

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3296**

1 On page 1 of the printed bill, line 2, after “702.005” insert “, 702.012,  
2 702.027, 702.047, 702.052”.

3 Delete lines 4 through 29.

4 On page 2, delete lines 1 through 37 and insert:

5 **“SECTION 1. ORS 702.005 is amended to read:**

6 **“702.005. As used in ORS 702.005 to 702.065, 702.991 and 702.994:**

7 **“(1) ‘Agency contract’ means [*an*]:**

8 **“(a) A written or oral agreement in which a student athlete authorizes**  
9 **a person, organization or legal, commercial or other entity to negotiate**  
10 **or solicit on behalf of the student athlete a professional sports services**  
11 **contract or an endorsement contract; or**

12 **“(b) A written or oral agreement entered into by a student athlete**  
13 **that makes the student athlete ineligible to participate in an inter-**  
14 **scholastic or intercollegiate sport because of a violation of rules or**  
15 **regulations established by a state or national organization that gov-**  
16 **erns student athlete eligibility or participation.**

17 **“(2)(a) ‘Athlete agent’ means an individual who [*enters into an agency***  
18 ***contract with a student athlete or, directly or indirectly, recruits or solicits a***  
19 ***student athlete to enter into an agency contract. ‘Athlete agent’ includes an***  
20 ***individual who represents to the public that the individual is an athlete***  
21 ***agent.*], directly or indirectly:**

22 **“(A) Represents or attempts to represent a student athlete for the**

1 **purpose of marketing the student athlete’s athletic ability or reputa-**  
2 **tion for financial gain; or**

3 **“(B) Seeks to obtain a type of financial gain or benefit from secur-**  
4 **ing a prospective student athlete’s enrollment at an educational in-**  
5 **stitution or from a student athlete’s potential earnings as a**  
6 **professional athlete.**

7 **“(b) ‘Athlete agent’ does not include a spouse, parent, sibling, grandparent**  
8 **or legal guardian of the student athlete or an individual acting solely on**  
9 **behalf of a professional sports team or professional sports organization.**

10 **“(3) ‘Athletic director’ means:**

11 **“(a) An individual responsible for administering the overall athletic pro-**  
12 **gram of an educational institution or, if an educational institution has sep-**  
13 **arately administered athletic programs for male students and female**  
14 **students, the athletic program for males or the athletic program for females,**  
15 **as appropriate[.];**

16 **“(b) If the educational institution is a public or private elementary**  
17 **school or secondary school and the educational institution does not**  
18 **have a person responsible for administering the overall athletic pro-**  
19 **gram:**

20 **“(A) The principal of the educational institution; or**

21 **“(B) If the educational institution does not have a principal, the**  
22 **person designated by the governing body of the school district, educa-**  
23 **tion service district or charter school to manage the educational in-**  
24 **stitution; or**

25 **“(c) If the educational institution is a community college or uni-**  
26 **versity and the educational institution does not have a person re-**  
27 **sponsible for administering the overall athletic program:**

28 **“(A) The president of the educational institution; or**

29 **“(B) If the educational institution does not have a president, the**  
30 **Chancellor of the Oregon University System or, if the educational in-**

1 **stitution is not a part of the Oregon University System, the person**  
2 **designated by the governing body of the educational institution to**  
3 **manage the educational institution.**

4 “(4) ‘Contact’ means a communication, direct or indirect, between an  
5 athlete agent and a student athlete, to recruit or solicit the student athlete  
6 to enter into an agency contract.

7 “(5) ‘Educational institution’ means a public or private elementary  
8 school, secondary school, community college, university or other edu-  
9 cational institution.

10 “[5] (6) ‘Endorsement contract’ means an agreement under which a stu-  
11 dent athlete is employed or receives consideration to use on behalf of the  
12 other party any value that the student athlete may have because of publicity,  
13 reputation, following or fame obtained because of athletic ability or per-  
14 formance.

15 “[6] (7) ‘Intercollegiate sport’ means a sport played at the collegiate  
16 level for which eligibility requirements for participation by a student athlete  
17 are established by a national association for the promotion or regulation of  
18 collegiate athletics.

19 “[7] (8) ‘Person’ means an individual, corporation, business trust, estate,  
20 trust, partnership, limited liability company, association, joint venture, pub-  
21 lic body, as defined in ORS 174.109, or any other legal or commercial entity.

22 “[8] (9) ‘Professional sports services contract’ means an agreement under  
23 which an individual is employed, or agrees to render services, as a player  
24 on a professional sports team, with a professional sports organization or as  
25 a professional athlete.

26 “[9] (10) ‘Record’ means information that is inscribed on a tangible me-  
27 dium or that is stored in an electronic or other medium and is retrievable  
28 in perceivable form.

