



March 26, 2019

ENGROSSED SENATE BILL No. 57

DIGEST OF SB 57 (Updated March 25, 2019 12:14 pm - DI 123)

Citations Affected: IC 25-5.2; IC 32-36.

Synopsis: Revised uniform athlete agents act. Makes the following changes to the statute concerning athlete agents to reflect 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
(Continued next page)

Effective: July 1, 2019.

**Koch, Head, Buck,
Randolph Lonnie M**
(HOUSE SPONSOR — LEHMAN)

January 3, 2019, read first time and referred to Committee on Rules and Legislative Procedure.

February 14, 2019, amended; reassigned to Committee on Judiciary.

February 21, 2019, amended, reported favorably — Do Pass.

February 25, 2019, read second time, ordered engrossed. Engrossed.

February 26, 2019, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

March 4, 2019, read first time and referred to Committee on Judiciary.

March 25, 2019, amended, reported — Do Pass.

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Digest Continued

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. (4) Recognizes the rights of parents or guardians of a student athlete regarding entering into a contract with an athlete agent, when the student athlete is a minor. (5) Requires an applicant for registration as an athlete agent to provide certain additional information. (6) Requires additional information to be included in an agency contract. (7) Provides for additional requirements when communicating the existence of an agency contract to an educational institution. (8) Allows athlete agents certified in a particular sport by a national association that promotes or regulates intercollegiate athletics, and establishes eligibility standards for participation by a student athlete in the sport, to cover limited expenses of a prospective or enrolled student athlete and the student athlete's family under certain circumstances. (9) Expands criminal liability for athlete agents if the athlete agent encourages an individual to take or assist in taking an unlawful action.



March 26, 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.

ENGROSSED 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, **whether registered**
14 **under this article or not**, who:
- 15 (A) **enters into an agency contract with a student athlete or;**
16 **directly or indirectly, recruits or solicits a student athlete to**
17 **enter into an agency contract for compensation, procures**

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

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

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

13 **(ii) manages the business affairs of the athlete by**
 14 **providing assistance with bills, payments, contracts, or**
 15 **taxes; or**

16 **(C) in anticipation of representing a student athlete for a**
 17 **purpose related to the athlete's participation in athletics:**

18 **(i) gives consideration to the student athlete or another**
 19 **person;**

20 **(ii) serves the athlete in an advisory capacity on a matter**
 21 **related to finances, business pursuits, or career**
 22 **management decisions; or**

23 **(iii) manages the business affairs of the athlete by**
 24 **providing assistance with bills, payments, contracts, or**
 25 **taxes.**

26 The term includes an individual who represents to the public that
 27 the individual is an athlete agent. The term does not include a
 28 spouse, parent, sibling, grandparent, or guardian of the student
 29 athlete or an individual acting solely on behalf of a professional
 30 sports team or professional sports organization: **an individual**
 31 **who acts solely on behalf of a professional sports team or**
 32 **organization, or is a licensed, registered, or certified**
 33 **professional and offers or provides services to a student**
 34 **athlete customarily provided by members of the profession**
 35 **unless the individual also recruits or solicits the athlete to**
 36 **enter into an agency contract, procures employment, or**
 37 **offers, promises, attempts, or negotiates to obtain employment**
 38 **for the athlete, for compensation, as a professional athlete or**
 39 **member of a professional sports team or organization, or**
 40 **receives consideration for providing the services calculated**
 41 **using a different method than for an individual who is not a**
 42 **student athlete.**



- 1 (4) "Athletic director" means an individual responsible for
 2 administering the overall athletic program of an educational
 3 institution or, if an educational institution has separately
 4 administered athletic programs for male students and female
 5 students, the athletic program for males or the athletic program
 6 for females, as appropriate.
- 7 (5) "Contact" means a communication, direct or indirect, between
 8 an athlete agent and a student athlete, to recruit or solicit the
 9 student athlete to enter into an agency contract.
- 10 **(6) "Educational institution" includes a public or private**
 11 **elementary school, secondary school, technical or vocational**
 12 **school, community college, college, and university.**
- 13 ~~(6)~~ (7) "Endorsement contract" means an agreement under which
 14 a student athlete is employed or receives consideration to use on
 15 behalf of the other party any value that the student athlete may
 16 have because of publicity, reputation, following, or fame obtained
 17 because of athletic ability or performance. ~~The term includes the~~
 18 ~~value of any part of the student athlete's right of publicity (as~~
 19 ~~defined in IC 32-36-1-7).~~
- 20 **(8) "Enrolled" means registered for courses and attending**
 21 **athletic practice or class.**
- 22 ~~(7)~~ (9) "Intercollegiate sport" means a sport played at the
 23 collegiate level for which eligibility requirements for participation
 24 by a student athlete are established by a national association for
 25 the promotion or regulation of collegiate athletics.
- 26 **(10) "Interscholastic sport" means a sport played between**
 27 **educational institutions that are not community colleges,**
 28 **colleges, or universities.**
- 29 **(11) "Licensed, registered, or certified professional" means an**
 30 **individual licensed, registered, or certified as:**
- 31 **(A) an attorney;**
 32 **(B) a dealer in securities;**
 33 **(C) a financial planner;**
 34 **(D) an insurance agent;**
 35 **(E) a real estate broker or sales agent;**
 36 **(F) a tax consultant or accountant; or**
 37 **(G) a member of a profession other than that of athlete**
 38 **agent who is licensed, registered, or certified by the state**
 39 **or a nationally recognized organization that licenses,**
 40 **registers, or certifies members of the professional on the**
 41 **basis of experience, education, or testing.**
- 42 ~~(8)~~ (12) "Person" means an individual, a corporation, a business



1 trust, an estate, a trust, a partnership, a limited liability company,
 2 an association, a joint venture, a government, a governmental
 3 subdivision, an agency, or an instrumentality, a public
 4 corporation, or any other legal or commercial entity.

5 ~~(9)~~ **(13)** "Professional sports services contract" means an
 6 agreement under which an individual is employed, or agrees to
 7 render services, as a player on a professional sports team, with a
 8 professional sports organization, or as a professional athlete.

9 ~~(10)~~ **(14)** "Record" means information that is inscribed on a
 10 tangible medium or that is stored in an electronic or other medium
 11 and is retrievable in perceivable form.

12 **(15) "Recruit or solicit" means to attempt to influence the**
 13 **choice of an athlete agent by a student athlete or, if the athlete**
 14 **is a minor, a parent or guardian of the athlete. The term does**
 15 **not include giving advice about the selection of a particular**
 16 **agent in a family, coaching, or social situation unless the**
 17 **individual giving the advice does so because of the receipt or**
 18 **anticipated receipt of an economic benefit, directly or**
 19 **indirectly, from the agent.**

20 ~~(11)~~ **(16)** "Registration" means registration as an athlete agent
 21 under this article.

