CHAPTER 81A

REVISED UNIFORM ATHLETE AGENTS ACT

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81A.01 MS 2016 [Repealed, 2018 c 192 art 1 s 14]

81A.02 MS 2016 [Repealed, 2018 c 192 art 1 s 14]

81A.03 MS 2016 [Renumbered 81A.24]

81A.04 MS 2016 [Repealed, 2018 c 192 art 1 s 14]

81A.05 MS 2016 [Repealed, 2018 c 192 art 1 s 14]

81A.06 MS 2016 [Repealed, 2018 c 192 art 1 s 14]

81A.07 MS 2016 [Repealed, 2018 c 192 art 1 s 14]

81A.08 [Repealed, 2014 c 222 art 1 s 58]

81A.09 MS 2016 [Renumbered 81A.30]

81A.10 MS 2016 [Repealed, 2018 c 192 art 1 s 14]

81A.11 MS 2016 [Repealed, 2018 c 192 art 1 s 14]

81A.12 MS 2016 [Repealed, 2018 c 192 art 1 s 14]

81A.13 MS 2016 [Repealed, 2018 c 192 art 1 s 14]

81A.14 MS 2016 [Repealed, 2018 c 192 art 1 s 14]

81A.15 MS 2016 [Renumbered 81A.36]

81A.16 MS 2016 [Renumbered 81A.361]

81A.17 MS 2016 [Renumbered 81A.362]

81A.18 [Repealed, 2014 c 222 art 1 s 58]

81A.19 MS 2016 [Repealed, 2018 c 192 art 1 s 14]

81A.20 MS 2016 [Repealed, 2018 c 192 art 1 s 14]

81A.21 MS 2016 [Repealed, 2018 c 192 art 1 s 14]

81A.22 SHORT TITLE.

Sections 81A.22 to 81A.37 may be cited as the "Revised Uniform Athlete Agents Act."

History: *2018 c 192 art 1 s 1*

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*

81A.24 SERVICE OF PROCESS; INVESTIGATING POWERS.

Subdivision 1. **Appointment of agent.** By acting as an athlete agent in this state, a nonresident individual appoints the commissioner as the individual's agent for service of process in any civil action in this state related to the individual's acting as an athlete agent in this state.

Subd. 2. **Subpoena and enforcement powers.** The commissioner may issue subpoenas for any material that is relevant to the administration of sections 81A.22 to 81A.37 and exercise other enforcement powers available to the commissioner under chapter 45.

History: *2002 c 332 s 3; 2018 c 192 art 2 s 2*

81A.25 CERTIFICATE OF REGISTRATION REQUIRED.

Subdivision 1. **Required.** Except as otherwise provided in subdivision 2, an individual may not act as an athlete agent in this state without holding a certificate of registration under section 81A.27.

Subd. 2. **Exceptions.** Before being issued a certificate of registration under section 81A.27, an individual may act as an athlete agent in this state for all purposes, except signing an agency contract, if:

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

(2) not later than seven days after an initial act that requires the individual to register as an athlete agent, the individual submits an application for registration as an athlete agent in this state.

Subd. 3. **Nonregistration; effect on agency contract.** An agency contract resulting from conduct in violation of this section is void, and the athlete agent shall return any consideration received under the contract.

History: *2018 c 192 art 1 s 3*

81A.26 REGISTRATION APPLICATION.

