

ASSEMBLY BILL NO. 372—ASSEMBLYMEN BILBRAY-AXELROD,
OHRENSCHALL AND COHEN

MARCH 20, 2017

JOINT SPONSOR: SENATOR SEGERBLOM

Referred to Committee on Education

SUMMARY—Enacts the Revised Uniform Athlete Agents Act.
(BDR 34-952)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to intercollegiate athletics; enacting the Revised Uniform Athlete Agents Act (2015); repealing the Uniform Athletes' Agents Act; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law enacted and subsequently amended the Uniform Athletes' Agents Act. Generally, the Uniform Athletes' Agent Act requires an athlete agent to register with the Secretary of State and prohibits certain conduct by athlete agents. (NRS 398.400-398.620) This bill repeals the Uniform Athletes' Agents Act and enacts the Revised Uniform Athlete Agents Act (2015), except that **section 20.3** maintains existing law governing the applicability of the provisions of law governing athlete agents and **section 20.7** maintains existing law governing the confidentiality of certain information or documents obtained by, or filed with, the Secretary of State.

Section 5 of this bill generally defines an athlete agent subject to the provisions of the Revised Uniform Athlete Agents Act (2015) as an individual who: (1) directly or indirectly induces or attempts to induce a student athlete to enter an agency contract; (2) for compensation procures or attempts to procure employment for a student athlete as a professional athlete; (3) for compensation or the anticipation of compensation advises a student athlete on his or her finance or business affairs; or (4) in anticipation of representing a student athlete gives something of value to the athlete or another person.

Section 22 of this bill prohibits an individual from acting as an athlete agent without registering with the Secretary of State. **Section 23** of this bill requires an applicant for such registration to disclose certain information including, without



limitation, training, experience and education, any conviction of a crime that involves moral turpitude or a felony, any administrative or judicial determination that the applicant has made a false or deceptive representation and whether the applicant's license as an athlete agent has been denied, suspended or revoked in any state or has been the subject or cause of any sanction, suspension or declaration of ineligibility.

Sections 23 and 24 of this bill require reciprocal registration of an athlete agent if: (1) the agent is issued a certificate of registration by another state and the registration has not been suspended or revoked; (2) no action involving the athlete agent's conduct as an athlete agent is pending in any state; and (3) the application and registration requirements of the other state are substantially similar to or more restrictive than the law in this State.

Section 29 of this bill maintains existing law by requiring the Secretary of State to establish by regulation fees for the registration or renewal of registration as an athlete agent.

Sections 30-32 of this bill contain the requirements for entering an agency contract. **Section 30** requires such a contract to include, without limitation, a statement that the athlete agent is registered in the state in which the contract is signed, list any other state in which the agent is registered and set forth compensation of the athlete agent. The contract must be accompanied by a separate record signed by the student athlete acknowledging that signing the contract may result in the loss of eligibility to participate in the athlete's sport. **Section 31** requires both the agent and the student athlete to give notice of the contract to the athletic director of the affected educational institution within 72 hours of signing the agreement or before the athlete's next scheduled event, whichever occurs first. **Section 31** further specifies additional circumstances under which an athlete agent or student athlete must notify an athletic director or educational institution of information concerning the relationship between the athlete agent and the student athlete. **Section 32** provides a student athlete with a right to cancel an agency contract not more than 14 days after the contract is signed.

Section 33 of this bill requires athlete agents to maintain executed contracts and other specified records for a period of 5 years, including information about represented individuals and recruitment.

Section 34 of this bill prohibits an athlete agent from: (1) providing materially false or misleading information, promises or representations with the intent of influencing a student athlete to enter into an agency contract; (2) furnishing anything of value to a student athlete before that athlete enters into an agency contract; (3) furnishing anything of value to an individual other than a student athlete; (4) initiating contact with a student athlete unless registered under the Revised Uniform Athlete Agents Act (2015); (5) failing to create, retain or permit inspection of required records; (6) failing to register where required; (7) providing materially false or misleading information in an application for registration or renewal thereof; (8) predating or postdating an agency contract; (9) failing to notify a student athlete that signing an agency contract may make the student athlete ineligible to participate as a student athlete in that sport; or (10) encouraging another individual to take on behalf of the agent an action the agent is prohibited from taking. **Section 35** of this bill provides that a person who violates any provision of **section 34** of this bill is guilty of a misdemeanor and must be required to pay restitution. **Section 36** of this bill authorizes a student athlete or educational institution to bring a civil action against an athlete agent for damages, and authorizes the student athlete or educational institution to be awarded actual damages, as well as costs and reasonable attorney's fees.