22 **(17) "Sign" means, with present intent to authenticate or**
 23 **adopt a record:**

24 **(A) to execute or adopt a tangible symbol; or**

25 **(B) to attach to or logically associate with the record an**
 26 **electronic symbol, sound, or process.**

27 ~~(12)~~ **(18)** "State" means a state of the United States, the District
 28 of Columbia, Puerto Rico, the United States Virgin Islands, or any
 29 territory or insular possession subject to the jurisdiction of the
 30 United States.

31 ~~(13)~~ **(19)** "Student athlete" means an individual who engages in,
 32 is eligible to engage in, or may be eligible in the future to engage
 33 in any **interscholastic sport or** intercollegiate sport. If an
 34 individual is permanently ineligible to participate in a particular
 35 **interscholastic sport or** intercollegiate sport, the individual is not
 36 a student athlete for purposes of that sport.

37 SECTION 3. IC 25-5.2-2-2 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) Except as
 39 otherwise provided in subsection (b), an individual may not act as an
 40 athlete agent in Indiana without holding a certificate of registration
 41 under section 4 or 6 of this chapter.

42 (b) Before being issued a certificate of registration, an individual



1 may act as an athlete agent in Indiana for all purposes except signing
2 an agency contract, if:

3 (1) a student athlete or another person acting on behalf of the
4 student athlete initiates contact with the individual; and

5 (2) **within not later than** seven (7) days after an initial act **that**
6 **requires the individual to register** as an athlete agent, the
7 individual submits an application for registration as an athlete
8 agent in Indiana.

9 (c) An agency contract resulting from conduct in violation of this
10 section is void and the athlete agent shall return any consideration
11 received under the contract.

12 SECTION 4. IC 25-5.2-2-3 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) An applicant for
14 registration **as an athlete agent** shall submit an application for
15 registration to the attorney general in a form prescribed by the attorney
16 general. An application filed under this section is a public record under
17 IC 5-14-3. The ~~application~~ **applicant** must be ~~in the name of~~ an
18 individual and, except as otherwise provided in subsection (b), **the**
19 **application must be** signed or otherwise authenticated by the applicant
20 under penalty of perjury and contain the following information:

21 (1) The name **and date of birth** of the applicant and:

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

23 (B) **the applicant's work and mobile telephone numbers;**
24 **and**

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

27 (i) a facsimile number;

28 (ii) an electronic mail address; and

29 (iii) a personal, business, or employer hosted Internet
30 web site address;

31 **as applicable.**

32 (2) The name of the applicant's business or employer, if
33 applicable, **including for each business or employer, the**
34 **mailing address, telephone number, organization form, and**
35 **the nature of the business.**

36 (3) **Each social media account with which the applicant or**
37 **applicant's business or employer is affiliated.**

38 ~~(3)~~ (4) Any business or occupation engaged in by the applicant for
39 the five (5) years immediately preceding the date of submission
40 of the application, **including self-employment and employment**
41 **by others, and any professional or occupational license,**
42 **registration, or certification held by the applicant during that**



- 1 **time.**
- 2 ~~(4)~~ **(5)** A description of the applicant's:
- 3 (A) formal training as an athlete agent;
- 4 (B) practical experience as an athlete agent; and
- 5 (C) educational background relating to the applicant's
- 6 activities as an athlete agent.
- 7 ~~(5)~~ **(6)** The names and addresses of three (3) individuals not
- 8 related to the applicant who are willing to serve as references.
- 9 ~~(6)~~ **(7)** The name, sport, and last known team for each individual,
- 10 **or, if the individual is a minor, the name of the parent or**
- 11 **guardian of the minor**, for whom the applicant acted as an
- 12 athlete agent during the five (5) years immediately preceding the
- 13 date of submission of the application.
- 14 ~~(7)~~ **(8)** The names and addresses of all persons who are:
- 15 (A) with respect to the athlete agent's business if it is not a
- 16 corporation, the partners, members, officers, managers,
- 17 associates, or profit sharers of the business **or a person who**
- 18 **directly or indirectly holds an equity interest of five**
- 19 **percent (5%) or greater of the athlete's business; and**
- 20 (B) with respect to a corporation employing the athlete agent,
- 21 the officers, directors, and any shareholder of the corporation
- 22 having an interest of five percent (5%) or greater.
- 23 ~~(8)~~ **(9)** Whether the applicant or any person named in subdivision
- 24 ~~(7)~~ **(8)** has been convicted of a crime that, if committed in
- 25 Indiana, would be a crime involving moral turpitude or a felony,
- 26 and identify:
- 27 (A) the crime;
- 28 (B) the law enforcement agency involved; and
- 29 (C) if applicable, the date of the conviction and the fine or
- 30 penalty imposed.
- 31 **(10)** A description of the status of any application by the
- 32 applicant, or any person named in subdivision (8), for a state
- 33 or federal business, professional, or occupational license,
- 34 other than as an athlete agent, from a state or federal agency,
- 35 including any denial, refusal to renew, suspension,
- 36 withdrawal, or termination of the license and any reprimand
- 37 or censure related to the license.
- 38 **(11)** Whether, during the fifteen (15) years preceding the date
- 39 of application, the applicant or any person named in
- 40 subdivision (8) has been a defendant or respondent in a civil
- 41 proceeding, including a proceeding seeking an adjudication of
- 42 legal incompetence and, if so, the date and a full explanation



- 1 of each proceeding.
- 2 **(12) Whether the applicant or any person named in**
- 3 **subdivision (8) has an unsatisfied judgment or a judgment of**
- 4 **continuing effect, including a domestic order concerning child**
- 5 **support, which is not current at the date of application.**
- 6 **(13) Whether, during the ten (10) years preceding the date of**
- 7 **application, the applicant or any person named in subdivision**
- 8 **(8) was adjudicated bankrupt or was an owner of a business**
- 9 **that was adjudicated bankrupt.**
- 10 ~~(9)~~ **(14) Whether there has been any administrative or judicial**
- 11 **determination that the applicant or any person named in**
- 12 **subdivision ~~(7)~~ (8) has made a false, misleading, deceptive, or**
- 13 **fraudulent representation.**
- 14 ~~(10)~~ **(15) A description of any instance in which the conduct of**
- 15 **the applicant or any person named in subdivision ~~(7)~~ (8) resulted**
- 16 **in the imposition of a sanction, suspension, or declaration of**
- 17 **ineligibility to participate in an interscholastic, ~~or~~ intercollegiate,**
- 18 **or professional athletic event on a student athlete or a sanction**
- 19 **on an educational institution.**
- 20 ~~(11)~~ **(16) A description of any sanction, suspension, or**
- 21 **disciplinary action taken against the applicant or any person**
- 22 **named in subdivision ~~(7)~~ (8) arising out of occupational or**
- 23 **professional conduct.**
- 24 ~~(12)~~ **(17) Whether there has been any denial of an application for,**
- 25 **suspension or revocation of, ~~or~~ refusal to renew, or abandonment**
- 26 **of the registration or licensure of the applicant or any person**
- 27 **named in subdivision ~~(7)~~ (8) as an athlete agent in any state.**
- 28 **(18) Each state in which the applicant currently is registered**
- 29 **as an athlete agent or has applied to be registered as an**
- 30 **athlete agent.**
- 31 **(19) If the applicant is certified or registered by a professional**
- 32 **league or players association:**
- 33 **(A) the name of the league or association;**
- 34 **(B) the date of certification or registration, and the date of**
- 35 **expiration of the certificate or registration, if any; and**
- 36 **(C) if applicable, the date of any denial or an application**
- 37 **for, suspension or revocation of, refusal to renew,**
- 38 **withdrawal of, or termination of the certification or**
- 39 **registration or any reprimand or censure related to the**
- 40 **certification or registration.**
- 41 **(20) Any additional information required by the attorney**
- 42 **general.**



