

State of Arizona
Senate
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 175

SENATE BILL 1180

AN ACT

REPEALING TITLE 15, CHAPTER 13, ARTICLE 10, ARIZONA REVISED STATUTES;
AMENDING TITLE 15, CHAPTER 13, ARIZONA REVISED STATUTES, BY ADDING A NEW
ARTICLE 10; RELATING TO ATHLETE AGENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Repeal

3 Title 15, chapter 13, article 10, Arizona Revised Statutes, is
4 repealed.

5 Sec. 2. Title 15, chapter 13, Arizona Revised Statutes, is amended by
6 adding a new article 10, to read:

7 ARTICLE 10. UNIFORM ATHLETE AGENTS ACT

8 15-1761. Short title

9 THIS ARTICLE MAY BE CITED AS THE UNIFORM ATHLETE AGENTS ACT.

10 15-1762. Definitions

11 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

12 1. "AGENCY CONTRACT" MEANS AN AGREEMENT IN WHICH A STUDENT ATHLETE
13 AUTHORIZES A PERSON TO NEGOTIATE OR SOLICIT A PROFESSIONAL SPORTS SERVICES
14 CONTRACT OR AN ENDORSEMENT CONTRACT ON BEHALF OF THE STUDENT ATHLETE.

15 2. "ATHLETE AGENT" MEANS AN INDIVIDUAL WHO ENTERS INTO AN AGENCY
16 CONTRACT WITH A STUDENT ATHLETE OR, DIRECTLY OR INDIRECTLY, RECRUITS OR
17 SOLICITS A STUDENT ATHLETE TO ENTER INTO AN AGENCY CONTRACT. ATHLETE AGENT
18 INCLUDES AN INDIVIDUAL WHO REPRESENTS TO THE PUBLIC THAT THE INDIVIDUAL IS
19 AN ATHLETE AGENT. ATHLETE AGENT DOES NOT INCLUDE A SPOUSE, PARENT, SIBLING,
20 GRANDPARENT OR GUARDIAN OF THE STUDENT ATHLETE OR AN INDIVIDUAL ACTING SOLELY
21 ON BEHALF OF A PROFESSIONAL SPORTS TEAM OR A PROFESSIONAL SPORTS
22 ORGANIZATION.

23 3. "ATHLETIC DIRECTOR" MEANS AN INDIVIDUAL RESPONSIBLE FOR
24 ADMINISTERING THE OVERALL ATHLETIC PROGRAM OF AN EDUCATIONAL INSTITUTION OR,
25 IF AN EDUCATIONAL INSTITUTION HAS SEPARATELY ADMINISTERED ATHLETIC PROGRAMS
26 FOR MALE STUDENTS AND FEMALE STUDENTS, THE ATHLETIC PROGRAM FOR MALES OR THE
27 ATHLETIC PROGRAM FOR FEMALES.

28 4. "CONTACT" MEANS A DIRECT OR INDIRECT COMMUNICATION BETWEEN AN
29 ATHLETE AGENT AND A STUDENT ATHLETE TO RECRUIT OR SOLICIT THE STUDENT ATHLETE
30 TO ENTER INTO AN AGENCY CONTRACT.

31 5. "ENDORSEMENT CONTRACT" MEANS AN AGREEMENT UNDER WHICH A STUDENT
32 ATHLETE IS EMPLOYED OR RECEIVES CONSIDERATION TO USE ON BEHALF OF THE OTHER
33 PARTY ANY VALUE THAT THE STUDENT ATHLETE MAY GENERATE BECAUSE OF PUBLICITY,
34 REPUTATION, FOLLOWING OR FAME THAT WAS OBTAINED BECAUSE OF ATHLETIC ABILITY
35 OR PERFORMANCE.

36 6. "INTERCOLLEGIATE SPORT" MEANS A SPORT THAT IS PLAYED AT THE
37 COLLEGIATE LEVEL AND FOR WHICH ELIGIBILITY REQUIREMENTS FOR PARTICIPATION BY
38 A STUDENT ATHLETE ARE ESTABLISHED BY A NATIONAL ASSOCIATION FOR THE PROMOTION
39 OR REGULATION OF COLLEGIATE ATHLETICS.

