81A.23 DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of sections 81A.22 to 81A.37, the terms defined in this section have the meanings given them.

Subd. 2. **Agency contract.** "Agency contract" means an agreement in which a student athlete authorizes a person to negotiate or solicit on behalf of the athlete a professional sports services contract or endorsement contract.

Subd. 3. **Athlete agent.** (a) "Athlete agent" means an individual, whether or not registered under sections 81A.22 to 81A.37, who:

(1) directly or indirectly recruits or solicits a student athlete to enter into an agency contract or, for compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for a student athlete as a professional athlete or member of a professional sports team or organization;

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

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

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

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

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

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

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

(b) The term does not include an individual who:

(1) acts solely on behalf of a professional sports team or organization; or

(2) is a licensed, registered, or certified professional and offers or provides services to a student athlete customarily provided by members of the profession, unless the individual:

(i) also recruits or solicits the athlete to enter into an agency contract;

(ii) also, for compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for the athlete as a professional athlete or member of a professional sports team or organization; or

(iii) receives consideration for providing the services calculated using a different method than for an individual who is not a student athlete.

Subd. 4. **Athletic director.** "Athletic director" means the individual responsible for administering the overall athletic program of an educational institution or, if an educational institution has separately

administered athletic programs for male students and female students, the athletic program for males or the athletic program for females, as appropriate.

Subd. 5. **Commissioner.** "Commissioner" means the commissioner of commerce.

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

Subd. 7. **Endorsement contract.** "Endorsement contract" means an agreement under which a student athlete is employed or receives consideration to use on behalf of the other party any value that the athlete may have because of publicity, reputation, following, or fame obtained because of athletic ability or performance.

Subd. 8. **Enrolled or enrolls.** "Enrolled" or "enrolls" means registered for courses and attending athletic practice or class.

Subd. 9. **Intercollegiate sport.** "Intercollegiate sport" means a sport played at the collegiate level for which eligibility requirements for participation by a student athlete are established by a national association that promotes or regulates collegiate athletics.

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

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

Subd. 12. **Person.** "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

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

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

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

Subd. 16. **Registration.** "Registration" means registration as an athlete agent under sections 81A.22 to 81A.37.

Subd. 17. **Sign.** "Sign" means, with present intent to authenticate or adopt a record:

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

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

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

Subd. 19. **Student athlete.** "Student athlete" means an individual who is eligible to attend an educational institution and engages in, is eligible to engage in, or may be eligible in the future to engage in, any interscholastic or intercollegiate sport. The term does not include an individual permanently ineligible to participate in a particular interscholastic or intercollegiate sport for that sport.

History: *2018 c 192 art 1 s 2*