1 (b) An individual who has submitted an application for and holds a
 2 certificate of registration or licensure as an athlete agent in another
 3 state may submit:

- 4 (1) a copy of the application and certificate; and
 5 (2) a statement that identifies any material change in the
 6 information on the application or verifies that there is no
 7 material change in the information, signed under penalty of
 8 perjury;

9 instead of submitting an application in the form prescribed under
 10 subsection (a).

11 (c) The attorney general shall accept the application and the
 12 certificate from the other state **described in subsection (b)** as an
 13 application for registration in Indiana if: ~~the application to the other~~
 14 ~~state:~~

15 (1) **the application to the other state** was submitted in the other
 16 state within six (6) months immediately preceding the submission
 17 of the application in Indiana and the applicant certifies that the
 18 information contained in the application is current;

19 (2) **the application to the other state** contains information
 20 substantially similar to or more ~~comprehensive~~ **restrictive** than
 21 that required in an application submitted in Indiana;

22 (3) **the registration has not been revoked or suspended and no**
 23 **action involving the individual's conduct as an athlete agent**
 24 **is pending against the individual or the individual's**
 25 **registration in any state;** and

26 (3) (4) **the application to the other state** was signed by the
 27 applicant under penalty of perjury.

28 (d) For purposes of implementing subsection (b), the attorney
 29 general shall:

30 (1) **cooperate with national organizations concerned with**
 31 **athlete agent issues and agencies in other states that register**
 32 **athlete agents to develop a common registration form and**
 33 **determine which states have laws that are substantially**
 34 **similar to or more restrictive than this article; and**

35 (2) **exchange information, including information related to**
 36 **actions taken against registered athlete agents or their**
 37 **registrations, with those organizations and agencies described**
 38 **in subdivision (1).**

39 SECTION 5. IC 25-5.2-2-8, AS AMENDED BY P.L.158-2013,
 40 SECTION 279, IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) An agency contract must be
 42 in a record, signed or otherwise authenticated by the parties.



1 (b) An agency contract must contain the following:

2 **(1) A statement that the athlete agent is registered as an**
 3 **athlete agent in Indiana and a list of any other states in which**
 4 **the agent is registered as an athlete agent.**

5 ~~(+)~~ **(2)** The amount and method of calculating the consideration
 6 to be paid by the student athlete for services to be provided by the
 7 athlete agent under the contract and any other consideration the
 8 athlete agent has received or will receive from any other source
 9 for entering into the contract or for providing the services.

10 ~~(2)~~ **(3)** The name of any person not listed in the **agent's**
 11 application for registration or renewal of registration who will be
 12 compensated because the student athlete signed the agency
 13 contract.

14 ~~(3)~~ **(4)** A description of any expenses that the ~~student~~ athlete
 15 agrees to reimburse.

16 ~~(4)~~ **(5)** A description of the services to be provided to the ~~student~~
 17 athlete.

18 ~~(5)~~ **(6)** The duration of the contract.

19 ~~(6)~~ **(7)** The date of execution.

20 (c) **Subject to subsection (g)**, an agency contract must contain, in
 21 close proximity to the signature of the student athlete, a conspicuous
 22 notice in boldface type in capital letters stating:

23 WARNING TO STUDENT ATHLETE

24 IF YOU SIGN THIS CONTRACT:

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

27 (2) IF YOU HAVE AN ATHLETIC DIRECTOR, ~~BOTH YOU~~
 28 ~~AND YOUR ATHLETE AGENT MUST GIVE TO YOUR~~
 29 ~~ATHLETIC DIRECTOR THE TEN (10) DAY NOTICE~~
 30 ~~REQUIRED BY IC 25-5.2-2-9 BEFORE EXECUTING THIS~~
 31 ~~CONTRACT; NOT LATER THAN SEVENTY-TWO (72)~~

32 ~~HOURS AFTER SIGNING THIS CONTRACT OR BEFORE~~
 33 ~~THE NEXT SCHEDULED ATHLETIC EVENT IN WHICH~~
 34 ~~YOU PARTICIPATE, WHICHEVER OCCURS FIRST,~~
 35 ~~BOTH YOU AND YOUR ATHLETE AGENT MUST~~
 36 ~~NOTIFY YOUR ATHLETIC DIRECTOR THAT YOU~~
 37 ~~HAVE ENTERED INTO THIS CONTRACT AND PROVIDE~~
 38 ~~THE NAME AND CONTACT INFORMATION OF THE~~
 39 ~~ATHLETE AGENT; AND~~

40 (3) YOU MAY CANCEL THIS CONTRACT WITHIN
 41 FOURTEEN (14) DAYS AFTER SIGNING IT.
 42 CANCELLATION OF THIS CONTRACT MAY NOT



1 REINSTATE YOUR ELIGIBILITY AS A STUDENT
2 ATHLETE IN YOUR SPORT.

3 **(d) An agency contract must be accompanied by a separate**
4 **record signed by the student athlete, or, if the athlete is a minor,**
5 **the parent or guardian of the athlete, acknowledging that signing**
6 **the contract may result in the loss of the athlete's eligibility to**
7 **participate in the athlete's sport.**

8 ~~(d)~~ **(e) An agency contract that does not conform to this section is**
9 **voidable by the student athlete, or if the student is a minor, the**
10 **parent or guardian of the student.** If a student athlete, **or the parent**
11 **or guardian of the student,** voids an agency contract, the student
12 athlete is not required to pay any consideration under the contract or to
13 return any consideration received from the athlete agent to induce the
14 student athlete to enter into the contract.

15 ~~(e)~~ **(f) At the time an agency contract is executed,** the athlete
16 agent shall give a record of the signed or otherwise authenticated
17 agency contract, **and the separate acknowledgment under**
18 **subsection (d), to the student athlete, or, if the athlete is a minor, the**
19 **parent or guardian of the athlete,** at the time of execution.