40 7. "PERSON" MEANS AN INDIVIDUAL, A CORPORATION, A BUSINESS TRUST, AN
41 ESTATE, A TRUST, A PARTNERSHIP, A LIMITED LIABILITY COMPANY, AN ASSOCIATION,
42 A JOINT VENTURE, A GOVERNMENT, A GOVERNMENTAL SUBDIVISION, A GOVERNMENT
43 AGENCY, A GOVERNMENT INSTRUMENTALITY, A PUBLIC CORPORATION OR ANY OTHER LEGAL
44 OR COMMERCIAL ENTITY.

1 8. "PROFESSIONAL SPORTS SERVICES CONTRACT" MEANS AN AGREEMENT UNDER
2 WHICH AN INDIVIDUAL IS EMPLOYED, OR AGREES TO RENDER SERVICES, AS A PLAYER
3 ON A PROFESSIONAL SPORTS TEAM, WITH A PROFESSIONAL SPORTS ORGANIZATION OR AS
4 A PROFESSIONAL ATHLETE.

5 9. "RECORD" MEANS INFORMATION THAT IS INSCRIBED ON A TANGIBLE MEDIUM
6 OR THAT IS STORED IN AN ELECTRONIC FORMAT OR ANY OTHER MEDIUM AND THAT IS
7 RETRIEVABLE IN PERCEIVABLE FORM.

8 10. "REGISTRATION" MEANS REGISTRATION AS AN ATHLETE AGENT PURSUANT TO
9 THIS ARTICLE.

10 11. "STATE" MEANS A STATE OF THE UNITED STATES, THE DISTRICT OF
11 COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS OR ANY TERRITORY OR
12 INSULAR POSSESSION SUBJECT TO THE JURISDICTION OF THE UNITED STATES.

13 12. "STUDENT ATHLETE" MEANS AN INDIVIDUAL WHO ENGAGES IN, IS ELIGIBLE
14 TO ENGAGE IN OR MAY BE ELIGIBLE IN THE FUTURE TO ENGAGE IN ANY
15 INTERCOLLEGIATE SPORT. IF AN INDIVIDUAL IS PERMANENTLY INELIGIBLE TO
16 PARTICIPATE IN A PARTICULAR INTERCOLLEGIATE SPORT, THE INDIVIDUAL IS NOT A
17 STUDENT ATHLETE FOR PURPOSES OF THAT SPORT.

18 15-1763. Service of process; subpoenas

19 A. BY ACTING AS AN ATHLETE AGENT IN THIS STATE, A NONRESIDENT
20 INDIVIDUAL CONSTRUCTIVELY APPOINTS THE SECRETARY OF STATE AS THE INDIVIDUAL'S
21 AGENT FOR SERVICE OF PROCESS IN ANY CIVIL ACTION IN THIS STATE RELATED TO THE
22 INDIVIDUAL'S ATHLETE AGENT ACTIVITIES IN THIS STATE.

23 B. THE SECRETARY OF STATE MAY ISSUE SUBPOENAS FOR ANY MATERIAL THAT
24 IS RELEVANT TO THE ADMINISTRATION OF THIS ARTICLE.

25 15-1764. Athlete agents; registration; void contracts

26 A. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION B OF THIS SECTION, AN
27 INDIVIDUAL MAY NOT ACT AS AN ATHLETE AGENT IN THIS STATE WITHOUT HOLDING A
28 CERTIFICATE OF REGISTRATION UNDER SECTION 15-1766 OR 15-1768.

29 B. BEFORE BEING ISSUED A CERTIFICATE OF REGISTRATION, AN INDIVIDUAL
30 MAY ACT AS AN ATHLETE AGENT IN THIS STATE FOR ALL PURPOSES OTHER THAN SIGNING
31 AN AGENCY CONTRACT, IF BOTH:

32 1. A STUDENT ATHLETE OR ANOTHER PERSON ACTING ON BEHALF OF THE STUDENT
33 ATHLETE INITIATES COMMUNICATION WITH THE INDIVIDUAL.

34 2. WITHIN SEVEN DAYS AFTER AN INITIAL ACT AS AN ATHLETE AGENT, THE
35 INDIVIDUAL SUBMITS AN APPLICATION FOR REGISTRATION AS AN ATHLETE AGENT IN
36 THIS STATE.

