SB317
172521-4
By Senators Allen and Waggoner
RFD: Governmental Affairs
First Read: 01-MAR-16
ENROLLED, An Act,

Relating to athlete agents, to enact the Revised Uniform Athlete Agents Act, to provide for the registration of athlete agents and the regulation of the relationship between athlete agents and student athletes; to provide definitions, licensing requirements, reciprocal licensing, agency contract requirements, notification requirements, criminal and civil penalties, and civil remedies; and, in this connection, to add Chapter 26B (commencing with Section 8-26B-1), and repeal Chapter 26A (commencing with Section 8-26A-1) 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, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Chapter 26B (commencing with Section 8-26B-1) is added to Title 8 of the Code of Alabama 1975, to read as follows:

Chapter 26B. Revised Uniform Athlete Agents Act.

Article 1.
General Provisions.

§8-26B-1. Short title. This chapter may be cited as the Revised Uniform Athlete Agents Act (2016).

§8-26B-2. Definitions. In this chapter:

(1) "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.

(2) "Athlete agent":

(A) means an individual, whether or not registered under this chapter, who:

(i) 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;

(ii) 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

(iii) 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; but

(B) does not include an individual who:

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

(ii) 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.

(3) "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.

(4) "Educational institution" includes a public or private elementary school, secondary school, technical or vocational school, community college, college, and university.

(5) "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.

(6) "Enrolled" means registered for courses and attending athletic practice or class. "Enrolls" has a corresponding meaning.

(7) "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.

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

(9) "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.

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

(11) "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.
(12) "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.

(13) "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.

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

(15) "Sign" means, with present intent to authenticate or adopt a record:

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

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

(16) "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.

(17) "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.

§8-26B-3. Secretary of State; authority; procedure.
(a) The Alabama Administrative Procedure Act applies
to this chapter. The Secretary of State may adopt rules under
the act to implement this chapter.
(b) By acting as an athlete agent in this state, a
nonresident individual appoints the Secretary of State as the
individual's agent for service of process in any civil action
in this state related to the individual acting as an athlete
agent in this state.

§8-26B-4. Athlete agent: Registration required; void
contract.
(a) Except as otherwise provided in subsection (b),
an individual may not act as an athlete agent in this state
without holding a certificate of registration under this
chapter.
(b) Before being issued a certificate of
registration under this chapter, 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.

(c) 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.

§8-26B-5. Registration as athlete agent; application; requirements; reciprocal registration.

(a) An applicant for registration as an athlete agent shall submit an application for registration to the Secretary of State in a form prescribed by the Secretary of State. 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:

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

(B) work and mobile telephone numbers; and
(C) 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:

   (A) formal training as an athlete agent;

   (B) practical experience as an athlete agent; and

   (C) 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:
(A) 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
(B) 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 paragraph (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
paragraph (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:
(A) the crime;
(B) the law-enforcement agency involved; and
(C) 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 paragraph (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 paragraph (7), has an unsatisfied judgment or a judgment of continuing effect, including alimony or a domestic order in the nature of child support, which is not current at the date of the application;

(12) whether, within 10 years before the date of application, the applicant, or any person named under paragraph (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 paragraph (7), made a false, misleading, deceptive, or fraudulent representation;

(14) each instance in which conduct of the applicant, or any person named under paragraph (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 paragraph (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 paragraph (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:

(A) the name of the league or association;

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

(C) if applicable, the date of any 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 Secretary of State.

(b) Instead of proceeding under subsection (a), 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 Secretary of State:

(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.

(c) The Secretary of State shall issue a certificate of registration to an individual who applies for registration under subsection (b) if the Secretary of State determines:

(1) the application and registration requirements of the other state are substantially similar to or more restrictive than this chapter; 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.
(d) For purposes of implementing subsection (c), the Secretary of State shall:

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

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

§8-26B-6. Certificate of registration; issuance or denial; renewal.

(a) Except as otherwise provided in subsection (b), the Secretary of State shall issue a certificate of registration to an applicant for registration who complies with Section 8-26B-5(a).

(b) The Secretary of State may refuse to issue a certificate of registration to an applicant for registration under Section 8-26B-5(a) if the Secretary of State 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 Secretary of State 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
SB317

1 involve moral turpitude or be a felony if committed in this
2 state;
3
4 (2) made a materially false, misleading, deceptive,
5 or fraudulent representation in the application or as an
6 athlete agent;
7
8 (3) engaged in conduct that would disqualify the
9 applicant from serving in a fiduciary capacity;
10
11 (4) engaged in conduct prohibited by Section
12 8-26B-14;
13
14 (5) had a registration as an athlete agent
15 suspended, revoked, or denied in any state;
16
17 (6) been refused renewal of registration as an
18 athlete agent in any state;
19
20 (7) engaged in conduct resulting in imposition of a
21 sanction, suspension, or declaration of ineligibility to
22 participate in an interscholastic, intercollegiate, or
23 professional athletic event on a student athlete or a sanction
24 on an educational institution; or
25
26 (8) engaged in conduct that adversely reflects on
27 the applicant's credibility, honesty, or integrity.
28
29 (c) In making a determination under subsection (b),
30 the Secretary of State shall consider:
31
32 (1) how recently the conduct occurred;
33
34 (2) the nature of the conduct and the context in
35 which it occurred; and

Page 15
(3) other relevant conduct of the applicant.

