

**HOUSE BILL NO. 1212**

Introduced by

Representative Klemin

Senator Hogue

(At the request of the Commission on Uniform State Laws)

1 A BILL for an Act to create and enact chapter 9-15.2 of the North Dakota Century Code, relating  
2 to the Revised Uniform Athlete Agents Act; to repeal chapter 9-15.1 of the North Dakota Century  
3 Code, relating to the Uniform Athlete Agents Act; and to provide a penalty.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** Chapter 9-15.2 of the North Dakota Century Code is created and enacted as  
6 follows:

7 **9-15.2-01. Definitions.**

8 In this chapter, unless the context otherwise requires:

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

12 2. "Athlete agent":

13 a. Means an individual, whether or not registered under this chapter, who:

14 (1) Directly or indirectly recruits or solicits a student-athlete to enter an agency  
15 contract or, for compensation, procures employment or offers, promises,  
16 attempts, or negotiates to obtain employment for a student-athlete as a  
17 professional athlete or member of a professional sports team or  
18 organization;

19 (2) For compensation or in anticipation of compensation related to a  
20 student-athlete's participation in athletics:

21 (a) Serves the athlete in an advisory capacity on a matter related to  
22 finances, business pursuits, or career management decisions, unless  
23 the individual is an employee of an educational institution acting

- 1 exclusively as an employee of the institution for the benefit of the  
2 institution; or
- 3 (b) Manages the business affairs of the athlete by providing assistance  
4 with bills, payments, contracts, or taxes; or
- 5 (3) In anticipation of representing a student-athlete for a purpose related to the  
6 athlete's participation in athletics:
- 7 (a) Gives consideration to the student-athlete or another person;  
8 (b) Serves the athlete in an advisory capacity on a matter related to  
9 finances, business pursuits, or career management decisions; or  
10 (c) Manages the business affairs of the athlete by providing assistance  
11 with bills, payments, contracts, or taxes; but
- 12 b. Does not include an individual who:
- 13 (1) Acts solely on behalf of a professional sports team or organization; or  
14 (2) Is a licensed, registered, or certified professional and offers or provides  
15 services to a student-athlete customarily provided by members of the  
16 profession, unless the individual:
- 17 (a) Also recruits or solicits the athlete to enter into an agency contract;  
18 (b) Also, for compensation, procures employment or offers, promises,  
19 attempts, or negotiates to obtain employment for the athlete as a  
20 professional athlete or member of a professional sports team or  
21 organization; or
- 22 (c) Receives consideration for providing the services calculated using a  
23 different method than for an individual who is not a student-athlete.
- 24 3. "Athletic director" means the individual responsible for administering the overall  
25 athletic program of an educational institution or, if an educational institution has  
26 separately administered athletic programs for male students and female students, the  
27 athletic program for males or the athletic program for females, as appropriate.
- 28 4. "Educational institution" includes a public or private elementary school, secondary  
29 school, technical or vocational school, community college, college, and university.
- 30 5. "Endorsement contract" means an agreement under which a student-athlete is  
31 employed or receives consideration to use on behalf of the other party any value that

1           the athlete may have because of publicity, reputation, following, or fame obtained  
2           because of athletic ability or performance.

3           6. "Enrolled or enrolls" means registered for courses and attending athletic practice or  
4           class.

5           7. "Intercollegiate sport" means a sport played at the collegiate level for which eligibility  
6           requirements for participation by a student-athlete are established by a national  
7           association that promotes or regulates collegiate athletics.

8           8. "Interscholastic sport" means a sport played between educational institutions that are  
9           not community colleges, colleges, or universities.

10          9. "Licensed, registered, or certified professional" means an individual licensed,  
11          registered, or certified as an attorney, dealer in securities, financial planner, insurance  
12          agent, real estate broker or sales agent, tax consultant, accountant, or member of a  
13          profession, other than that of athlete agent, who is licensed, registered, or certified by  
14          the state or a nationally recognized organization that licenses, registers, or certifies  
15          members of the profession on the basis of experience, education, or testing.

