

# HOUSE BILL No. 4838

August 20, 2015, Introduced by Reps. VerHeulen, Cox, Victory, McCready, Inman, Singh, Bumstead, Iden, Runestad, Schor, Kelly, Hoadley, Pettalia, Lucido, Rendon, Garcia, Yonker, Lauwers and Kosowski and referred to the Committee on Regulatory Reform.

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 303a (MCL 339.303a), as amended by 2014 PA 265, and by adding article 8A; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 303a. The term of office of a member of a board  
2 appointed under this article shall commence on 1 of the following  
3 dates, as applicable:

4	Accountancy	July 1
5	Architects	April 1
6	<b>ATHLETE AGENTS</b>	<b>JULY 1</b>
7	Barbers	October 1
8	Collection agencies	July 1

1	Cosmetology	January 1
2	Employment agencies	October 1
3	Hearing aid dealers	October 1
4	Land surveyors	April 1
5	Landscape architects	July 1
6	Mortuary science	July 1
7	Professional engineers	April 1
8	Real estate appraisers	July 1
9	Real estate brokers and salespersons	July 1
10	Residential builders	April 1

11 **ARTICLE 8A**

12 **SEC. 831. AS USED IN THIS ARTICLE:**

13 (A) "AGENCY CONTRACT" MEANS AN AGREEMENT IN WHICH A STUDENT-  
 14 ATHLETE AUTHORIZES A PERSON TO NEGOTIATE OR SOLICIT ON BEHALF OF  
 15 THE STUDENT-ATHLETE A PROFESSIONAL SPORTS SERVICES CONTRACT OR AN  
 16 ENDORSEMENT CONTRACT.

17 (B) "ATHLETE AGENT" MEANS AN INDIVIDUAL WHO ENTERS INTO AN  
 18 AGENCY CONTRACT WITH A STUDENT-ATHLETE OR, DIRECTLY OR  
 19 INDIRECTLY, RECRUITS OR SOLICITS A STUDENT-ATHLETE TO ENTER INTO  
 20 AN AGENCY CONTRACT. THE TERM INCLUDES AN INDIVIDUAL WHO  
 21 REPRESENTS TO THE PUBLIC THAT THE INDIVIDUAL IS AN ATHLETE AGENT.  
 22 THE TERM DOES NOT INCLUDE A SPOUSE, PARENT, SIBLING, GRANDPARENT,  
 23 OR GUARDIAN OF THE STUDENT-ATHLETE OR AN INDIVIDUAL ACTING SOLELY  
 24 ON BEHALF OF A PROFESSIONAL SPORTS TEAM OR PROFESSIONAL SPORTS  
 25 ORGANIZATION.

26 (C) "ATHLETIC DIRECTOR" MEANS AN INDIVIDUAL RESPONSIBLE FOR  
 27 ADMINISTERING THE OVERALL ATHLETIC PROGRAM OF AN EDUCATIONAL  
 28 INSTITUTION OR, IF AN EDUCATIONAL INSTITUTION HAS SEPARATELY

1 ADMINISTERED ATHLETIC PROGRAMS FOR MALE STUDENTS AND FEMALE  
2 STUDENTS, THE ATHLETIC PROGRAM FOR MALES OR THE ATHLETIC PROGRAM  
3 FOR FEMALES, AS APPROPRIATE.

4 (D) "CONTACT" MEANS A COMMUNICATION, DIRECT OR INDIRECT,  
5 BETWEEN AN ATHLETE AGENT AND A STUDENT-ATHLETE, TO RECRUIT OR  
6 SOLICIT THE STUDENT-ATHLETE TO ENTER INTO AN AGENCY CONTRACT.

7 (E) "ENDORSEMENT CONTRACT" MEANS AN AGREEMENT UNDER WHICH A  
8 STUDENT-ATHLETE IS EMPLOYED OR RECEIVES CONSIDERATION TO USE ON  
9 BEHALF OF THE OTHER PARTY ANY VALUE THAT THE STUDENT-ATHLETE MAY  
10 HAVE BECAUSE OF PUBLICITY, REPUTATION, FOLLOWING, OR FAME  
11 OBTAINED BECAUSE OF ATHLETIC ABILITY OR PERFORMANCE.

