

1 SB153
2 33308-9
3 By Senators Dial and Smitherman
4 RFD: Business and Labor
5 First Read: 06-FEB-2001

ACT No. 2001-701



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Enrolled, An Act,

Adopting the Alabama Uniform Athlete Agents Act; providing for administration, service of process and subpoenas; registration and voiding of contracts; issuance, renewal, and denial of certificate of registration; suspension, revocation, or refusal to renew registration; temporary registration; fees; form of contract; notice of contract; right to cancel contract; required records; prohibited conduct; criminal penalties, civil remedies, and administrative penalty; uniformity of application and construction; the composition and operation of the Alabama Athlete Agents Commission; disposition of money and fines in the Alabama Athlete Agents Fund; repealing Chapter 26, comprised of Sections 8-26-1 to 8-26-41, inclusive, of Title 8 of the Code of Alabama 1975; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Chapter 26A is added to Title 8 of the Code of Alabama 1975, to read as follows:

1 CHAPTER 26A.
2 ALABAMA UNIFORM ATHLETE AGENTS
3 ACT.

4 Article 1.
5 General Provisions.

6 §8-26A-1. Short title.

7 This chapter may be cited as the Alabama Uniform
8 Athlete Agents Act.

9 §8-26A-2. Definitions.

10 In this chapter the following words have the
11 following meanings:

12 (1) AGENCY CONTRACT. An agreement in which a
13 student-athlete authorizes a person to negotiate or solicit on
14 behalf of the student-athlete a professional-sports-services
15 contract or an endorsement contract.

16 (2) ATHLETE AGENT. An individual who enters into an
17 agency contract with a student-athlete or, directly or
18 indirectly, recruits or solicits a student-athlete to enter
19 into an agency contract. The term includes an individual who
20 represents to the public that the individual is an athlete
21 agent. The term does not include a spouse, parent, sibling,
22 grandparent, or legal guardian of the student-athlete or an

1 individual acting solely on behalf of a professional sports
2 team or professional sports organization.

3 (3) ATHLETIC DIRECTOR. An individual responsible for
4 administering the overall athletic program of an educational
5 institution or, if an educational institution has separately
6 administered athletic programs for male students and female
7 students, the athletic program for males or the athletic
8 program for females, as appropriate.

9 (4) COMMISSION. The Alabama Athlete Agents
10 Commission.

11 (5) CONTACT. A communication, direct or indirect,
12 between an athlete agent and a student-athlete, to recruit or
13 solicit the student-athlete to enter into an agency contract.

14 (6) ENDORSEMENT CONTRACT. An agreement under which a
15 student-athlete is employed or receives consideration to use
16 on behalf of the other party any value that the
17 student-athlete may have because of publicity, reputation,
18 following, or fame obtained because of athletic ability or
19 performance.

20 (7) INTERCOLLEGIATE SPORT. A sport played at the
21 collegiate level for which eligibility requirements for
22 participation by a student-athlete are established by a
23 national association for the promotion or regulation of
24 collegiate athletics.

25 (8) PERSON. An individual, corporation, business
26 trust, estate, trust, partnership, limited liability company,
27 association, joint venture, government; governmental

1 subdivision, agency, or instrumentality; public corporation,
2 or any other legal or commercial entity.

3 (9) PROFESSIONAL-SPORTS-SERVICES CONTRACT. An
4 agreement under which an individual is employed or agrees to
5 render services as a player on a professional sports team,
6 with a professional sports organization, or as a professional
7 athlete.

8 (10) RECORD. Information that is inscribed on a
9 tangible medium or that is stored in an electronic or other
10 medium and is retrievable in perceivable form.

11 (11) REGISTRATION. Registration as an athlete agent
12 pursuant to this chapter.

13 (12) STATE. A state of the United States, the
14 District of Columbia, Puerto Rico, the United States Virgin
15 Islands, or any territory or insular possession subject to the
16 jurisdiction of the United States.

17 (13) STUDENT-ATHLETE. An individual who engages in,
18 is eligible to engage in, or may be eligible in the future to
19 engage in, any intercollegiate sport. If an individual is
20 permanently ineligible to participate in a particular
21 intercollegiate sport, the individual is not a student-athlete
22 for purposes of that sport.

23 §8-26A-3. Administration; service of process;
24 subpoenas.

25 (a) The Secretary of State, subject to rules
26 promulgated by the commission, shall administer this chapter.

