

SENATE BILL NO. 389

BY SENATOR CONNICK

1 AN ACT

2 To amend and reenact R.S. 4:420, 421(A), 422, 422.1, 423(G)(4), 424(A)(6) through (9),
3 (B), (C), (D), and (E), 426, 431, 432(A), and 433(A) and (B), to enact R.S. 4:423.1,
4 424(A)(10) and (F), 427(A)(8), 432.1, 434, and 435, and to repeal R.S. 4:425 and
5 430, relative to agents and athletes; to provide for registration of agents; to provide
6 for denial of registration, refusal to renew, revocation, or suspension; to provide for
7 agent's contract, disclosure, schedule of fees, maximum fee, notification, and
8 penalty; to provide for required disclosures for endorsement contracts; to provide for
9 prohibited activities; to provide for violations and penalties; to provide for record
10 keeping; to provide for implementation of rules and regulations; to provide for
11 enforcement; to provide for liability; to provide for civil remedies; to provide for
12 unlawful payments and penalties; to provide for unfair trade practices; to provide for
13 terms, conditions, responsibilities, and procedures; to provide for an effective date;
14 and to provide for related matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. R.S. 4:420, 421(A), 422, 422.1, 423(G)(4), 424(A)(6) through (9), (B),
17 (C), (D), and (E), 426, 431, 432(A), and 433(A) and (B) are hereby amended and reenacted
18 and R.S. 4:423.1, 424(A)(10) and (F), 427(A)(8), 432.1, 434, and 435 are hereby enacted to
19 read as follows:

20 §420. Declaration of purpose

21 A. The legislature hereby recognizes that it is a special privilege afforded to
22 athlete agents and other persons acting in a representative, advisory, or
23 managerial capacity to contact ~~student~~ athletes to secure their athletic abilities for
24 professional sports teams, professional sports organizations, or for endorsement
25 or commercial opportunities. The legislature also feels that with that privilege

1 should come certain duties, obligations, and responsibilities. The legislature hereby
 2 enacts the laws of this Chapter to regulate those contacts and **relationships and** to
 3 protect young, inexperienced ~~student~~ athletes in this state from unscrupulous athlete
 4 agents and other persons who would seek to exploit such athletes, or their
 5 **educational** institutions or schools, when entering or seeking to enter into an agent
 6 contract, **endorsement contract**, or professional sport services contract or when
 7 obtaining or seeking to obtain employment with a professional sports team, **or**
 8 **commercial opportunities**.

9 B. It is the further purpose of the legislature in enacting this Chapter to
 10 protect ~~student~~ athletes from contacts with and accepting things of value from athlete
 11 agents and other persons in a manner so as to cause such athletes to unintentionally
 12 lose their eligibility to compete in interscholastic or intercollegiate athletics, **or**
 13 **otherwise suffer financial or reputational harm**.

14 C. It is the further purpose of the legislature to protect the educational
 15 institutions and schools of this state from unscrupulous athlete agents, athletes, and
 16 other persons who would cause such ~~institutions~~ **educational institutions or schools**
 17 to suffer various sanctions, **penalties, or other adverse consequences** as a result of
 18 unlawful activities in connection with athletes participating in sports at such
 19 **educational** institutions and schools.

20 ~~D. Another purpose of the legislature in enacting this Chapter is to recognize~~
 21 ~~that the relationship between a student athlete and their institution or school is one~~
 22 ~~of contract.~~

23 E. Accordingly, the legislature, in enacting the provisions of this Chapter,
 24 hereby creates causes of action, rights, and remedies for such ~~institutions~~
 25 **educational institutions or schools** and ~~schools~~ **athletes** to recover for damages
 26 caused to the **educational** institution ~~or~~, school, **or athlete** by any person acting in
 27 violation of this Chapter. Such causes of action specifically include but are not
 28 limited to the cause of action known as tortious interference with an athlete contract,
 29 **statutory civil remedies, and enforcement actions by the division under**
 30 **applicable unfair trade practices law**.

1 §421. Definitions

2 A. As used in this Chapter:

3 (1) "Agent contract" means any contract or agreement, whether written or
4 oral, under which an athlete authorizes an ~~athlete-agent~~ **individual** to negotiate or
5 solicit on behalf of the athlete for the employment of the athlete by one or more
6 professional sports teams **or organizations**.

7 (2) "Anything of value" means any thing of value. It shall be given the
8 broadest possible construction, including any conceivable thing of the slightest value,
9 movable or immovable, corporeal or incorporeal, public or private, and specifically
10 including transportation, telephone and telegraph services, ~~or~~ **discounts, loans,**
11 **advances, payments,** other services available for hire, **or other benefits**. It shall be
12 construed in the popular sense of the phrase and not necessarily as synonymous with
13 the traditional legal term "property". It shall specifically include but not be limited
14 to a donation, sale, lease, loan, suretyship, and mortgage.