37 C. AN AGENCY CONTRACT RESULTING FROM CONDUCT IN VIOLATION OF THIS
38 SECTION IS VOID, AND THE ATHLETE AGENT SHALL RETURN ANY CONSIDERATION
39 RECEIVED UNDER THE CONTRACT.

40 15-1765. Registration as athlete agent; form; requirements

41 A. AN APPLICANT FOR REGISTRATION AS AN ATHLETE AGENT SHALL SUBMIT AN
42 APPLICATION FOR REGISTRATION TO THE SECRETARY OF STATE IN A FORM PRESCRIBED
43 BY THE SECRETARY OF STATE. AN APPLICATION FILED UNDER THIS SECTION IS A
44 PUBLIC RECORD UNDER TITLE 39. THE APPLICATION SHALL BE IN THE NAME OF AN
45 INDIVIDUAL AND, EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION B OF THIS SECTION,

1 SHALL BE SIGNED OR OTHERWISE AUTHENTICATED BY THE APPLICANT UNDER PENALTY OF
2 PERJURY. THE APPLICATION SHALL STATE OR CONTAIN THE FOLLOWING:

3 1. THE NAME OF THE APPLICANT AND THE ADDRESS OF THE APPLICANT'S
4 PRINCIPAL PLACE OF BUSINESS.

5 2. THE NAME OF THE APPLICANT'S BUSINESS OR EMPLOYER, IF APPLICABLE.

6 3. ANY BUSINESS OR OCCUPATION ENGAGED IN BY THE APPLICANT FOR THE FIVE
7 YEARS IMMEDIATELY PRECEDING THE DATE OF THE SUBMISSION OF THE APPLICATION.

8 4. A DESCRIPTION OF THE APPLICANT'S:

9 (a) FORMAL TRAINING AS AN ATHLETE AGENT.

10 (b) PRACTICAL EXPERIENCE AS AN ATHLETE AGENT.

11 (c) EDUCATIONAL BACKGROUND RELATING TO THE APPLICANT'S ACTIVITIES AS
12 AN ATHLETE AGENT.

13 5. THE NAMES AND ADDRESSES OF THREE INDIVIDUALS WHO ARE NOT RELATED
14 TO THE APPLICANT AND WHO ARE WILLING TO SERVE AS REFERENCES FOR THE
15 APPLICANT.

16 6. THE NAME, SPORT AND LAST KNOWN TEAM OF EACH INDIVIDUAL FOR WHOM THE
17 APPLICANT ACTED AS AN ATHLETE AGENT DURING THE FIVE YEARS IMMEDIATELY
18 PRECEDING THE DATE OF THE SUBMISSION OF THE APPLICATION.

19 7. THE NAMES AND ADDRESSES OF ALL PERSONS WHO ARE:

20 (a) WITH RESPECT TO THE ATHLETE AGENT'S BUSINESS IF IT IS NOT A
21 CORPORATION, THE PARTNERS, MEMBERS, OFFICERS, MANAGERS, ASSOCIATES OR PROFIT
22 SHARERS OF THE BUSINESS.

23 (b) WITH RESPECT TO A CORPORATION EMPLOYING THE ATHLETE AGENT, THE
24 OFFICERS, THE DIRECTORS AND ANY SHAREHOLDER OF THE CORPORATION THAT HAS AN
25 OWNERSHIP INTEREST OF FIVE PER CENT OR MORE IN THE CORPORATION.

26 8. WHETHER THE APPLICANT OR ANY PERSON NAMED PURSUANT TO PARAGRAPH 7
27 OF THIS SUBSECTION HAS BEEN CONVICTED OF A CRIME THAT, IF COMMITTED IN THIS
28 STATE, WOULD BE A CRIME INVOLVING MORAL TURPITUDE OR A FELONY. IF THE
29 APPLICANT GIVES AN AFFIRMATIVE RESPONSE TO THE INFORMATION REQUESTED PURSUANT
30 TO THIS PARAGRAPH, THE APPLICANT SHALL LIST EACH SPECIFIC CRIMINAL
31 CONVICTION.