29 “[10] (11) ‘Registration’ means registration as an athlete agent pursuant  
30 to ORS 702.005 to 702.065, 702.991 and 702.994.

1 “[(11)] (12) ‘State’ means a state of the United States, the District of  
2 Columbia, Puerto Rico, the United States Virgin Islands or any territory or  
3 insular possession subject to the jurisdiction of the United States.

4 “[(12)] (13) ‘Student athlete’ means an individual **attending an educa-**  
5 **tional institution within this state** who engages in, is eligible to engage  
6 in or may be eligible in the future to engage in any **interscholastic or**  
7 **intercollegiate sport**. If an individual is permanently ineligible to participate  
8 in a particular **interscholastic or** intercollegiate sport, the individual is not  
9 a student athlete for purposes of that sport.

10 **“SECTION 2. Section 3 of this 2013 Act is added to and made a part**  
11 **of ORS 702.005 to 702.065.**

12 **“SECTION 3. (1) Before initiating contact with a student athlete,**  
13 **an athlete agent shall provide written notice to the athletic director**  
14 **of the educational institution at which the student athlete is enrolled**  
15 **or admitted. Notice provided under this subsection must state that the**  
16 **athlete agent intends to contact a student athlete at the educational**  
17 **institution.**

18 **“(2) The written notice required by subsection (1) of this section**  
19 **may be delivered personally or by registered or certified mail, elec-**  
20 **tronic mail, facsimile or other electronic means.**

21 **“SECTION 4. ORS 702.012 is amended to read:**

22 **“702.012. (1) Except as otherwise provided in subsection (2) of this section,**  
23 **an individual may not act as an athlete agent in Oregon without holding a**  
24 **certificate of registration issued under this section or ORS 702.019.**

25 **“(2) Before being issued a certificate of registration, an individual may**  
26 **act as an athlete agent in Oregon for all purposes except [signing] entering**  
27 **into an agency contract, if:**

28 **“(a) A student athlete [or another person acting on behalf of the student**  
29 **athlete] initiates communication with the individual; and**

30 **“(b) Within seven days after an initial act as an athlete agent, the indi-**

1 vidual submits an application for registration as an athlete agent in Oregon.

2 “(3) An agency contract resulting from conduct in violation of this section  
3 is void and the athlete agent shall return any consideration received under  
4 the contract.

5 “(4) Except as otherwise provided in subsection (5) of this section, the  
6 Department of Education shall issue a certificate of registration to an indi-  
7 vidual who complies with ORS 702.017 (1) and (2) or whose application has  
8 been accepted under ORS 702.017 (3).

9 “(5) The department may refuse to issue a certificate of registration if the  
10 department determines that the applicant has engaged in conduct that has  
11 a significant adverse effect on the applicant’s fitness to act as an athlete  
12 agent. In making the determination, the department may consider whether  
13 the applicant has:

14 “(a) Been convicted of a crime that, if committed in Oregon, would be a  
15 crime involving moral turpitude or a felony;

16 “(b) Made a materially false, misleading, deceptive or fraudulent repre-  
17 sentation in the application or as an athlete agent;

18 “(c) Engaged in conduct that would disqualify the applicant from serving  
19 in a fiduciary capacity;

20 “(d) Engaged in conduct prohibited by ORS 702.027;

21 “(e) Had a registration or licensure as an athlete agent suspended, re-  
22 voked or denied or been refused renewal of registration or licensure as an  
23 athlete agent in any state;

24 “(f) Engaged in conduct the consequence of which was that a sanction,  
25 suspension or declaration of ineligibility to participate in an interscholastic  
26 or intercollegiate athletic event was imposed on a student athlete or educa-  
27 tional institution; or

28 “(g) Engaged in conduct that significantly adversely reflects on the  
29 applicant’s credibility, honesty or integrity.

30 “(6) In making a determination under subsection (5) of this section, the

1 department shall consider:

2 “(a) How recently the conduct occurred;

3 “(b) The nature of the conduct and the context in which it occurred; and

4 “(c) Any other relevant conduct of the applicant.

5 “(7) An athlete agent may apply to renew a registration by submitting an  
6 application for renewal in a form prescribed by the department. The appli-  
7 cation for renewal must be signed by the applicant under penalty of perjury  
8 and must contain current information on all matters required in an original  
9 registration.

10 “(8) An individual who has submitted an application for renewal of reg-  
11 istration or licensure in another state, in lieu of submitting an application  
12 for renewal in the form prescribed pursuant to subsection (7) of this section,  
13 may file a copy of the application for renewal and a valid certificate of  
14 registration or licensure from the other state. The department shall accept  
15 the application for renewal from the other state as an application for re-  
16 newal in Oregon if the application to the other state:

17 “(a) Was submitted in the other state within the preceding six months and  
18 the applicant certifies that the information contained in the application for  
19 renewal is current;

20 “(b) Contains information substantially similar to or more comprehensive  
21 than that required in an application for renewal submitted in Oregon; and

22 “(c) Was signed by the applicant under penalty of perjury.