12 (F) "INTERCOLLEGIATE SPORT" MEANS A SPORT PLAYED AT THE  
13 COLLEGIATE LEVEL FOR WHICH ELIGIBILITY REQUIREMENTS FOR  
14 PARTICIPATION BY A STUDENT-ATHLETE ARE ESTABLISHED BY A NATIONAL  
15 ASSOCIATION FOR THE PROMOTION OR REGULATION OF COLLEGIATE  
16 ATHLETICS.

17 (G) "PROFESSIONAL SPORTS SERVICES CONTRACT" MEANS AN  
18 AGREEMENT UNDER WHICH AN INDIVIDUAL IS EMPLOYED, OR AGREES TO  
19 RENDER SERVICES, AS A PLAYER ON A PROFESSIONAL SPORTS TEAM, WITH  
20 A PROFESSIONAL SPORTS ORGANIZATION, OR AS A PROFESSIONAL ATHLETE.

21 (H) "STUDENT-ATHLETE" MEANS AN INDIVIDUAL WHO ENGAGES IN, IS  
22 ELIGIBLE TO ENGAGE IN, OR MAY BE ELIGIBLE IN THE FUTURE TO ENGAGE  
23 IN ANY INTERCOLLEGIATE SPORT. IF AN INDIVIDUAL IS PERMANENTLY  
24 INELIGIBLE TO PARTICIPATE IN A PARTICULAR INTERCOLLEGIATE SPORT,  
25 THE INDIVIDUAL IS NOT A STUDENT-ATHLETE FOR PURPOSES OF THAT  
26 SPORT.

27 SEC. 832. THE BOARD OF ATHLETE AGENTS IS CREATED.

1           SEC. 833. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION  
2           (2), AN INDIVIDUAL MAY NOT ACT AS AN ATHLETE AGENT IN THIS STATE  
3           IF HE OR SHE DOES NOT HOLD A CERTIFICATE OF REGISTRATION UNDER  
4           THIS ARTICLE.

5           (2) BEFORE BEING ISSUED A CERTIFICATE OF REGISTRATION, AN  
6           INDIVIDUAL MAY ACT AS AN ATHLETE AGENT IN THIS STATE FOR ALL  
7           PURPOSES EXCEPT SIGNING AN AGENCY CONTRACT, IF BOTH OF THE  
8           FOLLOWING ARE MET:

9           (A) A STUDENT-ATHLETE OR ANOTHER PERSON ACTING ON BEHALF OF  
10          THE STUDENT-ATHLETE INITIATES COMMUNICATION WITH THE INDIVIDUAL.

11          (B) WITHIN 7 DAYS AFTER AN INITIAL ACT AS AN ATHLETE AGENT,  
12          THE INDIVIDUAL SUBMITS AN APPLICATION FOR REGISTRATION AS AN  
13          ATHLETE AGENT IN THIS STATE.

14          (3) AN AGENCY CONTRACT RESULTING FROM CONDUCT IN VIOLATION  
15          OF THIS SECTION IS VOID, AND THE ATHLETE AGENT SHALL RETURN ANY  
16          CONSIDERATION RECEIVED UNDER THE CONTRACT.

17          SEC. 834. (1) AN APPLICANT FOR REGISTRATION SHALL SUBMIT AN  
18          APPLICATION FOR REGISTRATION TO THE DEPARTMENT IN A FORM  
19          PRESCRIBED BY THE DEPARTMENT AND PAY AN APPLICATION PROCESSING  
20          FEE AND THE PER-YEAR REGISTRATION FEE FOR THE UPCOMING LICENSURE  
21          PERIOD. AN APPLICATION FILED UNDER THIS SECTION IS A PUBLIC  
22          RECORD AND AVAILABLE TO THE PUBLIC UNDER THE FREEDOM OF  
23          INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246. THE  
24          APPLICATION MUST BE IN THE NAME OF AN INDIVIDUAL AND, EXCEPT AS  
25          OTHERWISE PROVIDED IN SUBSECTION (2), SIGNED OR OTHERWISE  
26          AUTHENTICATED BY THE APPLICANT UNDER PENALTY OF PERJURY AND STATE  
27          OR CONTAIN ALL OF THE FOLLOWING:

1 (A) THE NAME OF THE APPLICANT AND THE ADDRESS OF THE  
2 APPLICANT'S PRINCIPAL PLACE OF BUSINESS.