32 9. WHETHER THERE HAS BEEN ANY ADMINISTRATIVE OR JUDICIAL DETERMINATION
33 THAT THE APPLICANT OR ANY PERSON NAMED PURSUANT TO PARAGRAPH 7 OF THIS
34 SUBSECTION HAS MADE A FALSE, MISLEADING, DECEPTIVE OR FRAUDULENT
35 REPRESENTATION.

36 10. ANY INSTANCE IN WHICH THE CONDUCT OF THE APPLICANT OR ANY PERSON
37 NAMED PURSUANT TO PARAGRAPH 7 OF THIS SUBSECTION RESULTED IN THE IMPOSITION
38 OF A SANCTION, SUSPENSION OR DECLARATION OF INELIGIBILITY TO PARTICIPATE IN
39 AN INTERSCHOLASTIC OR INTERCOLLEGIATE ATHLETIC EVENT ON A STUDENT ATHLETE OR
40 AN EDUCATIONAL INSTITUTION.

41 11. ANY SANCTION, SUSPENSION OR DISCIPLINARY ACTION THAT WAS TAKEN
42 AGAINST THE APPLICANT OR ANY PERSON NAMED PURSUANT TO PARAGRAPH 7 OF THIS
43 SUBSECTION AND THAT AROSE OUT OF OCCUPATIONAL OR PROFESSIONAL MISCONDUCT.

44 12. WHETHER THERE HAS BEEN ANY DENIAL OF AN APPLICATION FOR, SUSPENSION
45 OR REVOCATION OF OR REFUSAL TO RENEW THE REGISTRATION OR LICENSURE OF THE

1 APPLICANT OR ANY PERSON NAMED PURSUANT TO PARAGRAPH 7 OF THIS SUBSECTION AS
2 AN ATHLETE AGENT IN ANY STATE.

3 B. AN INDIVIDUAL WHO HAS SUBMITTED AN APPLICATION FOR AND HOLDS A
4 CERTIFICATE OF REGISTRATION OR LICENSURE AS AN ATHLETE AGENT IN ANOTHER STATE
5 MAY SUBMIT A COPY OF THE APPLICATION AND CERTIFICATE IN LIEU OF SUBMITTING
6 AN APPLICATION IN THE FORM PRESCRIBED PURSUANT TO SUBSECTION A. THE
7 SECRETARY OF STATE SHALL ACCEPT THE APPLICATION AND THE CERTIFICATE FROM THE
8 OTHER STATE AS AN APPLICATION FOR REGISTRATION IN THIS STATE IF THE
9 APPLICATION TO THE OTHER STATE MEETS ALL OF THE FOLLOWING REQUIREMENTS:

10 1. WAS SUBMITTED IN THE OTHER STATE WITHIN THE SIX MONTHS IMMEDIATELY
11 PRECEDING THE SUBMISSION OF THE APPLICATION IN THIS STATE AND THE APPLICANT
12 CERTIFIES THAT THE INFORMATION CONTAINED IN THE APPLICATION IS CURRENT AND
13 CORRECT.

14 2. CONTAINS INFORMATION THAT IS SUBSTANTIALLY SIMILAR TO OR MORE
15 COMPREHENSIVE THAN THAT REQUIRED IN AN APPLICATION SUBMITTED IN THIS STATE.

16 3. WAS SIGNED BY THE APPLICANT UNDER PENALTY OF PERJURY.

17 15-1766. Certificate of registration; issuance or denial;
18 renewal

19 A. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION B OF THIS SECTION, THE
20 SECRETARY OF STATE SHALL ISSUE A CERTIFICATE OF REGISTRATION TO AN INDIVIDUAL
21 WHO COMPLIES WITH SECTION 15-1765, SUBSECTION A OR WHOSE APPLICATION HAS BEEN
22 ACCEPTED UNDER SECTION 15-1765, SUBSECTION B.

23 B. THE SECRETARY OF STATE MAY REFUSE TO ISSUE A CERTIFICATE OF
24 REGISTRATION IF THE SECRETARY OF STATE DETERMINES THAT THE APPLICANT HAS
25 ENGAGED IN CONDUCT THAT HAS A SIGNIFICANT ADVERSE EFFECT ON THE APPLICANT'S
26 FITNESS TO ACT AS AN ATHLETE AGENT. IN MAKING THE DETERMINATION, THE
27 SECRETARY OF STATE MAY CONSIDER WHETHER THE APPLICANT HAS:

28 1. BEEN CONVICTED OF A CRIME THAT, IF COMMITTED IN THIS STATE, WOULD
29 BE A CRIME INVOLVING MORAL TURPITUDE OR WOULD BE A FELONY.

