
A BILL FOR AN ACT

RELATING TO ATHLETE AGENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The recruitment of a student athlete while the
2 student athlete is still enrolled in an educational institution
3 may cause substantial eligibility or other problems for the
4 student and the school, especially when the athlete is not aware
5 of the implications of signing the agency agreement or where
6 agency is established without notice to the athletic director of
7 the school. During the 2007 regular legislative session, as
8 part of an effort to counteract this problem, Hawaii joined
9 approximately forty other states by enacting the Uniform Athlete
10 Agents Act, codified as chapter 481E, Hawaii Revised Statutes.

11 The Uniform Athlete Agents Act provides for the uniform
12 registration, certification, and a mandated criminal history
13 disclosure of sports agents seeking to represent student
14 athletes who are or may be eligible to participate in
15 intercollegiate sports, imposes specified contract terms on
16 these agreements to the benefit of student athletes, and
17 provides educational institutions with a right to notice along



1 with a civil cause of action for damages resulting from a breach
2 of specified duties. According to an article in the November 7,
3 2014, edition of the Wall Street Journal, some college officials
4 say that the Uniform Athlete Agents Act "has helped reduce
5 improper contact between agents and student athletes."

6 Since the enactment of chapter 481E, Hawaii Revised
7 Statutes, related problems have surfaced in another quarter,
8 namely, financial advisers. The Wall Street Journal article
9 also noted that:

10 (1) Reports from college athletic officials that "brokers,
11 insurance agents, bankers and other types of financial
12 advisers often contact athletes who are promising pro
13 prospects";

14 (2) Some of the financial advisers who sought to represent
15 student athletes became the subjects of industry
16 disciplinary or criminal proceedings; and

17 (3) "The double standard between financial advisers and
18 sports agents has long bothered some college athletic
19 officials, regulators and even players. Agents were
20 reined in [by the Uniform Athlete Agents Act] . . .



1 while leaving players as vulnerable as ever to
2 unscrupulous financial advisers."

3 The purpose of this Act is to repeal chapter 481E, Hawaii
4 Revised Statutes, and replace it with a new revised uniform
5 athlete agents act that applies to financial advisers under
6 certain circumstances, and makes the law more effective and
7 enforceable. More specifically, as compared to chapter 481E,
8 Hawaii Revised Statutes, this Act:

- 9 (1) Expands the definition of "athlete agent" to include
10 individuals who provide certain financial and business
11 services to student athletes under certain
12 circumstances;
- 13 (2) Includes a true reciprocal registration requirement
14 under which registrations by an agent in one state
15 shall be recognized in another state, subject to
16 certain conditions;
- 17 (3) Requires agency contracts to:
- 18 (A) Contain a statement that the athlete agent is
19 registered in the state in which the contract is
20 signed and list any other state in which the
21 agent is registered; and



1 (B) Be accompanied by a separate record signed by the
2 student athlete acknowledging that signing the
3 contract may result in the loss of eligibility to
4 participate in the athlete's sport as a student
5 athlete;

6 (4) Provides civil penalties to athlete agents who fail to
7 notify the educational institution at which a student
8 athlete is enrolled before contacting a student
9 athlete;

10 (5) Requires an athlete agent who has a preexisting
11 relationship with a student athlete who receives an
12 athletic scholarship from the institution to notify
13 the institution if the agent has or intends to recruit
14 or solicit the student athlete to enter into an agency
15 contract;

16 (6) Adds criminal penalties for athlete agents who
17 encourage another individual to take on behalf of the
18 agent an action the agent is prohibited from taking;
19 and

20 (7) Gives student athletes a right of action against an
21 athlete agent who violates the act.



1 The legislature notes that the National Collegiate Athletic
2 Association has officially endorsed the Revised Uniform Athlete
3 Agents Act.

4 SECTION 2. The Hawaii Revised Statutes is amended by
5 adding a new chapter to be appropriately designated and to read
6 as follows:

7 "CHAPTER

8 REVISED UNIFORM ATHLETE AGENTS ACT

9 § -1 Short title. This chapter may be cited as the
10 Revised Uniform Athlete Agents Act.

11 § -2 Definitions. As used in this chapter:

12 "Agency contract" means an agreement in which a student
13 athlete authorizes a person to negotiate or solicit on behalf of
14 the athlete a professional-sports-services contract or
15 endorsement contract.