16          10. "Person" means an individual, estate, business or nonprofit entity, public corporation,  
17          government or governmental subdivision, agency, or instrumentality, or other legal  
18          entity.

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

22          12. "Record" means information that is inscribed on a tangible medium or that is stored in  
23          an electronic or other medium and is retrievable in perceivable form.

24          13. "Recruit or solicit" means an attempt to influence the choice of an athlete agent by a  
25          student-athlete or, if the athlete is a minor, a parent or guardian of the athlete. The  
26          term does not include giving advice on the selection of a particular agent in a family,  
27          coaching, or social situation unless the individual giving the advice does so because of  
28          the receipt or anticipated receipt of an economic benefit, directly or indirectly, from the  
29          agent.

30          14. "Registration" means registration as an athlete agent under this chapter.

31          15. "Sign" means, with present intent to authenticate or adopt a record:

- 1           a. To execute or adopt a tangible symbol; or
- 2           b. To attach to or logically associate with the record an electronic symbol, sound, or
- 3           process.

4    16. "State" means a state of the United States, the District of Columbia, Puerto Rico, the  
5       United States Virgin Islands, or any territory or insular possession subject to the  
6       jurisdiction of the United States.

7    17. "Student-athlete" means an individual who is eligible to attend an educational  
8       institution and engages in, is eligible to engage in, or may be eligible in the future to  
9       engage in, an interscholastic or intercollegiate sport. The term does not include an  
10       individual permanently ineligible to participate in a particular interscholastic or  
11       intercollegiate sport for that sport.

12    **9-15.2-02. Secretary of state - Authority - Procedure.**

- 13       1. Chapter 28-32 applies to this chapter. The secretary of state may adopt rules under  
14       chapter 28-32 to implement this chapter.
- 15       2. By acting as an athlete agent in this state, a nonresident individual appoints the  
16       secretary of state as the individual's agent for service of process in any civil action in  
17       this state related to the individual acting as an athlete agent in this state.
- 18       3. The secretary of state may issue a subpoena for material that is relevant to the  
19       administration of this chapter.

20    **9-15.2-03. Athlete agent - Registration required - Void contract.**

- 21       1. Except as provided in subsection 2, an individual may not act as an athlete agent in  
22       this state without holding a certificate of registration under this chapter.
- 23       2. Before being issued a certificate of registration under this chapter an individual may  
24       act as an athlete agent in this state for all purposes except signing an agency contract,  
25       if:
  - 26           a. A student-athlete or another person acting on behalf of the athlete initiates  
27           communication with the individual; and
  - 28           b. Not later than seven days after an initial act that requires the individual to register  
29           as an athlete agent, the individual submits an application for registration as an  
30           athlete agent in this state.

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

3       **9-15.2-04. Registration as athlete agent - Application - Requirements - Reciprocal**  
4       **registration.**

5       1. An applicant for registration as an athlete agent shall submit an application for  
6       registration to the secretary of state in a form prescribed by the secretary of state. The  
7       applicant must be an individual, and the application must be signed by the applicant  
8       under penalty of perjury. The application must contain at least the following:

9       a. The name and date and place of birth of the applicant and the following contact  
10       information for the applicant:

11       (1) The address of the applicant's principal place of business;

12       (2) Work and mobile telephone numbers; and

13       (3) Any means of communicating electronically, including a facsimile number,  
14       electronic mail, and personal and business or employer websites;

15       b. The name of the applicant's business or employer, if applicable, including for  
16       each business or employer, its mailing address, telephone number, organization  
17       form, and the nature of the business;

18       c. Each social media account with which the applicant or the applicant's business or  
19       employer is affiliated;

20       d. Each business or occupation in which the applicant engaged within five years  
21       before the date of the application, including self-employment and employment by  
22       others, and any professional or occupational license, registration, or certification  
23       held by the applicant during that time;

24       e. A description of the applicant's:

