

1 SB5
2 195893-2
3 By Senator Allen
4 RFD: Governmental Affairs
5 First Read: 05-MAR-19
6 PFD: 01/15/2019

8 SYNOPSIS: Under existing law, an athlete agent, with
9 the intent to influence a student athlete or, if
10 the student athlete is a minor, a parent or
11 guardian of the athlete, to enter an agency
12 contract may not furnish anything of value to the
13 athlete prior to entering into an agency contract.
14 A violation of this prohibition is a Class B or
15 Class C felony, depending upon whether the agent is
16 registered in this state.

17 This bill would allow an athlete agent
18 registered in this state who is also certified by a
19 national association that promotes or regulates
20 intercollegiate athletics and establishes
21 eligibility standards for participation in a sport
22 by a student athlete to provide expenses of a
23 student athlete, family members of the student
24 athlete, and individuals of a class of individuals
25 authorized to receive the expenses by the national
26 association that certified the agent incurred prior
27 to the signing of an agency contract if the

1 expenses are for the benefit of an athlete who is a
2 member of a class of athletes authorized to receive
3 the benefit by the national association that
4 certified the agent and the expenses are of a type
5 and for a purpose authorized by the association.
6

7 A BILL
8 TO BE ENTITLED
9 AN ACT
10

11 To amend Section 8-26B-14 of the Code of Alabama
12 1975, relating to athlete agents; to allow certain athlete
13 agents registered in this state to pay certain expenses of a
14 student athlete or the family of the athlete prior to signing
15 an agency contract with the agent.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. Section 8-26B-14 of the Code of Alabama
18 1975, is amended to read as follows:

19 "§8-26B-14.

20 "(a) ~~An~~ Except as otherwise provided in subsection
21 (c), an athlete agent, with the intent to influence a student
22 athlete or, if the athlete is a minor, a parent or guardian of
23 the athlete, to enter into an agency contract, may not take
24 any of the following actions or encourage any other individual
25 to take or assist any other individual in taking any of the
26 following actions on behalf of the agent:

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

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

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

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

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

15 "(2) fail to create or retain or to permit
16 inspection of the records required by Section 13;

17 "(3) fail to register when required by Section 4;

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

21 "(5) predate or postdate an agency contract; or

22 "(6) fail to notify a student athlete or, if the
23 athlete is a minor, a parent or guardian of the athlete,
24 before the athlete, parent, or guardian signs an agency
25 contract for a particular sport that the signing may make the
26 athlete ineligible to participate as a student athlete in that
27 sport.

1 "(c) (1) In this subsection, "certified athlete
2 agent" means an athlete agent registered under this [act] who
3 is certified to be an athlete agent in a particular sport by a
4 national association that promotes or regulates
5 intercollegiate athletics and establishes eligibility
6 standards for participation by a student athlete in that
7 sport.

8 "(2) A certified athlete agent may pay expenses
9 incurred before the signing of an agency contract by a student
10 athlete, a family member of the student athlete, and an
11 individual of a class of individuals authorized to receive the
12 expenses by the national association that certified the agent
13 if the expenses are:

14 "a. for the benefit of an athlete who is a member of
15 a class of athletes authorized to receive the benefit by the
16 national association that certified the agent;

17 "b. of a type authorized to be paid by a certified
18 agent by the national association that certified the agent;
19 and

20 "c. for a purpose authorized by the national
21 association that certified the agent."

22 Section 2. This act shall become effective
23 immediately following its passage and approval by the
24 Governor, or its otherwise becoming law.