANOTHER STATE, IN LIEU OF
7 SUBMITTING AN APPLICATION FOR RENEWAL IN THE FORM REQUIRED BY
8 SUBSECTION (D) OF THIS SECTION, MAY FILE A COPY OF THE APPLICATION FOR
9 RENEWAL AND A VALID CERTIFICATE OF REGISTRATION OR LICENSURE FROM THE
10 OTHER STATE.

11 (2) THE SECRETARY SHALL ACCEPT THE APPLICATION FOR RENEWAL
12 FROM THE OTHER STATE AS AN APPLICATION FOR RENEWAL IN THE STATE IF THE
13 APPLICATION FOR THE OTHER STATE:

14 (I) WAS SUBMITTED IN THE OTHER STATE WITHIN 6 MONTHS
15 BEFORE THE FILING IN THE STATE AND THE APPLICANT CERTIFIES THE
16 INFORMATION CONTAINED IN THE APPLICATION FOR RENEWAL IS CURRENT;

17 (II) CONTAINS INFORMATION SUBSTANTIALLY SIMILAR TO OR
18 MORE COMPREHENSIVE THAN THAT REQUIRED IN AN APPLICATION FOR RENEWAL
19 SUBMITTED IN THE STATE; AND

20 (III) WAS SIGNED BY THE APPLICANT UNDER PENALTY OF PERJURY.

21 (F) A CERTIFICATE OF REGISTRATION OR A RENEWAL OF REGISTRATION IS
22 VALID FOR 2 YEARS.

23 4-406.

24 SUBJECT TO THE HEARING PROVISIONS OF § 4-407 OF THIS SUBTITLE, THE
25 SECRETARY MAY SUSPEND, REVOKE, OR REFUSE TO RENEW A REGISTRATION FOR
26 CONDUCT THAT WOULD HAVE JUSTIFIED DENIAL OF REGISTRATION UNDER §
27 4-405(B) OF THIS SUBTITLE.

28 4-407.

29 (A) EXCEPT AS PROVIDED IN § 10-226 OF THE STATE GOVERNMENT ARTICLE,
30 BEFORE THE SECRETARY TAKES ANY FINAL ACTION UNDER § 4-406 OF THIS
31 SUBTITLE, THE SECRETARY SHALL GIVE THE PERSON AGAINST WHOM THE ACTION
32 IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE SECRETARY.

33 (B) THE SECRETARY SHALL GIVE NOTICE AND HOLD THE HEARING IN
34 ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

35 (C) THE SECRETARY MAY ADMINISTER OATHS IN A PROCEEDING UNDER THIS
36 SECTION.

1 (D) IF, AFTER DUE NOTICE, THE PERSON AGAINST WHOM THE ACTION IS
2 CONTEMPLATED DOES NOT APPEAR, THE SECRETARY MAY HEAR AND DETERMINE
3 THE MATTER.

4 4-408.

5 (A) THE SECRETARY SHALL SET REASONABLE FEES REQUIRED TO
6 ADMINISTER THIS SUBTITLE.

7 (B) THE SECRETARY SHALL PAY ALL MONEYS COLLECTED UNDER THIS
8 SUBTITLE INTO THE GENERAL FUND OF THE STATE.

9 4-409.

10 THE SECRETARY MAY ISSUE A TEMPORARY CERTIFICATE OF REGISTRATION
11 WHILE AN APPLICATION FOR REGISTRATION OR RENEWAL OF REGISTRATION IS
12 PENDING.

13 4-410.

14 (A) AN AGENCY CONTRACT MUST BE IN A RECORD SIGNED OR OTHERWISE
15 AUTHENTICATED BY THE PARTIES.