1 (b) By acting as an athlete agent in this state, a
2 nonresident individual submits to the jurisdiction of the
3 Secretary of State, the commission, and the courts of this
4 state. Process may be served on an athlete agent in accordance
5 with the Alabama Rules of Civil Procedure.

6 (c) The commission or the Secretary of State, or
7 both, may issue subpoenas for any material that is relevant to
8 the administration of this chapter.

9 §8-26A-4. Athlete agents; registration required;
10 void contracts.

11 (a) Except as otherwise provided in subsection (b),
12 an individual may not act as an athlete agent in this state
13 without holding a certificate of registration under Section
14 8-26A-6 or Section 8-26A-8.

15 (b) Before being issued a certificate of
16 registration, an individual may act as an athlete agent in
17 this state for all purposes except signing an agency contract,
18 if both of the following occur:

19 (1) A student-athlete or another person acting on
20 behalf of the student-athlete initiates communication with the
21 individual.

22 (2) Within 14 days after an initial act as an
23 athlete agent, the individual submits an application for
24 registration as an athlete agent in this state.

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

1 §8-26A-5. Registration as athlete agent; form;
2 requirements.

3 (a) An applicant for registration shall submit an
4 application for registration to the Secretary of State in a
5 form prescribed by the Secretary of State. The application
6 shall be in the name of an individual and, except as otherwise
7 provided in subsection (b), signed or otherwise authenticated
8 by the applicant under penalty of perjury and shall state or
9 contain all of the following:

10 (1) The name of the applicant and the address of the
11 applicant's principal place of business.

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

14 (3) Any business or occupation engaged in by the
15 applicant for the five years next preceding the date of
16 submission of the application.

17 (4) A description of the applicant's:
18 a. Formal training as an athlete agent.
19 b. Practical experience as an athlete agent.
20 c. Educational background relating to the
21 applicant's activities as an athlete agent.

22 (5) The names and addresses of three individuals not
23 related to the applicant who are willing to serve as
24 references.

25 (6) The name, sport, and last known team for each
26 individual for whom the applicant acted as an athlete agent

1 during the five years next preceding the date of submission of
2 the application.

3 (7) The names and addresses of all persons who are:

4 a. With respect to the athlete agent's business if
5 it is not a corporation, the partners, members, officers,
6 managers, associates, or profit-sharers of the business.

7 b. With respect to a corporation employing the
8 athlete agent, the officers, directors, and any shareholder of
9 the corporation having an interest of five percent or greater.

10 (8) Whether the applicant or any person named
11 pursuant to subdivision (7) has been convicted of a crime
12 that, if committed in this state, would be a crime involving
13 moral turpitude or a felony, and identify the crime.

14 (9) Whether there has been any administrative or
15 judicial determination that the applicant or any person named
16 pursuant to subdivision (7) has made a false, misleading,
17 deceptive, or fraudulent representation.

18 (10) Any instance in which the conduct of the
19 applicant or any person named pursuant to subdivision (7)
20 resulted in the imposition of a sanction, suspension, or
21 declaration of ineligibility to participate in an
22 interscholastic or intercollegiate athletic event on a
23 student-athlete or educational institution.

24 (11) Any sanction, suspension, or disciplinary
25 action taken against the applicant or any person named
26 pursuant to subdivision (7) arising out of occupational or
27 professional conduct.

1 (12) Whether there has been any denial of an
2 application for, suspension or revocation of, or refusal to
3 renew, the registration or licensure of the applicant or any
4 person named pursuant to subdivision (7) as an athlete agent
5 in any state.

6 (b) An individual who has submitted an application
7 for, and holds a certificate of, registration or licensure as
8 an athlete agent in another state, may submit a copy of the
9 application and certificate in lieu of submitting an
10 application in the form prescribed pursuant to subsection (a).
11 The Secretary of State shall accept the application and the
12 certificate from the other state as an application for
13 registration in this state if the application to the other
14 state meets all of the following criteria:

15 (1) It was submitted in the other state within six
16 months next preceding the submission of the application in
17 this state and the applicant certifies that the information
18 contained in the application is current.

19 (2) It contains information substantially similar to
20 or more comprehensive than that required in an application
21 submitted in this state.

22 (3) It was signed by the applicant under penalty of
23 perjury.

24 §8-26A-6. Certificate of registration; issuance or
25 denial; renewal.