15 (3)(a) "Athlete" means a student who ~~resides in this state, or a student who~~
16 ~~does not reside in this state but has informed in writing an institution of higher~~
17 ~~education in this state of the student's intent to participate in that school's~~
18 ~~intercollegiate sports contests, and who~~ is characterized by either **any** of the
19 following:

20 (i) Is eligible to participate, **or will be eligible to participate**, in ~~junior high,~~
21 ~~high school, or intercollegiate~~ sports contests as a member of a sports team of a
22 ~~junior high, high school;~~ or **educational** institution of ~~higher education~~ which is
23 located in this state ~~and~~ **or** which is a member of a federation or association.

24 (ii) ~~Has participated~~ **Participates** as a member of such a sports team at a
25 ~~junior high, high school;~~ or **educational** institution of ~~higher education~~.

26 **(iii) Resides in this state and is eligible to participate, or will be eligible**
27 **to participate, in interscholastic or intercollegiate sports at any school or**
28 **educational institution, whether or not located in this state.**

29 (b) "Athlete" ~~does~~ **shall** not mean a ~~student~~ **an individual who has been**
30 **determined to be permanently ineligible to participate in a particular**

1 interscholastic or intercollegiate sport, but only with respect to that sport, or an
 2 individual who has completed his last intercollegiate or interscholastic sports
 3 contest, including postseason contests, or who has notified in writing the athletic
 4 director or head coach of the school or institution at which he is participating that he
 5 is renouncing his eligibility to participate on such sports team.

6 (4)(a) "Athlete agent" means any person who an individual, whether or not
 7 registered under this Chapter, who does either of the following:

8 (i) For compensation or in anticipation of compensation, enters into an
 9 agent contract with an athlete or, directly or indirectly, recruits or solicits an
 10 athlete to enter into an agent contract ~~or professional sport services contract with any~~
 11 ~~person, or who offers anything of value to any person to induce an athlete to enter~~
 12 ~~into an agreement by which any person will represent the athlete, or who for~~
 13 ~~anything of value procures, offers, promises, or attempts to obtain employment for~~
 14 ~~an athlete with a professional sports team.~~

15 (ii) An individual who, for compensation or in anticipation of
 16 compensation, represents or advises an athlete in connection with an
 17 endorsement contract, or endorsement activities, including name, image, and
 18 likeness matters.

19 (b) The term shall not include an individual who performs any of the
 20 following activities:

21 (i) Acts solely on behalf of a professional sports team or professional
 22 sports organization.

23 (ii) Is a licensed, registered, or certified professional and offers or
 24 provides services to an athlete customarily provided by members of the
 25 profession, unless the individual also performs any of the following activities:

26 (aa) Recruits or solicits the athlete to enter into an agent contract or
 27 endorsement contract.

28 (bb) Procures, for compensation, employment or offers, promises,
 29 attempts, or negotiates to obtain employment for the athlete as a professional
 30 athlete or member of a professional sports team or organization.

1 **(cc) Receives consideration for providing the services calculated using**
2 **a different method than for an individual who is not a student athlete.**

3 (5) "Athlete contract" means any contract or agreement executed by a ~~student~~
4 **an** athlete with an educational institution or school concerning the student's
5 participation in that **educational** institution's ~~intercollegiate~~ **or school's** sports
6 contests or ~~interscholastic~~ athletic activities.

7 (6) "Certified by the appropriate players association" means that an athlete
8 agent has received approval of his application for certification from the appropriate
9 players association of the professional league for which he is soliciting athletes, has
10 fulfilled all other requirements of the players association, and is in good standing
11 before the players association.

12 (7) "Contact" means any communication, **directly or indirectly,** by an
13 athlete agent or by any intermediary with an athlete, or with any third person for the
14 purpose of having that third person communicate with the athlete about the
15 possibility of or formation of any business, financial, or other contractual
16 relationship or agreement, including an agent contract, ~~or~~ a professional services
17 contract, a professional sports services contract, **or endorsement contract.**

18 (8) "Division" means the public protection division of the Department of
19 Justice.

20 (9) **"Educational institution" means any institution of higher education**
21 **in this state, including any postsecondary institution, community college,**
22 **college, institution of higher learning, or university, whether public or private.**

23 (10) **"Endorsement activities" means any activity or activities related to**
24 **advertising or sponsorship in which an athlete, for consideration or other value,**
25 **uses or permits the use or association of the athlete's name, image, likeness,**
26 **publicity, reputation, following, fame, or other personal or commercial**
27 **attributes, whether or not related to the athlete's athletic ability or**
28 **performance.**

29 (11) **"Endorsement contract" means an agreement under which an**
30 **athlete is employed or receives anything of value to permit the use, promotion,**

1 or association of the athlete's name, image, and likeness, publicity, reputation,
2 following, fame, or other personal or commercial attributes, whether or not
3 related to the athlete's athletic ability or performance.