16 (B) AN AGENCY CONTRACT MUST STATE OR CONTAIN:

17 (1) THE AMOUNT AND METHOD OF CALCULATING THE CONSIDERATION
18 TO BE PAID BY THE STUDENT-ATHLETE FOR SERVICES TO BE PROVIDED BY THE
19 ATHLETE AGENT UNDER THE CONTRACT AND ANY OTHER CONSIDERATION THE
20 ATHLETE AGENT HAS RECEIVED OR WILL RECEIVE FROM ANY OTHER SOURCE FOR
21 ENTERING INTO THE CONTRACT OR FOR PROVIDING THE SERVICES;

22 (2) THE NAME OF ANY PERSON NOT LISTED IN THE APPLICATION FOR
23 REGISTRATION OR RENEWAL OF REGISTRATION WHO WILL BE COMPENSATED
24 BECAUSE THE STUDENT-ATHLETE SIGNED THE AGENCY CONTRACT;

25 (3) A DESCRIPTION OF ANY EXPENSES THAT THE STUDENT-ATHLETE
26 AGREES TO REIMBURSE;

27 (4) A DESCRIPTION OF THE SERVICES TO BE PROVIDED TO THE
28 STUDENT-ATHLETE;

29 (5) THE DURATION OF THE CONTRACT; AND

30 (6) THE DATE OF EXECUTION.

31 (C) AN AGENCY CONTRACT MUST CONTAIN, IN CLOSE PROXIMITY TO THE
32 SIGNATURE OF THE STUDENT-ATHLETE, A CONSPICUOUS NOTICE IN BOLDFACE
33 TYPE IN CAPITAL LETTERS STATING:

"WARNING TO STUDENT-ATHLETE

1

2 IF YOU SIGN THIS CONTRACT:

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

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

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

10 (D) (1) AN AGENCY CONTRACT THAT DOES NOT CONFORM TO THIS SECTION
11 IS VOIDABLE BY THE STUDENT-ATHLETE.

12 (2) IF A STUDENT-ATHLETE VOIDS AN AGENCY CONTRACT, THE
13 STUDENT-ATHLETE IS NOT REQUIRED TO PAY ANY CONSIDERATION UNDER THE
14 CONTRACT OR TO RETURN ANY CONSIDERATION RECEIVED FROM THE ATHLETE
15 AGENT TO INDUCE THE STUDENT-ATHLETE TO ENTER INTO THE CONTRACT.

16 (E) THE ATHLETE AGENT SHALL GIVE A RECORD OF THE SIGNED OR
17 OTHERWISE AUTHENTICATED AGENCY CONTRACT TO THE STUDENT-ATHLETE AT
18 THE TIME OF EXECUTION.

19 4-411.

20 (A) WITHIN 72 HOURS AFTER ENTERING INTO AN AGENCY CONTRACT OR
21 BEFORE THE NEXT SCHEDULED ATHLETIC EVENT IN WHICH THE
22 STUDENT-ATHLETE MAY PARTICIPATE, WHICHEVER OCCURS FIRST, THE ATHLETE
23 AGENT SHALL GIVE NOTICE IN A RECORD OF THE EXISTENCE OF THE CONTRACT TO
24 THE ATHLETIC DIRECTOR OF THE EDUCATIONAL INSTITUTION AT WHICH THE
25 STUDENT-ATHLETE IS ENROLLED OR THE ATHLETE AGENT HAS REASONABLE
26 GROUNDS TO BELIEVE THE STUDENT-ATHLETE INTENDS TO ENROLL.

27 (B) WITHIN 72 HOURS AFTER ENTERING INTO AN AGENCY CONTRACT OR
28 BEFORE THE NEXT ATHLETIC EVENT IN WHICH THE STUDENT-ATHLETE MAY
29 PARTICIPATE, WHICHEVER OCCURS FIRST, THE STUDENT-ATHLETE SHALL INFORM
30 THE ATHLETIC DIRECTOR OF THE EDUCATIONAL INSTITUTION AT WHICH THE
31 STUDENT-ATHLETE IS ENROLLED THAT THE STUDENT-ATHLETE HAS ENTERED
32 INTO AN AGENCY CONTRACT.

33 4-412.

34 (A) A STUDENT-ATHLETE MAY CANCEL AN AGENCY CONTRACT BY GIVING
35 NOTICE OF THE CANCELLATION TO THE ATHLETE AGENT IN A RECORD WITHIN 14
36 DAYS AFTER THE CONTRACT IS SIGNED.

1 (B) A STUDENT-ATHLETE MAY NOT WAIVE THE RIGHT TO CANCEL AN
2 AGENCY CONTRACT.