26 (a) Except as otherwise provided in subsection (b),
27 the Secretary of State shall issue a certificate of

1 registration to an individual who complies with subsection (a)
2 of Section 8-26A-5 or whose application has been accepted
3 under subsection (b) of Section 8-26A-5.

4 (b) The Secretary of State may refuse to issue a
5 certificate of registration if the Secretary of State
6 determines that the applicant has engaged in conduct that has
7 a significant adverse effect on the applicant's fitness to act
8 as an athlete agent.

9 (c) In making the determination under subsection
10 (b), the Secretary of State may consider, without limitation,
11 whether the applicant has done any of the following:

12 (1) Been convicted of a crime that, if committed in
13 this state, would be a crime involving moral turpitude or a
14 felony.

15 (2) Made a materially false, misleading, deceptive,
16 or fraudulent representation in the application or as an
17 athlete agent.

18 (3) Engaged in conduct that would disqualify the
19 applicant from serving in a fiduciary capacity.

20 (4) Engaged in conduct prohibited by Section
21 8-26A-14.

22 (5) Had a registration or licensure as an athlete
23 agent suspended, revoked, or denied or been refused renewal of
24 registration or licensure as an athlete agent in any state.

25 (6) Engaged in conduct the consequence of which was
26 that a sanction, suspension, or declaration of ineligibility
27 to participate in an interscholastic or intercollegiate

1 athletic event was imposed on a student-athlete or educational
2 institution.

3 (7) Engaged in conduct that significantly adversely
4 reflects on the applicant's credibility, honesty, or
5 integrity.

6 (d) In making a determination under subsection (b),
7 the Secretary of State shall consider all of the following:

8 (1) How recently the conduct occurred.

9 (2) The nature of the conduct and the context in
10 which it occurred.

11 (3) Any other relevant conduct of the applicant.

12 (e) An athlete agent may apply to renew a
13 registration by submitting an application for renewal in a
14 form prescribed by the Secretary of State. The application for
15 renewal shall be signed by the applicant under penalty of
16 perjury and shall contain current information on all matters
17 required in an original registration.

18 (f) An individual who has submitted an application
19 for renewal of registration or licensure in another state, in
20 lieu of submitting an application for renewal in the form
21 prescribed pursuant to subsection (e), may file a copy of the
22 application for renewal and a valid certificate of
23 registration or licensure from the other state. The Secretary
24 of State shall accept the application for renewal from the
25 other state as an application for renewal in this state if the
26 application to the other state meets all of the following
27 criteria:

1 (1) It was submitted in the other state within six
2 months next preceding the filing in this state and the
3 applicant certifies the information contained in the
4 application for renewal is current.

5 (2) It contains information substantially similar to
6 or more comprehensive than that required in an application for
7 renewal submitted in this state.

8 (3) It was signed by the applicant under penalty of
9 perjury.

10 (g) A certificate of registration or a renewal of a
11 registration is valid for two years.

12 (h) A denial of a certificate of registration may be
13 appealed to the commission in accordance with the Alabama
14 Administrative Procedure Act. The following rules apply to an
15 appeal under this subsection.

16 (1) In the event that proper notice of appeal is
17 given to the Secretary of State, the Secretary of State shall
18 forward the file to the Chief Administrative Law Judge of the
19 Central Panel of Administrative Law Judges in the office of
20 the Attorney General, along with a request that an
21 administrative law judge be assigned to conduct the hearing of
22 the requested appeal.

23 (2) The administrative law judge designated to hear
24 the appeal shall proceed to give notice of the hearing under
25 the Administrative Procedure Act. The administrative law judge
26 shall conduct the hearing and provide the commission with

1 proposed findings of fact, conclusions of law, and a
2 recommendation.

3 (3) Upon receipt of the report of the administrative
4 law judge along with the file and record of the appeal, the
5 commission may adopt, alter, or reject the proposed findings
6 of the administrative law judge and issue the final order.

7 (4) The final order of the commission may be
8 appealed to the circuit court under the terms and standards
9 set out in the Administrative Procedure Act.

10 (5) Costs incurred by the state for any appeal to
11 the commission shall be paid by the Secretary of State from
12 monies appropriated for the implementation of this chapter.

13 §8-26A-7. Suspension, revocation, or refusal to
14 renew registration.