25       (1) Formal training as an athlete agent;

26       (2) Practical experience as an athlete agent; and

27       (3) Educational background relating to the applicant's activities as an athlete  
28       agent;

29       f. The name of each student-athlete for whom the applicant acted as an athlete  
30       agent within five years before the date of the application or, if the individual is a

- 1                   minor, the name of the parent or guardian of the minor, together with the athlete's  
2                   sport and last-known team;
- 3           g.   The name and address of each person that:
- 4                   (1)   Is a partner, member, officer, manager, associate, or profit sharer or directly  
5                   or indirectly holds an equity interest of five percent or greater of the athlete  
6                   agent's business if it is not a corporation; and
- 7                   (2)   Is an officer or director of a corporation employing the athlete agent or a  
8                   shareholder having an interest of five percent or greater in the corporation;
- 9           h.   A description of the status of any application by the applicant, or any person  
10                  named under subdivision g, for a state or federal business, professional, or  
11                  occupational license, other than as an athlete agent, from a state or federal  
12                  agency, including any denial, refusal to renew, suspension, withdrawal, or  
13                  termination of the license and any reprimand or censure related to the license;
- 14           i.   Whether the applicant, or any person named under subdivision g, has pleaded  
15                  guilty or no contest to, has been convicted of, or has charges pending for, a crime  
16                  that would involve moral turpitude or be a felony if committed in this state and, if  
17                  so, identification of:
- 18                   (1)   The crime;
- 19                   (2)   The law enforcement agency involved; and
- 20                   (3)   If applicable, the date of the conviction and the fine or penalty imposed;
- 21           j.   Whether, within fifteen years before the date of application, the applicant, or any  
22                  person named under subdivision g, has been a defendant or respondent in a civil  
23                  proceeding, including a proceeding seeking an adjudication of legal  
24                  incompetence and, if so, the date and a full explanation of each proceeding;
- 25           k.   Whether the applicant, or any person named under subdivision g, has an  
26                  unsatisfied judgment or a judgment of continuing effect, including spousal support  
27                  or a domestic order in the nature of child support, which is not current at the date  
28                  of the application;
- 29           l.   Whether, within ten years before the date of application, the applicant, or any  
30                  person named under subdivision g, was adjudicated bankrupt or was an owner of  
31                  a business that was adjudicated bankrupt;

- 1           m. Whether there has been any administrative or judicial determination that the  
2           applicant, or any person named under subdivision g, made a false, misleading,  
3           deceptive, or fraudulent representation;
- 4           n. Each instance in which conduct of the applicant, or any person named under  
5           subdivision g, resulted in the imposition of a sanction, suspension, or declaration  
6           of ineligibility to participate in an interscholastic, intercollegiate, or professional  
7           athletic event on a student-athlete or a sanction on an educational institution;
- 8           o. Each sanction, suspension, or disciplinary action taken against the applicant, or  
9           any person named under subdivision g, arising out of occupational or  
10          professional conduct;
- 11          p. Whether there has been a denial of an application for, suspension or revocation  
12          of, refusal to renew, or abandonment of, the registration of the applicant, or any  
13          person named under subdivision g, as an athlete agent in any state;
- 14          q. Each state in which the applicant currently is registered as an athlete agent or  
15          has applied to be registered as an athlete agent;
- 16          r. If the applicant is certified or registered by a professional league or players  
17          association:
- 18                (1) The name of the league or association;  
19                (2) The date of certification or registration, and the date of expiration of the  
20                certification or registration, if any; and  
21                (3) If applicable, the date of any denial of an application for, suspension or  
22                revocation of, refusal to renew, withdrawal of, or termination of, the  
23                certification or registration or any reprimand or censure related to the  
24                certification or registration; and
- 25          s. Any additional information required by the secretary of state.
- 26          2. Instead of proceeding under subsection 1, an individual registered as an athlete agent  
27          in another state may apply for registration as an athlete agent in this state by  
28          submitting to the secretary of state:
- 29                a. A copy of the application for registration in the other state;

