

# HOUSE BILL 920

C2

2lr0480

---

By: **Delegate Rosenberg**

Introduced and read first time: February 10, 2012

Assigned to: Economic Matters

---

Committee Report: Favorable

House action: Adopted

Read second time: March 21, 2012

---

## CHAPTER \_\_\_\_\_

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)

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Business Regulation**

4 4–401.

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

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

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

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

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

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

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

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

25 4–413.

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

28 (1) give any materially false or misleading information or make a  
29 materially false promise or representation;

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

1 (3) furnish anything of value to any individual other than the  
2 student-athlete or another licensed athlete agent; OR

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

6 (b) An athlete agent may not intentionally:

7 (1) initiate contact with a student-athlete unless licensed under this  
8 subtitle;

9 (2) refuse or fail to retain or permit inspection of the records required  
10 to be retained by § 4-412 of this subtitle;

11 (3) fail to obtain a license when required by § 4-403 of this subtitle;

12 (4) provide materially false or misleading information in an  
13 application for a license or renewal of a license;

14 (5) predate or postdate an agency contract; or

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

19 (c) An athlete agent may not split a fee with or receive compensation from:

20 (1) a professional sports league;

21 (2) a professional sports franchise;

22 (3) a representative or employee of a professional sports league or  
23 franchise; or

24 (4) an employee of an educational institution in the State.

25 4-414.

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

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