3 (B) THE NAME OF THE APPLICANT'S BUSINESS OR EMPLOYER, IF  
4 APPLICABLE.

5 (C) ANY BUSINESS OR OCCUPATION ENGAGED IN BY THE APPLICANT  
6 FOR THE 5-YEAR PERIOD PRECEDING THE DATE OF SUBMISSION OF THE  
7 APPLICATION.

8 (D) A DESCRIPTION OF ALL OF THE FOLLOWING ABOUT THE  
9 APPLICANT:

10 (i) HIS OR HER FORMAL TRAINING AS AN ATHLETE AGENT.

11 (ii) HIS OR HER PRACTICAL EXPERIENCE AS AN ATHLETE AGENT.

12 (iii) HIS OR HER EDUCATIONAL BACKGROUND RELATING TO THE  
13 APPLICANT'S ACTIVITIES AS AN ATHLETE AGENT.

14 (E) THE NAMES AND ADDRESSES OF 3 INDIVIDUALS NOT RELATED TO  
15 THE APPLICANT WHO ARE WILLING TO SERVE AS REFERENCES.

16 (F) THE NAME, SPORT, AND LAST KNOWN TEAM FOR EACH INDIVIDUAL  
17 FOR WHOM THE APPLICANT ACTED AS AN ATHLETE AGENT DURING THE 5  
18 YEARS IMMEDIATELY PRECEDING THE DATE OF SUBMISSION OF THE  
19 APPLICATION.

20 (G) THE NAMES AND ADDRESSES OF ALL OF THE FOLLOWING:

21 (i) IF THE ATHLETE AGENT'S BUSINESS IS NOT A CORPORATION, THE  
22 PARTNERS, MEMBERS, OFFICERS, MANAGERS, ASSOCIATES, OR PROFIT-  
23 SHARERS OF THE BUSINESS.

24 (ii) IF A CORPORATION EMPLOYS THE ATHLETE AGENT, THE  
25 OFFICERS, DIRECTORS, AND ANY SHAREHOLDER OF THE CORPORATION THAT  
26 HAS AN INTEREST OF 5% OR MORE.

27 (H) WHETHER THE APPLICANT OR ANY PERSON NAMED UNDER

1 SUBDIVISION (G) HAS BEEN CONVICTED OF A CRIME THAT, IF COMMITTED  
2 IN THIS STATE, WOULD BE A CRIME INVOLVING MORAL TURPITUDE OR A  
3 FELONY, AND IF SO, IDENTIFICATION OF THE CRIME.

4 (I) WHETHER THERE HAS BEEN ANY ADMINISTRATIVE OR JUDICIAL  
5 DETERMINATION THAT THE APPLICANT OR ANY PERSON NAMED UNDER  
6 SUBDIVISION (G) HAS MADE A FALSE, MISLEADING, DECEPTIVE, OR  
7 FRAUDULENT REPRESENTATION.

8 (J) ANY INSTANCE IN WHICH THE CONDUCT OF THE APPLICANT OR  
9 ANY PERSON NAMED UNDER SUBDIVISION (G) RESULTED IN THE IMPOSITION  
10 OF A SANCTION, SUSPENSION, OR DECLARATION OF INELIGIBILITY TO  
11 PARTICIPATE IN AN INTERSCHOLASTIC OR INTERCOLLEGIATE ATHLETIC  
12 EVENT ON A STUDENT-ATHLETE OR EDUCATIONAL INSTITUTION.

13 (K) ANY SANCTION, SUSPENSION, OR DISCIPLINARY ACTION TAKEN  
14 AGAINST THE APPLICANT OR ANY PERSON NAMED UNDER SUBDIVISION (G)  
15 ARISING OUT OF OCCUPATIONAL OR PROFESSIONAL CONDUCT.

16 (L) WHETHER THERE HAS BEEN ANY DENIAL OF AN APPLICATION FOR,  
17 SUSPENSION OR REVOCATION OF, OR REFUSAL TO RENEW THE REGISTRATION  
18 OR LICENSURE OF THE APPLICANT OR ANY PERSON NAMED UNDER  
19 SUBDIVISION (G) AS AN ATHLETE AGENT IN ANY STATE.