Subdivision 1. **Form and content.** An applicant for registration as an athlete agent shall submit an application for registration to the commissioner in a form prescribed by the commissioner. The applicant must be an individual, and the application must be signed by the applicant under penalty of perjury. The application must contain at least the following:

(1) the name and date and place of birth of the applicant and the following contact information for the applicant:

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

(ii) work and mobile telephone numbers; and

(iii) any means of communicating electronically, including a facsimile number, electronic mail address, and personal and business or employer websites;

(2) the name of the applicant's business or employer, if applicable, including for each business or employer, its mailing address, telephone number, organization form, and the nature of the business;

(3) each social media account with which the applicant or the applicant's business or employer is affiliated;

(4) each business or occupation in which the applicant engaged within five years before the date of the application, including self-employment and employment by others, and any professional or occupational license, registration, or certification held by the applicant during that time;

(5) a description of the applicant's:

(i) formal training as an athlete agent;

(ii) practical experience as an athlete agent; and

(iii) educational background relating to the applicant's activities as an athlete agent;

(6) the name of each student athlete for whom the applicant acted as an athlete agent within five years before the date of the application or, if the individual is a minor, the name of the parent or guardian of the minor, together with the athlete's sport and last known team;

(7) the name and address of each person that:

(i) is a partner, member, officer, manager, associate, or profit sharer or directly or indirectly holds an equity interest of five percent or greater of the athlete agent's business if it is not a corporation; and

(ii) is an officer or director of a corporation employing the athlete agent or a shareholder having an interest of five percent or greater in the corporation;

(8) a description of the status of any application by the applicant, or any person named under clause (7), for a state or federal business, professional, or occupational license, other than as an athlete agent, from a state or federal agency, including any denial, refusal to renew, suspension, withdrawal, or termination of the license and any reprimand or censure related to the license;

(9) whether the applicant, or any person named under clause (7), has pleaded guilty or no contest to, has been convicted of, or has charges pending for, a crime that would involve moral turpitude or be a felony if committed in this state and, if so, identification of:

(i) the crime;

(ii) the law enforcement agency involved; and

(iii) if applicable, the date of the conviction and the fine or penalty imposed;

(10) whether, within 15 years before the date of application, the applicant, or any person named under clause (7), has been a defendant or respondent in a civil proceeding, including a proceeding seeking an adjudication of legal incompetence and, if so, the date and a full explanation of each proceeding;

(11) whether the applicant, or any person named under clause (7), has an unsatisfied judgment or a judgment of continuing effect, including spousal maintenance or a domestic order in the nature of child support, which is not current at the date of the application;

(12) whether, within ten years before the date of application, the applicant, or any person named under clause (7), was adjudicated bankrupt or was an owner of a business that was adjudicated bankrupt;

(13) whether there has been any administrative or judicial determination that the applicant, or any person named under clause (7), made a false, misleading, deceptive, or fraudulent representation;

(14) each instance in which conduct of the applicant, or any person named under clause (7), resulted in the imposition of a sanction, suspension, or declaration of ineligibility to participate in an interscholastic, intercollegiate, or professional athletic event on a student athlete or a sanction on an educational institution;

(15) each sanction, suspension, or disciplinary action taken against the applicant, or any person named under clause (7), arising out of occupational or professional conduct;

(16) whether there has been a denial of an application for, suspension or revocation of, refusal to renew, or abandonment of, the registration of the applicant, or any person named under clause (7), as an athlete agent in any state;

(17) each state in which the applicant currently is registered as an athlete agent or has applied to be registered as an athlete agent;

(18) if the applicant is certified or registered by a professional league or players association:

(i) the name of the league or association;

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

(iii) if applicable, the date of a denial of an application for, suspension or revocation of, refusal to renew, withdrawal of, or termination of, the certification or registration or any reprimand or censure related to the certification or registration; and

(19) any additional information required by the commissioner.

Subd. 2. **Reciprocal registration.** (a) Instead of proceeding under subdivision 1, an individual registered as an athlete agent in another state may apply for registration as an athlete agent in this state by submitting to the commissioner:

(1) a copy of the application for registration in the other state;

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

(3) a copy of the certificate of registration from the other state.