- 1           b. A statement that identifies any material change in the information on the  
2           application or verifies there is no material change in the information, signed under  
3           penalty of perjury; and
- 4           c. A copy of the certificate of registration from the other state.
- 5        3. The secretary of state shall issue a certificate of registration to an individual who  
6        applies for registration under subsection 2 if the secretary of state determines:
- 7           a. The application and registration requirements of the other state are substantially  
8           similar to or more restrictive than this chapter; and
- 9           b. The registration has not been revoked or suspended and no action involving the  
10          individual's conduct as an athlete agent is pending against the individual or the  
11          individual's registration in any state.
- 12       4. For purposes of implementing subsection 3, the secretary of state may:
- 13           a. Cooperate with national organizations concerned with athlete agent issues and  
14           agencies in other states which register athlete agents to develop a common  
15           registration form and determine which states have laws that are substantially  
16           similar to or more restrictive than this chapter; and
- 17           b. Exchange information, including information related to actions taken against  
18           registered athlete agents or their registrations, with those organizations and  
19           agencies.

20       **9-15.2-05. Certificate of registration - Issuance or denial - Renewal.**

- 21       1. Except as otherwise provided in subsection 2, the secretary of state shall issue a  
22       certificate of registration to an applicant for registration who complies with  
23       subsection 1 of section 9-15.2-04.
- 24       2. The secretary of state may refuse to issue a certificate of registration to an applicant  
25       for registration under subsection 1 of section 9-15.2-04 if the secretary of state  
26       determines that the applicant has engaged in conduct that significantly adversely  
27       reflects on the applicant's fitness to act as an athlete agent. In making the  
28       determination, the secretary of state may consider whether the applicant has:
- 29           a. Pleaded guilty or no contest to, has been convicted of, or has charges pending  
30           for, a crime that would involve moral turpitude or be a felony if committed in this  
31           state;



- 1           b. Made a materially false, misleading, deceptive, or fraudulent representation in the
- 2           application or as an athlete agent;
- 3           c. Engaged in conduct that would disqualify the applicant from serving in a fiduciary
- 4           capacity;
- 5           d. Engaged in conduct prohibited by section 9-15.2-13;
- 6           e. Had a registration as an athlete agent suspended, revoked, or denied in any
- 7           state;
- 8           f. Been refused renewal of registration as an athlete agent in any state;
- 9           g. Engaged in conduct resulting in imposition of a sanction, suspension, or
- 10          declaration of ineligibility to participate in an interscholastic, intercollegiate, or
- 11          professional athletic event on a student athlete or a sanction on an educational
- 12          institution; or
- 13          h. Engaged in conduct that adversely reflects on the applicant's credibility, honesty,
- 14          or integrity.
- 15         3. In making a determination under subsection 2, the secretary of state shall consider:
- 16           a. How recently the conduct occurred;
- 17           b. The nature of the conduct and the context in which it occurred; and
- 18           c. Other relevant conduct of the applicant.
- 19         4. An athlete agent registered under subsection 1 may apply to renew the registration by
- 20          submitting an application for renewal in a form prescribed by the secretary of state.
- 21          The applicant shall sign the application for renewal under penalty of perjury and
- 22          include current information on all matters required in an original application for
- 23          registration.
- 24         5. An athlete agent registered under subsection 3 of section 9-15.2-04 may renew the
- 25          registration by proceeding under subsection 4 or, if the registration in the other state
- 26          has been renewed, by submitting to the secretary of state copies of the application for
- 27          renewal in the other state and the renewed registration from the other state. The
- 28          secretary of state shall renew the registration if the secretary of state determines:
- 29           a. The registration requirements of the other state are substantially similar to or
- 30           more restrictive than this chapter; and

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

4           6. A certificate of registration or renewal of registration under this chapter is valid for  
5           two years.