Sections 39-41 of this bill revise provisions governing the enforcement of the Uniform Athletes' Agents Act so that those provisions apply to the enforcement of the provisions of this bill. **Section 40** further increases the maximum



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76 administrative fine that may be imposed by the Secretary of State from \$25,000 to
77 \$50,000.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Title 34 of NRS is hereby amended by adding
2 thereto a new chapter to consist of the provisions set forth as
3 sections 2 to 38, inclusive, of this act.

4 **Sec. 2.** *NRS 398.600, 398.610 and 398.620 and sections 2 to*
5 *38, inclusive, of this act may be cited as the Revised Uniform*
6 *Athlete Agents Act (2015).*

7 **Sec. 3.** *As used in NRS 398.600, 398.610 and 398.620 and*
8 *sections 2 to 38, inclusive, of this act, unless the context otherwise*
9 *requires, the words and terms defined in sections 4 to 20,*
10 *inclusive, of this act have the meanings ascribed to them in those*
11 *sections.*

12 **Sec. 4.** *“Agency contract” means an agreement in which a*
13 *student athlete authorizes a person to negotiate or solicit on behalf*
14 *of the athlete a professional sports services contract or*
15 *endorsement contract.*

16 **Sec. 5.** *“Athlete agent”:*

17 1. *Means an individual, whether or not registered under NRS*
18 *398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of*
19 *this act who:*

20 (a) *Directly or indirectly recruits or solicits a student athlete to*
21 *enter into an agency contract or, for compensation, procures*
22 *employment or offers, promises, attempts or negotiates to obtain*
23 *employment for a student athlete as a professional athlete or*
24 *member of a professional sports team or organization;*

25 (b) *For compensation or in anticipation of compensation*
26 *related to a student athlete’s participation in athletics:*

27 (1) *Serves the athlete in an advisory capacity on a matter*
28 *related to finances, business pursuits or career management*
29 *decisions, unless the individual is an employee of an educational*
30 *institution acting exclusively as an employee of the institution for*
31 *the benefit of the institution; or*

32 (2) *Manages the business affairs of the athlete by providing*
33 *assistance with bills, payments, contracts or taxes; or*

34 (c) *In anticipation of representing a student athlete for a*
35 *purpose related to the athlete’s participation in athletics:*

36 (1) *Gives consideration to the student athlete or another*
37 *person;*



* A B 3 7 2 R 3 *

(2) Serves the athlete in an advisory capacity on a matter related to finances, business pursuits or career management decisions; or

(3) Manages the business affairs of the athlete by providing assistance with bills, payments, contracts or taxes; but

2. Does not include an individual who:

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

(b) 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:

(1) Also recruits or solicits the athlete to enter into an agency contract;

(2) 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

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

Sec. 6. "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.

Sec. 7. "Educational institution" includes a public or private elementary school, secondary school, technical or vocational school, community college, college and university.

Sec. 8. "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.

Sec. 9. "Enrolled" means registered for courses and attending athletic practice or class. "Enrolls" has a corresponding meaning.

Sec. 10. "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.

Sec. 11. "Interscholastic sport" means a sport played between educational institutions that are not community colleges, colleges or universities.