4 (12) "Federation or association" means any state or national federation,
5 association, or commission for the promotion and regulation of interscholastic or
6 intercollegiate sports governing athletes and their relationships with athlete agents.

7 ~~(10) "Institution" means any institution of higher education in this state~~
8 ~~having an athlete contract with an athlete.~~

9 ~~(11)~~(13) "Intermediaries" or "third person" means any persons other than the
10 athlete agent or the athlete.

11 ~~(12)~~(14) "Person" means an individual, estate, company, corporation,
12 business or nonprofit entity association, partnership, or other legal entity.

13 ~~(13)~~(15) "Registered athlete agent" means an athlete agent registered with the
14 division under the provisions of this Chapter.

15 (16) "Registration" means registration as an athlete agent under this
16 Chapter.

17 ~~(14)~~(17) "School" means any secondary school in this state, including high
18 schools and junior high schools, ~~that has an athlete contract with an athlete.~~

19 (18) "Recruit or solicit" means to attempt to influence the choice of an
20 athlete by an athlete agent or, if the athlete is a minor, the athlete's parent or
21 legal guardian, directly or indirectly.

22 * * *

23 §422. Registration of agents

24 A.(1) An individual shall not act as an athlete agent ~~shall register in this~~
25 state unless the individual is registered with the division as provided in this
26 Chapter ~~before the athlete agent may contact an athlete.~~

27 (2) ~~An athlete agent must first be certified by the appropriate professional~~
28 ~~players association or associations in the professional league or leagues for which~~
29 ~~he is soliciting athletes in order to be registered as an athlete agent in this state.~~ An
30 individual who is not registered pursuant to this Chapter may act as an athlete

1 agent in this state for purposes other than entering into an agent contract or
 2 endorsement contract if both of the following occur:

3 (a) The athlete or third person acting on behalf of the athlete initiates
 4 communication with the individual.

5 (b) Not later than seven days after the initial act that requires
 6 registration pursuant to this Chapter, the individual submits a completed
 7 application for registration to the division.

8 (3) Any agent contract, or designation of any consideration to or for the
 9 athlete agent or any third person in an endorsement contract, resulting from
 10 conduct in violation of this Subsection is void and unenforceable, and the athlete
 11 agent shall return any consideration received under the contract.

12 ~~(3)~~**(4)** For the purposes of this Chapter, any document required to be filed
 13 with the division shall be deemed filed when it is received either physically or
 14 electronically in any office designated by the division for the receipt of such
 15 documents.

16 B.(1) ~~A written application for registration or renewal shall be signed by the~~
 17 ~~applicant, notarized, made to the division on a form prescribed by the division, and~~
 18 ~~shall state:~~

19 ~~(a) The name of the applicant and the address of the applicant's principal~~
 20 ~~place of business. **An applicant for registration as an athlete agent shall submit**~~
 21 **an application to the division on a form prescribed by the division. The**
 22 **applicant shall be an individual.**

23 **(2) The application shall be signed by the applicant under penalty of**
 24 **perjury and shall include, at a minimum, the following information:**

25 **(a) The applicant's full name and date and place of birth.**

26 **(b) The applicant's principal place of business and all contact**
 27 **information, including work and mobile telephone numbers and means of**
 28 **electronic communication.**

29 **(c) The name and address of each business or employer of the applicant,**
 30 **including the nature and form of the business.**

1 (d) Each social-media account with which the applicant or the
 2 applicant's business or employer is affiliated.

3 ~~(b)~~(e) The business or occupation engaged in by the applicant for during the
 4 five years immediately preceding the date of application, including any
 5 professional or occupational licenses, registrations, or certifications held during
 6 that period.

7 (f) Whether the applicant is certified or registered by any professional
 8 sports league or players association, including the name of the association and
 9 the status of the certification.

10 (g) A description of the applicant's formal training, practical experience,
 11 and educational background relating to activities as an athlete agent.

12 ~~(e)~~(h) The names and addresses of three references, including any persons,
 13 if any, with whom the applicant has dealt in his capacity as an athlete agent or in the
 14 practice of his business or profession, not to exceed three such persons.

15 ~~(d)~~(i) The names and addresses of all persons, except bona fide employees
 16 on stated salaries, who are financially interested as partners, associates, ~~or~~ officers,
 17 managers, members, profit sharers, or who directly or indirectly hold an
 18 ownership or equity interest of five percent or greater in the applicant's
 19 operation of the business of the athlete agent.

20 ~~(e)~~(j) The names and addresses of all athletes for whom the applicant acted
 21 as an athlete agent ~~is providing professional services for compensation at the time~~
 22 ~~of the renewal~~ within the five years preceding the date of this application,
 23 including the sport and last-known educational institution or school.