16 "Athlete agent":

17 (1) Means an individual, whether or not registered under
18 this chapter, who:

19 (A) Directly or indirectly recruits or solicits a
20 student athlete to enter into an agency contract
21 or, for compensation, procures employment or



1 offers, promises, attempts, or negotiates to
2 obtain employment for a student athlete as a
3 professional athlete or member of a professional
4 sports team or organization;

5 (B) For compensation or in anticipation of
6 compensation related to a student athlete's
7 participation in athletics:

8 (i) Serves the athlete in an advisory capacity
9 on a matter related to finances, business
10 pursuits, or career management decisions,
11 unless the individual is an employee of an
12 educational institution acting exclusively
13 as an employee of the institution for the
14 benefit of the institution; or

15 (ii) Manages the business affairs of the athlete
16 by providing assistance with bills,
17 payments, contracts, or taxes; or

18 (C) In anticipation of representing a student athlete
19 for a purpose related to the athlete's
20 participation in athletics:



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- 1 (i) Gives consideration to the student athlete
2 or another person;
- 3 (ii) Serves the athlete in an advisory capacity
4 on a matter related to finances, business
5 pursuits, or career management decisions; or
- 6 (iii) Manages the business affairs of the athlete
7 by providing assistance with bills,
8 payments, contracts, or taxes; and
- 9 (2) Does not include an individual who:
- 10 (A) Acts solely on behalf of a professional sports
11 team or organization; or
- 12 (B) Is a licensed, registered, or certified
13 professional and offers or provides services to a
14 student athlete customarily provided by members
15 of the profession, unless the individual:
- 16 (i) Also recruits or solicits the athlete to
17 enter into an agency contract;
- 18 (ii) Also, for compensation, procures employment
19 or offers, promises, attempts, or negotiates
20 to obtain employment for the athlete as a



1 professional athlete or member of a
2 professional sports team or organization; or
3 (iii) Receives consideration for providing the
4 services calculated using a different method
5 than for an individual who is not a student
6 athlete.

7 "Athletic director" means the individual responsible for
8 administering the overall athletic program of an educational
9 institution or, if an educational institution has separately
10 administered athletic programs for male students and female
11 students, the athletic program for males or the athletic program
12 for females, as appropriate.

13 "Certified athlete agent" means an athlete agent registered
14 under this chapter who is certified to be an athlete agent in a
15 particular sport by a national association that promotes or
16 regulates intercollegiate athletics and establishes eligibility
17 standards for participation by a student athlete in that sport.

18 "Director" means the director of commerce and consumer
19 affairs.



1 "Educational institution" includes a public or private
2 elementary school, secondary school, technical or vocational
3 school, community college, college, and university.

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

9 "Enrolled" or "enrolls" means registered for courses and
10 attending athletic practice or class.

11 "Intercollegiate sport" means a sport played at the
12 collegiate level for which eligibility requirements for
13 participation by a student athlete are established by a national
14 association that promotes or regulates collegiate athletics.

15 "Interscholastic sport" means a sport played between
16 educational institutions that are not community colleges,
17 colleges, or universities.

18 "Licensed, registered, or certified professional" means an
19 individual licensed, registered, or certified as an attorney,
20 dealer in securities, financial planner, insurance producer,
21 real estate broker or salesperson, tax consultant, accountant,



1 or member of a profession, other than that of athlete agent, who
2 is licensed, registered, or certified by the State or a
3 nationally recognized organization that licenses, registers, or
4 certifies members of the profession on the basis of experience,
5 education, or testing.

6 "Person" means an individual, estate, business or nonprofit
7 entity, public corporation, government or governmental
8 subdivision, agency, or instrumentality, or other legal entity.

9 "Professional-sports-services contract" means an agreement
10 under which an individual is employed as a professional athlete
11 or agrees to render services as a player on a professional
12 sports team or with a professional sports organization.

13 "Record" means information that is inscribed on a tangible
14 medium or that is stored in an electronic or other medium and is
15 retrievable in perceivable form.

16 "Recruit or solicit" means to attempt to influence the
17 choosing of an athlete agent by a student athlete or, if the
18 athlete is a minor, a parent or guardian of the athlete. The
19 term does not include giving advice on the selection of a
20 particular agent in a family, coaching, or social situation
21 unless the individual giving the advice does so because of the



1 receipt or anticipated receipt of an economic benefit, directly
2 or indirectly, from the agent.