20 (2) AN INDIVIDUAL WHO HAS SUBMITTED AN APPLICATION FOR, AND  
21 HOLDS A CERTIFICATE OF, REGISTRATION OR LICENSURE AS AN ATHLETE  
22 AGENT IN ANOTHER STATE MAY SUBMIT A COPY OF THE APPLICATION AND  
23 CERTIFICATE IN LIEU OF SUBMITTING AN APPLICATION IN THE FORM  
24 PRESCRIBED UNDER SUBSECTION (1). THE DEPARTMENT SHALL ACCEPT THE  
25 APPLICATION AND THE CERTIFICATE FROM THE OTHER STATE, ACCOMPANIED  
26 BY AN APPLICATION PROCESSING FEE AND THE PER-YEAR REGISTRATION  
27 FEE FOR THE UPCOMING LICENSURE PERIOD, AS AN APPLICATION FOR

1 REGISTRATION IN THIS STATE IF THE APPLICATION TO THE OTHER STATE  
2 MEETS ALL OF THE FOLLOWING:

3 (A) WAS SUBMITTED IN THE OTHER STATE WITHIN THE 6-MONTH  
4 PERIOD PRECEDING THE SUBMISSION OF THE APPLICATION IN THIS STATE  
5 AND THE APPLICANT CERTIFIES THAT THE INFORMATION CONTAINED IN THE  
6 APPLICATION IS CURRENT.

7 (B) CONTAINS INFORMATION SUBSTANTIALLY SIMILAR TO OR MORE  
8 COMPREHENSIVE THAN THAT REQUIRED IN AN APPLICATION SUBMITTED IN  
9 THIS STATE.

10 (C) WAS SIGNED BY THE APPLICANT UNDER PENALTY OF PERJURY.  
11 SEC. 835. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION  
12 (2), THE DEPARTMENT SHALL ISSUE A CERTIFICATE OF REGISTRATION TO  
13 AN INDIVIDUAL WHO COMPLIES WITH SECTION 834(1) OR WHOSE  
14 APPLICATION HAS BEEN ACCEPTED UNDER SECTION 834(2).

15 (2) THE DEPARTMENT MAY REFUSE TO ISSUE A CERTIFICATE OF  
16 REGISTRATION IF THE DEPARTMENT DETERMINES THAT THE APPLICANT HAS  
17 ENGAGED IN CONDUCT THAT HAS A SIGNIFICANT ADVERSE EFFECT ON THE  
18 APPLICANT'S FITNESS TO ACT AS AN ATHLETE AGENT. IN MAKING THE  
19 DETERMINATION, THE DEPARTMENT MAY CONSIDER WHETHER THE APPLICANT  
20 HAS DONE ANY OF THE FOLLOWING:

21 (A) BEEN CONVICTED OF A CRIME THAT, IF COMMITTED IN THIS  
22 STATE, WOULD BE A CRIME INVOLVING MORAL TURPITUDE OR A FELONY.

23 (B) MADE A MATERIALLY FALSE, MISLEADING, DECEPTIVE, OR  
24 FRAUDULENT REPRESENTATION IN THE APPLICATION OR AS AN ATHLETE  
25 AGENT.

26 (C) ENGAGED IN CONDUCT THAT WOULD DISQUALIFY THE APPLICANT  
27 FROM SERVING IN A FIDUCIARY CAPACITY.

1 (D) ENGAGED IN CONDUCT PROHIBITED UNDER SECTION 842.

2 (E) HAD A REGISTRATION OR LICENSE AS AN ATHLETE AGENT  
3 SUSPENDED, REVOKED, OR DENIED OR BEEN REFUSED RENEWAL OF A  
4 REGISTRATION OR LICENSE AS AN ATHLETE AGENT IN ANY STATE.

5 (F) ENGAGED IN CONDUCT THE CONSEQUENCE OF WHICH WAS THAT A  
6 SANCTION, SUSPENSION, OR DECLARATION OF INELIGIBILITY TO  
7 PARTICIPATE IN AN INTERSCHOLASTIC OR INTERCOLLEGIATE ATHLETIC  
8 EVENT WAS IMPOSED ON A STUDENT-ATHLETE OR EDUCATIONAL  
9 INSTITUTION.