15 (a) The Secretary of State may propose to suspend,
16 revoke, or refuse to renew a registration for conduct that
17 would have justified denial of registration under subsection
18 (b) of Section 8-26A-6. If not appealed, the proposed action
19 of the Secretary of State is final after 14 days.

20 (b) A proposed suspension, revocation, or refusal to
21 renew a certificate of registration may be appealed to the
22 commission in accordance with the Alabama Administrative
23 Procedure Act. The following rules apply to an appeal under
24 this subsection.

25 (1) In the event that proper notice of appeal is
26 given to the Secretary of State, the Secretary of State shall
27 forward the file to the Chief Administrative Law Judge of the

1 Central Panel of Administrative Law Judges in the office of
2 the Attorney General, along with a request that an
3 administrative law judge be assigned to conduct the hearing of
4 the requested appeal.

5 (2) The administrative law judge designated to hear
6 the appeal shall proceed to give notice of the hearing under
7 the Administrative Procedure Act. The administrative law judge
8 shall conduct the hearing and provide the commission with
9 proposed findings of fact, conclusions of law, and a
10 recommendation.

11 (3) Upon receipt of the report of the administrative
12 law judge along with the file and record of the appeal, the
13 commission may adopt, alter, or reject the proposed findings
14 of the administrative law judge and issue the final order.

15 (4) The final order of the commission may be
16 appealed to the circuit court under the terms and standards
17 set out in the Administrative Procedure Act.

18 (5) Costs incurred by the state for any appeal to
19 the commission shall be paid by the Secretary of State from
20 monies appropriated for the implementation of this chapter.

21 §8-26A-8. Temporary registration.

22 The Secretary of State may issue a temporary
23 certificate of registration while an application for
24 registration or renewal of registration is pending.

25 §8-26A-9. Registration and renewal fees.

1 An application for registration or renewal of
2 registration shall be accompanied by a fee in the following
3 amount:

4 (1) Two hundred dollars (\$200) for an initial
5 application for registration.

6 (2) One hundred dollars (\$100) for an application
7 for registration based upon a certificate of registration or
8 licensure issued by another state.

9 (3) One hundred dollars (\$100) for an application
10 for renewal of registration.

11 (4) One hundred dollars (\$100) for an application
12 for renewal of registration based upon an application for
13 renewal of registration or licensure submitted in another
14 state.

15 §8-26A-10. Required form of contract.

16 (a) An agency contract shall be in a record, signed
17 or otherwise authenticated by the parties.

18 (b) An agency contract shall state or contain all of
19 the following:

20 (1) The amount and method of calculating the
21 consideration to be paid by the student-athlete for services
22 to be provided by the athlete agent under the contract and any
23 other consideration the athlete agent has received or will
24 receive from any other source for entering into the contract
25 or for providing the services.

26 (2) The name of any person not listed in the
27 application for registration or renewal of registration who

1 will be compensated because the student-athlete signed the
2 agency contract.

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

5 (4) A description of the services to be provided to
6 the student-athlete.

7 (5) The duration of the contract.

8 (6) The date of execution.

9 (c) An agency contract shall contain, in close
10 proximity to the signature of the student-athlete, a
11 conspicuous notice in boldface type in capital letters
12 stating:

13 WARNING TO STUDENT-ATHLETE

14 IF YOU SIGN THIS CONTRACT:

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

17 (2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72
18 HOURS AFTER ENTERING INTO THIS CONTRACT, OR BEFORE THE NEXT
19 SCHEDULED ATHLETIC EVENT IN WHICH YOU MAY PARTICIPATE,
20 WHICHEVER OCCURS FIRST, BOTH YOU AND YOUR ATHLETE AGENT MUST
21 NOTIFY YOUR ATHLETIC DIRECTOR AND

22 (3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS
23 AFTER SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT
24 REINSTATE YOUR ELIGIBILITY.

25 (d) An agency contract that does not conform to this
26 section is voidable by the student-athlete. If a
27 student-athlete voids an agency contract, the student-athlete

1 is not required to pay any consideration under the contract or
2 to return any consideration received from the athlete agent to
3 induce the student-athlete to enter into the contract.

4 (e) The athlete agent shall give a record of the
5 signed or otherwise authenticated agency contract to the
6 student-athlete at the time of execution.

7 §8-26A-11. Notice of contract to educational
8 institution.