3 "Registration" means registration as an athlete agent under
4 this chapter.

5 "Sign" means, with present intent to authenticate or adopt
6 a record:

7 (1) To execute or adopt a tangible symbol; or

8 (2) To attach to or logically associate with the record an
9 electronic symbol, sound, or process.

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

14 "Student athlete" means an individual who is eligible to
15 attend an educational institution and engages in, is eligible to
16 engage in, or may be eligible in the future to engage in, any
17 interscholastic or intercollegiate sport. The term does not
18 include an individual permanently ineligible to participate in a
19 particular interscholastic or intercollegiate sport for that
20 sport.



1 § -3 Director; powers and duties; authority; procedure.

2 (a) In addition to any other powers and duties authorized by
3 law, the director shall have the powers and duties to:

4 (1) Grant, deny, renew, refuse to renew, restore,
5 terminate, reinstate, condition, restrict, suspend, or
6 revoke a registration issued pursuant to this chapter;

7 (2) Adopt, amend, or repeal rules pursuant to chapter 91
8 as the director finds necessary to carry out this
9 chapter;

10 (3) Administer, coordinate, and enforce this chapter;

11 (4) Discipline a registered athlete agent on grounds
12 specified by this chapter or chapter 436B or for any
13 violation of rules adopted by the director pursuant to
14 this chapter; and

15 (5) Refuse to register a person for failure to meet the
16 registration requirements in this chapter or for any
17 reason specified by this chapter as grounds to
18 discipline an athlete agent.

19 (b) By acting as an athlete agent in this State, a
20 nonresident individual appoints the director as the individual's
21 agent for service of process in any civil action in this State



1 related to the individual acting as an athlete agent in this
2 State.

3 (c) The director may issue a subpoena for material that is
4 relevant to the administration of this chapter.

5 § -4 Athlete agent; registration required; void
6 contract. (a) Except as otherwise provided in subsection (b),
7 an individual may not act as an athlete agent in this State
8 without holding a certificate of registration under this
9 chapter.

10 (b) Before being issued a certificate of registration
11 under this chapter, an individual may act as an athlete agent in
12 this State for all purposes except signing an agency contract,
13 if:

14 (1) A student athlete or another person acting on behalf
15 of the athlete initiates communication with the
16 individual; and

17 (2) Not later than seven days after an initial act that
18 requires the individual to register as an athlete
19 agent, the individual submits an application for
20 registration as an athlete agent in this State.



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

4 § -5 Registration as athlete agent; application;
5 requirements; reciprocal registration. (a) An applicant for
6 registration as an athlete agent shall submit an application for
7 registration to the director in a form prescribed by the
8 director. The applicant shall be an individual, and the
9 application shall be signed by the applicant under penalty of
10 perjury or unsworn falsification to authorities, as applicable.
11 The application shall contain at least the following:

12 (1) The name and date and place of birth of the applicant
13 and the following contact information for the
14 applicant:

15 (A) The address of the applicant's principal place of
16 business;

17 (B) Work and mobile telephone numbers; and

18 (C) Any means of communicating electronically,
19 including a facsimile number, electronic mail
20 address, and personal and business or employer
21 websites;



- 1 (2) The name of the applicant's business or employer, if
- 2 applicable, including for each business or employer,
- 3 its mailing address, telephone number, organization
- 4 form, and the nature of the business;
- 5 (3) Each social media account with which the applicant or
- 6 the applicant's business or employer is affiliated;
- 7 (4) Each business or occupation in which the applicant
- 8 engaged within five years before the date of the
- 9 application, including self-employment and employment
- 10 by others, and any professional or occupational
- 11 license, registration, or certification held by the
- 12 applicant during that time;
- 13 (5) A description of the applicant's:
- 14 (A) Formal training as an athlete agent;
- 15 (B) Practical experience as an athlete agent; and
- 16 (C) Educational background relating to the
- 17 applicant's activities as an athlete agent;
- 18 (6) The name of each student athlete for whom the
- 19 applicant acted as an athlete agent within five years
- 20 before the date of the application or, if the athlete
- 21 is a minor, the name of the parent or guardian of the