20 **(g) If a student athlete is a minor, an agency contract must be**
21 **signed by the parent or guardian of the minor and the notice**
22 **required by subsection (c) must be revised accordingly.**

23 SECTION 6. IC 25-5.2-2-9, AS AMENDED BY P.L.158-2013,
24 SECTION 280, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2019]: Sec. 9. **(a) As used in this section,**
26 **"communicate or attempt to communicate" means contact or**
27 **attempt to contact by an in-person meeting, a record, or any other**
28 **method that conveys or attempts to convey a message.**

29 ~~(a)~~ **(b) At least ten (10) days before a student athlete enters into an**
30 **agency contract, Not later than seventy-two (72) hours after**
31 **entering into an agency contract or before the next scheduled**
32 **athletic event in which the student athlete may participate,**
33 **whichever occurs first,** the athlete agent shall give in a record notice
34 of the existence of the contract to the athletic director of the
35 educational institution at which the student athlete is enrolled or the
36 athlete agent has reasonable grounds to believe the student athlete
37 intends to enroll.

38 ~~(b)~~ **(c) At least ten (10) days before entering into an agency contract,**
39 **Not later than seventy-two (72) hours after entering into an agency**
40 **contract or before the next scheduled athletic event in which the**
41 **student athlete may participate, whichever occurs first,** the student
42 athlete shall inform the athletic director of the educational institution



1 at which the ~~student~~ athlete is enrolled or intends to enroll that the
 2 ~~student athlete intends to enter~~ **has entered** into an agency contract
 3 **and of the name and contact information of the athlete agent.**

4 (d) If an athlete agent enters into an agency contract with a
 5 student athlete and the athlete subsequently enrolls at an
 6 educational institution, the agent shall notify the athletic director
 7 of the institution of the existence of the contract not later than
 8 seventy-two (72) hours after the agent knew or should have known
 9 the athlete enrolled.

10 (e) If an athlete agent has a relationship with a student athlete
 11 before the athlete enrolls in an educational institution and receives
 12 an athletic scholarship from the institution, the agent shall notify
 13 the educational institution of the relationship not later than ten
 14 (10) days after the enrollment if the agent knows or should have
 15 known of the enrollment and:

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

19 (2) the agent directly or indirectly recruited or solicited the
 20 athlete to enter an agency contract before the enrollment.

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

25 (1) the athlete, or, if the athlete is a minor, a parent or
 26 guardian of the athlete, to influence the athlete or parent or
 27 guardian to enter into an agency contract; or

28 (2) another individual to have that individual influence the
 29 athlete or, if the athlete is a minor, the parent or guardian of
 30 the athlete, to enter into an agency contract.

31 (g) If a communication or attempt to communicate with an
 32 athlete agent is initiated by a student athlete or another individual
 33 on behalf of the athlete, the agent shall notify in a record the
 34 athletic director of any educational institution at which the athlete
 35 is enrolled. The notification must be made not later than ten (10)
 36 days after the communication or attempt.

37 (h) An educational institution that becomes aware of a violation
 38 of this article by an athlete agent shall notify:

39 (1) the attorney general; and

40 (2) any professional league or players association with which
 41 the institution is aware the agent is licensed or registered;
 42 of the violation.



1 SECTION 7. IC 25-5.2-2-10 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. (a) A student
 3 athlete, **or, if the athlete is a minor, the parent or guardian of the**
 4 **athlete**, may cancel an agency contract by giving notice of the
 5 cancellation to the athlete agent in a record within fourteen (14) days
 6 after the contract is signed.

7 (b) A student athlete, **or, if the athlete is a minor, the parent or**
 8 **guardian of the athlete**, may not waive the right to cancel an agency
 9 contract.

10 (c) If a student athlete, **parent, or guardian** cancels an agency
 11 contract, the student athlete, **parent, or guardian** is not required to pay
 12 any consideration under the contract or to return any consideration
 13 received from the athlete agent to ~~induce~~ **influence** the student athlete
 14 to enter into the contract.

15 SECTION 8. IC 25-5.2-2-12, AS AMENDED BY P.L.158-2013,
 16 SECTION 281, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2019]: Sec. 12. (a) **Except as provided in**
 18 **subsection (c)**, an athlete agent who, with the intent to ~~induce~~
 19 **influence** a student athlete, **or, if the athlete is a minor, a parent or**
 20 **guardian of the athlete**, to enter into an agency contract:

21 (1) gives any materially false or misleading information or makes
 22 a materially false promise or representation;

23 (2) furnishes anything of value to a ~~student~~ **an** athlete before the
 24 ~~student~~ athlete enters into the agency contract; or

25 (3) furnishes anything of value to any individual other than the
 26 ~~student~~ athlete or another registered athlete agent;

27 commits a Level 6 felony. **An athlete agent who encourages an**
 28 **individual to take or assist in taking an action described in this**
 29 **subsection on behalf of the agent commits a Level 6 felony.**

30 (b) An athlete agent who intentionally:

31 (1) initiates contact, **directly or indirectly**, with a student athlete,
 32 **or, if the athlete is a minor, a parent or guardian of the**
 33 **athlete, to recruit or solicit the athlete, parent, or guardian to**
 34 **enter an agency contract** unless registered under this article;

35 (2) refuses or fails to retain or permit inspection of the records
 36 required to be retained by section 11 of this chapter;

37 (3) fails to register when required by section 2 of this chapter;

38 (4) provides materially false or misleading information in an
 39 application for registration or renewal of registration;

40 (5) predates or postdates an agency contract; or

41 (6) fails to notify a student athlete, **or, if the athlete is a minor,**
 42 **a parent or guardian of the athlete**, before the ~~student~~ athlete,



1 **parent, or guardian** signs or otherwise authenticates an agency
 2 contract for a particular sport that the signing or authentication
 3 may make the ~~student~~ athlete ineligible to participate as a student
 4 athlete in that sport;
 5 commits a Level 6 felony. **An athlete agent who encourages another**
 6 **individual to take or assist in taking an action described in this**
 7 **subsection on behalf of the agent commits a Level 6 felony.**

8 **(c) An athlete agent registered under this article who is certified**
 9 **as an athlete agent in a particular sport by a national association**
 10 **that promotes or regulates intercollegiate athletics and establishes**
 11 **eligibility standards for participation by a student athlete in the**
 12 **sport may pay expenses incurred before the signing of an agency**
 13 **contract by a student athlete, a family member of the student**
 14 **athlete, and an individual who is a member of a class of individuals**
 15 **authorized to receive payment for the expenses by the national**
 16 **association that certified the agent if the expenses are:**

17 **(1) for the benefit of an athlete who is a member of a class of**
 18 **athletes authorized to receive the benefit by the national**
 19 **association that certified the agent;**

20 **(2) of a type authorized to be paid by a certified agent by the**
 21 **national association that certified the agent;**

22 **(3) for a purpose authorized by the national association that**
 23 **certified the agent; and**

24 **(4) with respect to an athlete who is a high school student,**
 25 **allowed by the interscholastic association that determines**
 26 **eligibility for the athlete.**