24 ~~(f)~~(k) The name and address of the applicant's agent for service of process,
 25 including an affidavit accepting such appointment from the applicant's agent for
 26 service of process, if not previously filed and on record with the secretary of state.

27 (l) Whether the applicant, or any person identified in Subparagraph (h)
 28 of this Paragraph, has been denied, has suspended, has withdrawn, or has
 29 terminated any state or federal professional, occupational, or business license,
 30 including any reprimand or censure.

1 (m) Whether the applicant, or any person identified in Subparagraph (h)
2 of this Paragraph, has been a defendant or respondent in any civil proceeding
3 within the preceding fifteen years, including the nature and disposition of the
4 proceeding.

5 (n) Whether the applicant, or any person identified in Subparagraph (h)
6 of this Paragraph, has an unsatisfied judgment, or a judgment of continuing
7 effect.

8 (o) Whether the applicant, or any person identified in Subparagraph (h)
9 of this Paragraph, has been adjudicated bankrupt within the preceding ten
10 years.

11 (p) Whether there has been any administrative or judicial determination
12 that the applicant, or any person identified in Subparagraph (h) of this
13 Paragraph, made a false, misleading, deceptive, or fraudulent representation.

14 (q) Each instance in which conduct of the applicant, or any person
15 identified in Subparagraph (h) of this Paragraph, resulted in a sanction,
16 suspension, or declaration of ineligibility imposed on an athlete or an
17 educational institution or school.

18 (r) Each sanction, suspension, denial, revocation, or refusal to renew any
19 registration as an athlete agent in this or any other state.

20 (s) Each state in which the applicant is currently registered or has
21 applied to be registered as an athlete agent.

22 (t) Any additional information required by the division to administer this
23 Chapter.

24 (u) Proof of completion of training as prescribed by the attorney general.

25 ~~(2)~~**(3)** If the applicant is a corporation, the information required by this
26 Subsection shall be provided by each officer of that corporation. If the applicant is
27 an association or partnership, such information shall be provided by each associate
28 or partner.

29 C. ~~The registration is valid from July first of one year through June thirtieth~~
30 ~~of the following year. An initial registration is valid until the first June thirtieth~~

1 following the date of the registration. Renewal of the registration may be made by
2 the filing of an application for renewal.

3 With respect to agent contracts, the applicant shall be certified by the
4 appropriate player's association. Certification by a player's association shall not
5 be required for registration for an athlete agent engaged only for the purposes
6 of endorsement contracts or endorsement activities pursuant to this Chapter,
7 but any such certification shall be disclosed.

8 D.(1) An individual registered as an athlete agent in another state may
9 apply for registration in this state by submitting all of the following:

10 (a) A copy of the application for registration filed in the other state.

11 (b) A statement signed under penalty of perjury and identifying any
12 material change in the information contained in the application or affirming
13 that no material change has occurred.

14 (c) A copy of the certificate of registration issued by the other state.

15 (2) The division may issue a certificate of registration if the division
16 determines all of the following:

17 (a) The registration requirements of the other state are substantially
18 similar to or more restrictive than those of this Chapter.

19 (b) The applicant's registration has not been suspended or revoked and
20 no disciplinary action involving the applicant's conduct as an athlete agent is
21 pending in any jurisdiction.

22 (3) The division may cooperate with other states and national
23 organizations to develop common registration standards and to exchange
24 information relating to disciplinary actions.

25 E. The registration or renewal of registration issued pursuant to this
26 Chapter is valid for two years. Renewal of the registration shall be made by the
27 filing of an application for renewal.

28 F.(1) If acting as an athlete agent in this state, a nonresident individual
29 shall appoint a registered agent with the Louisiana secretary of state's office to
30 serve as his agent for service of process in any civil or administrative action

1 arising from conduct under this Chapter.

2 (2) The division may issue subpoenas for documents, records, and
 3 testimony relevant to the administration or enforcement of this Chapter.

4 ~~D.G.~~ To produce sufficient revenue to offset the expenses incurred by the
 5 division in administering this Chapter, an annual registration fee of one hundred
 6 dollars shall be paid.

7 H. The attorney general shall prescribe training for all applicants for
 8 registration as an athlete agent.

9 I.(1) As a condition of registration, each applicant shall consent to and
 10 submit to a background check conducted by or on behalf of the division.

11 (2) The applicant shall bear the cost of the background check.

12 (3) Failure to consent to or cooperate with the background check shall
 13 result in denial of the application.

14 §422.1. Denial of registration; refusal to renew; revocation or suspension;
 15 notification; hearing

16 A. ~~The division may, pursuant to an adjudicatory hearing, refuse to issue or~~
 17 ~~renew a registration upon proof that the applicant has engaged in any one or more~~
 18 ~~of the following activities:~~ The division may refuse to issue or renew a certificate
 19 of registration to an applicant for registration if the division determines that the
 20 applicant fails to comply with any requirement of this Chapter, or the rules the
 21 division adopts, including but not limited to submitting an incomplete
 22 application or failing to provide any information, document, or fee required by
 23 R.S. 4:422.