1 minor, together with the athlete's sport and last-
2 known team;

3 (7) The name and address of each person that:

4 (A) Is a partner, member, officer, manager,
5 associate, or profit sharer or directly or
6 indirectly holds an equity interest of five per
7 cent or greater of the athlete agent's business
8 if it is not a corporation; and

9 (B) Is an officer or director of a corporation
10 employing the athlete agent or a shareholder
11 having an interest of five per cent or greater in
12 the corporation;

13 (8) A description of the status of any application by the
14 applicant, or any person named under paragraph (7),
15 for a state or federal business, professional, or
16 occupational license, other than as an athlete agent,
17 from a state or federal agency, including any denial,
18 refusal to renew, suspension, withdrawal, or
19 termination of the license and any reprimand or
20 censure related to the license;



- 1 (9) Whether the applicant, or any person named under
2 paragraph (7), has pleaded guilty or no contest to,
3 has been convicted of, or has charges pending for, a
4 crime that would involve moral turpitude or be a
5 felony if committed in this State and, if so,
6 identification of:
- 7 (A) The crime;
 - 8 (B) The law-enforcement agency involved; and
 - 9 (C) If applicable, the date of the conviction and the
10 fine or penalty imposed;
- 11 (10) Whether, within fifteen years before the date of
12 application, the applicant, or any person named under
13 paragraph (7), has been a defendant or respondent in a
14 civil proceeding, including a proceeding seeking an
15 adjudication of incapacity and, if so, the date and a
16 full explanation of each proceeding;
- 17 (11) Whether the applicant, or any person named under
18 paragraph (7), has an unsatisfied judgment or a
19 judgment of continuing effect, including support and
20 maintenance or a domestic order in the nature of child



1 support, which is not current at the date of the
2 application;

3 (12) Whether, within ten years before the date of
4 application, the applicant, or any person named under
5 paragraph (7), was adjudicated bankrupt or was an
6 owner of a business that was adjudicated bankrupt;

7 (13) Whether there has been any administrative or judicial
8 determination that the applicant, or any person named
9 under paragraph (7), made a false, misleading,
10 deceptive, or fraudulent representation;

11 (14) Each instance in which conduct of the applicant, or
12 any person named under paragraph (7), resulted in the
13 imposition of a sanction, suspension, or declaration
14 of ineligibility to participate in an interscholastic,
15 intercollegiate, or professional athletic event on a
16 student athlete or a sanction on an educational
17 institution;

18 (15) Each sanction, suspension, or disciplinary action
19 taken against the applicant, or any person named under
20 paragraph (7), arising out of occupational or
21 professional conduct;



1 (16) Whether there has been a denial of an application for,
2 suspension or revocation of, refusal to renew, or
3 abandonment of, the registration of the applicant, or
4 any person named under paragraph (7), as an athlete
5 agent in any state;

6 (17) Each state in which the applicant currently is
7 registered as an athlete agent or has applied to be
8 registered as an athlete agent;

9 (18) If the applicant is certified or registered by a
10 professional league or players association:

11 (A) The name of the league or association;

12 (B) The date of certification or registration, and
13 the date of expiration of the certification or
14 registration, if any; and

15 (C) If applicable, the date of any denial of an
16 application for, suspension or revocation of,
17 refusal to renew, withdrawal of, or termination
18 of, the certification or registration or any
19 reprimand or censure related to the certification
20 or registration; and

21 (19) Any additional information required by the director.



1 (b) Instead of submitting an athlete agent application for
2 registration pursuant to subsection (a), an individual
3 registered as an athlete agent in another state that has adopted
4 the Revised Uniform Athlete Agents Act may apply for
5 registration as an athlete agent in this State by submitting to
6 the director:

7 (1) A copy of the application for registration in the
8 other state;

9 (2) A statement that identifies any material change in the
10 information on the application or verifies there is no
11 material change in the information, signed under
12 penalty of unsworn falsification to authorities; and

13 (3) A copy of the certificate of registration from the
14 other state.

15 (c) The director shall issue a certificate of registration
16 to an individual who applies for registration under subsection
17 (b) if the director determines:

18 (1) The application and registration requirements of the
19 other state are substantially similar to or more
20 restrictive than this chapter; and



1 (2) The registration has not been revoked or suspended and
 2 no action involving the individual's conduct as an
 3 athlete agent is pending against the individual or the
 4 individual's registration in any state.