6           **9-15.2-06. Suspension, revocation, or refusal to renew registration.**

7           1. The secretary of state may limit, suspend, revoke, or refuse to renew a registration of  
8           an individual registered under subsection 1 of section 9-15.2-05 for conduct that would  
9           have justified refusal to issue a certificate of registration under subsection 2 of section  
10          9-15.2-05.

11          2. The secretary of state may suspend or revoke the registration of an individual  
12          registered under subsection 3 of section 9-15.2-04 or renewed under subsection 5 of  
13          section 9-15.2-05 for any reason for which the secretary of state could have refused to  
14          grant or renew registration or for conduct that would justify refusal to issue a certificate  
15          of registration under subsection 2 of section 9-15.2-05.

16          **9-15.2-07. Temporary registration.**

17          The secretary of state may issue a temporary certificate of registration as an athlete agent  
18          while an application for registration or renewal of registration is pending.

19          **9-15.2-08. Registration and renewal fees.**

20          An application for registration or renewal of registration as an athlete agent must be  
21          accompanied by a fee in the following amount:

- 22          1. Two hundred fifty dollars for an initial application for registration;  
23          2. Two hundred fifty dollars for registration based on a certificate of registration issued by  
24          another state;  
25          3. One hundred fifty dollars for an application for renewal of registration; or  
26          4. One hundred fifty dollars for renewal of registration based on a renewal of registration  
27          in another state.

28          **9-15.2-09. Required form of agency contract.**

- 29          1. An agency contract must be in a record signed by the parties.  
30          2. An agency contract must contain:

- 1           a. A statement that the athlete agent is registered as an athlete agent in this state
- 2                   and a list of any other states in which the agent is registered as an athlete agent;
- 3           b. The amount and method of calculating the consideration to be paid by the
- 4                   student-athlete for services to be provided by the agent under the contract and
- 5                   any other consideration the agent has received or will receive from any other
- 6                   source for entering into the contract or providing the services;
- 7           c. The name of any person not listed in the agent's application for registration or
- 8                   renewal of registration which will be compensated because the athlete signed the
- 9                   contract;
- 10          d. A description of any expenses the athlete agrees to reimburse;
- 11          e. A description of the services to be provided to the athlete;
- 12          f. The duration of the contract; and
- 13          g. The date of execution.

14          3. Subject to subsection 7, an agency contract must contain a conspicuous notice in  
15             boldface type and in substantially the following form:

16                                   WARNING TO STUDENT-ATHLETE,

17          IF YOU SIGN THIS CONTRACT:

- 18           (1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT-ATHLETE
- 19                   IN YOUR SPORT;
- 20           (2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER SIGNING
- 21                   THIS CONTRACT OR BEFORE THE NEXT SCHEDULED ATHLETIC EVENT IN
- 22                   WHICH YOU PARTICIPATE, WHICHEVER OCCURS FIRST, BOTH YOU AND
- 23                   YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR THAT
- 24                   YOU HAVE ENTERED INTO THIS CONTRACT AND PROVIDE THE NAME AND
- 25                   CONTACT INFORMATION OF THE ATHLETE AGENT; AND
- 26           (3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT.
- 27                   CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR
- 28                   ELIGIBILITY AS A STUDENT-ATHLETE IN YOUR SPORT.
- 29          4. An agency contract must be accompanied by a separate record signed by the
- 30             student-athlete or, if the athlete is a minor, the parent or guardian of the athlete

1           acknowledging that signing the contract may result in the loss of the athlete's eligibility  
2           to participate in the athlete's sport.

3           5. A student-athlete or, if the athlete is a minor, the parent or guardian of the athlete may  
4           void an agency contract that does not conform to this section. If the contract is voided,  
5           any consideration received from the athlete agent under the contract to induce  
6           entering into the contract is not required to be returned.

7           6. At the time an agency contract is executed, the athlete agent shall give the  
8           student-athlete or, if the athlete is a minor, the parent or guardian of the athlete a copy  
9           in a record of the contract and the separate acknowledgment required by  
10          subsection 4.