(b) The commissioner shall issue a certificate of registration to an individual who applies for registration under this subdivision if the commissioner determines:

(1) the application and registration requirements of the other state are substantially similar to or more restrictive than sections 81A.22 to 81A.37; and

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

(c) For purposes of implementing paragraph (b), the commissioner shall:

(1) cooperate with national organizations concerned with athlete agent issues and agencies in other states that register athlete agents to develop a common registration form and determine which states have laws that are substantially similar to or more restrictive than sections 81A.22 to 81A.37; and

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

History: *2018 c 192 art 1 s 4*

81A.27 REGISTRATION ISSUANCE AND RENEWAL.

Subdivision 1. **Issuance.** Except as otherwise provided in subdivision 2, the commissioner shall issue a certificate of registration to an applicant for registration who complies with section 81A.26, subdivision 1.

Subd. 2. **Refusal to issue.** (a) The commissioner may refuse to issue a certificate of registration to an applicant for registration under section 81A.26, subdivision 1, if the commissioner determines that the applicant has engaged in conduct that significantly adversely reflects on the applicant's fitness to act as an athlete agent. In making the determination, the commissioner may consider whether the applicant has:

(1) pleaded guilty or no contest to, has been convicted of, or has charges pending for, a crime that would involve moral turpitude or be a felony if committed in this state;

(2) made a materially false, misleading, deceptive, or fraudulent representation in the application or as an athlete agent;

(3) engaged in conduct that would disqualify the applicant from serving in a fiduciary capacity;

(4) engaged in conduct prohibited by section 81A.35;

(5) had a registration as an athlete agent suspended, revoked, or denied in any state;

(6) been refused renewal of registration as an athlete agent in any state;

(7) engaged in conduct resulting in imposition of a sanction, suspension, or declaration of ineligibility to participate in an interscholastic, intercollegiate, or professional athletic event on a student athlete or a sanction on an educational institution; or

(8) engaged in conduct that adversely reflects on the applicant's credibility, honesty, or integrity.

(b) In making a determination under paragraph (a), the commissioner shall consider:

(1) how recently the conduct occurred;

(2) the nature of the conduct and the context in which it occurred; and

(3) other relevant conduct of the applicant.

Subd. 3. **Renewal.** (a) An athlete agent registered under subdivision 1 may apply to renew the registration by submitting an application for renewal in a form prescribed by the commissioner. The applicant shall sign the application for renewal under penalty of perjury and include current information on all matters required in an original application for registration.

(b) An athlete agent registered under section 81A.26, subdivision 2, may renew the registration by proceeding under paragraph (a) or, if the registration in the other state has been renewed, by submitting to the commissioner copies of the application for renewal in the other state and the renewed registration from the other state. The commissioner shall renew the registration if the commissioner determines:

(1) the registration requirements of the other state are substantially similar to or more restrictive than sections 81A.22 to 81A.37; and

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

Subd. 4. **Term.** A certificate of registration or renewal of registration under sections 81A.22 to 81A.37 is valid for two years.

History: *2018 c 192 art 1 s 5*

81A.28 SUSPENSION, REVOCATION, OR REFUSAL TO RENEW REGISTRATION.

(a) The commissioner may limit, suspend, revoke, or refuse to renew a registration of an individual registered under section 81A.27, subdivision 1, for conduct that would have justified refusal to issue a certificate of registration under section 81A.27, subdivision 2.

(b) The commissioner may suspend or revoke the registration of an individual registered under section 81A.26, subdivision 2, paragraph (b), or renewed under section 81A.27, subdivision 3, paragraph (b), for any reason for which the commissioner could have refused to grant or renew registration or for conduct that would justify refusal to issue a certificate of registration under section 81A.27, subdivision 2.

History: *2018 c 192 art 1 s 6*

81A.29 TEMPORARY REGISTRATION.

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

History: *2018 c 192 art 1 s 7*

81A.30 REGISTRATION AND RENEWAL FEES.

An application for registration must be accompanied by a $500 fee. An application for renewal of registration must be accompanied by a $400 fee.

History: *2002 c 332 s 9; 2018 c 192 art 2 s 2*

81A.31 AGENCY CONTRACT.