10 (G) ENGAGED IN CONDUCT THAT SIGNIFICANTLY ADVERSELY REFLECTS  
11 ON THE APPLICANT'S CREDIBILITY, HONESTY, OR INTEGRITY.

12 (3) IN MAKING A DETERMINATION UNDER SUBSECTION (2), THE  
13 DEPARTMENT SHALL CONSIDER ALL OF THE FOLLOWING:

14 (A) HOW RECENTLY THE CONDUCT OCCURRED.

15 (B) THE NATURE OF THE CONDUCT AND THE CONTEXT IN WHICH IT  
16 OCCURRED.

17 (C) ANY OTHER RELEVANT CONDUCT OF THE APPLICANT.

18 SEC. 836. (1) AN ATHLETE AGENT MAY APPLY TO RENEW A  
19 REGISTRATION BY SUBMITTING AN APPLICATION FOR RENEWAL IN A FORM  
20 PRESCRIBED BY THE DEPARTMENT AND PAYING AN APPLICATION PROCESSING  
21 FEE AND THE PER-YEAR REGISTRATION FEE FOR THE UPCOMING LICENSURE  
22 PERIOD. AN APPLICATION FILED UNDER THIS SECTION IS A PUBLIC  
23 RECORD AND AVAILABLE TO THE PUBLIC UNDER THE FREEDOM OF  
24 INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246. THE  
25 APPLICATION FOR RENEWAL MUST BE SIGNED BY THE APPLICANT UNDER  
26 PENALTY OF PERJURY AND MUST CONTAIN CURRENT INFORMATION ON ALL  
27 MATTERS REQUIRED IN AN ORIGINAL REGISTRATION.



1           (2) AN INDIVIDUAL WHO HAS SUBMITTED AN APPLICATION FOR  
2 RENEWAL OF REGISTRATION OR LICENSURE IN ANOTHER STATE, IN LIEU OF  
3 SUBMITTING AN APPLICATION FOR RENEWAL IN THE FORM PRESCRIBED  
4 UNDER SUBSECTION (1), MAY FILE A COPY OF THE APPLICATION FOR  
5 RENEWAL AND A VALID CERTIFICATE OF REGISTRATION OR LICENSURE FROM  
6 THE OTHER STATE. THE DEPARTMENT SHALL ACCEPT THE APPLICATION FOR  
7 RENEWAL FROM THE OTHER STATE, ACCOMPANIED BY AN APPLICATION  
8 PROCESSING FEE AND THE PER-YEAR REGISTRATION FEE FOR THE UPCOMING  
9 LICENSURE PERIOD, AS AN APPLICATION FOR RENEWAL IN THIS STATE IF  
10 THE DEPARTMENT DETERMINES THE APPLICATION TO THE OTHER STATE  
11 MEETS ALL OF THE FOLLOWING:

12           (A) WAS SUBMITTED IN THE OTHER STATE WITHIN 6 MONTHS NEXT  
13 PRECEDING THE FILING IN THIS STATE AND THE APPLICANT CERTIFIES  
14 THE INFORMATION CONTAINED IN THE APPLICATION FOR RENEWAL IS  
15 CURRENT.

16           (B) CONTAINS INFORMATION SUBSTANTIALLY SIMILAR TO OR MORE  
17 COMPREHENSIVE THAN THAT REQUIRED IN AN APPLICATION FOR RENEWAL  
18 SUBMITTED IN THIS STATE.

19           (C) WAS SIGNED BY THE APPLICANT UNDER PENALTY OF PERJURY.

20           (3) A CERTIFICATE OF REGISTRATION OR A RENEWAL OF A  
21 REGISTRATION IS VALID FOR 2 YEARS.

22           SEC. 837. BY ACTING AS AN ATHLETE AGENT IN THIS STATE, A  
23 NONRESIDENT INDIVIDUAL APPOINTS THE DEPARTMENT AS THE  
24 INDIVIDUAL'S AGENT FOR SERVICE OF PROCESS IN ANY CIVIL ACTION IN  
25 THIS STATE RELATED TO THE INDIVIDUAL'S ACTING AS AN ATHLETE AGENT  
26 IN THIS STATE.