30 2. MADE A MATERIALLY FALSE, MISLEADING, DECEPTIVE OR FRAUDULENT
31 REPRESENTATION IN THE APPLICATION OR AS AN ATHLETE AGENT.

32 3. ENGAGED IN CONDUCT THAT WOULD DISQUALIFY THE APPLICANT FROM SERVING
33 IN A FIDUCIARY CAPACITY.

34 4. ENGAGED IN CONDUCT THAT IS PROHIBITED BY SECTION 15-1774.

35 5. HAS HAD A REGISTRATION OR LICENSURE AS AN ATHLETE AGENT SUSPENDED,
36 REVOKED OR DENIED OR HAS BEEN REFUSED RENEWAL OF REGISTRATION OR LICENSURE
37 AS AN ATHLETE AGENT IN ANY STATE.

38 6. ENGAGED IN CONDUCT THAT RESULTED IN A SANCTION, SUSPENSION OR
39 DECLARATION OF INELIGIBILITY TO PARTICIPATE BEING IMPOSED ON A STUDENT
40 ATHLETE OR AN EDUCATIONAL INSTITUTION IN AN INTERSCHOLASTIC OR AN
41 INTERCOLLEGIATE ATHLETIC EVENT.

42 7. ENGAGED IN CONDUCT THAT SIGNIFICANTLY ADVERSELY REFLECTS ON THE
43 APPLICANT'S CREDIBILITY, HONESTY OR INTEGRITY.

44 C. IN MAKING A DETERMINATION UNDER SUBSECTION B OF THIS SECTION, THE
45 SECRETARY OF STATE SHALL CONSIDER ALL OF THE FOLLOWING:

1 1. THE TIME BETWEEN THE CONDUCT THAT OCCURRED AND THE DATE OF THE
2 APPLICATION.

3 2. THE NATURE OF THE CONDUCT AND THE CONTEXT IN WHICH THE CONDUCT
4 OCCURRED.

5 3. ANY OTHER RELEVANT CONDUCT OF THE APPLICANT.

6 D. AN ATHLETE AGENT MAY APPLY TO RENEW A REGISTRATION BY SUBMITTING
7 AN APPLICATION FOR RENEWAL IN A FORM PRESCRIBED BY THE SECRETARY OF STATE.
8 AN APPLICATION FOR RENEWAL THAT IS FILED PURSUANT TO THIS SUBSECTION IS A
9 PUBLIC RECORD UNDER TITLE 39. THE APPLICATION FOR RENEWAL SHALL BE SIGNED
10 BY THE APPLICANT UNDER PENALTY OF PERJURY AND MUST CONTAIN CURRENT
11 INFORMATION CONCERNING ALL MATTERS REQUIRED IN AN ORIGINAL REGISTRATION.

12 E. AN INDIVIDUAL WHO HAS SUBMITTED AN APPLICATION FOR RENEWAL OF
13 REGISTRATION OR LICENSURE IN ANOTHER STATE, IN LIEU OF SUBMITTING AN
14 APPLICATION FOR RENEWAL IN THE FORM PRESCRIBED PURSUANT TO SUBSECTION D OF
15 THIS SECTION, MAY FILE A COPY OF THE APPLICATION FOR RENEWAL AND A VALID
16 CERTIFICATE OF REGISTRATION OR LICENSURE FROM THE OTHER STATE. THE SECRETARY
17 OF STATE SHALL ACCEPT THE APPLICATION FOR RENEWAL FROM THE OTHER STATE AS AN
18 APPLICATION FOR RENEWAL IN THIS STATE IF THE APPLICATION TO THE OTHER STATE
19 MEETS ALL OF THE FOLLOWING REQUIREMENTS:

20 1. WAS SUBMITTED IN THE OTHER STATE WITHIN THE SIX MONTHS IMMEDIATELY
21 PRECEDING THE FILING IN THIS STATE AND THE APPLICANT CERTIFIES THE
22 INFORMATION CONTAINED IN THE APPLICATION FOR RENEWAL IS CURRENT AND CORRECT.

