

HOUSE BILL 920

C2

2lr0480

By: **Delegate Rosenberg**

Introduced and read first time: February 10, 2012

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Uniform Athlete Agents Act – Definitions and Prohibitions**

3 FOR the purpose of altering the definition of “agency contract” to include a certain
4 agreement in which a student–athlete authorizes a person to assess and plan
5 for the financial benefits that may arise out of the student–athlete’s professional
6 sports career; altering the definition of “athlete agent” to include an individual
7 who facilitates or encourages a connection between a student–athlete and
8 another athlete agent; prohibiting an athlete–agent with certain intent from
9 soliciting another individual to commit an act on behalf of the athlete agent that
10 is a violation of the Maryland Uniform Athlete Agents Act; and generally
11 relating to the Maryland Uniform Athletes Agents Act.

12 BY repealing and reenacting, without amendments,
13 Article – Business Regulation
14 Section 4–401(a) and 4–414
15 Annotated Code of Maryland
16 (2010 Replacement Volume and 2011 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Business Regulation
19 Section 4–401(b) and (c) and 4–413
20 Annotated Code of Maryland
21 (2010 Replacement Volume and 2011 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article – Business Regulation**

25 4–401.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In this subtitle the following words have the meanings indicated.

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

5 (2) **“AGENCY CONTRACT” INCLUDES A WRITTEN AGREEMENT FOR
6 CURRENT OR FUTURE REPRESENTATION IN WHICH A STUDENT–ATHLETE
7 AUTHORIZES A PERSON TO ASSESS AND PLAN FOR THE FINANCIAL BENEFITS
8 THAT MAY ARISE OUT OF THE STUDENT–ATHLETE’S PROFESSIONAL SPORTS
9 CAREER.**

10 (c) (1) “Athlete agent” means an individual who enters into an agency
11 contract with a student–athlete or, directly or indirectly, recruits or solicits a
12 student–athlete to enter into an agency contract.

13 (2) “Athlete agent” includes an individual who:

14 (I) represents to the public that the individual is an athlete
15 agent; **OR**

16 (II) **FACILITATES OR ENCOURAGES A CONNECTION
17 BETWEEN A STUDENT–ATHLETE AND ANOTHER ATHLETE AGENT.**

18 (3) “Athlete agent” does not include a spouse, parent, sibling,
19 grandparent, or guardian of the student–athlete, or an individual acting solely on
20 behalf of a professional sports team or professional sports organization.

21 4–413.

22 (a) An athlete agent, with the intent to induce a student–athlete to enter
23 into an agency contract, may not:

24 (1) give any materially false or misleading information or make a
25 materially false promise or representation;

26 (2) furnish anything of value to a student–athlete before the
27 student–athlete enters into the agency contract; **[or]**

28 (3) furnish anything of value to any individual other than the
29 student–athlete or another licensed athlete agent; **OR**

30 (4) **SOLICIT ANOTHER INDIVIDUAL WHO IS NOT AN ATHLETE
31 AGENT TO COMMIT AN ACT ON BEHALF OF THE ATHLETE AGENT THAT IS A
32 VIOLATION OF THIS SUBTITLE.**

- 1 (b) An athlete agent may not intentionally:
- 2 (1) initiate contact with a student–athlete unless licensed under this
3 subtitle;
- 4 (2) refuse or fail to retain or permit inspection of the records required
5 to be retained by § 4–412 of this subtitle;
- 6 (3) fail to obtain a license when required by § 4–403 of this subtitle;
- 7 (4) provide materially false or misleading information in an
8 application for a license or renewal of a license;
- 9 (5) predate or postdate an agency contract; or
- 10 (6) fail to notify a student–athlete before the student–athlete signs or
11 otherwise authenticates an agency contract for a particular sport that the signing or
12 authentication may make the student–athlete ineligible to participate as a
13 student–athlete in that sport.

- 14 (c) An athlete agent may not split a fee with or receive compensation from:
- 15 (1) a professional sports league;
- 16 (2) a professional sports franchise;
- 17 (3) a representative or employee of a professional sports league or
18 franchise; or
- 19 (4) an employee of an educational institution in the State.

20 4–414.

21 An athlete agent who violates § 4–413 of this subtitle is guilty of a misdemeanor
22 and on conviction is subject to a fine not exceeding \$10,000 or imprisonment not
23 exceeding 1 year or both.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2012.