* A B 3 7 2 R 3 *

1 **Sec. 12.** *“Licensed, registered or certified professional”*
2 *means an individual licensed, registered or certified as an*
3 *attorney, dealer in securities, financial planner, insurance agent,*
4 *real estate broker or sales agent, tax consultant, accountant or*
5 *member of a profession, other than that of athlete agent, who is*
6 *licensed, registered or certified by the state or a nationally*
7 *recognized organization that licenses, registers or certifies*
8 *members of the profession on the basis of experience, education or*
9 *testing.*

10 **Sec. 13.** *“Person” means an individual, estate, business or*
11 *nonprofit entity, public corporation, government or governmental*
12 *subdivision, agency or instrumentality or other legal entity.*

13 **Sec. 14.** *“Professional sports services contract” means an*
14 *agreement under which an individual is employed as a*
15 *professional athlete or agrees to render services as a player on a*
16 *professional sports team or with a professional sports*
17 *organization.*

18 **Sec. 15.** *“Record” means information that is inscribed on a*
19 *tangible medium or that is stored in an electronic or other medium*
20 *and is retrievable in perceivable form.*

21 **Sec. 16.** *“Recruit or solicit” means attempt to influence the*
22 *choice of an athlete agent by a student athlete or, if the athlete is a*
23 *minor, a parent or guardian of the athlete. The term does not*
24 *include giving advice on the selection of a particular agent in a*
25 *family, coaching or social situation unless the individual giving*
26 *the advice does so because of the receipt or anticipated receipt of*
27 *an economic benefit, directly or indirectly, from the agent.*

28 **Sec. 17.** *“Registration” means registration as an athlete*
29 *agent under NRS 398.600, 398.610 and 398.620 and sections 2 to*
30 *38, inclusive, of this act.*

31 **Sec. 18.** *“Sign” means, with present intent to authenticate or*
32 *adopt a record:*

33 1. *To execute or adopt a tangible symbol; or*

34 2. *To attach to or logically associate with the record an*
35 *electronic symbol, sound or process.*

36 **Sec. 19.** *“State” means a state of the United States, the*
37 *District of Columbia, Puerto Rico, the United States Virgin*
38 *Islands or any territory or insular possession subject to the*
39 *jurisdiction of the United States.*

40 **Sec. 20.** *“Student athlete” means an individual who is*
41 *eligible to attend an educational institution and engages in, is*
42 *eligible to engage in, or may be eligible in the future to engage in,*
43 *any interscholastic or intercollegiate sport. The term does not*
44 *include an individual permanently ineligible to participate in a*
45 *particular interscholastic or intercollegiate sport for that sport.*



1 **Sec. 20.3.** 1. *The provisions of NRS 398.600, 398.610 and*
2 *398.620 and sections 2 to 38, inclusive, of this act apply to a*
3 *person who sells or offers to sell his or her services as an athlete*
4 *agent if the offer is:*

- 5 (i) *Made in this State;*
6 (ii) *Accepted in this State;*
7 (iii) *Accepted by a resident of this State; or*
8 (iv) *Accepted by a student athlete who is enrolled at an*
9 *educational institution.*

10 2. *For the purpose of this section, an offer is made in this*
11 *State, whether or not either party is present in this State, if the*
12 *offer:*

- 13 (i) *Originates in this State; or*
14 (ii) *Is directed by the offeror to a destination in this State and*
15 *received where it is directed, or at a post office in this State if the*
16 *offer is mailed.*

17 3. *For the purpose of this section, an offer is accepted in this*
18 *State if the acceptance:*

- 19 (i) *Is communicated to the offeror in this State; and*
20 (ii) *Has not previously been communicated to the offeror,*
21 *orally or in writing, outside this State.*

22 ↪ *Acceptance is communicated to the offeror in this State,*
23 *whether or not either party is present in this State, if the offeree*
24 *directs it to the offeror in this State reasonably believing the*
25 *offeror to be in this State and it is received where it is directed, or*
26 *at any post office in this State if the acceptance is mailed.*

27 **Sec. 20.7.** 1. *Except as otherwise provided in subsections 2*
28 *and 3 and NRS 239.0115, the following information and*
29 *documents do not constitute public information and are*
30 *confidential:*

31 (i) *Information or documents obtained by the Secretary of*
32 *State in connection with an investigation conducted pursuant to*
33 *NRS 398.600 concerning possible violations of NRS 398.600,*
34 *398.610 and 398.620 and sections 2 to 38, inclusive, of this act;*
35 *and*