27           SEC. 838. (1) AN AGENCY CONTRACT MUST BE IN A RECORD, SIGNED

1 OR OTHERWISE AUTHENTICATED BY THE PARTIES.

2 (2) AN AGENCY CONTRACT MUST STATE OR CONTAIN ALL OF THE  
3 FOLLOWING:

4 (A) THE AMOUNT AND METHOD OF CALCULATING THE CONSIDERATION  
5 TO BE PAID BY THE STUDENT-ATHLETE FOR SERVICES TO BE PROVIDED BY  
6 THE ATHLETE AGENT UNDER THE CONTRACT AND ANY OTHER CONSIDERATION  
7 THE ATHLETE AGENT HAS RECEIVED OR WILL RECEIVE FROM ANY OTHER  
8 SOURCE FOR ENTERING INTO THE CONTRACT OR FOR PROVIDING THE  
9 SERVICES.

10 (B) THE NAME OF ANY PERSON NOT LISTED IN THE APPLICATION FOR  
11 REGISTRATION OR RENEWAL OF REGISTRATION WHO WILL BE COMPENSATED  
12 BECAUSE THE STUDENT-ATHLETE SIGNED THE AGENCY CONTRACT.

13 (C) A DESCRIPTION OF ANY EXPENSES THAT THE STUDENT-ATHLETE  
14 AGREES TO REIMBURSE.

15 (D) A DESCRIPTION OF THE SERVICES TO BE PROVIDED TO THE  
16 STUDENT-ATHLETE.

17 (E) THE DURATION OF THE CONTRACT.

18 (F) THE DATE OF EXECUTION OF THE CONTRACT.

19 (3) AN AGENCY CONTRACT MUST CONTAIN, IN CLOSE PROXIMITY TO  
20 THE SIGNATURE OF THE STUDENT-ATHLETE, A CONSPICUOUS NOTICE IN  
21 BOLD FACED TYPE IN CAPITAL LETTERS STATING THE FOLLOWING:

22 "WARNING TO STUDENT-ATHLETE

23 IF YOU SIGN THIS CONTRACT:

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

26 (2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER  
27 ENTERING INTO THIS CONTRACT, BOTH YOU AND YOUR ATHLETE AGENT MUST

1 NOTIFY YOUR ATHLETIC DIRECTOR; AND

2 (3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT.  
3 CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR  
4 ELIGIBILITY.".

5 (4) AN AGENCY CONTRACT THAT DOES NOT CONFORM TO THIS SECTION  
6 IS VOIDABLE BY THE STUDENT-ATHLETE. IF A STUDENT-ATHLETE VOIDS AN  
7 AGENCY CONTRACT, THE STUDENT-ATHLETE IS NOT REQUIRED TO PAY ANY  
8 CONSIDERATION UNDER THE CONTRACT OR TO RETURN ANY CONSIDERATION  
9 RECEIVED FROM THE ATHLETE AGENT TO INDUCE THE STUDENT-ATHLETE TO  
10 ENTER INTO THE CONTRACT.

11 (5) THE ATHLETE AGENT SHALL GIVE A RECORD OF THE SIGNED OR  
12 OTHERWISE AUTHENTICATED AGENCY CONTRACT TO THE STUDENT-ATHLETE AT  
13 THE TIME OF EXECUTION.

14 SEC. 839. (1) WITHIN 72 HOURS AFTER ENTERING INTO AN AGENCY  
15 CONTRACT OR BEFORE THE NEXT SCHEDULED ATHLETIC EVENT IN WHICH THE  
16 STUDENT-ATHLETE MAY PARTICIPATE, WHICHEVER OCCURS FIRST, THE  
17 ATHLETE AGENT SHALL GIVE NOTICE IN A RECORD OF THE EXISTENCE OF  
18 THE CONTRACT TO THE ATHLETIC DIRECTOR OF THE EDUCATIONAL  
19 INSTITUTION AT WHICH THE STUDENT-ATHLETE IS ENROLLED OR THE  
20 ATHLETE AGENT HAS REASONABLE GROUNDS TO BELIEVE THE STUDENT-  
21 ATHLETE INTENDS TO ENROLL.