5 (d) For purposes of implementing subsection (c), the
 6 director shall:

7 (1) Cooperate with national organizations concerned with
 8 athlete agent issues and agencies in other states that
 9 register athlete agents to develop a common
 10 registration form and determine which states have laws
 11 that are substantially similar to or more restrictive
 12 than this chapter; and

13 (2) Exchange information, including information related to
 14 actions taken against registered athlete agents or
 15 their registrations, with those organizations and
 16 agencies.

17 § -6 Certificate of registration; issuance or denial;
 18 renewal. (a) Except as otherwise provided in subsection (b),
 19 the director shall issue a certificate of registration to an
 20 applicant for registration who complies with section -5(a).



1 (b) The director may refuse to issue a certificate of
2 registration to an applicant for registration under section
3 -5(a) if the director determines that the applicant has
4 engaged in conduct that significantly adversely reflects on the
5 applicant's fitness to act as an athlete agent. In making the
6 determination, the director may consider whether the applicant
7 has:

- 8 (1) Pleaded guilty or no contest to, has been convicted
9 of, or has charges pending for, a crime that would
10 involve moral turpitude or be a felony if committed in
11 this State;
- 12 (2) Made a materially false, misleading, deceptive, or
13 fraudulent representation in the application or as an
14 athlete agent;
- 15 (3) Engaged in conduct that would disqualify the applicant
16 from serving in a fiduciary capacity;
- 17 (4) Engaged in conduct prohibited by section -14;
- 18 (5) Had a registration as an athlete agent suspended,
19 revoked, or denied in any state;
- 20 (6) Been refused renewal of registration as an athlete
21 agent in any state;



- 1 (7) Engaged in conduct resulting in imposition of a
2 sanction, suspension, or declaration of ineligibility
3 to participate in an interscholastic, intercollegiate,
4 or professional athletic event on a student athlete or
5 a sanction on an educational institution; or
- 6 (8) Engaged in conduct that adversely reflects on the
7 applicant's credibility, honesty, or integrity.
- 8 (c) In making a determination under subsection (b), the
9 director shall consider:
 - 10 (1) How recently the conduct occurred;
 - 11 (2) The nature of the conduct and the context in which it
12 occurred; and
 - 13 (3) Other relevant conduct of the applicant.
- 14 (d) An athlete agent registered under subsection (a) may
15 apply to renew the registration by submitting an application for
16 renewal in a form prescribed by the director. The applicant
17 shall sign the application for renewal under penalty of unsworn
18 falsification to authorities and include current information on
19 all matters required in an original application for
20 registration.



1 (e) An athlete agent registered under section -5(c) may
2 renew the registration by proceeding under subsection (d) or, if
3 the registration in the other state has been renewed, by
4 submitting to the director copies of the application for renewal
5 in the other state and the renewed registration from the other
6 state. The director shall renew the registration if the
7 director determines:

8 (1) The registration requirements of the other state are
9 substantially similar to or more restrictive than this
10 chapter; and

11 (2) The renewed registration has not been suspended or
12 revoked and no action involving the individual's
13 conduct as an athlete agent is pending against the
14 individual or the individual's registration in any
15 state.

16 (f) A certificate of registration or renewal of
17 registration under this chapter shall be valid for two years and
18 shall be renewed by June 30 of every even-numbered year, upon
19 the payment of a renewal fee within sixty days before the
20 expiration of the registration. Registrations that have been
21 forfeited may be restored within one year of the forfeiture date



1 upon payment of renewal and restoration fees. Failure to
2 restore a forfeited registration within one year shall result in
3 the automatic termination of the registration. A person whose
4 registration has been terminated pursuant to this section shall
5 be required to reapply for a new registration as a new
6 applicant.

7 § -7 Limitation, suspension, revocation, or refusal to
8 renew registration. (a) The director may limit, suspend,
9 revoke, or refuse to renew a registration of an individual
10 registered under section -6(a) for conduct that would have
11 justified refusal to issue a certificate of registration under
12 section -6(b).

13 (b) The director may suspend or revoke the registration of
14 an individual registered under section -5(c) or renewed under
15 section -6(e) for any reason for which the director could
16 have refused to grant or renew registration or for conduct that
17 would justify refusal to issue a certificate of registration
18 under section -6(b).

