



February 15, 2019

SENATE BILL No. 57

DIGEST OF SB 57 (Updated February 14, 2019 1:57 pm - DI 133)

Citations Affected: IC 25-5.2.

Synopsis: Revised uniform athlete agents act. Makes the following changes to the statute concerning athlete agents to reflect certain changes made in the Revised Uniform Athlete Agents Act: (1) Amends the definition of "athlete agent". (2) Defines the term "interscholastic sport" and specifies that for purposes of the statute, a "student athlete" includes an individual who engages in an interscholastic sport. (Current law provides that a student athlete includes only individuals engaging in intercollegiate sports.) (3) Requires an applicant for registration as an athlete agent to provide on the applicant's application specified information concerning any means of communicating electronically with the applicant.

Effective: July 1, 2019.

Koch

January 3, 2019, read first time and referred to Committee on Rules and Legislative Procedure.
February 14, 2019, amended; reassigned to Committee on Judiciary.

SB 57—LS 6142/DI 13



February 15, 2019

First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 57

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-5.2-1-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. This article may be
3 cited as the **Revised** Uniform Athlete Agents Act.
- 4 SECTION 2. IC 25-5.2-1-2 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. The following
6 definitions apply throughout this article:
- 7 (1) "Agency contract" means an agreement in which a student
8 athlete authorizes a person to negotiate or solicit on behalf of the
9 student athlete a professional sports services contract or an
10 endorsement contract.
- 11 (2) "Applicant" means an individual who applies for a certificate
12 of registration as an athlete agent under this article.
- 13 (3) "Athlete agent" means an individual who:
- 14 (A) enters into an agency contract with a student athlete; ~~or~~;
15 (B) directly or indirectly recruits or solicits a student athlete to
16 enter into an agency contract; **or**
17 (C) **for compensation, procures employment or offers,**

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- 1 **promises, attempts, or negotiates to obtain employment for**
 2 **a student athlete as a professional athlete or member of a**
 3 **professional sports team or organization.**
 4 The term includes an individual who represents to the public that
 5 the individual is an athlete agent. The term does not include a
 6 spouse, parent, sibling, grandparent, or guardian of the student
 7 athlete or an individual acting solely on behalf of a professional
 8 sports team or professional sports organization.
 9 (4) "Athletic director" means an individual responsible for
 10 administering the overall athletic program of an educational
 11 institution or, if an educational institution has separately
 12 administered athletic programs for male students and female
 13 students, the athletic program for males or the athletic program
 14 for females, as appropriate.
 15 (5) "Contact" means a communication, direct or indirect, between
 16 an athlete agent and a student athlete, to recruit or solicit the
 17 student athlete to enter into an agency contract.
 18 (6) "Endorsement contract" means an agreement under which a
 19 student athlete is employed or receives consideration to use on
 20 behalf of the other party any value that the student athlete may
 21 have because of publicity, reputation, following, or fame obtained
 22 because of athletic ability or performance. ~~The term includes the~~
 23 ~~value of any part of the student athlete's right of publicity (as~~
 24 ~~defined in IC 32-36-1-7).~~
 25 (7) "Intercollegiate sport" means a sport played at the collegiate
 26 level for which eligibility requirements for participation by a
 27 student athlete are established by a national association for the
 28 promotion or regulation of collegiate athletics.
 29 **(8) "Interscholastic sport" means a sport played between**
 30 **educational institutions that are not community colleges,**
 31 **colleges, or universities.**
 32 ~~(8)~~ **(9)** "Person" means an individual, a corporation, a business
 33 trust, an estate, a trust, a partnership, a limited liability company,
 34 an association, a joint venture, a government, a governmental
 35 subdivision, an agency, or an instrumentality, a public
 36 corporation, or any other legal or commercial entity.
 37 ~~(9)~~ **(10)** "Professional sports services contract" means an
 38 agreement under which an individual is employed, or agrees to
 39 render services, as a player on a professional sports team, with a
 40 professional sports organization, or as a professional athlete.
 41 ~~(10)~~ **(11)** "Record" means information that is inscribed on a
 42 tangible medium or that is stored in an electronic or other medium



1 and is retrievable in perceivable form.

2 ~~(11)~~ **(12)** "Registration" means registration as an athlete agent
3 under this article.