36 (ii) *Information or documents filed with the Secretary of State*
37 *in connection with an application for registration filed pursuant to*
38 *NRS 398.600, 398.610 and 398.620 and sections 2 to 38, inclusive,*
39 *of this act that constitute commercial or financial information, or*
40 *business practices, of a person for which that person is entitled to*
41 *and has asserted a claim of privilege or confidentiality authorized*
42 *by law.*

43 2. *The Secretary of State may submit any information or*
44 *evidence obtained in connection with an investigation conducted*
45 *pursuant to NRS 398.600 to the Attorney General or appropriate*



1 *district attorney for the purpose of prosecuting a criminal action*
2 *pursuant to NRS 398.600, 398.610 and 398.620 and sections 2 to*
3 *38, inclusive, of this act.*

4 *3. The Secretary of State may disclose any information*
5 *obtained in connection with an investigation conducted pursuant*
6 *to NRS 398.600 to any other governmental agency if the*
7 *disclosure is provided for the purpose of a civil, administrative or*
8 *criminal investigation or proceeding and the receiving agency*
9 *represents in writing that, under applicable law, protections exist*
10 *to preserve the integrity, confidentiality and security of the*
11 *information.*

12 *4. The provisions of NRS 398.600, 398.610 and 398.620 and*
13 *sections 2 to 38, inclusive, of this act do not create any privilege*
14 *and do not diminish any privilege existing pursuant to common*
15 *law, a specific statute or regulation, or otherwise.*

16 **Sec. 21.** *1. The Secretary of State may adopt regulations to*
17 *carry out the provisions of NRS 398.600, 398.610 and 398.620 and*
18 *sections 2 to 38, inclusive, of this act.*

19 *2. By acting as an athlete agent in this State, a nonresident*
20 *individual appoints the Secretary of State as the individual's agent*
21 *for service of process in any civil action in this State related to the*
22 *individual acting as an athlete agent in this State.*

23 *3. The Secretary of State may issue a subpoena for material*
24 *that is relevant to the administration of NRS 398.600, 398.610 and*
25 *398.620 and sections 2 to 38, inclusive, of this act.*

26 **Sec. 22.** *1. Except as otherwise provided in subsection 2, an*
27 *individual may not act as an athlete agent in this State without*
28 *holding a certificate of registration under NRS 398.600, 398.610*
29 *and 398.620 and sections 2 to 38, inclusive, of this act.*

30 *2. Before being issued a certificate of registration under NRS*
31 *398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of*
32 *this act, an individual may act as an athlete agent in this State for*
33 *all purposes except signing an agency contract if:*

34 *(a) A student athlete or another person acting on behalf of the*
35 *athlete initiates communication with the individual; and*

36 *(b) Not later than 7 days after an initial act that requires the*
37 *individual to register as an athlete agent, the individual submits an*
38 *application for registration as an athlete agent in this State.*

39 *3. An agency contract resulting from conduct in violation of*
40 *this section is void, and the athlete agent shall return any*
41 *consideration received under the contract.*

42 **Sec. 23.** *1. An applicant for registration as an athlete agent*
43 *shall submit an application for registration to the Secretary of*
44 *State in a form prescribed by the Secretary of State. The applicant*
45 *must be an individual, and the application must be signed by the*



* A B 3 7 2 R 3 *

1 *applicant under penalty of perjury. The application must contain*
2 *at least the following:*

3 *(a) The name and date and place of birth of the applicant and*
4 *the following contact information for the applicant:*

5 *(1) The address of the applicant's principal place of*
6 *business;*

7 *(2) Work and mobile telephone numbers; and*

8 *(3) Any means of communicating electronically, including*
9 *a facsimile number, electronic mail address, and personal and*
10 *business or employer websites;*

11 *(b) The name of the applicant's business or employer, if*
12 *applicable, including for each business or employer, its mailing*
13 *address, telephone number, organization form and the nature of*
14 *the business;*

15 *(c) Each social media account with which the applicant or the*
16 *applicant's business or employer is affiliated;*