3 (C) IF A STUDENT-ATHLETE CANCELS AN AGENCY CONTRACT, THE
4 STUDENT-ATHLETE IS NOT REQUIRED TO PAY ANY CONSIDERATION UNDER THE
5 CONTRACT OR TO RETURN ANY CONSIDERATION RECEIVED FROM THE ATHLETE
6 AGENT TO INDUCE THE STUDENT-ATHLETE TO ENTER INTO THE CONTRACT.

7 4-413.

8 (A) AN ATHLETE AGENT SHALL RETAIN THE FOLLOWING RECORDS FOR A
9 PERIOD OF 5 YEARS:

10 (1) THE NAME OF EACH INDIVIDUAL REPRESENTED BY THE ATHLETE
11 AGENT;

12 (2) THE ADDRESS OF EACH INDIVIDUAL REPRESENTED BY THE
13 ATHLETE AGENT;

14 (3) ANY AGENCY CONTRACT ENTERED INTO BY THE ATHLETE AGENT;
15 AND

16 (4) ANY DIRECT COSTS INCURRED BY THE ATHLETE AGENT IN THE
17 RECRUITMENT OR SOLICITATION OF A STUDENT-ATHLETE TO ENTER INTO AN
18 AGENCY CONTRACT.

19 (B) RECORDS REQUIRED TO BE RETAINED BY SUBSECTION (A) OF THIS
20 SECTION ARE OPEN TO INSPECTION BY THE SECRETARY DURING NORMAL BUSINESS
21 HOURS.

22 4-414.

23 (A) AN ATHLETE AGENT, WITH THE INTENT TO INDUCE A STUDENT-ATHLETE
24 TO ENTER INTO AN AGENCY CONTRACT, MAY NOT:

25 (1) GIVE ANY MATERIALLY FALSE OR MISLEADING INFORMATION OR
26 MAKE A MATERIALLY FALSE PROMISE OR REPRESENTATION;

27 (2) FURNISH ANYTHING OF VALUE TO A STUDENT-ATHLETE BEFORE
28 THE STUDENT-ATHLETE ENTERS INTO THE AGENCY CONTRACT; OR

29 (3) FURNISH ANYTHING OF VALUE TO ANY INDIVIDUAL OTHER THAN
30 THE STUDENT-ATHLETE OR ANOTHER REGISTERED ATHLETE AGENT.

31 (B) AN ATHLETE AGENT MAY NOT INTENTIONALLY:

32 (1) INITIATE CONTACT WITH A STUDENT-ATHLETE UNLESS
33 REGISTERED UNDER THIS SUBTITLE;

34 (2) REFUSE OR FAIL TO RETAIN OR PERMIT INSPECTION OF THE
35 RECORDS REQUIRED TO BE RETAINED BY § 4-413 OF THIS SUBTITLE;

- 1 (3) FAIL TO REGISTER WHEN REQUIRED BY § 4-403 OF THIS SUBTITLE;
- 2 (4) PROVIDE MATERIALLY FALSE OR MISLEADING INFORMATION IN AN
3 APPLICATION FOR REGISTRATION OR RENEWAL OF REGISTRATION;
- 4 (5) PREDATE OR POSTDATE AN AGENCY CONTRACT; OR
- 5 (6) FAIL TO NOTIFY A STUDENT-ATHLETE BEFORE THE
6 STUDENT-ATHLETE SIGNS OR OTHERWISE AUTHENTICATES AN AGENCY CONTRACT
7 FOR A PARTICULAR SPORT THAT THE SIGNING OR AUTHENTICATION MAY MAKE THE
8 STUDENT-ATHLETE INELIGIBLE TO PARTICIPATE AS A STUDENT-ATHLETE IN THAT
9 SPORT.

10 (C) AN ATHLETE AGENT MAY NOT SPLIT A FEE WITH OR RECEIVE
11 COMPENSATION FROM:

- 12 (1) A PROFESSIONAL SPORTS LEAGUE;
- 13 (2) A PROFESSIONAL SPORTS FRANCHISE; OR
- 14 (3) A REPRESENTATIVE OR EMPLOYEE OF A PROFESSIONAL SPORTS
15 LEAGUE OR FRANCHISE.

16 4-415.