Subdivision 1. **Form.** An agency contract must be in a record signed by the parties.

Subd. 2. **Content.** An agency contract must contain:

(1) a statement that the athlete agent is registered as an athlete agent in this state and a list of any other states in which the agent is registered as an athlete agent;

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

(3) the name of any person not listed in the agent's application for registration or renewal of registration that will be compensated because the athlete signed the contract;

(4) a description of any expenses the athlete agrees to reimburse;

(5) a description of the services to be provided to the athlete;

(6) the duration of the contract; and

(7) the date of execution.

Subd. 3. **Warning and cancellation right.** Subject to subdivision 5, an agency contract must contain a conspicuous notice in boldface type and in substantially the following form:

WARNING TO STUDENT ATHLETE

IF YOU SIGN THIS CONTRACT:

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

(2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER SIGNING THIS CONTRACT OR BEFORE THE NEXT SCHEDULED ATHLETIC EVENT IN WHICH YOU PARTICIPATE, WHICHEVER OCCURS FIRST, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR THAT YOU HAVE ENTERED INTO THIS CONTRACT AND PROVIDE THE NAME AND CONTACT INFORMATION OF THE ATHLETE AGENT; AND

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

Subd. 4. **Separate acknowledgment.** An agency contract must be accompanied by a separate record signed by the student athlete or, if the athlete is a minor, the parent or guardian of the athlete acknowledging that signing the contract may result in the loss of the athlete's eligibility to participate in the athlete's sport.

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

Subd. 6. **Special requirements applicable to a contract with a minor.** If a student athlete is a minor, an agency contract must be signed by the parent or guardian of the minor and the notice required by subdivision 3 must be revised accordingly. At the time an agency contract is executed, the athlete agent shall

give the student athlete or, if the athlete is a minor, the parent or guardian of the athlete a copy in a record of the contract and the separate acknowledgment required by subdivision 4.

History: *2018 c 192 art 1 s 8*

81A.32 REQUIRED NOTICES.

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

Subd. 2. **Athlete agent notice.** (a) Not later than 72 hours after entering into an agency contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, the athlete agent shall give notice in a record of the existence of the contract to the athletic director of the educational institution at which the athlete is enrolled or at which the agent has reasonable grounds to believe the athlete intends to enroll.

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

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

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

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

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

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

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

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

Subd. 3. **Student athlete notice.** Not later than 72 hours after entering into an agency contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, the athlete shall inform the athletic director of the educational institution at which the athlete is enrolled that the athlete has entered into an agency contract and the name and contact information of the athlete agent.

Subd. 4. **Educational institution notice.** An educational institution that becomes aware of a violation of sections 81A.22 to 81A.37 by an athlete agent shall notify the commissioner and any professional league or players association with which the institution is aware the agent is licensed or registered of the violation.

History: *2018 c 192 art 1 s 9*

81A.33 STUDENT ATHLETE'S RIGHT TO CANCEL.

Subdivision 1. **Requirement.** A student athlete or, if the athlete is a minor, the parent or guardian of the athlete may cancel an agency contract by giving notice in a record of cancellation to the athlete agent not later than 14 days after the contract is signed.

Subd. 2. **Nonwaivability.** A student athlete or, if the athlete is a minor, the parent or guardian of the athlete may not waive the right to cancel an agency contract.

Subd. 3. **Consideration.** If a student athlete, parent, or guardian cancels an agency contract, the athlete, parent, or guardian is not required to pay any consideration under the contract or return any consideration received from the athlete agent to influence the athlete to enter into the contract.

History: *2018 c 192 art 1 s 10*

81A.34 REQUIRED RECORDS.

Subdivision 1. **Retention; specification.** An athlete agent shall create and retain for five years records of the following:

(1) the name and address of each individual represented by the agent;

(2) each agency contract entered into by the agent; and

(3) the direct costs incurred by the agent in the recruitment or solicitation of each student athlete to enter into an agency contract.