27 SECTION 9. IC 25-5.2-2-13 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13. (a) An educational
 29 institution ~~or student athlete~~ has a right of action against an athlete
 30 agent ~~or a former student athlete~~ for damages caused by ~~a~~ **if the**
 31 **institution or athlete is adversely affected by an act or omission of**
 32 **the agent in violation of this article. An educational institution or**
 33 **student athlete is adversely affected by an act or omission of the**
 34 **agent only if, because of the act or omission, the institution or an**
 35 **individual who was a student athlete at the time of the act or**
 36 **omission and enrolled in the institution:**

37 **(1) is suspended or disqualified from participation in an**
 38 **interscholastic or intercollegiate sports event by or under the**
 39 **rules of a state or national federation or association that**
 40 **promotes or regulates interscholastic or intercollegiate sports;**
 41 **or**

42 **(2) suffers financial damage.**



1 In an action under this section, the court may award to the prevailing
 2 party costs and reasonable attorney's fees. **An athlete agent found**
 3 **liable under this section forfeits any right of payment for anything**
 4 **of benefit or value provided to the student athlete and shall refund**
 5 **any consideration paid to the agent by or on behalf of the athlete.**

6 ~~(b) Damages of an educational institution under subsection (a)~~
 7 ~~include losses and expenses incurred because, as a result of the conduct~~
 8 ~~of an athlete agent or former student athlete, the educational institution~~
 9 ~~was injured by a violation of this article or was penalized, disqualified,~~
 10 ~~or suspended from participation in athletics by a national association~~
 11 ~~for the promotion and regulation of athletics, by an athletic conference,~~
 12 ~~or by reasonable self-imposed disciplinary action taken to mitigate~~
 13 ~~sanctions likely to be imposed by such an organization.~~

14 ~~(c) (b)~~ A right of action under this section does not accrue until the
 15 **student athlete or** educational institution discovers or by the exercise
 16 of reasonable diligence would have discovered the violation by the
 17 athlete agent. ~~or former student athlete.~~

18 ~~(d) (c)~~ Any liability of the athlete agent ~~or the former student athlete~~
 19 ~~under~~ this section is several and not joint.

20 ~~(e) (d)~~ This article does not restrict rights, remedies, or defenses of
 21 any person under law or equity.

22 SECTION 10. IC 32-36-1-8, AS AMENDED BY P.L.158-2013,
 23 SECTION 336, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) A person may not use an
 25 aspect of a personality's right of publicity for a commercial purpose
 26 during the personality's lifetime or for one hundred (100) years after the
 27 date of the personality's death without having obtained previous written
 28 consent from a person specified in section 17 of this chapter. If a
 29 personality is deceased, the following apply to the rights described in
 30 this subsection:

31 (1) The rights apply to the personality whether the personality
 32 died before, on, or after July 1, 1994.

33 (2) If the personality died before July 1, 1994, the rights are
 34 considered to have existed on and after the date the personality
 35 died.

36 (3) Consistent with section 1(a) of this chapter, a claim for a
 37 violation of a personality's right of publicity may not be asserted
 38 under this chapter unless the alleged act or event of violation
 39 occurs within Indiana.

40 (4) A claim for a violation of a personality's right of publicity may
 41 not be asserted under this chapter unless the alleged act or event
 42 of violation occurs after June 30, 1994.



1 (b) A written consent solicited or negotiated by an athlete agent (as
2 defined in IC 25-5.2-1-2) from a student athlete (as defined in
3 IC 25-5.2-1-2) is void if the athlete agent obtained the consent as the
4 result of an agency contract that:
5 (1) was void under IC 25-5.2-2-2 or under the law of the state
6 where the agency contract was entered into; or
7 (2) was voided by the student athlete, **or, if the student athlete**
8 **is a minor, by the parent or guardian of the student athlete,**
9 under IC 25-5.2-2-8 or a similar law in the state where the agency
10 contract was entered into.



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

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, 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:

Page 1, delete lines 4 through 17, begin a new paragraph and insert:

"SECTION 2. IC 25-5.2-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. The following definitions apply throughout this article:

(1) "Agency contract" means an agreement in which a student athlete authorizes a person to negotiate or solicit on behalf of the student athlete a professional sports services contract or an endorsement contract.

(2) "Applicant" means an individual who applies for a certificate of registration as an athlete agent under this article.

(3) "Athlete agent" means an individual, **whether registered under this article or not**, who:

(A) **enters into an agency contract with a student athlete or, directly or indirectly, recruits or solicits a student athlete to enter into an agency contract for compensation, procures**



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

(B) for compensation or in anticipation of compensation related to a student athlete's participation in athletics:

(i) serves the athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions, unless the individual is an employee of an educational institution acting exclusively as an employee of the institution for the benefit of the institution; or

(ii) manages the business affairs of the athlete by providing assistance with bills, payments, contracts, or taxes; or

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

(i) gives consideration to the student athlete or another person;

(ii) serves the athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions; or

(iii) manages the business affairs of the athlete by providing assistance with bills, payments, contracts, or taxes.

The term includes an individual who represents to the public that the individual is an athlete agent. The term does not include a spouse, parent, sibling, grandparent, or guardian of the student athlete or an individual acting solely on behalf of a professional sports team or professional sports organization: **an individual who acts solely on behalf of a professional sports team or organization, or is a licensed, registered, or certified professional and offers or provides services to a student athlete customarily provided by members of the profession unless the individual also recruits or solicits the athlete to enter into an agency contract, procures employment, or offers, promises, attempts, or negotiates to obtain employment for the athlete, for compensation, as a professional athlete or member of a professional sports team or organization, or receives consideration for providing the services calculated using a different method than for an individual who is not a student athlete.**



(4) "Athletic director" means an individual responsible for administering the overall athletic program of an educational institution or, if an educational institution has separately administered athletic programs for male students and female students, the athletic program for males or the athletic program for females, as appropriate.

(5) "Contact" means a communication, direct or indirect, between an athlete agent and a student athlete, to recruit or solicit the student athlete to enter into an agency contract.

(6) "Educational institution" includes a public or private elementary school, secondary school, technical or vocational school, community college, college, and university.

~~(6)~~ (7) "Endorsement contract" means an agreement under which a student athlete is employed or receives consideration to use on behalf of the other party any value that the student athlete may have because of publicity, reputation, following, or fame obtained because of athletic ability or performance. ~~The term includes the value of any part of the student athlete's right of publicity (as defined in IC 32-36-1-7).~~

(8) "Enrolled" means registered for courses and attending athletic practice or class.

~~(7)~~ (9) "Intercollegiate sport" means a sport played at the collegiate level for which eligibility requirements for participation by a student athlete are established by a national association for the promotion or regulation of collegiate athletics.

(10) "Interscholastic sport" means a sport played between educational institutions that are not community colleges, colleges, or universities.