24 B. The division may refuse to issue or renew or may suspend or revoke
 25 a certificate of registration if the division determines the applicant has engaged
 26 in conduct that has a significantly adverse effect on the applicant's fitness to act
 27 as an athlete agent. In making the determination, the division may consider
 28 whether the applicant:

29 (1) ~~Has made false or misleading statements of a material nature in his~~
 30 ~~application for registration or renewal.~~

1 (2) Has ever been convicted of fraud, embezzlement, a felonious theft, or any
2 other crime involving a misappropriation of funds, which could render him unfit in
3 a fiduciary capacity.

4 (3) Has engaged in conduct which violates or causes an athlete to violate any
5 rule or regulation promulgated by any federation or association.

6 **(4)(2) Has violated any provision of this Chapter or rules adopted**
7 **pursuant to this Chapter.**

8 **(3)** Has been denied certification by any professional players association.

9 **(4) Has had a registration as an athlete agent denied, suspended,**
10 **revoked, or refused renewal in this or any other state.**

11 (5) Has engaged in conduct which has caused an **educational** institution or
12 school to be investigated by or sanctioned by any federation or association.

13 **(6) Has engaged in conduct that adversely reflects on the individual's**
14 **credibility, honesty, or integrity.**

15 **C. The division shall refuse to issue or renew or shall suspend or revoke**
16 **a certificate of registration if the division determines the applicant has ever**
17 **engaged in either of the following:**

18 **(1) Pleaded guilty or no contest to, or has been convicted of fraud,**
19 **embezzlement, a felonious theft, any crime involving moral turpitude, or any**
20 **other crime involving a misappropriation of funds, which could render him**
21 **unfit in a fiduciary capacity.**

22 **(2) Made false or misleading, deceptive, or fraudulent statements of a**
23 **material nature in his application for registration or renewal, or in his conduct**
24 **as an athlete agent.**

25 ~~B-D.~~ The division may, pursuant to an adjudicatory hearing **or district court**
26 **proceeding**, suspend or revoke a registration upon proof that an athlete agent has
27 engaged in any of the activities enumerated in ~~Subsection A~~ **Subsection B** of this
28 Section or for a violation of this Chapter or any rule adopted pursuant to this
29 Chapter.

30 ~~C-E.~~ Prior to a denial, refusal to renew, suspension, or revocation of

1 registration, the division shall notify the applicant or athlete agent ~~in writing by~~
2 ~~certified mail~~ of the reasons for denial, refusal to renew, suspension, or revocation
3 and of the date of the hearing. All adjudicatory hearings shall be held in accordance
4 with the Administrative Procedure Act.

5 **F. The division may issue a temporary certificate of registration while an**
6 **application for registration or renewal is pending.**

7 §423. Agent's contract; schedule of fees; maximum fee; notification; penalty

8 * * *

9 G.(1) * * *

10 (4) Any **agent** contract executed by a ~~student~~ **an** athlete with an athlete agent
11 who has failed to comply with the notification and disclosure requirements of ~~R.S.~~
12 ~~4:423(B) and 424(C) and (D)~~ **this Section and R.S. 4:424** is void and unenforceable.

13 * * *

14 **§423.1. Additional required disclosures for endorsement contracts; rules**

15 **A. This Section governs the relationship between an athlete and an**
16 **athlete agent when the athlete agent represents or advises the athlete in**
17 **connection with an endorsement contract or endorsement activity, including**
18 **name, image, and likeness matters.**

19 **B.(1) When an athlete agent represents or advises an athlete in**
20 **connection with an endorsement contract or endorsement activity, the athlete**
21 **agent shall, prior to or at the time of undertaking such representation, execute**
22 **with the athlete a written endorsement representation disclosure. The**
23 **endorsement representation disclosure shall be signed by both the athlete agent**
24 **and the athlete and shall constitute the governing instrument of the**
25 **agent-athlete relationship for the endorsement contract and endorsement**
26 **activity representation under this Chapter.**

27 **(2) An endorsement representation disclosure shall contain, at a**
28 **minimum, all of the following:**

29 **(a) A statement that the athlete agent is registered as an athlete agent in**
30 **this state and a list of any other states in which the athlete agent is registered.**

1 **(b) The amount and method of calculating the consideration or fee to be**
2 **paid by or on behalf of the athlete to the athlete agent in connection with any**
3 **endorsement contract or endorsement activity, and any other consideration or**
4 **fee the athlete agent has received or will receive from any source.**

5 **(c) The name and a description of the compensation of any third person**
6 **who will be compensated in connection with any endorsement contract or**
7 **endorsement activity in which the athlete participates.**