19 (c) The director may deny, suspend, revoke, or refuse to
20 renew a certificate of registration after proper notice and an
21 opportunity for a hearing pursuant to chapter 91.



1 § -8 **Temporary registration.** The director may issue a
2 temporary certificate of registration as an athlete agent while
3 an application for registration or renewal of registration is
4 pending.

5 § -9 **Registration and renewal fees.** No applicant or
6 registrant shall be issued a certificate of registration unless
7 the appropriate fees have been paid. Unless otherwise provided
8 by law, the director shall establish the amount of all fees and
9 expenses by rules adopted pursuant to chapter 91, and the fees
10 shall be deposited with the director to the credit of the
11 compliance resolution fund established pursuant to section
12 26-9(o).

13 § -10 **Required form of agency contract.** (a) An agency
14 contract shall be in a record signed by the parties.

15 (b) An agency contract shall contain:

16 (1) A statement that the athlete agent is registered as an
17 athlete agent in this State and a list of any other
18 states in which the agent is registered as an athlete
19 agent;

20 (2) The amount and method of calculating the consideration
21 to be paid by the student athlete for services to be



1 provided by the agent under the contract and any other
2 consideration the agent has received or will receive
3 from any other source for entering into the contract
4 or providing the services;

5 (3) The name of any person not listed in the agent's
6 application for registration or renewal of
7 registration that will be compensated because the
8 athlete signed the contract;

9 (4) A description of any expenses the athlete agrees to
10 reimburse;

11 (5) A description of the services to be provided to the
12 athlete;

13 (6) The duration of the contract; and

14 (7) The date of execution.

15 (c) Subject to subsection (g), an agency contract shall
16 contain a conspicuous notice in boldface type and in
17 substantially the following form:

18 "WARNING TO STUDENT ATHLETE

19 IF YOU SIGN THIS CONTRACT:

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



1 (2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN SEVENTY-TWO
2 HOURS AFTER SIGNING THIS CONTRACT OR BEFORE THE NEXT
3 SCHEDULED ATHLETIC EVENT IN WHICH YOU PARTICIPATE,
4 WHICHEVER OCCURS FIRST, BOTH YOU AND YOUR ATHLETE
5 AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR THAT YOU HAVE
6 ENTERED INTO THIS CONTRACT AND PROVIDE THE NAME AND
7 CONTACT INFORMATION OF THE ATHLETE AGENT; AND

8 (3) YOU MAY CANCEL THIS CONTRACT WITHIN FOURTEEN DAYS
9 AFTER SIGNING IT. CANCELLATION OF THIS CONTRACT MAY
10 NOT REINSTATE YOUR ELIGIBILITY AS A STUDENT ATHLETE IN
11 YOUR SPORT."

12 (d) An agency contract shall be accompanied by a separate
13 record signed by the student athlete or, if the athlete is a
14 minor, the parent or guardian of the athlete acknowledging that
15 signing the contract may result in the loss of the athlete's
16 eligibility to participate in the athlete's sport.

17 (e) A student athlete or, if the athlete is a minor, the
18 parent or guardian of the athlete may void an agency contract
19 that does not conform to this section. If the contract is
20 voided, any consideration received from the athlete agent under



1 the contract to induce entering into the contract is not
2 required to be returned.

3 (f) At the time an agency contract is executed, the
4 athlete agent shall give the student athlete or, if the athlete
5 is a minor, the parent or guardian of the athlete a copy in a
6 record of the contract and the separate acknowledgment required
7 by subsection (d).

8 (g) If a student athlete is a minor, an agency contract
9 shall be signed by the parent or guardian of the minor and the
10 notice required by subsection (c) shall be revised accordingly.

11 § -11 Notice to educational institution. (a) As used
12 in this section, "communication or attempt to communicate" means
13 contacting or attempting to contact by an in-person meeting, a
14 record, or any other method that conveys or attempts to convey a
15 message.

16 (b) Not later than seventy-two hours after entering into
17 an agency contract or before the next scheduled athletic event
18 in which the student athlete may participate, whichever occurs
19 first, the athlete agent shall give notice in a record of the
20 existence of the contract to the athletic director of the
21 educational institution at which the athlete is enrolled or at



1 which the agent has reasonable grounds to believe the athlete
2 intends to enroll.