9 (a) Within 72 hours after entering into an agency
10 contract or before the next scheduled athletic event in which
11 the student-athlete may participate, whichever occurs first,
12 the athlete agent shall give notice in a record of the
13 existence of the contract to the athletic director of the
14 educational institution at which the student-athlete is
15 enrolled or the athlete agent has reasonable grounds to
16 believe the student-athlete intends to enroll.

17 (b) Within 72 hours after entering into an agency
18 contract or before the next athletic event in which the
19 student-athlete may participate, whichever occurs first, the
20 student-athlete shall inform the athletic director of the
21 educational institution at which the student-athlete is
22 enrolled that he or she has entered into an agency contract.

23 §8-26A-12. Student-athlete's right to cancel.

24 (a) A student-athlete may cancel an agency contract
25 by giving notice of the cancellation to the athlete agent in a
26 record within 14 calendar days after the contract is signed.

1 (b) A student-athlete may not waive the right to
2 cancel an agency contract.

3 (c) If a student-athlete cancels an agency contract,
4 the student-athlete is not required to pay any consideration
5 under the contract or to return any consideration received
6 from the athlete agent to induce the student-athlete to enter
7 into the contract.

8 §8-26A-13. Required records.

9 (a) An athlete agent shall retain the following
10 records for a period of five years:

11 (1) The name and address of each individual
12 represented by the athlete agent.

13 (2) Any agency contract entered into by the athlete
14 agent.

15 (3) Any direct costs incurred by the athlete agent
16 in the recruitment or solicitation of a student-athlete to
17 enter into an agency contract.

18 (b) Records required by subsection (a) to be
19 retained are open to inspection by the Secretary of State or
20 the commission during normal business hours.

21 §8-26A-14. Prohibited conduct.

22 (a) An athlete agent, with the intent to induce a
23 student-athlete to enter into an agency contract, may not do
24 any of the following:

25 (1) Give any materially false or misleading
26 information or make a materially false promise or
27 representation.

1 (2) Furnish, directly or indirectly, any thing of
2 value to a student-athlete before the student-athlete enters
3 into the agency contract.

4 (3) Furnish, directly or indirectly, any thing of
5 value to any individual other than the student-athlete or
6 another registered athlete agent.

7 (b) An athlete agent may not intentionally do any of
8 the following:

9 (1) Initiate contact with a student-athlete unless
10 registered under this chapter.

11 (2) Refuse to permit inspection of the records
12 required to be retained by Section 8-26A-13.

13 (3) Fail to register when required by Section
14 8-26A-4.

15 (4) Provide materially false or misleading
16 information in an application for registration or renewal of
17 registration.

18 (5) Predate or postdate an agency contract.

19 (c) An athlete agent may not fail to notify a
20 student-athlete before the student-athlete signs or otherwise
21 authenticates an agency contract for a particular sport that
22 the signing or authentication may make the student-athlete
23 ineligible to participate as a student-athlete in that sport.

24 (d) A student-athlete or former student-athlete may
25 not do either of the following:

26 (1) Fail to give the notification to the athletic
27 director of the educational institution at which the

1 student-athlete or former student-athlete is enrolled that he
2 or she has entered into an agency contract.

3 (2) Accept anything from an athlete agent without
4 first entering into a contract in conformity with this
5 chapter.

6 §8-26A-15. Criminal penalties.

7 (a) The commission of any conduct prohibited by an
8 athlete agent in subsection (a) of Section 8-26A-14 and who
9 has intentionally not registered under this chapter is a Class
10 B felony.

11 (b) Except for subdivision (1) of subsection (b) of
12 Section 8-26A-14, the commission of any conduct prohibited by
13 an athlete agent in Section 8-26A-14 is a Class C felony.

14 (c) The commission of any conduct prohibited by an
15 athlete agent in subdivision (1) of subsection (b) of Section
16 8-26A-14 is a Class A misdemeanor.

17 (d) The commission of any conduct prohibited by a
18 student-athlete in Section 8-26A-14 is a Class A misdemeanor,
19 and in addition to penalties otherwise prescribed by law, an
20 individual having been convicted shall perform a minimum of 70
21 hours of community service.

22 §8-26A-16. Civil remedies.

23 (a) An educational institution has a right of action
24 against an athlete agent, student-athlete, or a former
25 student-athlete for damages caused by a violation of this
26 chapter. In an action under this section, the court may award
27 to the prevailing party costs and reasonable attorney's fees.