Subd. 2. **Inspection.** Records described in subdivision 1 are open to inspection by the commissioner during normal business hours.

History: *2018 c 192 art 1 s 11*

81A.35 PROHIBITED CONDUCT.

Subdivision 1. **Conduct intended to induce student athlete to contract.** An athlete agent, with the intent to influence a student athlete or, if the athlete is a minor, a parent or guardian of the athlete to enter into an agency contract, may not take any of the following actions or encourage any other individual to take or assist any other individual in taking any of the following actions on behalf of the agent:

(1) give materially false or misleading information or make a materially false promise or representation;

(2) furnish anything of value to the athlete before the athlete enters into the contract; or

(3) furnish anything of value to an individual other than the athlete or another registered athlete agent.

Subd. 2. **Other intentional conduct.** An athlete agent may not intentionally do any of the following or encourage any other individual to do any of the following on behalf of the agent:

(1) initiate contact, directly or indirectly, with a student athlete or, if the athlete is a minor, a parent or guardian of the athlete, to recruit or solicit the athlete, parent, or guardian to enter an agency contract unless registered under sections 81A.22 to 81A.37;

(2) fail to create or retain or to permit inspection of the records required by section 81A.34;

(3) fail to register when required by section 81A.25;

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

(5) predate or postdate an agency contract; or

(6) fail to notify a student athlete or, if the athlete is a minor, a parent or guardian of the athlete, before the athlete, parent, or guardian signs an agency contract for a particular sport that the signing may make the athlete ineligible to participate as a student athlete in that sport.

Subd. 3. **Misconduct of athlete agents.** An athlete agent must not violate section 325E.33.

History: *2018 c 192 art 1 s 12*

81A.36 CRIMINAL PENALTIES.

An athlete agent who violates section 81A.35 is guilty of a gross misdemeanor.

History: *2002 c 332 s 15; 2018 c 192 art 2 s 2*

81A.361 CIVIL REMEDIES.

Subdivision 1. **Private right of action by educational institution.** An educational institution has a right of action against an athlete agent or a former student athlete for damages caused by a violation of sections 81A.22 to 81A.37. In an action under this section, the court may award costs and reasonable attorney's fees.

Subd. 2. **Damages.** Damages of an educational institution under subdivision 1 include losses and expenses incurred because, as a result of the conduct of an athlete agent or former student athlete, the educational institution was injured by a violation of sections 81A.22 to 81A.37 or was penalized, disqualified, or suspended from participation in athletics by a national association for the promotion and regulation of athletics, by an athletic conference, or by reasonable self-imposed disciplinary action taken to mitigate sanctions likely to be imposed by such an organization.

Subd. 3. **Accrual of action.** A right of action under this section does not accrue until the educational institution discovers, or by the exercise of reasonable diligence would have discovered, the violation by the athlete agent or former student athlete.

Subd. 4. **Several liability.** Any liability of the athlete agent or the former student athlete under this section is several and not joint.

Subd. 5. **Other rights, remedies, or defenses.** Sections 81A.22 to 81A.37 do not restrict rights, remedies, or defenses of any person under law or equity.

History: *2002 c 332 s 16; 2018 c 192 art 2 s 2*

81A.362 ADMINISTRATIVE PENALTY.

The commissioner may assess a civil penalty against an athlete agent not to exceed $25,000 for a violation of sections 81A.22 to 81A.37, in accordance with chapters 14 and 45.

History: *2002 c 332 s 17; 2018 c 192 art 2 s 2*

81A.37 RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.

Sections 81A.22 to 81A.37 modify, limit, or supersede the Electronic Signatures in Global and National Commerce Act, United States Code, title 15, section 7001 et seq., but do not modify, limit, or supersede section 101(c) of that act, United States Code, title 15, section 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, United States Code, title 15, section 7003(b).

History: *2018 c 192 art 1 s 13*