(d) An athlete agent registered under subsection (a) may apply to renew the registration by submitting an application for renewal in a form prescribed by the Secretary of State. 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.

(e) An athlete agent registered under Section 8-26B-5(c) may renew the registration by proceeding under subsection (d) or, if the registration in the other state has been renewed, by submitting to the Secretary of State copies of the application for renewal in the other state and the renewed registration from the other state. The Secretary of State shall renew the registration if the Secretary of State determines:

(1) the registration requirements of the other state are substantially similar to or more restrictive than this chapter; 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.

(f) A certificate of registration or renewal of registration under this chapter is valid for two years.
§8-26B-7. Suspension, revocation, or refusal to renew registration.

(a) The Secretary of State may limit, suspend, revoke, or refuse to renew a registration of an individual registered under Section 8-26B-6(a) for conduct that would have justified refusal to issue a certificate of registration under Section 8-26B-6(b).

(b) The Secretary of State may suspend or revoke the registration of an individual registered under Section 8-26B-5(c) or renewed under Section 8-26B-6(e) for any reason for which the Secretary of State could have refused to grant or renew registration or for conduct that would justify refusal to issue a certificate of registration under Section 8-26B-6(b).

§8-26B-8. Temporary registration.

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

§8-26B-9. Registration and renewal fees.

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

(1) Two hundred dollars ($200) for an initial application for registration;
(2) One hundred dollars ($100) for registration based on a certificate of registration issued by another state;

(3) One hundred dollars ($100) for an application for renewal of registration; or

(4) One hundred dollars ($100) for renewal of registration based on a renewal of registration in another state.

§8-26B-10. Required form of agency contract.

(a) An agency contract must be in a record signed by the parties.

(b) 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 which 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.

(c) Subject to subsection (g), 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.
(d) 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.

(e) 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.

(f) 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 acknowledgement required by subsection (d).

(g) 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 subsection (c) must be revised accordingly.

§8-26B-11. Notice to educational institution.

(a) 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.

(b) 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.

(c) 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.

(d) 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.

(e) 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 10 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.

(f) 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.

(g) 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 10 days after the communication or attempt.

(h) An educational institution that becomes aware of a violation of this chapter by an athlete agent shall notify the Secretary of State and any professional league or players association with which the institution is aware the agent is licensed or registered of the violation.

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

(a) 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.

(b) 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.

(c) 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.

§8-26B-13. Required records.

(a) 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.

(b) Records described in subsection (a) are open to inspection by the Secretary of State during normal business hours.

§8-26B-14. Prohibited conduct.

(a) 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.
(b) 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 this chapter;

(2) fail to create or retain or to permit inspection of the records required by Section 8-26B-13;

(3) fail to register when required by Section 8-26B-4;

(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.

§8-26B-15. Criminal penalties.

(a) The commission of any conduct prohibited in subsection (a) of Section 8-26B-14 by an individual required
by this chapter to register as an athlete agent who has
intentionally not registered under this chapter is a Class B
felony.

(b) Except for subdivision (1) of subsection (b) of
Section 8-26B-14, the commission of any conduct prohibited in
Section 8-26B-14 by an athlete agent who has registered under
this chapter is a Class C felony.

(c) The commission of any conduct prohibited in
subdivision (1) of subsection (b) of Section 8-26B-14 by an
athlete agent who has registered under this chapter is a Class
A misdemeanor.

§8-26B-16. Civil remedy.

(a) An educational institution or student athlete
may bring an action for damages against an athlete agent if
the institution or athlete is adversely affected by an act or
omission of the agent in violation of this chapter. An
educational institution or student athlete is adversely
affected by an act or omission of the agent only if, because
of the act or omission, the institution or an individual who
was a student athlete at the time of the act or omission and
enrolled in the institution:

(1) is suspended or disqualified from participation
in an interscholastic or intercollegiate sports event by or
under the rules of a state or national federation or
association that promotes or regulates interscholastic or
intercollegiate sports; or

(2) suffers financial damage.

(b) A plaintiff that prevails in an action under
this section may recover actual damages, costs, and reasonable
attorney's fees. An athlete agent found liable under this
section forfeits any right of payment for anything of benefit
or value provided to the student athlete and shall refund any
consideration paid to the agent by or on behalf of the
athlete.