(11) "Licensed, registered, or certified professional" means an individual licensed, registered, or certified as:

- (A) an attorney;**
- (B) a dealer in securities;**
- (C) a financial planner;**
- (D) an insurance agent;**
- (E) a real estate broker or sales agent;**
- (F) a tax consultant or accountant; or**
- (G) a member of a profession other than that of athlete agent who is licensed, registered, or certified by the state or a nationally recognized organization that licenses, registers, or certifies members of the professional on the basis of experience, education, or testing.**

~~(8)~~ (12) "Person" means an individual, a corporation, a business



trust, an estate, a trust, a partnership, a limited liability company, an association, a joint venture, a government, a governmental subdivision, an agency, or an instrumentality, a public corporation, or any other legal or commercial entity.

~~(9)~~ **(13)** "Professional sports services contract" means an agreement under which an individual is employed, or agrees to render services, as a player on a professional sports team, with a professional sports organization, or as a professional athlete.

~~(10)~~ **(14)** "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(15) "Recruit or solicit" means to attempt to influence the choice of an athlete agent by a student athlete or, if the athlete is a minor, a parent or guardian of the athlete. The term does not include giving advice about the selection of a particular agent in a family, coaching, or social situation unless the individual giving the advice does so because of the receipt or anticipated receipt of an economic benefit, directly or indirectly, from the agent.

~~(11)~~ **(16)** "Registration" means registration as an athlete agent under this article.

(17) "Sign" means, with present intent to authenticate or adopt a record:

(A) to execute or adopt a tangible symbol; or

(B) to attach to or logically associate with the record an electronic symbol, sound, or process.

~~(12)~~ **(18)** "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

~~(13)~~ **(19)** "Student athlete" means an individual who engages in, is eligible to engage in, or may be eligible in the future to engage in any **interscholastic sport or** intercollegiate sport. If an individual is permanently ineligible to participate in a particular **interscholastic sport or** intercollegiate sport, the individual is not a student athlete for purposes of that sport."

Delete page 2.

Page 3, delete lines 1 through 13.

Page 3, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 3. IC 25-5.2-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) Except as otherwise provided in subsection (b), an individual may not act as an



athlete agent in Indiana without holding a certificate of registration under section 4 or 6 of this chapter.

(b) Before being issued a certificate of registration, an individual may act as an athlete agent in Indiana for all purposes except signing an agency contract, if:

- (1) a student athlete or another person acting on behalf of the student athlete initiates contact with the individual; and
- (2) ~~within~~ **not later than** seven (7) days after an initial act **that requires the individual to register** as an athlete agent, the individual submits an application for registration as an athlete agent in Indiana.

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

Page 3, delete lines 14 through 42, begin a new paragraph and insert:

"SECTION 4. IC 25-5.2-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) An applicant for registration **as an athlete agent** shall submit an application for registration to the attorney general in a form prescribed by the attorney general. An application filed under this section is a public record under IC 5-14-3. The ~~application~~ **applicant** must be ~~in the name of~~ an individual and, except as otherwise provided in subsection (b), **the application must be** signed or otherwise authenticated by the applicant under penalty of perjury and contain the following information:

- (1) The name **and date of birth** of the applicant and:
 - (A) the address of the applicant's principal place of business;
 - (B) **the applicant's work and mobile telephone numbers;**
 - and**
 - (C) **information concerning any means of communicating electronically with the applicant, including:**
 - (i) a facsimile number;
 - (ii) an electronic mail address; and
 - (iii) a personal, business, or employer hosted Internet web site address;

as applicable.
- (2) The name of the applicant's business or employer, if applicable, **including for each business or employer, the mailing address, telephone number, organization form, and the nature of the business.**
- (3) **Each social media account with which the applicant or applicant's business or employer is affiliated.**



~~(3)~~ **(4)** Any business or occupation engaged in by the applicant for the five (5) years immediately preceding the date of submission of the application, **including self-employment and employment by others, and any professional or occupational license, registration, or certification held by the applicant during that time.**

~~(4)~~ **(5)** A description of the applicant's:

- (A) formal training as an athlete agent;
- (B) practical experience as an athlete agent; and
- (C) educational background relating to the applicant's activities as an athlete agent.

~~(5)~~ **(6)** The names and addresses of three (3) individuals not related to the applicant who are willing to serve as references.

~~(6)~~ **(7)** The name, sport, and last known team for each individual, **or, if the individual is a minor, the name of the parent or guardian of the minor**, for whom the applicant acted as an athlete agent during the five (5) years immediately preceding the date of submission of the application.

~~(7)~~ **(8)** The names and addresses of all persons who are:

- (A) with respect to the athlete agent's business if it is not a corporation, the partners, members, officers, managers, associates, or profit sharers of the business **or a person who directly or indirectly holds an equity interest of five percent (5%) or greater of the athlete's business;** and
- (B) with respect to a corporation employing the athlete agent, the officers, directors, and any shareholder of the corporation having an interest of five percent (5%) or greater.

~~(8)~~ **(9)** Whether the applicant or any person named in subdivision ~~(7)~~ **(8)** has been convicted of a crime that, if committed in Indiana, would be a crime involving moral turpitude or a felony, and identify:

- (A) the crime;
- (B) the law enforcement agency involved; and**
- (C) if applicable, the date of the conviction and the fine or penalty imposed.**

(10) A description of the status of any application by the applicant, or any person named in subdivision (8), for a state or federal business, professional, or occupational license, other than as an athlete agent, from a state or federal agency, including any denial, refusal to renew, suspension, withdrawal, or termination of the license and any reprimand or censure related to the license.



(11) Whether, during the fifteen (15) years preceding the date of application, the applicant or any person named in subdivision (8) has been a defendant or respondent in a civil proceeding, including a proceeding seeking an adjudication of legal incompetence and, if so, the date and a full explanation of each proceeding.

(12) Whether the applicant or any person named in subdivision (8) has an unsatisfied judgment or a judgment of continuing effect, including a domestic order concerning child support, which is not current at the date of application.

(13) Whether, during the ten (10) years preceding the date of application, the applicant or any person named in subdivision (8) was adjudicated bankrupt or was an owner of a business that was adjudicated bankrupt.

~~(9)~~ **(14) Whether there has been any administrative or judicial determination that the applicant or any person named in subdivision ~~(7)~~ (8) has made a false, misleading, deceptive, or fraudulent representation.**

~~(10)~~ **(15) A description of any instance in which the conduct of the applicant or any person named in subdivision ~~(7)~~ (8) resulted in the imposition of a sanction, suspension, or declaration of ineligibility to participate in an interscholastic, ~~or~~ intercollegiate, or professional athletic event on a student athlete or a sanction on an educational institution.**

~~(11)~~ **(16) A description of any sanction, suspension, or disciplinary action taken against the applicant or any person named in subdivision ~~(7)~~ (8) arising out of occupational or professional conduct.**

~~(12)~~ **(17) Whether there has been any denial of an application for, suspension or revocation of, ~~or~~ refusal to renew, or abandonment of the registration or licensure of the applicant or any person named in subdivision ~~(7)~~ (8) as an athlete agent in any state.**

(18) Each state in which the applicant currently is registered as an athlete agent or has applied to be registered as an athlete agent.