11          7. If a student-athlete is a minor, an agency contract must be signed by the parent or  
12          guardian of the minor and the notice required by subsection 3 must be revised  
13          accordingly.

14          **9-15.2-10. Notice to educational institution.**

15          1. In this section, "communicating or attempting to communicate" means contacting or  
16          attempting to contact by an in-person meeting, a record, or any other method that  
17          conveys or attempts to convey a message.

18          2. Not later than seventy-two hours after entering an agency contract or before the next  
19          scheduled athletic event in which the student-athlete may participate, whichever  
20          occurs first, the athlete agent shall give notice in a record of the existence of the  
21          contract to the athletic director of the educational institution at which the athlete is  
22          enrolled or at which the agent has reasonable grounds to believe the athlete intends to  
23          enroll.

24          3. Not later than seventy-two hours after entering an agency contract or before the next  
25          scheduled athletic event in which the student-athlete may participate, whichever  
26          occurs first, the athlete shall inform the athletic director of the educational institution at  
27          which the athlete is enrolled that the athlete has entered an agency contract and the  
28          name and contact information of the athlete agent.

29          4. If an athlete agent enters an agency contract with a student-athlete and the athlete  
30          subsequently enrolls at an educational institution, the agent shall notify the athletic

- 1           director of the institution of the existence of the contract not later than seventy-two  
2           hours after the agent knew or should have known the athlete enrolled.
- 3        5. If an athlete agent has a relationship with a student-athlete before the athlete enrolls in  
4           an educational institution and receives an athletic scholarship from the institution, the  
5           agent shall notify the institution of the relationship not later than ten days after the  
6           enrollment if the agent knows or should have known of the enrollment and:
- 7           a. The relationship was motivated in whole or part by the intention of the agent to  
8           recruit or solicit the athlete to enter an agency contract in the future; or
- 9           b. The agent directly or indirectly recruited or solicited the athlete to enter an  
10           agency contract before the enrollment.
- 11        6. An athlete agent shall give notice in a record to the athletic director of any educational  
12           institution at which a student-athlete is enrolled before the agent communicates or  
13           attempts to communicate with:
- 14           a. The athlete or, if the athlete is a minor, a parent or guardian of the athlete, to  
15           influence the athlete or parent or guardian to enter into an agency contract; or
- 16           b. Another individual to have that individual influence the athlete or, if the athlete is  
17           a minor, the parent or guardian of the athlete to enter into an agency contract.
- 18        7. If a communication or attempt to communicate with an athlete agent is initiated by a  
19           student-athlete or another individual on behalf of the athlete, the agent shall notify in a  
20           record the athletic director of any educational institution at which the athlete is  
21           enrolled. The notification must be made not later than ten days after the  
22           communication or attempt.
- 23        8. An educational institution that becomes aware of a violation of this chapter by an  
24           athlete agent shall notify the secretary of state and any professional league or players  
25           association with which the institution is aware the agent is licensed or registered of the  
26           violation.
- 27        **9-15.2-11. Student-athlete's right to cancel.**
- 28        1. A student-athlete or, if the athlete is a minor, the parent or guardian of the athlete may  
29           cancel an agency contract by giving notice in a record of cancellation to the athlete  
30           agent not later than fourteen days after the contract is signed.

- 1       2. A student-athlete or, if the athlete is a minor, the parent or guardian of the athlete may  
2       not waive the right to cancel an agency contract.
- 3       3. If a student-athlete or parent or guardian cancels an agency contract, the athlete or  
4       parent or guardian is not required to pay any consideration under the contract or return  
5       any consideration received from the athlete agent to influence the athlete to enter into  
6       the contract.

7       **9-15.2-12. Required records.**

- 8       1. An athlete agent shall create and retain for five years records of the following:
- 9       a. The name and address of each individual represented by the agent;
- 10      b. Each agency contract entered by the agent; and
- 11      c. The direct costs incurred by the agent in the recruitment or solicitation of each  
12      student-athlete to enter an agency contract.
- 13      2. Records described in subsection 1 are open to inspection by the secretary of state  
14      during normal business hours.