8 **(d) A description of any expenses the athlete agrees to reimburse to the**
9 **athlete agent.**

10 **(e) A description and scope of the services to be provided by the athlete**
11 **agent to the athlete.**

12 **(f) The duration of the endorsement representation disclosure.**

13 **(g) The date of execution of the endorsement representation disclosure.**

14 **C. The endorsement representation disclosure shall be retained by both**
15 **the athlete agent and the athlete. The endorsement representation disclosure**
16 **shall not be required to be filed with the division but shall be produced to the**
17 **division upon request or subpoena.**

18 **D. If an athlete agent fails to execute an endorsement representation**
19 **disclosure as required by this Section, the athlete agent shall forfeit any right**
20 **to compensation in connection with any endorsement contract or endorsement**
21 **activity undertaken by the athlete.**

22 **E. The division may adopt rules, in accordance with the Administrative**
23 **Procedure Act, prescribing any of the following:**

24 **(1) The form and format of the endorsement representation disclosure**
25 **required by Subsection B of this Section.**

26 **(2) Additional disclosures required to protect athletes, educational**
27 **institutions and schools, and the public, including any risks to eligibility or**
28 **institutional compliance.**

29 **(3) Required statements, acknowledgments, and warnings.**

30 **(4) Any other rule necessary to carry out the purposes of this Chapter.**

1 F.(1) An athlete agent who represents an athlete in connection with an
2 endorsement contract for compensation for the use of the athlete's name, image,
3 and likeness, shall ensure that the athlete discloses the endorsement contract to
4 the educational institution or school pursuant to R.S. 17:3701 et seq.

5 (2) An athlete agent shall not represent an athlete in connection with any
6 endorsement contract or endorsement activity that the athlete agent knows or
7 reasonably should know would cause the athlete to lose eligibility.

8 G. An endorsement contract or endorsement activity related to an
9 athlete's name, image, and likeness matter; the athlete agent; and any athlete
10 with whom the athlete agent engages, shall comply with all applicable
11 requirements of R.S. 17:3701 et seq., and any rule adopted by the division
12 pursuant to this Section.

13 §424. Prohibited activities; duties, obligations, and responsibilities

14 A. An athlete agent shall not:

15 * * *

16 (6) Enter into any agreement, written or oral, with or offer anything of value
17 to any employee of an **educational** institution of ~~higher education~~ or school located
18 in this state in return for that employee's inducement of any athlete to enter into an
19 agreement for representation of the athlete.

20 (7) Offer anything of value to the athlete or any other person to induce an
21 athlete to enter into an agreement, written or oral, for representation of the athlete
22 agent contract, or endorsement contract.

23 (8) Postdate agent contracts or endorsement representation disclosures.

24 (9) Contact an athlete in a manner so as to violate the rules of the federation
25 or association of which that school or **educational** institution where the athlete is
26 participating in sports contests is a member, to discuss the athlete agent's
27 representation of the athlete in the marketing of the athlete's athletic ability or
28 reputation, or endorsement activities.

29 (10) Make an agreement for, charge, or collect an unreasonable fee or an
30 unreasonable amount for consideration or expenses.

1 B. ~~Only an athlete agent shall be allowed to contact an athlete. The use,~~
 2 ~~encouragement, or solicitation of any intermediaries or third persons to contact an~~
 3 ~~athlete by an athlete agent is prohibited.~~

4 ~~C.~~ An athlete agent owes all of the following duties to an athlete:

5 (1) A duty to disclose to the athlete any risk of loss of eligibility.

6 (2) A duty to explain to the athlete all foreseeable consequences of any
 7 ~~athlete agent contacts~~ **agent contracts or endorsement contracts, including**
 8 **agreements relating to name, image, and likeness activities where applicable.**

9 (3) A duty to refrain from any contacts with an athlete until having complied
 10 with notification requirements to the ~~institutions or schools~~ **division** as required by
 11 ~~Subsection D of this Section~~ **provided in R.S. 4:422(A)(2).**

12 (4) A duty to deal directly and without the use of intermediaries or any third
 13 person with any athlete.

14 (5) A duty to not provide an athlete with anything of value prior to the
 15 execution of an agent contract **or endorsement contract, except as otherwise**
 16 **expressly permitted by this Chapter.**

17 (6) A duty to refrain from any conduct which would cause the athlete to
 18 violate any rule of the federation or association of which the **educational** institution
 19 or school where the athlete is participating in sports contests is a member.

20 **(7) A duty to comply with federal law, including but not limited to the**
 21 **Sports Agent Responsibility and Trust Act, 15 U.S.C. 7801 et seq.**

22 ~~D.C.~~ An athlete agent owes all of the following duties to an **educational**
 23 institution or school:

24 (1) A duty to comply with notification requirements to the athletic director
 25 of the institution or school the athlete attends and to the head coach of the sport in
 26 which the athlete competes, **with respect to agent contracts only.**

27 (2) A duty to refrain from any conduct which would cause the **educational**
 28 institution or school to violate the rules of the federation or association of which the
 29 **educational** institution or school where the athlete is participating in sports contests
 30 is a member.