23 2. CONTAINS INFORMATION THAT IS SUBSTANTIALLY SIMILAR TO OR MORE
24 COMPREHENSIVE THAN THAT REQUIRED IN AN APPLICATION FOR RENEWAL SUBMITTED IN
25 THIS STATE.

26 3. WAS SIGNED BY THE APPLICANT UNDER PENALTY OF PERJURY.

27 F. A CERTIFICATE OF REGISTRATION OR A RENEWAL OF A REGISTRATION IS
28 VALID FOR TWO YEARS FROM THE DATE OF ISSUANCE.

29 15-1767. Suspension, revocation or refusal to renew
30 registration

31 A. THE SECRETARY OF STATE MAY SUSPEND, REVOKE OR REFUSE TO RENEW A
32 REGISTRATION FOR CONDUCT THAT WOULD HAVE JUSTIFIED DENIAL OF REGISTRATION
33 UNDER SECTION 15-1766, SUBSECTION B.

34 B. THE SECRETARY OF STATE MAY DENY, SUSPEND, REVOKE OR REFUSE TO RENEW
35 A CERTIFICATE OF REGISTRATION ONLY AFTER PROPER NOTICE AND AN OPPORTUNITY FOR
36 A HEARING PURSUANT TO TITLE 41, CHAPTER 6.

37 15-1768. Temporary registration

38 THE SECRETARY OF STATE MAY ISSUE A TEMPORARY CERTIFICATE OF
39 REGISTRATION WHILE AN APPLICATION FOR REGISTRATION OR RENEWAL OF REGISTRATION
40 PURSUANT TO THIS ARTICLE IS PENDING.

41 15-1769. Registration and renewal fees

42 AN APPLICATION FOR REGISTRATION OR RENEWAL OF REGISTRATION SHALL BE
43 ACCOMPANIED BY THE PAYMENT TO THE SECRETARY OF STATE OF A FEE IN THE
44 FOLLOWING AMOUNTS:

45 1. FOR AN INITIAL APPLICATION FOR REGISTRATION, TWENTY DOLLARS.

1 E. THE ATHLETE AGENT SHALL GIVE A COPY OF THE SIGNED OR OTHERWISE
2 AUTHENTICATED AGENCY CONTRACT TO THE STUDENT ATHLETE AT THE TIME OF
3 EXECUTION.

4 15-1771. Notice to educational institution

5 A. WITHIN SEVENTY-TWO HOURS AFTER ENTERING INTO AN AGENCY CONTRACT OR
6 BEFORE THE NEXT SCHEDULED ATHLETIC EVENT IN WHICH THE STUDENT ATHLETE MAY
7 PARTICIPATE, WHICHEVER OCCURS FIRST, THE ATHLETE AGENT SHALL GIVE NOTICE IN
8 A RECORD OF THE EXISTENCE OF THE CONTRACT TO THE ATHLETIC DIRECTOR OF THE
9 EDUCATIONAL INSTITUTION AT WHICH THE STUDENT ATHLETE IS ENROLLED OR THE
10 EDUCATIONAL INSTITUTION AT WHICH THE ATHLETE AGENT HAS REASONABLE GROUNDS TO
11 BELIEVE THE STUDENT ATHLETE INTENDS TO ENROLL.

12 B. WITHIN SEVENTY-TWO HOURS AFTER ENTERING INTO AN AGENCY CONTRACT OR
13 BEFORE THE NEXT ATHLETIC EVENT IN WHICH THE STUDENT ATHLETE MAY PARTICIPATE,
14 WHICHEVER OCCURS FIRST, THE STUDENT ATHLETE SHALL INFORM THE ATHLETIC
15 DIRECTOR OF THE EDUCATIONAL INSTITUTION AT WHICH THE STUDENT ATHLETE IS
16 ENROLLED THAT HE OR SHE HAS ENTERED INTO AN AGENCY CONTRACT.

17 15-1772. Student athlete's right to cancel contract

18 A. A STUDENT ATHLETE MAY CANCEL AN AGENCY CONTRACT BY GIVING NOTICE
19 OF THE CANCELLATION TO THE ATHLETE AGENT IN A RECORD WITHIN FOURTEEN DAYS
20 AFTER THE CONTRACT IS SIGNED.