4 ~~(12)~~ **(13)** "State" means a state of the United States, the District
5 of Columbia, Puerto Rico, the United States Virgin Islands, or any
6 territory or insular possession subject to the jurisdiction of the
7 United States.

8 ~~(13)~~ **(14)** "Student athlete" means an individual who engages in,
9 is eligible to engage in, or may be eligible in the future to engage
10 in any **interscholastic sport or** intercollegiate sport. If an
11 individual is permanently ineligible to participate in a particular
12 **interscholastic sport or** intercollegiate sport, the individual is not
13 a student athlete for purposes of that sport.

14 SECTION 3. IC 25-5.2-2-3 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) An applicant for
16 registration shall submit an application for registration to the attorney
17 general in a form prescribed by the attorney general. An application
18 filed under this section is a public record under IC 5-14-3. The
19 application must be in the name of an individual and, except as
20 otherwise provided in subsection (b), signed or otherwise authenticated
21 by the applicant under penalty of perjury and contain the following
22 information:

23 (1) The name of the applicant and:

24 (A) the address of the applicant's principal place of business;

25 **(B) the applicant's work and mobile telephone numbers;**
26 **and**

27 **(C) information concerning any means of communicating**
28 **electronically with the applicant, including:**

29 (i) a facsimile number;

30 (ii) an electronic mail address; and

31 (iii) a personal, business, or employer hosted Internet
32 web site address;

33 **as applicable.**

34 (2) The name of the applicant's business or employer, if
35 applicable.

36 (3) Any business or occupation engaged in by the applicant for
37 the five (5) years immediately preceding the date of submission
38 of the application.

39 (4) A description of the applicant's:

40 (A) formal training as an athlete agent;

41 (B) practical experience as an athlete agent; and

42 (C) educational background relating to the applicant's



- 1 activities as an athlete agent.
- 2 (5) The names and addresses of three (3) individuals not related
3 to the applicant who are willing to serve as references.
- 4 (6) The name, sport, and last known team for each individual for
5 whom the applicant acted as an athlete agent during the five (5)
6 years immediately preceding the date of submission of the
7 application.
- 8 (7) The names and addresses of all persons who are:
- 9 (A) with respect to the athlete agent's business if it is not a
10 corporation, the partners, members, officers, managers,
11 associates, or profit sharers of the business; and
- 12 (B) with respect to a corporation employing the athlete agent,
13 the officers, directors, and any shareholder of the corporation
14 having an interest of five percent (5%) or greater.
- 15 (8) Whether the applicant or any person named in subdivision (7)
16 has been convicted of a crime that, if committed in Indiana, would
17 be a crime involving moral turpitude or a felony, and identify the
18 crime.
- 19 (9) Whether there has been any administrative or judicial
20 determination that the applicant or any person named in
21 subdivision (7) has made a false, misleading, deceptive, or
22 fraudulent representation.
- 23 (10) A description of any instance in which the conduct of the
24 applicant or any person named in subdivision (7) resulted in the
25 imposition of a sanction, suspension, or declaration of ineligibility
26 to participate in an interscholastic or intercollegiate athletic event
27 on a student athlete or educational institution.
- 28 (11) A description of any sanction, suspension, or disciplinary
29 action taken against the applicant or any person named in
30 subdivision (7) arising out of occupational or professional
31 conduct.
- 32 (12) Whether there has been any denial of an application for,
33 suspension or revocation of, or refusal to renew the registration or
34 licensure of the applicant or any person named in subdivision (7)
35 as an athlete agent in any state.
- 36 (b) An individual who has submitted an application for and holds a
37 certificate of registration or licensure as an athlete agent in another
38 state may submit a copy of the application and certificate instead of
39 submitting an application in the form prescribed under subsection (a).
40 The attorney general shall accept the application and the certificate
41 from the other state as an application for registration in Indiana if the
42 application to the other state:



1 (1) was submitted in the other state within six (6) months
2 immediately preceding the submission of the application in
3 Indiana and the applicant certifies that the information contained
4 in the application is current;
5 (2) contains information substantially similar to or more
6 comprehensive than that required in an application submitted in
7 Indiana; and
8 (3) was signed by the applicant under penalty of perjury.



COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 57, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Judiciary.

(Reference is to SB 57 as introduced.)

BRAY, Chairperson