1 (3) A duty to notify the athletic director of the institution or school that the
 2 athlete attends and the head coach of the sport in which the athlete competes seven
 3 days in advance of any contact with an athlete of an intent by the agent to contact the
 4 athlete **for purposes of representation, with respect to agent contracts only.**

5 (4) A duty to notify the athletic director of the **educational** institution or
 6 school that the athlete attends and the head coach of the sport in which the athlete
 7 competes by way of written notice of the execution of an ~~agency~~ **agent** contract
 8 which must be given before any subsequent participation by the ~~student~~ athlete in
 9 ~~interscholastic or intercollegiate athletics~~ **the educational institution or school**
 10 **athletics program** and not later than seventy-two hours after execution of an agent
 11 contract.

12 ~~E.D.~~ **D.** Until such time as the athlete agent complies with the notification
 13 provided in Subsection ~~D~~ **C** of this Section, this Chapter shall prohibit or limit an
 14 athlete agent from sending to an athlete any written materials relating to the
 15 professional credentials of the agent or to specific services offered by the agent
 16 relating to the representation of an athlete ~~in the marketing of an athlete's athletic~~
 17 ~~ability or reputation~~ **and agent contracts.** Similarly, until such time as the athlete
 18 agent complies with the notification provided in Subsection ~~D~~ **C** of this Section, this
 19 Chapter shall prohibit an athlete agent from any contact with the athlete or any third
 20 person, regardless of who attempts to initiate such contact.

21 **E. With respect to endorsement contracts or endorsement activities**
 22 **related to an athlete's name, image, and likeness matters, the athlete agent, and**
 23 **any athlete with whom the athlete agent engages with, shall comply with all**
 24 **applicable requirements of R.S. 17:3701 et seq., and any rules adopted by the**
 25 **division under R.S. 4:423.1.**

26 **F. A determination by the attorney general that a particular agent or**
 27 **agency fee is unreasonable may be subject to judicial review by the Nineteenth**
 28 **Judicial District Court based on the record only and based on an abuse of**
 29 **discretion standard.**

30 * * *

1 §426. Violations; penalties

2 A. An athlete agent who violates the provisions of this Chapter is subject,
3 pursuant to an adjudicatory hearing **or district court proceeding**, to:

4 (1) Forfeiture of any right of repayment of anything of value either received
5 by an athlete as an inducement to enter into any agent contract or received for any
6 other reason.

7 (2) Payment of a refund of any consideration paid to the athlete agent on an
8 athlete's behalf.

9 (3) Payment of reasonable attorney fees and court costs incurred by an athlete
10 in suing an athlete agent for violation of this Chapter.

11 **B. Upon a finding that an athlete agent has violated a provision of this**
12 **Chapter, as determined from admissions of the athlete agent freely and**
13 **voluntarily made or as the result of an adjudicatory hearing, the administrative**
14 **law judge may assess a fine against an athlete agent not to exceed one hundred**
15 **thousand dollars for a violation of this Chapter.**

16 **C. All monies received from the payment of the fines imposed and**
17 **collected pursuant to the provisions of this Section shall be deposited into the**
18 **Department of Justice Legal Support Fund pursuant to R.S. 49:259.**

19 ~~B.D.~~ Any person commits an offense if he intentionally or knowingly either
20 files a false sworn complaint, **application**, or gives false sworn testimony to any
21 person concerning activities covered by this Chapter. This offense, upon conviction,
22 shall be punishable by a fine of not more than one thousand dollars or by
23 imprisonment of not more than six months, or both.

24 ~~C.E.~~ Any athlete agent who fails to register as required by R.S. 4:422 shall,
25 upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than
26 one thousand dollars or by imprisonment of not more than six months, or both.

27 ~~D.F.~~ Any athlete agent who violates any other duty, obligation, or
28 responsibility prescribed by R.S. 4:424 or engages in conduct prohibited by that
29 Section, shall, upon conviction, be guilty of a felony punishable by a fine of no less
30 than one thousand dollars and not more than ten thousand dollars or by imprisonment

1 with or without hard labor for up to five years, or both.

2 ~~E.G.~~ Any athlete agent who fails to comply with the filing and notice
3 requirements of R.S. 4:423 shall, upon conviction, be guilty of a misdemeanor
4 punishable by a fine of not more than one thousand dollars or by imprisonment of
5 not more than six months, or both.