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

(A) the name of the league or association;

(B) the date of certification or registration, and the date of expiration of the certificate or registration, if any; and

(C) if applicable, the date of any denial or an application for, suspension or revocation of, refusal to renew,



withdrawal of, or termination of the certification or registration or any reprimand or censure related to the certification or registration.

(20) Any additional information required by the attorney general.

(b) An individual who has submitted an application for and holds a certificate of registration or licensure as an athlete agent in another state may submit:

(1) a copy of the application and certificate; and

(2) a statement that identifies any material change in the information on the application or verifies that there is no material change in the information, signed under penalty of perjury;

instead of submitting an application in the form prescribed under subsection (a).

(c) The attorney general shall accept the application and the certificate from the other state **described in subsection (b)** as an application for registration in Indiana if: ~~the application to the other state:~~

(1) the application to the other state was submitted in the other state within six (6) months immediately preceding the submission of the application in Indiana and the applicant certifies that the information contained in the application is current;

(2) the application to the other state contains information substantially similar to or more ~~comprehensive~~ **restrictive** than that required in an application submitted in Indiana;

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

~~(3)~~ **(4) the application to the other state** was signed by the applicant under penalty of perjury.

(d) For purposes of implementing subsection (b), the attorney general shall:

(1) cooperate with national organizations concerned with athlete agent issues and agencies in other states that register athlete agents to develop a common registration form and determine which states have laws that are substantially similar to or more restrictive than this article; and

(2) exchange information, including information related to actions taken against registered athlete agents or their registrations, with those organizations and agencies described



in subdivision (1)."

Delete page 4.

Page 5, delete lines 1 through 8, begin a new paragraph and insert:
 "SECTION 5. IC 25-5.2-2-8, AS AMENDED BY P.L.158-2013,
 SECTION 279, IS AMENDED TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) An agency contract must be
 in a record, signed or otherwise authenticated by the parties.

(b) An agency contract must contain the following:

(1) A statement that the athlete agent is registered as an athlete agent in Indiana and a list of any other states in which the agent is registered as an athlete agent.

~~(1)~~ **(2)** The amount and method of calculating the consideration to be paid by the student athlete for services to be provided by the athlete agent under the contract and any other consideration the athlete agent has received or will receive from any other source for entering into the contract or for providing the services.

~~(2)~~ **(3)** The name of any person not listed in the **agent's** application for registration or renewal of registration who will be compensated because the student athlete signed the agency contract.

~~(3)~~ **(4)** A description of any expenses that the ~~student~~ athlete agrees to reimburse.

~~(4)~~ **(5)** A description of the services to be provided to the ~~student~~ athlete.

~~(5)~~ **(6)** The duration of the contract.

~~(6)~~ **(7)** The date of execution.

(c) **Subject to subsection (g)**, an agency contract must contain, in close proximity to the signature of the student athlete, a conspicuous notice in boldface type in capital letters stating:

WARNING TO STUDENT ATHLETE

IF YOU SIGN THIS CONTRACT:

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

(2) IF YOU HAVE AN ATHLETIC DIRECTOR, BOTH YOU AND YOUR ATHLETE AGENT MUST GIVE TO YOUR ATHLETIC DIRECTOR THE TEN (10) DAY NOTICE REQUIRED BY IC 25-5.2-2-9 BEFORE EXECUTING THIS CONTRACT; NOT LATER THAN SEVENTY-TWO (72) HOURS AFTER SIGNING THIS CONTRACT OR BEFORE THE NEXT SCHEDULED ATHLETIC EVENT IN WHICH YOU PARTICIPATE, WHICHEVER OCCURS FIRST, BOTH YOU AND YOUR ATHLETE AGENT MUST



NOTIFY YOUR ATHLETIC DIRECTOR THAT YOU HAVE ENTERED INTO THIS CONTRACT AND PROVIDE THE NAME AND CONTACT INFORMATION OF THE ATHLETE AGENT; AND

(3) YOU MAY CANCEL THIS CONTRACT WITHIN FOURTEEN (14) DAYS AFTER SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY AS A STUDENT ATHLETE IN YOUR SPORT.

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

(e) An agency contract that does not conform to this section is voidable by the student athlete, or if the student is a minor, the parent or guardian of the student. If a student athlete, or the parent or guardian of the student, voids an agency contract, the student athlete is not required to pay any consideration under the contract or to return any consideration received from the athlete agent to induce the student athlete to enter into the contract.

(f) At the time an agency contract is executed, the athlete agent shall give a record of the signed or otherwise authenticated agency contract, and the separate acknowledgment under subsection (d), to the student athlete, or, if the athlete is a minor, the parent or guardian of the athlete, at the time of execution.

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

SECTION 6. IC 25-5.2-2-9, AS AMENDED BY P.L.158-2013, SECTION 280, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. (a) As used in this section, "communicate or attempt to communicate" means contact or attempt to contact by an in-person meeting, a record, or any other method that conveys or attempts to convey a message.

(b) At least ten (10) days before a student athlete enters into an agency contract, Not later than seventy-two (72) hours after entering into an agency contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, the athlete agent shall give in a record notice of the existence of the contract to the athletic director of the educational institution at which the student athlete is enrolled or the



athlete agent has reasonable grounds to believe the student athlete intends to enroll.

(b) (c) At least ten (10) days before entering into an agency contract, Not later than seventy-two (72) hours after entering into an agency contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, the student athlete shall inform the athletic director of the educational institution at which the student athlete is enrolled or intends to enroll that the student athlete intends to enter has entered into an agency contract and of the name and contact information of the athlete agent.

(d) If an athlete agent enters into an agency contract with a student athlete and the athlete subsequently enrolls at an educational institution, the agent shall notify the athletic director of the institution of the existence of the contract not later than seventy-two (72) hours after the agent knew or should have known the athlete enrolled.

(e) If an athlete agent has a relationship with a student athlete before the athlete enrolls in an educational institution and receives an athletic scholarship from the institution, the agent shall notify the educational institution of the relationship not later than ten (10) days after the enrollment if the agent knows or should have known of the enrollment and:

- (1) the relationship was motivated in whole or in part by the intention of the agent to recruit or solicit the athlete to enter an agency contract in the future; or**
- (2) the agent directly or indirectly recruited or solicited the athlete to enter an agency contract before the enrollment.**

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

- (1) the athlete, or, if the athlete is a minor, a parent or guardian of the athlete, to influence the athlete or parent or guardian to enter into an agency contract; or**
- (2) another individual to have that individual influence the athlete or, if the athlete is a minor, the parent or guardian of the athlete, to enter into an agency contract.**

(g) If a communication or attempt to communicate with an athlete agent is initiated by a student athlete or another individual on behalf of the athlete, the agent shall notify in a record the athletic director of any educational institution at which the athlete is enrolled. The notification must be made not later than ten (10)



days after the communication or attempt.