17 *(d) Each business or occupation in which the applicant*
18 *engaged within 5 years before the date of the application,*
19 *including self-employment and employment by others, and any*
20 *professional or occupational license, registration or certification*
21 *held by the applicant during that time;*

22 *(e) A description of the applicant's:*

23 *(1) Formal training as an athlete agent;*

24 *(2) Practical experience as an athlete agent; and*

25 *(3) Educational background relating to the applicant's*
26 *activities as an athlete agent;*

27 *(f) The name of each student athlete for whom the applicant*
28 *acted as an athlete agent within 5 years before the date of the*
29 *application or, if the individual is a minor, the name of the parent*
30 *or guardian of the minor, together with the athlete's sport and last*
31 *known team;*

32 *(g) The name and address of each person that:*

33 *(1) Is a partner, member, officer, manager, associate or*
34 *profit sharer or directly or indirectly holds an equity interest of 5*
35 *percent or greater of the athlete agent's business if it is not a*
36 *corporation; and*

37 *(2) Is an officer or director of a corporation employing the*
38 *athlete agent or a shareholder having an interest of 5 percent or*
39 *greater in the corporation;*

40 *(h) A description of the status of any application by the*
41 *applicant, or any person named under paragraph (g), for a state or*
42 *federal business, professional or occupational license, other than*
43 *as an athlete agent, from a state or federal agency, including any*
44 *denial, refusal to renew, suspension, withdrawal or termination of*
45 *the license and any reprimand or censure related to the license;*



* A B 3 7 2 R 3 *

(i) Whether the applicant, or any person named under paragraph (g), 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:

(1) The crime;

(2) The law enforcement agency involved; and

(3) If applicable, the date of the conviction and the fine or penalty imposed;

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

(k) Whether the applicant, or any person named under paragraph (g), has an unsatisfied judgment or a judgment of continuing effect, including spousal support or a domestic order in the nature of child support, which is not current at the date of the application;

(l) Whether, within 10 years before the date of application, the applicant, or any person named under paragraph (g), was adjudicated bankrupt or was an owner of a business that was adjudicated bankrupt;

(m) Whether there has been any administrative or judicial determination that the applicant, or any person named under paragraph (g), made a false, misleading, deceptive or fraudulent representation;

(n) Each instance in which conduct of the applicant, or any person named under paragraph (g), 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;

(o) Each sanction, suspension or disciplinary action taken against the applicant, or any person named under paragraph (g), arising out of occupational or professional conduct;

(p) 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 (g), as an athlete agent in any state;

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

(r) If the applicant is certified or registered by a professional league or players association:

(1) The name of the league or association;



1 (2) *The date of certification or registration, and the date of*
2 *expiration of the certification or registration, if any; and*

3 (3) *If applicable, the date of any denial of an application*
4 *for, suspension or revocation of, refusal to renew, withdrawal of,*
5 *or termination of, the certification or registration or any*
6 *reprimand or censure related to the certification or registration;*
7 *and*

8 (s) *Any additional information required by the Secretary of*
9 *State.*

10 2. *Instead of proceeding under subsection 1, an individual*
11 *registered as an athlete agent in another state may apply for*
12 *registration as an athlete agent in this State by submitting to the*
13 *Secretary of State:*

14 (a) *A copy of the application for registration in the other state;*

15 (b) *A statement that identifies any material change in the*
16 *information on the application or verifies there is no material*
17 *change in the information, signed under penalty of perjury;*

18 (c) *A copy of the certificate of registration from the other state;*
19 *and*

20 (d) *The information required by section 25 of this act.*

21 3. *Except as otherwise provided in section 25 of this act, the*
22 *Secretary of State shall issue a certificate of registration to an*
23 *individual who applies for registration under subsection 2 if the*
24 *Secretary of State determines:*

25 (a) *The application and registration requirements of the other*
26 *state are substantially similar to or more restrictive than NRS*
27 *398.600, 398.610 and 398.620 and sections 2 to 38, inclusive, of*
28 *this act; and*

29 (b) *The registration has not been revoked or suspended and no*
30 *action involving the individual's conduct as an athlete agent is*
31 *pending against the individual or the individual's registration in*
32 *any state.*