21 B. A STUDENT ATHLETE MAY NOT WAIVE THE RIGHT TO CANCEL AN AGENCY
22 CONTRACT.

23 C. IF A STUDENT ATHLETE CANCELS AN AGENCY CONTRACT, THE STUDENT
24 ATHLETE IS NOT REQUIRED TO PAY ANY CONSIDERATION UNDER THE CONTRACT OR TO
25 RETURN ANY CONSIDERATION RECEIVED FROM THE ATHLETE AGENT TO INDUCE THE
26 STUDENT ATHLETE TO ENTER INTO THE CONTRACT.

27 15-1773. Required records

28 A. AN ATHLETE AGENT SHALL RETAIN ALL OF THE FOLLOWING RECORDS FOR A
29 PERIOD OF FIVE YEARS:

30 1. THE NAME AND ADDRESS OF EACH INDIVIDUAL REPRESENTED BY THE ATHLETE
31 AGENT.

32 2. ANY AGENCY CONTRACT ENTERED INTO BY THE ATHLETE AGENT.

33 3. DOCUMENTATION OF ANY DIRECT COSTS INCURRED BY THE ATHLETE AGENT IN
34 THE RECRUITMENT OR SOLICITATION OF A STUDENT ATHLETE TO ENTER INTO AN AGENCY
35 CONTRACT.

36 B. THE RECORDS REQUIRED TO BE RETAINED PURSUANT TO SUBSECTION A SHALL
37 BE OPEN TO INSPECTION BY THE SECRETARY OF STATE DURING NORMAL BUSINESS HOURS.

38 15-1774. Prohibited conduct; violation; classification

39 A. IT IS UNLAWFUL FOR AN ATHLETE AGENT, WITH THE INTENT TO INDUCE A
40 STUDENT ATHLETE TO ENTER INTO AN AGENCY CONTRACT, TO ENGAGE IN ANY OF THE
41 FOLLOWING CONDUCT:

42 1. GIVE ANY MATERIALLY FALSE OR MISLEADING INFORMATION OR MAKE A
43 MATERIALLY FALSE PROMISE OR REPRESENTATION.

44 2. FURNISH ANYTHING OF VALUE TO A STUDENT ATHLETE BEFORE THE STUDENT
45 ATHLETE ENTERS INTO THE AGENCY CONTRACT.

1 3. FURNISH ANYTHING OF VALUE TO ANY INDIVIDUAL OTHER THAN THE STUDENT
2 ATHLETE OR ANOTHER REGISTERED ATHLETE AGENT.

3 B. IT IS UNLAWFUL FOR AN ATHLETE AGENT TO INTENTIONALLY COMMIT ANY OF
4 THE FOLLOWING CONDUCT:

5 1. INITIATE CONTACT WITH A STUDENT ATHLETE UNLESS THE ATHLETE AGENT
6 IS REGISTERED WITH THE SECRETARY OF STATE PURSUANT TO THIS ARTICLE.

7 2. REFUSE OR FAIL TO RETAIN OR PERMIT INSPECTION OF THE RECORDS
8 REQUIRED TO BE RETAINED BY SECTION 15-1773.

9 3. FAIL TO REGISTER IF REQUIRED BY SECTION 15-1764.

10 4. PROVIDE MATERIALLY FALSE OR MISLEADING INFORMATION IN AN
11 APPLICATION FOR REGISTRATION OR RENEWAL OF REGISTRATION.

12 5. PREDATE OR POSTDATE AN AGENCY CONTRACT.

13 6. FAIL TO NOTIFY A STUDENT ATHLETE BEFORE THE STUDENT ATHLETE SIGNS
14 OR OTHERWISE AUTHENTICATES AN AGENCY CONTRACT FOR A PARTICULAR SPORT THAT THE
15 SIGNING OR AUTHENTICATION MAY MAKE THE STUDENT ATHLETE INELIGIBLE TO
16 PARTICIPATE AS A STUDENT ATHLETE IN THAT SPORT.