15      **9-15.2-13. Prohibited conduct.**

- 16      1. An athlete agent, with the intent to influence a student-athlete or, if the athlete is a  
17      minor, a parent or guardian of the athlete to enter an agency contract, may not take  
18      any of the following actions or encourage any other individual to take or assist any  
19      other individual in taking any of the following actions on behalf of the agent:
- 20      a. Give materially false or misleading information or make a materially false promise  
21      or representation;
- 22      b. Furnish anything of value to the athlete before the athlete enters into the contract;  
23      or
- 24      c. Furnish anything of value to an individual other than the athlete or another  
25      registered athlete agent.
- 26      2. An athlete agent may not intentionally do any of the following or encourage any other  
27      individual to do any of the following on behalf of the agent:
- 28      a. Initiate contact, directly or indirectly, with a student-athlete or, if the athlete is a  
29      minor, a parent or guardian of the athlete, to recruit or solicit the athlete or parent  
30      or guardian to enter an agency contract unless registered under this chapter;

- 1           b. Fail to create or retain or to permit inspection of the records required by
- 2           section 9-15.2-12;
- 3           c. Fail to register when required by section 9-15.2-03;
- 4           d. Provide materially false or misleading information in an application for registration
- 5           or renewal of registration;
- 6           e. Predate or postdate an agency contract; or
- 7           f. Fail to notify a student-athlete or, if the athlete is a minor, a parent or guardian of
- 8           the athlete, before the athlete or parent or guardian signs an agency contract for
- 9           a particular sport that the signing may make the athlete ineligible to participate as
- 10          a student-athlete in that sport.

11          **9-15.2-14. Criminal penalty.**

12          An athlete agent who violates section 9-15.2-13 is guilty of a class A misdemeanor.

13          **9-15.2-15. Civil remedy.**

- 14          1. An educational institution or student-athlete may bring an action for damages against
- 15          an athlete agent if the institution or athlete is adversely affected by an act or omission
- 16          of the agent in violation of this chapter. An educational institution or student-athlete is
- 17          adversely affected by an act or omission of the agent only if, because of the act or
- 18          omission, the institution or an individual who was a student-athlete at the time of the
- 19          act or omission and enrolled in the institution:
- 20          a. Is suspended or disqualified from participation in an interscholastic or
- 21          intercollegiate sports event by or under the rules of a state or national federation
- 22          or association that promotes or regulates interscholastic or intercollegiate sports;
- 23          or
- 24          b. Suffers financial damage.
- 25          2. A plaintiff that prevails in an action under this section may recover damages, costs,
- 26          and reasonable attorney's fees. An athlete agent found liable under this section forfeits
- 27          any right of payment for anything of benefit or value provided to the student-athlete
- 28          and shall refund any consideration paid to the agent by or on behalf of the athlete.

29          **9-15.2-16. Civil penalty.**

30          The secretary of state may assess a civil penalty against an athlete agent not to exceed fifty

31          thousand dollars for a violation of this chapter.

1        **9-15.2-17. Uniformity of application and construction.**

2        In applying and construing this uniform Act, consideration must be given to the need to  
3 promote uniformity of the law with respect to its subject matter among states that enact it.

4        **9-15.2-18. Relation to the Electronic Signatures in Global and National Commerce**  
5 **Act.**

6        This chapter modifies, limits, or supersedes the Electronic Signatures in Global and  
7 National Commerce Act, 15 U.S.C. 7001 et seq., but does not modify, limit, or supersede  
8 section 101(c) of that Act, 15 U.S.C. 7001(c), or authorize electronic delivery of any of the  
9 notices described in section 103(b) of that Act, 15 U.S.C. 7003(b).

10        **SECTION 2. REPEAL.** Chapter 9-15.1 of the North Dakota Century Code is repealed.