22 (2) WITHIN 72 HOURS AFTER ENTERING INTO AN AGENCY CONTRACT  
23 OR BEFORE THE NEXT ATHLETIC EVENT IN WHICH THE STUDENT-ATHLETE  
24 MAY PARTICIPATE, WHICHEVER OCCURS FIRST, THE STUDENT-ATHLETE  
25 SHALL INFORM THE ATHLETIC DIRECTOR OF THE EDUCATIONAL INSTITUTION  
26 AT WHICH THE STUDENT-ATHLETE IS ENROLLED THAT HE OR SHE HAS  
27 ENTERED INTO AN AGENCY CONTRACT.

1           SEC. 840. (1) A STUDENT-ATHLETE MAY CANCEL AN AGENCY  
2 CONTRACT BY GIVING NOTICE OF THE CANCELLATION TO THE ATHLETE  
3 AGENT IN A RECORD WITHIN 14 DAYS AFTER THE CONTRACT IS SIGNED.

4           (2) A STUDENT-ATHLETE MAY NOT WAIVE THE RIGHT TO CANCEL AN  
5 AGENCY CONTRACT.

6           (3) IF A STUDENT-ATHLETE CANCELS AN AGENCY CONTRACT, THE  
7 STUDENT-ATHLETE IS NOT REQUIRED TO PAY ANY CONSIDERATION UNDER  
8 THE CONTRACT OR TO RETURN ANY CONSIDERATION RECEIVED FROM THE  
9 ATHLETE AGENT TO INDUCE THE STUDENT-ATHLETE TO ENTER INTO THE  
10 CONTRACT.

11           SEC. 841. (1) AN ATHLETE AGENT SHALL RETAIN ALL OF THE  
12 FOLLOWING RECORDS FOR A PERIOD OF AT LEAST 5 YEARS:

13           (A) THE NAME AND ADDRESS OF EACH INDIVIDUAL REPRESENTED BY  
14 THE ATHLETE AGENT.

15           (B) ANY AGENCY CONTRACT ENTERED INTO BY THE ATHLETE AGENT.

16           (C) ANY DIRECT COSTS INCURRED BY THE ATHLETE AGENT IN THE  
17 RECRUITMENT OR SOLICITATION OF A STUDENT-ATHLETE TO ENTER INTO AN  
18 AGENCY CONTRACT.

19           (2) AN ATHLETE AGENT SHALL MAKE ANY RECORDS THE AGENT IS  
20 REQUIRED TO RETAIN UNDER SUBSECTION (1) AVAILABLE FOR INSPECTION  
21 BY THE DEPARTMENT DURING NORMAL BUSINESS HOURS.

22           SEC. 842. (1) AN ATHLETE AGENT, WITH THE INTENT TO INDUCE A  
23 STUDENT-ATHLETE TO ENTER INTO AN AGENCY CONTRACT, SHALL NOT DO  
24 ANY OF THE FOLLOWING:

25           (A) GIVE ANY MATERIALLY FALSE OR MISLEADING INFORMATION OR  
26 MAKE A MATERIALLY FALSE PROMISE OR REPRESENTATION.

27           (B) FURNISH ANYTHING OF VALUE TO A STUDENT-ATHLETE BEFORE

1 THE STUDENT-ATHLETE ENTERS INTO THE AGENCY CONTRACT.

2 (C) FURNISH ANYTHING OF VALUE TO ANY INDIVIDUAL OTHER THAN  
3 THE STUDENT-ATHLETE OR ANOTHER REGISTERED ATHLETE AGENT.

4 (2) AN ATHLETE AGENT SHALL NOT INTENTIONALLY DO ANY OF THE  
5 FOLLOWING:

6 (A) INITIATE CONTACT WITH A STUDENT-ATHLETE UNLESS  
7 REGISTERED UNDER THIS ARTICLE.

8 (B) REFUSE OR FAIL TO RETAIN OR PERMIT INSPECTION OF THE  
9 RECORDS THE ATHLETE AGENT IS REQUIRED TO RETAIN UNDER SECTION  
10 841.

11 (C) FAIL TO REGISTER IF REQUIRED TO REGISTER UNDER SECTION  
12 833.