17 C. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 1
18 MISDEMEANOR.

19 15-1775. Civil remedies

20 A. AN EDUCATIONAL INSTITUTION MAY BRING A CAUSE OF ACTION AGAINST AN
21 ATHLETE AGENT OR A FORMER STUDENT ATHLETE FOR DAMAGES CAUSED BY A VIOLATION
22 OF THIS ARTICLE. THE COURT MAY AWARD TO THE PREVAILING PARTY COSTS AND
23 REASONABLE ATTORNEY FEES IN ANY ACTION BROUGHT PURSUANT TO THIS SECTION.

24 B. AN EDUCATIONAL INSTITUTION MAY RECOVER DAMAGES PURSUANT TO
25 SUBSECTION A INCLUDING LOSSES AND EXPENSES INCURRED AS A RESULT OF THE
26 CONDUCT OF AN ATHLETE AGENT OR A FORMER STUDENT ATHLETE IF THE EDUCATIONAL
27 INSTITUTION WAS INJURED BY A VIOLATION OF THIS ARTICLE OR WAS PENALIZED,
28 DISQUALIFIED OR SUSPENDED FROM PARTICIPATION IN ATHLETICS BY A NATIONAL
29 ASSOCIATION FOR THE PROMOTION AND REGULATION OF ATHLETICS, BY AN ATHLETIC
30 CONFERENCE OR BY REASONABLE SELF-IMPOSED DISCIPLINARY ACTION TAKEN TO
31 MITIGATE SANCTIONS LIKELY TO BE IMPOSED BY SUCH AN ORGANIZATION.

32 C. A RIGHT OF ACTION UNDER THIS SECTION DOES NOT ACCRUE UNTIL THE
33 EDUCATIONAL INSTITUTION DISCOVERS OR BY THE EXERCISE OF REASONABLE DILIGENCE
34 SHOULD HAVE DISCOVERED THE VIOLATION BY THE ATHLETE AGENT OR THE FORMER
35 STUDENT ATHLETE.

36 D. ANY LIABILITY OF THE ATHLETE AGENT OR THE FORMER STUDENT ATHLETE
37 UNDER THIS SECTION IS SEVERAL AND NOT JOINT.

38 E. THIS ARTICLE DOES NOT RESTRICT OTHER LEGAL OR EQUITABLE RIGHTS,
39 REMEDIES OR DEFENSES OF ANY PERSON.

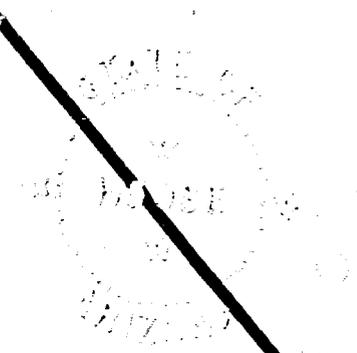
40 15-1776. Administrative penalties

41 THE SECRETARY OF STATE MAY ASSESS A CIVIL PENALTY AGAINST AN ATHLETE
42 AGENT IN AN AMOUNT OF NOT TO EXCEED TWENTY-FIVE THOUSAND DOLLARS FOR EACH
43 VIOLATION OF THIS ARTICLE.

1 Sec. 3. Requirements for enactment; two-thirds vote
2 Pursuant to article IX, section 22, Constitution of Arizona, this act
3 is effective only on the affirmative vote of at least two-thirds of the
4 members of each house of the legislature and is effective immediately on the
5 signature of the governor or, if the governor vetoes this act, on the
6 subsequent affirmative vote of at least three-fourths of the members of each
7 house of the legislature.

APPROVED BY THE GOVERNOR APRIL 21, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 23, 2001.



Passed the House April 09, 2001,

by the following vote: 44 Ayes,

14 Nays, 2 Not Voting
with Article IX, Section 22

[Signature]

Speaker of the House

Norman L. Moore

Chief Clerk of the House

Passed the Senate February 14, 2001,

by the following vote: 20 Ayes,

10 Nays, 0 Not Voting
With Article IX, Section 22

[Signature]

President of the Senate

Charmian Billington

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

S.B. 1180

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 16, 2001,

by the following vote: 20 Ayes,

6 Nays, 4 Not Voting
with Article IX, Sec. 22

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

16 day of April, 2001,

at 2:59 o'clock P M.

[Signature]
Secretary to the Governor

APPROVED THIS 21 day of

April, 2001,

at 9:51 o'clock A M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 23 day of April, 2001,

at 4:45 o'clock P M.

[Signature]
Secretary of State

S.B. 1180