3 (c) Not later than seventy-two hours after entering into
4 an agency contract or before the next scheduled athletic event
5 in which the student athlete may participate, whichever occurs
6 first, the athlete shall inform the athletic director of the
7 educational institution at which the athlete is enrolled that
8 the athlete has entered into an agency contract and the name and
9 contact information of the athlete agent.

10 (d) If an athlete agent enters into an agency contract
11 with a student athlete and the athlete subsequently enrolls at
12 an educational institution, the agent shall notify the athletic
13 director of the institution of the existence of the contract not
14 later than seventy-two hours after the agent knew or should have
15 known the athlete enrolled.

16 (e) If an athlete agent has a relationship with a student
17 athlete before the athlete enrolls in an educational institution
18 and receives an athletic scholarship from the institution, the
19 agent shall notify the institution of the relationship not later
20 than ten days after the enrollment if the agent knows or should
21 have known of the enrollment and:



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1 (1) The relationship was motivated in whole or part by the
2 intention of the agent to recruit or solicit the
3 athlete to enter an agency contract in the future; or

4 (2) The agent directly or indirectly recruited or
5 solicited the athlete to enter an agency contract
6 before the enrollment.

7 (f) An athlete agent shall give notice in a record to the
8 athletic director of any educational institution at which a
9 student athlete is enrolled before the agent communicates or
10 attempts to communicate with:

11 (1) The athlete or, if the athlete is a minor, a parent or
12 guardian of the athlete, to influence the athlete or
13 parent or guardian to enter into an agency contract;
14 or

15 (2) Another individual to have that individual influence
16 the athlete or, if the athlete is a minor, the parent
17 or guardian of the athlete to enter into an agency
18 contract.

19 (g) If a communication or attempt to communicate with an
20 athlete agent is initiated by a student athlete or another
21 individual on behalf of the athlete, the agent shall notify in a



1 record the athletic director of any educational institution at
2 which the athlete is enrolled. The notification shall be made
3 not later than ten days after the communication or attempt to
4 communicate.

5 (h) An educational institution that becomes aware of a
6 violation of this chapter by an athlete agent shall make
7 notification of the violation to the director and any
8 professional league or players association with which the
9 institution is aware the agent is licensed or registered.

10 § -12 Student athlete's right to cancel. (a) A student
11 athlete or, if the athlete is a minor, the parent or guardian of
12 the athlete may cancel an agency contract by giving notice in a
13 record of cancellation to the athlete agent not later than
14 fourteen days after the contract is signed.

15 (b) A student athlete or, if the athlete is a minor, the
16 parent or guardian of the student athlete may not waive the
17 right to cancel an agency contract.

18 (c) If a student athlete, parent, or guardian cancels an
19 agency contract, the athlete, parent, or guardian is not
20 required to pay any consideration under the contract or return



1 any consideration received from the athlete agent to influence
2 the athlete to enter into the contract.

3 § -13 Required records. (a) An athlete agent shall
4 create and retain, for five years, records of the following:

5 (1) The name and address of each individual represented by
6 the agent;

7 (2) Each agency contract entered into by the agent; and

8 (3) The direct costs incurred by the agent in the
9 recruitment or solicitation of each student athlete to
10 enter into an agency contract.

11 (b) Records described in subsection (a) shall be open to
12 inspection by the director during normal business hours.

13 § -14 Prohibited conduct. (a) Except as otherwise
14 provided in subsection (c), an athlete agent, with the intent to
15 influence a student athlete or, if the athlete is a minor, a
16 parent or guardian of the athlete to enter into an agency
17 contract, shall not take any of the following actions or
18 encourage any other individual to take or assist any other
19 individual in taking any of the following actions on behalf of
20 the agent:



1 (1) Give materially false or misleading information or
2 make a materially false promise or representation;

3 (2) Furnish anything of value to the athlete before the
4 athlete enters into the contract; or

5 (3) Furnish anything of value to an individual other than
6 the athlete or another registered athlete agent.