17 AN ATHLETE AGENT WHO VIOLATES § 4-414 OF THIS SUBTITLE IS GUILTY OF A
18 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$10,000
19 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

20 4-416.

21 (A) (1) AN EDUCATIONAL INSTITUTION HAS A RIGHT OF ACTION AGAINST
22 AN ATHLETE AGENT OR A FORMER STUDENT-ATHLETE FOR DAMAGES CAUSED BY
23 VIOLATION OF THIS SUBTITLE.

24 (2) IN AN ACTION UNDER THIS SECTION, THE COURT MAY AWARD TO
25 THE PREVAILING PARTY COSTS AND REASONABLE ATTORNEY'S FEES.

26 (B) DAMAGES TO AN EDUCATIONAL INSTITUTION UNDER SUBSECTION (A) OF
27 THIS SECTION INCLUDE LOSSES AND EXPENSES INCURRED BECAUSE, AS A RESULT
28 OF THE CONDUCT OF AN ATHLETE AGENT OR FORMER STUDENT-ATHLETE, THE
29 EDUCATIONAL INSTITUTION WAS INJURED BY A VIOLATION OF THIS SUBTITLE OR
30 WAS PENALIZED, DISQUALIFIED, OR SUSPENDED FROM PARTICIPATION IN
31 ATHLETICS BY A NATIONAL ASSOCIATION FOR THE PROMOTION AND REGULATION
32 OF ATHLETICS, BY AN ATHLETIC CONFERENCE, OR BY REASONABLE SELF-IMPOSED
33 DISCIPLINARY ACTION TAKEN TO MITIGATE SANCTIONS LIKELY TO BE IMPOSED BY
34 SUCH AN ORGANIZATION.

35 (C) A RIGHT OF ACTION UNDER THIS SECTION DOES NOT ACCRUE UNTIL THE
36 EDUCATIONAL INSTITUTION DISCOVERS, OR BY THE EXERCISE OF REASONABLE

1 DILIGENCE WOULD HAVE DISCOVERED, THE VIOLATION BY THE ATHLETE AGENT OR
2 FORMER STUDENT-ATHLETE.

3 (D) ANY LIABILITY OF THE ATHLETE AGENT OR THE FORMER
4 STUDENT-ATHLETE UNDER THIS SECTION IS SEVERAL AND NOT JOINT.

5 (E) THIS SUBTITLE DOES NOT RESTRICT RIGHTS, REMEDIES, OR DEFENSES OF
6 ANY PERSON UNDER LAW OR EQUITY.

7 4-417.

8 THE SECRETARY MAY ASSESS A CIVIL PENALTY AGAINST AN ATHLETE AGENT
9 NOT TO EXCEED \$25,000 FOR A VIOLATION OF THIS SUBTITLE.

10 4-418.

11 IN APPLYING AND CONSTRUING THIS UNIFORM ACT, CONSIDERATION MUST BE
12 GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT TO ITS
13 SUBJECT MATTER AMONG STATES THAT ENACT IT.

14 4-419.

15 THE PROVISIONS OF THIS SUBTITLE GOVERNING THE LEGAL EFFECT,
16 VALIDITY, OR ENFORCEABILITY OF ELECTRONIC RECORDS OR SIGNATURES, AND OF
17 CONTRACTS FORMED OR PERFORMED WITH THE USE OF SUCH RECORDS OR
18 SIGNATURES CONFORM TO THE REQUIREMENTS OF SECTION 102 OF THE
19 ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT, PUB. L. NO.
20 106-229, 114 STAT. 464 (2000), AND SUPERSEDE, MODIFY, AND LIMIT THE ELECTRONIC
21 SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.

22 4-420.

23 IF ANY PROVISION OF THIS SUBTITLE OR ITS APPLICATION TO ANY PERSON OR
24 CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY DOES NOT AFFECT OTHER
25 PROVISIONS OR APPLICATIONS OF THIS SUBTITLE WHICH CAN BE GIVEN EFFECT
26 WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE
27 PROVISIONS OF THIS SUBTITLE ARE SEVERABLE.

28 4-421.

29 THIS SUBTITLE IS THE MARYLAND UNIFORM ATHLETE AGENTS ACT.

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2002.