13 (D) PROVIDE MATERIALLY FALSE OR MISLEADING INFORMATION IN AN  
14 APPLICATION FOR REGISTRATION OR RENEWAL OF REGISTRATION.

15 (E) PREDATE OR POSTDATE AN AGENCY CONTRACT.

16 (F) FAIL TO NOTIFY A STUDENT-ATHLETE BEFORE THE STUDENT-  
17 ATHLETE SIGNS OR OTHERWISE AUTHENTICATES AN AGENCY CONTRACT FOR A  
18 PARTICULAR SPORT THAT THE SIGNING OR AUTHENTICATION MAY MAKE THE  
19 STUDENT-ATHLETE INELIGIBLE TO PARTICIPATE AS A STUDENT-ATHLETE IN  
20 THAT SPORT.

21 (3) AN ATHLETE AGENT WHO VIOLATES THIS SECTION IS GUILTY OF  
22 A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000.00.

23 SEC. 843. (1) AN EDUCATIONAL INSTITUTION HAS A RIGHT OF  
24 ACTION AGAINST AN ATHLETE AGENT OR A FORMER STUDENT-ATHLETE FOR  
25 DAMAGES CAUSED BY A VIOLATION OF THIS ARTICLE. IN AN ACTION UNDER  
26 THIS SECTION, THE COURT MAY AWARD TO THE PREVAILING PARTY COSTS  
27 AND REASONABLE ATTORNEY FEES.

1           (2) DAMAGES OF AN EDUCATIONAL INSTITUTION UNDER SUBSECTION  
2 (1) INCLUDE LOSSES AND EXPENSES INCURRED BECAUSE, AS A RESULT OF  
3 THE CONDUCT OF AN ATHLETE AGENT OR FORMER STUDENT-ATHLETE, THE  
4 EDUCATIONAL INSTITUTION WAS INJURED BY A VIOLATION OF THIS  
5 ARTICLE OR WAS PENALIZED, DISQUALIFIED, OR SUSPENDED FROM  
6 PARTICIPATION IN ATHLETICS BY A NATIONAL ASSOCIATION FOR THE  
7 PROMOTION AND REGULATION OF ATHLETICS, BY AN ATHLETIC CONFERENCE,  
8 OR BY REASONABLE SELF-IMPOSED DISCIPLINARY ACTION TAKEN TO  
9 MITIGATE SANCTIONS LIKELY TO BE IMPOSED BY SUCH AN ORGANIZATION.

10           (3) A RIGHT OF ACTION UNDER THIS SECTION DOES NOT ACCRUE  
11 UNTIL THE EDUCATIONAL INSTITUTION DISCOVERS OR BY THE EXERCISE OF  
12 REASONABLE DILIGENCE WOULD HAVE DISCOVERED THE VIOLATION BY THE  
13 ATHLETE AGENT OR FORMER STUDENT-ATHLETE.

14           (4) ANY LIABILITY OF THE ATHLETE AGENT OR THE FORMER  
15 STUDENT-ATHLETE UNDER THIS SECTION IS SEVERAL AND NOT JOINT.

16           (5) THIS ARTICLE DOES NOT RESTRICT RIGHTS, REMEDIES, OR  
17 DEFENSES OF ANY PERSON UNDER LAW OR EQUITY.

18           SEC. 844. THIS ARTICLE MODIFIES, LIMITS, AND SUPERSEDES THE  
19 ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT, 15 USC  
20 7001 TO 7031, BUT DOES NOT MODIFY, LIMIT, OR SUPERSEDE SECTION  
21 101(C) OF THAT ACT, 15 USC 7001(C), OR AUTHORIZE ELECTRONIC  
22 DELIVERY OF ANY OF THE NOTICES DESCRIBED IN SECTION 103(B) OF  
23 THAT ACT, 15 USC 7003(B).

24           Enacting section 1. Section 411e of the Michigan penal code,  
25 1931 PA 328, MCL 750.411e, is repealed.

26           Enacting section 2. This amendatory act takes effect 90 days  
27 after the date this amendatory act is enacted into law.

1           Enacting section 3. This amendatory act does not take effect  
2 unless Senate Bill No.\_\_\_\_ or House Bill No. 4839 (request no.  
3 00390'15 a) of the 98th Legislature is enacted into law.