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

11 (c) A right of action under this section does not
12 accrue until the educational institution discovers or by the
13 exercise of reasonable diligence would have discovered the
14 violation by the athlete agent, student-athlete, or former
15 student-athlete.

16 (d) Any liability of the athlete agent,
17 student-athlete, or the former student-athlete under this
18 section is several and not joint.

19 (e) This chapter does not restrict rights, remedies,
20 or defenses of any person under law or equity.

21 §8-26A-17. Administrative penalty.

22 (a) The Secretary of State, with concurrence of the
23 Attorney General, may assess an administrative penalty against
24 an athlete agent not to exceed twenty-five thousand dollars
25 (\$25,000) for each violation of this chapter.

26 (b) The assessment of an administrative penalty may
27 be appealed to the commission in accordance with the Alabama

1 Administrative Procedure Act. The following rules apply to an
2 appeal under this subsection.

3 (1) In the event that proper notice of appeal is
4 given to the Secretary of State, the Secretary of State shall
5 forward the file to the Chief Administrative Law Judge of the
6 Central Panel of Administrative Law Judges in the office of
7 the Attorney General, along with a request that an
8 administrative law judge be assigned to conduct the hearing of
9 the requested appeal.

10 (2) The administrative law judge designated to hear
11 the appeal shall proceed to give notice of the hearing under
12 the Administrative Procedure Act. The administrative law judge
13 shall conduct the hearing and provide the commission with
14 proposed findings of fact, conclusions of law, and a
15 recommendation.

16 (3) Upon receipt of the report of the administrative
17 law judge along with the file and record of the appeal, the
18 commission may adopt, alter, or reject the proposed findings
19 of the administrative law judge and issue the final order.

20 (4) The final order of the commission may be
21 appealed to the circuit court under the terms and standards
22 set out in the Administrative Procedure Act.

23 (5) Costs incurred by the state for any appeal to
24 the commission shall be paid by the Secretary of State from
25 monies appropriated for the implementation of this chapter.

26 §8-26A-18. Uniformity of application and
27 construction.

1 In applying and construing this uniform act, consid-
2 eration shall be given to the need to promote uniformity of
3 the law with respect to its subject matter among states that
4 enact it.

5 Article II.
6 Commission and Disposition of
7 Funds.

8 §8-26A-30. Alabama Athlete Agents Commission
9 continued; members; terms of office; vacancies; reappointment;
10 oath; removal; officers; quorum; records; annual register;
11 employees, rules and regulations; compensation and expenses.

12 (a) The Alabama Athlete Agents Regulatory Commission
13 is continued in existence as the Alabama Athlete Agents
14 Commission. The commission shall consist of the Secretary of
15 State and 18 members to be appointed as follows:

16 (1) One member appointed by the Governor.

17 (2) One member appointed by the Lieutenant Governor.

18 (3) One member appointed by the Speaker of the
19 House.

20 (4) The athletic director or an individual appointed
21 by the athletic director at each of the following institutions
22 of higher education:

23 a. Auburn University.

24 b. University of Alabama, Tuscaloosa.

- 1 c. University of South Alabama.
- 2 d. Alabama State University.
- 3 e. Alabama A&M University.
- 4 f. Tuskegee University.
- 5 g. Troy State University.
- 6 h. Jacksonville State University.
- 7 i. University of North Alabama.
- 8 j. University of West Alabama.
- 9 k. Miles College.
- 10 l. University of Montevallo.
- 11 m. University of Alabama, Huntsville.
- 12 n. University of Alabama, Birmingham.

13 (5) One member appointed by the Alabama High School
14 Athletic Association.

15 (b) All appointed members of the commission shall be
16 citizens of the United States and residents of Alabama. The
17 term of each appointed commission member shall be three years
18 and members are eligible for reappointment. If a vacancy
19 occurs, the appointing power for the vacant position shall
20 appoint a successor who shall take office immediately and
21 serve the remainder of the unexpired term. Members of the
22 Alabama Athlete Agents Regulatory Commission serving on the
23 effective date of this chapter shall continue to serve on the
24 Alabama Athlete Agents Commission until their term expires.

25 (c) Within 15 days after their appointment, the
26 members of the commission shall take an oath before any person
27 lawfully authorized to administer oaths in this state to

1 faithfully and impartially perform their duties as members of
2 the commission, and the same shall be filed with the Secretary
3 of State.

4 (d) The Governor may remove from the commission any
5 appointed member for neglect of duty or other just cause.