§8-26B-17. Civil penalty.

The Secretary of State may assess a civil penalty
against an athlete agent not to exceed fifty thousand dollars
($50,000) for a violation of this chapter.

§8-26B-18. Uniformity of application and
construction.

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

§8-26B-19. Relation to Electronic Signatures in
Global and National Commerce Act.

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

Article 2.
Commission and Disposition of Funds.
§8-26B-30.
(a) The Alabama Athlete Agents Commission is continued in existence. The commission shall consist of the Secretary of State and 18 members to be appointed as follows:

(1) One member appointed by the Governor.
(2) One member appointed by the Lieutenant Governor.
(3) One member appointed by the Speaker of the House of Representatives.
(4) The athletic director or an individual appointed by the athletic director at each of the following institutions of higher education:

a. Auburn University.
b. University of Alabama, Tuscaloosa.
c. University of South Alabama.
d. Alabama State University.
e. Alabama A & M University.
f. Tuskegee University.
g. Troy University.
h. Jacksonville State University.
i. University of North Alabama.
j. University of West Alabama.
k. Miles College.
l. University of Montevallo.
m. University of Alabama, Huntsville.
n. University of Alabama, Birmingham.

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

(b) In appointing members to the board, the appointing power shall select those persons whose appointments, to the extent possible, ensure that the membership of the board is inclusive and reflects the racial, gender, urban/rural, and economic diversity of the state. All appointed members of the commission shall be citizens of the United States and residents of Alabama. The term of each appointed commission member shall be three years and members are eligible for reappointment. If a vacancy occurs, the appointing power for the vacant position shall appoint a successor who shall take office immediately and serve the remainder of the unexpired term. Members of the Alabama Athlete Agents Commission serving on October 1, 2016, shall continue to serve on the Alabama Athlete Agents Commission until their term expires.

(c) Within 15 days after their appointment, the members of the commission shall take an oath before any person
lawfully authorized to administer oaths in this state to
faithfully and impartially perform their duties as members of
the commission, and the same shall be filed with the Secretary
of State.

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

(e) The commission shall elect annually a chair, a
vice chair, and a secretary-treasurer from its members.

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

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

(h) The Secretary of State shall have printed and
published for distribution an annual register which shall
contain the names, arranged alphabetically, of all persons
registered under this chapter. The Secretary of State shall
also provide a quarterly report to the commission of all
agents registered during the quarter, any suspension or
revocation of registered agents during the quarter, and other
disciplinary action taken against an agent.
(i) The Secretary of State may employ personnel and arrange for assistance, service, and supplies as the Secretary of State may require for the performance of the duties of the commission.

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

(k) Except for the Secretary of State, each member of the commission, who is not otherwise reimbursed by public funds for services provided to this commission, shall be paid fifty dollars ($50) for each day the member is actively engaged in the discharge of official duties as a member of the commission, and shall also be entitled to, and shall receive, reimbursement for actual necessary expenses incurred in the discharge of official duties on behalf of the commission.
(1) The Alabama Athlete Agents Commission shall be subject to the Alabama Sunset Law, Chapter 20, Title 41, as an enumerated agency as provided in Section 41-20-3, and shall have a termination date of October 1, 2019, and every four years thereafter, unless continued pursuant to the Alabama Sunset Law.

§8-26B-31.

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

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

(c) Funds now or hereafter deposited in the State Treasury to the credit of the Alabama Athlete Agents Fund may not be expended for any purpose whatsoever unless the same shall have been allotted and budgeted in accordance with Article 4 of Chapter 4 of Title 41, and only in the amounts and for the purposes provided by the Legislature in the general appropriation bill or other appropriation bills.
Section 2. Chapter 26A (commencing with Section 8-26A-1) of Title 8 of the Code of Alabama 1975, is repealed.

Section 3. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Amendment 621, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, because the bill defines a new crime or amends the definition of an existing crime.

Section 4. This act shall take effect October 1, 2016.
SB317

President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB317
Senate 26-APR-16
I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris
Secretary

House of Representatives
Passed: 04-MAY-16

By: Senator Allen

APPROVED 5-13-16
TIME 830 AM

Robert Bentley
GOVERNOR

Alabama Secretary Of State
Act Num....: 2016-415
Bill Num....: S-317
Recv'd 05/13/16 10:19amSLF
I hereby certify that the notice & proof is attached to the Bill, SB ____ as required in the General Acts of Alabama, 1975 Act No. 919.

PATRICK HARRIS,
Secretary

This Bill was referred to the Standing Committee of the Senate on 6A

and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report.

This 6th day of April, 2016.

Chairperson

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB ____.

yeas _____ nays _____ abstain _____

PATRICK HARRIS,
Secretary

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB ____.

YEAS _____ NAYS _____

JEFF WOODARD,
Chairperson