33 4. *For purposes of implementing subsection 3, the Secretary*
34 *of State may:*

35 (a) *Cooperate with national organizations concerned with*
36 *athlete agent issues and agencies in other states which register*
37 *athlete agents to develop a common registration form and*
38 *determine which states have laws that are substantially similar to*
39 *or more restrictive than NRS 398.600, 398.610 and 398.620 and*
40 *sections 2 to 38, inclusive, of this act; and*

41 (b) *Exchange information, including information related to*
42 *actions taken against registered athlete agents or their*
43 *registrations, with those organizations and agencies.*

44 **Sec. 24.** 1. *Except as otherwise provided in subsection 2*
45 *and section 25 of this act, the Secretary of State shall issue a*



1 *certificate of registration to an applicant for registration who*
2 *complies with subsection 1 of section 23 of this act.*

3 2. *The Secretary of State may refuse to issue a certificate of*
4 *registration to an applicant for registration under subsection 1 of*
5 *section 23 of this act if the Secretary of State determines that the*
6 *applicant has engaged in conduct that significantly adversely*
7 *reflects on the applicant's fitness to act as an athlete agent. In*
8 *making the determination, the Secretary of State may consider*
9 *whether the applicant has:*

10 (a) *Pleaded guilty or no contest to, has been convicted of, or*
11 *has charges pending for, a crime that would involve moral*
12 *turpitude or be a felony if committed in this State;*

13 (b) *Made a materially false, misleading, deceptive or*
14 *fraudulent representation in the application or as an athlete*
15 *agent;*

16 (c) *Engaged in conduct that would disqualify the applicant*
17 *from serving in a fiduciary capacity;*

18 (d) *Engaged in conduct prohibited by section 34 of this act;*

19 (e) *Had a registration as an athlete agent suspended, revoked*
20 *or denied in any state;*

21 (f) *Been refused renewal of registration as an athlete agent in*
22 *any state;*

23 (g) *Engaged in conduct resulting in imposition of a sanction,*
24 *suspension or declaration of ineligibility to participate in an*
25 *interscholastic, intercollegiate or professional athletic event on a*
26 *student athlete or a sanction on an educational institution; or*

27 (h) *Engaged in conduct that adversely reflects on the*
28 *applicant's credibility, honesty or integrity.*

29 3. *In making a determination under subsection 2, the*
30 *Secretary of State shall consider:*

31 (a) *How recently the conduct occurred;*

32 (b) *The nature of the conduct and the context in which it*
33 *occurred; and*

34 (c) *Other relevant conduct of the applicant.*

35 4. *An athlete agent registered under subsection 1 may apply*
36 *to renew the registration by submitting an application for renewal*
37 *in a form prescribed by the Secretary of State. The applicant shall*
38 *sign the application for renewal under penalty of perjury and*
39 *include current information on all matters required in an original*
40 *application for registration.*

41 5. *An athlete agent registered under subsection 3 of section*
42 *23 of this act may renew the registration by proceeding under*
43 *subsection 4 or, if the registration in the other state has been*
44 *renewed, by submitting to the Secretary of State copies of the*
45 *application for renewal in the other state, the renewed registration*



1 *from the other state and the information required by section 25 of*
2 *this act. Except as otherwise provided in section 25 of this act, the*
3 *Secretary of State shall renew the registration if the Secretary of*
4 *State determines:*

5 *(a) The registration requirements of the other state are*
6 *substantially similar to or more restrictive than NRS 398.600,*
7 *398.610 and 398.620 and sections 2 to 38, inclusive, of this act;*
8 *and*

9 *(b) The renewed registration has not been suspended or*
10 *revoked and no action involving the individual's conduct as an*
11 *athlete agent is pending against the individual or the individual's*
12 *registration in any state.*

13 *6. A certificate of registration or renewal of registration*
14 *under NRS 398.600, 398.610 and 398.620 and sections 2 to 38,*
15 *inclusive, of this act is valid for 2 years.*

16 **Sec. 25. 1. In addition to any other requirements set forth**
17 **in this chapter:**