23 “(9) A certificate of registration or a renewal of a registration is valid for  
24 two years.

25 “(10) The department may suspend, revoke or refuse to renew a registra-  
26 tion for conduct that would have justified denial of registration under sub-  
27 section (5) of this section.

28 “(11) The department may deny, suspend, revoke or refuse to renew a  
29 certificate of registration or licensure only after proper notice and an op-  
30 portunity for a hearing.

1        **“SECTION 5.** ORS 702.027 is amended to read:

2        “702.027. An athlete agent may not intentionally:

3        “(1) Initiate contact with a student athlete unless registered under ORS  
4 702.005 to 702.065, 702.991 and 702.994;

5        “(2) Refuse or fail to retain or permit inspection of the records required  
6 to be retained by ORS 702.059;

7        “(3) Fail to register when required by ORS 702.012;

8        “(4) Provide materially false or misleading information in an application  
9 for registration or renewal of registration;

10       “(5) Predate or postdate [*an*] **a written** agency contract; or

11       “(6) Fail to notify a student athlete before the student athlete [*signs or*  
12 *otherwise authenticates*] **enters into** an agency contract for a particular  
13 sport that [*the signing or authentication*] **entering into the agency con-**  
14 **tract** may make the student athlete ineligible to participate as a student  
15 athlete in that sport.

16       **“SECTION 6.** ORS 702.047 is amended to read:

17       “702.047. (1) [*An*] **A written** agency contract must be in a record, signed  
18 or otherwise authenticated by the parties.

19       “(2) [*An*] **A written** agency contract must state or contain:

20       “(a) The amount and method of calculating the consideration to be paid  
21 by the student athlete for services to be provided by the athlete agent under  
22 the contract and any other consideration the athlete agent has received or  
23 will receive from any other source for entering into the contract or for pro-  
24 viding the services;

25       “(b) The name of any person not listed in the application for registration  
26 or renewal of registration who will be compensated because the student  
27 athlete signed the **written** agency contract;

28       “(c) A description of any expenses that the student athlete agrees to re-  
29 imburse;

30       “(d) A description of the services to be provided to the student athlete;

1 “(e) The duration of the contract; and

2 “(f) The date of execution.

3 “(3) [An] **A written** agency contract must contain, in close proximity to  
4 the signature of the student athlete, a conspicuous notice in boldfaced type  
5 in capital letters stating:

6 “

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7 WARNING TO THE STUDENT ATHLETE:

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9 IF YOU SIGN THIS CONTRACT:

10 (1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STU-  
11 DENT ATHLETE IN YOUR SPORT.

12 (2) [IF YOU HAVE AN ATHLETIC DIRECTOR,] BOTH YOU AND  
13 YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR  
14 WITHIN 72 HOURS AFTER ENTERING INTO THIS CONTRACT, OR BE-  
15 FORE YOU PARTICIPATE IN ANY INTERSCHOLASTIC OR  
16 INTERCOLLEGIATE SPORTS EVENT, WHICHEVER OCCURS FIRST.

17 (3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER  
18 SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT REIN-  
19 STATE YOUR ELIGIBILITY.

20 “

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21 “(4) [An] **A written** agency contract that does not conform to this section  
22 is voidable by the student athlete. If a student athlete voids [an] **a written**  
23 agency contract **under this subsection**, the student athlete is not required  
24 to pay any consideration under the contract or to return any consideration  
25 received from the athlete agent to induce the student athlete to enter into  
26 the contract.

27 “(5) The athlete agent shall give a record of the [*signed or otherwise*  
28 *authenticated*] **written** agency contract to the student athlete at the time of  
29 execution.

30 **“SECTION 7.** ORS 702.052 is amended to read:

1       “702.052. (1) A student athlete may cancel an agency contract by giving  
2 notice of the cancellation to the athlete agent in a record within 14 days  
3 after [*the contract is signed*] **entering into the agency contract.**

4       “(2) The right of a student **athlete** to cancel [*a*] **an agency** contract un-  
5 der this section may not be waived.

6       “(3) If a student athlete cancels an agency contract, the student athlete  
7 is not required to pay any consideration under the contract or to return any  
8 consideration received from the athlete agent to induce the student athlete  
9 to enter into the contract.”.

10       In line 38, delete “4” and insert “8”.

11       On page 5, line 31, delete “5” and insert “9”.

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