7 (b) An athlete agent shall not intentionally do any of the
8 following or encourage any other individual to do any of the
9 following on behalf of the agent:

10 (1) Initiate contact, directly or indirectly, with a
11 student athlete or, if the athlete is a minor, a
12 parent or guardian of the athlete, to recruit or
13 solicit the athlete, parent, or guardian to enter an
14 agency contract unless registered under this chapter;

15 (2) Fail to create, retain, or permit inspection of the
16 records required by section -13;

17 (3) Fail to register when required by section -4;

18 (4) Provide materially false or misleading information in
19 an application for registration or renewal of
20 registration;

21 (5) Predate or postdate an agency contract; or



1 (6) Fail to notify a student athlete or, if the athlete is
2 a minor, a parent or guardian of the athlete, before
3 the athlete, parent, or guardian signs an agency
4 contract for a particular sport that the signing may
5 make the athlete ineligible to participate as a
6 student athlete in that sport.

7 (c) A certified athlete agent may pay expenses of a
8 student athlete and the athlete's family members incurred before
9 the signing of an agency contract; provided that the expenses
10 are:

11 (1) For the benefit of an athlete who is a member of a
12 class of athletes authorized to receive the benefit by
13 the national association that certified the agent;

14 (2) Of a type authorized to be paid by a certified agent
15 by the national association that certified the agent;
16 and

17 (3) For a purpose authorized by the national association
18 that certified the agent.

19 § -15 **Criminal penalty.** An athlete agent who violates
20 section -14 shall be guilty of a misdemeanor.



1 § -16 Civil remedy. (a) An educational institution or
2 student athlete may bring an action for damages against an
3 athlete agent if the institution or athlete is adversely
4 affected by an act or omission of the agent in violation of this
5 chapter. An educational institution or student athlete is
6 adversely affected by an act or omission of the agent only if,
7 because of the act or omission, the institution or an individual
8 who was a student athlete at the time of the act or omission and
9 enrolled in the institution:

10 (1) Is suspended or disqualified from participation in an
11 interscholastic or intercollegiate sports event by or
12 under the rules of a state or national federation or
13 association that promotes or regulates interscholastic
14 or intercollegiate sports; or

15 (2) Suffers financial damage.

16 (b) A plaintiff that prevails in an action under this
17 section may recover treble damages, punitive damages, costs, and
18 reasonable attorney's fees. An athlete agent found liable under
19 this section forfeits any right of payment for anything of
20 benefit or value provided to the student athlete and shall



1 refund any consideration paid to the agent by or on behalf of
2 the athlete.

3 (c) A violation of this chapter by the athlete agent shall
4 be an unfair or deceptive act or practice for purposes of
5 section 480-2.

6 § -17 **Civil penalty.** The director may assess a civil
7 penalty against an athlete agent not to exceed \$50,000 for a
8 violation of this chapter. Fines shall be deposited with the
9 director to the credit of the compliance resolution fund
10 pursuant to section 26-9(o). Unless otherwise expressly
11 provided, the remedies or penalties provided by this chapter are
12 cumulative to each other and to the remedies or penalties
13 available under all other laws of this State.

14 § -18 **Relation to Electronic Signatures in Global and**
15 **National Commerce Act.** This chapter modifies, limits, or
16 supersedes the Electronic Signatures in Global and National
17 Commerce Act (15 U.S.C. §7001 et seq.), but does not modify,
18 limit, or supersede section 101(c) of that act (15 U.S.C.
19 §7001(c)) or authorize electronic delivery of any of the notices
20 described in section 103 (b) of that act (15 U.S.C. §7003(b))."



H.B. NO. 66

1 SECTION 3. Chapter 481E, Hawaii Revised Statutes, is
2 repealed.

3 SECTION 4. This Act shall take effect on July 1, 2020.

4

INTRODUCED BY: _____

Boeh

Lindstedt

JAN 17 2019



H.B. NO. 66

Report Title:

Athlete Agents; Revised Uniform Athlete Agents Act; Student Athletes; Regulation; DCCA

Description:

Adopts the Revised Uniform Athlete Agents Act, which: expands the definition of "athlete agent", who shall register with the Director of Commerce and Consumer Affairs, to include individuals who, for compensation or the anticipation of compensation, serve a student athlete as a financial advisor or business manager; requires reciprocity for athlete agents who are registered in more than 1 state; strengthens requirements for athlete agent contracts; and strengthens requirements under which athlete agents shall notify the educational institution at which a student athlete is enrolled.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