6 §427. Records to be kept; penalties

7 A. An athlete agent shall keep records of travel, entertainment, and other
8 expenses incurred by the athlete agent which adequately describe the:

9 * * *

10 **(8) Copies of all agent contracts and endorsement contracts entered into**
11 **with athletes.**

12 * * *

13 §431. Enforcement

14 A. ~~Each year the division shall compile a list of athletes, which were signed~~
15 ~~to a contract by a professional sports team, and shall contact the appropriate players~~
16 ~~associations to determine which agents have been retained to represent those athletes.~~

17 **(1) The division may, to the extent practicable, maintain a record or**
18 **database of registered athlete agents.**

19 **(2) The division may require registered agents to report annually, or**
20 **upon request, the names of athletes for whom they have provided such services**
21 **in the preceding year, including the sport and last-known educational institution**
22 **or school, to facilitate compliance monitoring and enforcement under this**
23 **Chapter and R.S. 17:3701 et seq.**

24 B. In the event that the agents retained by the athletes are not registered in
25 this state, the division ~~shall~~ **may** contact the district attorney where the athlete's
26 school or **educational** institution ~~of higher education~~ is located. The district
27 attorney's office ~~shall~~ **may** take appropriate measures to investigate and prosecute
28 any unregistered athlete agents operating in this state.

29 C. The division ~~shall~~ **may** inform in writing the appropriate players
30 association of any unregistered athlete agent operating in this state.

1 §432. Liability for loss of eligibility

2 A. If an athlete loses his eligibility to participate in sports sanctioned by the
3 federation or association of which the school or **educational** institution is a member,
4 or if the school or **educational** institution is investigated or sanctioned by such
5 federation or association as a result of any violation of the rules of the federation or
6 association of which the school or **educational** institution is a member, the school
7 or **educational** institution ~~of higher education~~ that such athlete attended shall have
8 a cause of action, specifically including but not limited to an action of tortious
9 interference with a contract, against such athlete, the athlete agent of such athlete,
10 and any other parties connected with the violation.

11 * * *

12 **§432.1. Civil remedies**

13 **A. An athlete may bring a civil action against an athlete agent for**
14 **damages if the athlete is adversely affected by an act or omission of the athlete**
15 **agent in violation of this Chapter. An athlete is adversely affected if, because of**
16 **the act or omission, the athlete is harmed by either of the following:**

17 **(1) Loses eligibility or is suspended or disqualified from participation in**
18 **interscholastic or intercollegiate athletics.**

19 **(2) Suffers financial or reputational harm.**

20 **B. In an action brought under this Section, the court may award actual**
21 **damages, court costs, and reasonable attorney fees. An athlete agent found**
22 **liable under this Section forfeits any right to compensation and shall refund any**
23 **consideration paid to the athlete agent.**

24 §433. Unlawful payments; penalties

25 A. Notwithstanding any other provision of this Chapter to the contrary, it
26 shall be unlawful for any person to make or offer a monetary payment, or anything
27 of value to an athlete or any other person where such offer does any one or both of
28 the following:

29 (1) Causes **or is intended to cause** the athlete **to be penalized or** to lose his
30 eligibility to participate in sports sanctioned by the federation or association of which

1 the school or institution is a member.

2 (2) Causes or is intended to cause the educational institution ~~of higher~~
 3 ~~education~~ or school which the athlete attended or was being recruited to participate
 4 in sports contests ~~at the time the payment or thing of value was received~~, to be
 5 investigated or placed on probation, penalized, or otherwise sanctioned by the
 6 federation or association of which the school or institution is a member.

7 B. The athlete and the educational institution or school shall each have an
 8 independent cause of action, specifically including but not limited to a cause of
 9 action for tortious interference with an athlete contract against such person for
 10 damages, reasonable attorney fees, and court costs.

11 * * *

12 **§434. Unfair or deceptive acts or practices; investigations and actions by the**
 13 **attorney general; private actions**

14 **A. A violation of this Chapter constitutes an unfair or deceptive act or**
 15 **practice in trade or commerce for purposes of the Louisiana Unfair Trade**
 16 **Practices and Consumer Protection Law, R.S. 51:1401 et seq., and shall subject**
 17 **the violator to all actions, remedies, and penalties therein, including**
 18 **investigations and actions by the attorney general and private actions.**

19 **B. The remedies and penalties provided by this Section are cumulative**
 20 **and in addition to any other civil, administrative, or criminal remedies or**
 21 **penalties provided by this Chapter or available under other laws of this state.**

22 **§435. Requirement to register**

23 **An athlete agent operating on or before the effective date of this Act shall**
 24 **be registered pursuant to the provisions of this Chapter no later than August 1,**
 25 **2026. Any athlete agent who fails to register by August 1, 2026, shall**
 26 **immediately cease all activity as an athlete agent in this state until such**
 27 **registration is complete.**

28 Section 2. R.S. 4:425 and 430 are hereby repealed.

29 Section 3. This Act shall become effective upon signature by the governor or, if not
 30 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____