(h) An educational institution that becomes aware of a violation of this article by an athlete agent shall notify:

(1) the attorney general; and

(2) any professional league or players association with which the institution is aware the agent is licensed or registered;

of the violation.

SECTION 7. IC 25-5.2-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. (a) A student athlete, **or, if the athlete is a minor, the parent or guardian of the athlete**, may cancel an agency contract by giving notice of the cancellation to the athlete agent in a record within fourteen (14) days after the contract is signed.

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

(c) If a student athlete, **parent, or guardian** cancels an agency contract, the student athlete, **parent, or guardian** is not required to pay any consideration under the contract or to return any consideration received from the athlete agent to ~~induce~~ **influence** the student athlete to enter into the contract.

SECTION 8. IC 25-5.2-2-12, AS AMENDED BY P.L.158-2013, SECTION 281, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. (a) **Except as provided in subsection (c)**, an athlete agent who, with the intent to ~~induce~~ **influence** a student athlete, **or, if the athlete is a minor, a parent or guardian of the athlete**, to enter into an agency contract:

(1) gives any materially false or misleading information or makes a materially false promise or representation;

(2) furnishes anything of value to a ~~student an~~ athlete before the ~~student~~ athlete enters into the agency contract; or

(3) furnishes anything of value to any individual other than the ~~student~~ athlete or another registered athlete agent;

commits a Level 6 felony. **An athlete agent who encourages an individual to take or assist in taking an action described in this subsection on behalf of the agent commits a Level 6 felony.**

(b) An athlete agent who intentionally:

(1) initiates contact, **directly or indirectly**, with a student athlete, **or, if the athlete is a minor, a parent or guardian of the athlete, to recruit or solicit the athlete, parent, or guardian to enter an agency contract** unless registered under this article;

(2) refuses or fails to retain or permit inspection of the records



- required to be retained by section 11 of this chapter;
- (3) fails to register when required by section 2 of this chapter;
- (4) provides materially false or misleading information in an application for registration or renewal of registration;
- (5) predates or postdates an agency contract; or
- (6) fails to notify a student athlete, **or, if the athlete is a minor, a parent or guardian of the athlete**, before the ~~student~~ athlete, **parent, or guardian** signs or otherwise authenticates an agency contract for a particular sport that the signing or authentication may make the ~~student~~ athlete ineligible to participate as a student athlete in that sport;

commits a Level 6 felony. **An athlete agent who encourages another individual to take or assist in taking an action described in this subsection on behalf of the agent commits a Level 6 felony.**

(c) An athlete agent registered under this article who is certified as an athlete agent in a particular sport by a national association that promotes or regulates intercollegiate athletics and establishes eligibility standards for participation by a student athlete in the sport may pay expenses incurred before the signing of an agency contract by a student athlete, a family member of the student athlete, and an individual who is a member of a class of individuals authorized to receive payment for the expenses by the national association that certified the agent if the expenses are:

- (1) for the benefit of an athlete who is a member of a class of athletes authorized to receive the benefit by the national association that certified the agent;**
- (2) of a type authorized to be paid by a certified agent by the national association that certified the agent; and**
- (3) for a purpose authorized by the national association that certified the agent.**

SECTION 9. IC 25-5.2-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13. (a) An educational institution **or student athlete** has a right of action against an athlete agent **or a former student athlete** for damages caused by **a if the institution or athlete is adversely affected by an act or omission of the agent in violation of this article. An educational institution or student athlete is adversely affected by an act or omission of the agent only if, because of the act or omission, the institution or an individual who was a student athlete at the time of the act or omission and enrolled in the institution:**

- (1) is suspended or disqualified from participation in an interscholastic or intercollegiate sports event by or under the**



rules of a state or national federation or association that promotes or regulates interscholastic or intercollegiate sports; or

(2) suffers financial damage.

In an action under this section, the court may award to the prevailing party costs and reasonable attorney's fees. **An athlete agent found liable under this section forfeits any right of payment for anything of benefit or value provided to the student athlete and shall refund any consideration paid to the agent by or on behalf of the athlete.**

~~(b)~~ Damages of an educational institution under subsection (a) include losses and expenses incurred because, as a result of the conduct of an athlete agent or former student athlete, the educational institution was injured by a violation of this article or was penalized, disqualified, or suspended from participation in athletics by a national association for the promotion and regulation of athletics; by an athletic conference; or by reasonable self-imposed disciplinary action taken to mitigate sanctions likely to be imposed by such an organization:

~~(c)~~ **(b)** A right of action under this section does not accrue until the **student athlete or** educational institution discovers or by the exercise of reasonable diligence would have discovered the violation by the athlete agent. ~~or former student athlete.~~

~~(d)~~ **(c)** Any liability of the athlete agent ~~or the former student athlete~~ under this section is several and not joint.

~~(e)~~ **(d)** This article does not restrict rights, remedies, or defenses of any person under law or equity.

SECTION 10. IC 32-36-1-8, AS AMENDED BY P.L.158-2013, SECTION 336, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. (a) A person may not use an aspect of a personality's right of publicity for a commercial purpose during the personality's lifetime or for one hundred (100) years after the date of the personality's death without having obtained previous written consent from a person specified in section 17 of this chapter. If a personality is deceased, the following apply to the rights described in this subsection:

(1) The rights apply to the personality whether the personality died before, on, or after July 1, 1994.

(2) If the personality died before July 1, 1994, the rights are considered to have existed on and after the date the personality died.

(3) Consistent with section 1(a) of this chapter, a claim for a violation of a personality's right of publicity may not be asserted under this chapter unless the alleged act or event of violation



occurs within Indiana.

(4) A claim for a violation of a personality's right of publicity may not be asserted under this chapter unless the alleged act or event of violation occurs after June 30, 1994.

(b) A written consent solicited or negotiated by an athlete agent (as defined in IC 25-5.2-1-2) from a student athlete (as defined in IC 25-5.2-1-2) is void if the athlete agent obtained the consent as the result of an agency contract that:

- (1) was void under IC 25-5.2-2-2 or under the law of the state where the agency contract was entered into; or
- (2) was voided by the student athlete, **or, if the student athlete is a minor, by the parent or guardian of the student athlete**, under IC 25-5.2-2-8 or a similar law in the state where the agency contract was entered into."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 57 as printed February 15, 2019.)

HEAD, Chairperson

Committee Vote: Yeas 8, Nays 1.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 57, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 13, line 21, delete "and".

Page 13, line 23, after "agent" delete "." and insert "; **and**".

Page 13, between lines 23 and 24, begin a new line block indented and insert:

"(4) with respect to an athlete who is a high school student,



allowed by the interscholastic association that determines eligibility for the athlete."

and when so amended that said bill do pass.

(Reference is to SB 57 as printed February 22, 2019.)

TORR

Committee Vote: yeas 8, nays 0.