6 (e) The commission shall elect annually a
7 chairperson, a vice chairperson, and a secretary-treasurer
8 from its members.

9 (f) A majority of the commission shall constitute a
10 quorum for the transaction of business.

11 (g) The Secretary of State shall keep records of the
12 commission's proceedings; and, in any proceeding in court,
13 civil or criminal, arising out of or founded upon any
14 provision of this chapter, copies of those records certified
15 as correct by the Secretary of State shall be admissible in
16 evidence as tending to prove the content of the records.

17 (h) The Secretary of State shall have printed and
18 published for distribution an annual register which shall
19 contain the names, arranged alphabetically, of all persons
20 registered under this chapter. The Secretary of State shall
21 also provide a quarterly report to the commission of all
22 agents registered during the quarter, any suspension or
23 revocation of registered agents during the quarter, and other
24 disciplinary action taken against an agent.

25 (i) The Secretary of State may employ such personnel
26 and arrange for such assistance, service, and supplies as it

1 may require for the performance of the duties of the
2 commission.

3 (j) The commission may promulgate, and from time to
4 time, amend rules and standards of conduct for athlete agents
5 appropriate for the protection of the residents of the state.
6 At least 35 days prior to the completion of notice of any such
7 rule or amendment, the Secretary of State shall mail copies of
8 the proposed rule or amendment to all persons registered under
9 this chapter, with a notice advising them of the completion of
10 notice of the rule or amendment and requesting that they
11 submit advisory comments thereon at least 15 days prior to the
12 completion of notice. Failure to receive by mail a rule,
13 amendment, or notice by all persons registered under this
14 chapter shall not affect the validity of any such rule or
15 amendment.

16 (k) Except for the Secretary of State, each member
17 of the commission shall be paid fifty dollars (\$50) for each
18 day the member is actively engaged in the discharge of
19 official duties as a member of the commission, and the member
20 shall also be paid actual necessary expenses incurred in the
21 discharge of official duties.

22 (l) The Alabama Athlete Agents Regulatory Commission
23 shall be subject to the Alabama Sunset Law, Title 41, Chapter
24 20, Code of Alabama 1975, as an enumerated agency as provided
25 in Section 41-20-3, and shall have a termination date of
26 October 1, 2003, and every four years thereafter, unless
27 continued pursuant to the Alabama Sunset Law.

1 §8-26A-31. Disposition of moneys and fines
2 collected; Alabama Athlete Agents Fund.

3 All moneys collected for registrations and all fines
4 collected for violations of this chapter shall be paid to the
5 Secretary of State, who shall deposit them in a special fund
6 in the State Treasury for the use of the commission.

7 There is hereby created in the State Treasury a fund
8 to be known and designated as the Alabama Athlete Agents Fund.
9 All funds, fees, charges, costs, and collections accruing to
10 or collected under the provisions of this chapter shall be
11 deposited into the State Treasury to the credit of the Alabama
12 Athlete Agents Fund.

13 Funds now or hereafter deposited in the State
14 Treasury to the credit of the Alabama Athlete Agents Fund may
15 not be expended for any purpose whatsoever unless the same
16 shall have been allotted and budgeted in accordance with
17 Article 4 of Chapter 4 of Title 41, and only in the amounts
18 and for the purposes provided by the Legislature in the
19 general appropriation bill or other appropriation bills.

20 Section 2. Although this bill would have as its
21 purpose or effect the requirement of a new or increased
22 expenditure of local funds, the bill is excluded from further
23 requirements and application under Amendment 621 because the
24 bill defines a new crime or amends the definition of an
25 existing crime.

1 Section 3. Chapter 26, comprised of Sections 8-26-1
2 to 8-26-41, inclusive, of Title 8 of the Code of Alabama 1975,
3 is repealed.

4 Section 4. This act is effective October 1, 2001.

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Ernie Hinson

President and Presiding Officer of the Senate

Ad P. / Huff

Speaker of the House of Representatives

SB153

Senate 13-MAR-2001
I hereby certify that the within Act originated in and passed
the Senate, as amended.

McDowell Lee
Secretary

House of Representatives
Amended and passed 17-MAY-2001

Senate concurred in House amendment 21-MAY-2001

By: Senator Dial

APPROVED 5-30-01
TIME 2:39 pm
[Signature]

GOVERNOR
Alabama Secretary of State