18 *(a) An individual who applies for registration or the renewal of*
19 *registration as an athlete agent pursuant to section 23 or 24 of this*
20 *act, respectively, must include the social security number of the*
21 *applicant in the application submitted to the Secretary of State.*

22 *(b) An applicant described in paragraph (a) shall submit to the*
23 *Secretary of State the statement prescribed by the Division of*
24 *Welfare and Supportive Services of the Department of Health and*
25 *Human Services pursuant to NRS 425.520. The statement must be*
26 *completed and signed by the applicant.*

27 **2. The Secretary of State shall include the statement required**
28 **pursuant to subsection 1 in:**

29 *(a) The application or any other forms that must be submitted*
30 *for registration or the renewal of registration as an athlete agent;*
31 *or*

32 *(b) A separate form prescribed by the Secretary of State.*

33 **3. Registration as an athlete agent may not be issued or**
34 **renewed by the Secretary of State if the applicant:**

35 *(a) Fails to submit the statement required pursuant to*
36 *subsection 1; or*

37 *(b) Indicates on the statement submitted pursuant to*
38 *subsection 1 that the applicant is subject to a court order for the*
39 *support of a child and is not in compliance with the order or a*
40 *plan approved by the district attorney or other public agency*
41 *enforcing the order for the repayment of the amount owed*
42 *pursuant to the order.*

43 **4. If an applicant indicates on the statement submitted**
44 **pursuant to subsection 1 that the applicant is subject to a court**
45 **order for the support of a child and is not in compliance with the**



1 *order or a plan approved by the district attorney or other public*
2 *agency enforcing the order for the repayment of the amount owed*
3 *pursuant to the order, the Secretary of State shall advise the*
4 *applicant to contact the district attorney or other public agency*
5 *enforcing the order to determine the actions that the applicant*
6 *may take to satisfy the arrearage.*

7 **Sec. 26.** 1. *If the Secretary of State receives a copy of a*
8 *court order issued pursuant to NRS 425.540 that provides for the*
9 *suspension of all professional, occupational and recreational*
10 *licenses, certificates and permits issued to an individual who is*
11 *registered as an athlete agent, the Secretary of State shall deem*
12 *the registration to be suspended at the end of the 30th day after the*
13 *date on which the court order was issued unless the Secretary of*
14 *State receives a letter issued to the registrant by the district*
15 *attorney or other public agency pursuant to NRS 425.550 stating*
16 *that the registrant has complied with the subpoena or warrant or*
17 *has satisfied the arrearage pursuant to NRS 425.560.*

18 2. *The Secretary of State shall reinstate a registration as an*
19 *athlete agent that has been suspended by a district court pursuant*
20 *to NRS 425.540 if the Secretary of State receives a letter issued by*
21 *the district attorney or other public agency pursuant to NRS*
22 *425.550 to the individual whose registration was suspended stating*
23 *that the person whose registration was suspended has complied*
24 *with the subpoena or warrant or has satisfied the arrearage*
25 *pursuant to NRS 425.560.*

26 **Sec. 27.** 1. *The Secretary of State may limit, suspend,*
27 *revoke or refuse to renew a registration of an individual registered*
28 *under subsection 1 of section 24 of this act for conduct that would*
29 *have justified refusal to issue a certificate of registration under*
30 *subsection 2 of section 24 of this act.*

31 2. *The Secretary of State may suspend or revoke the*
32 *registration of an individual registered under subsection 3 of*
33 *section 23 of this act or renewed under subsection 5 of section 24*
34 *of this act for any reason for which the Secretary of State could*
35 *have refused to grant or renew registration or for conduct that*
36 *would justify refusal to issue a certificate of registration under*
37 *subsection 2 of section 24 of this act.*

38 **Sec. 28.** *The Secretary of State may issue a temporary*
39 *certificate of registration as an athlete agent while an application*
40 *for registration or renewal of registration is pending.*

41 **Sec. 29.** *The Secretary of State shall adopt regulations*
42 *establishing fees for:*

43 1. *An initial application for registration.*

44 2. *Registration based on a certificate of registration issued by*
45 *another state.*



* A B 3 7 2 R 3 *

3. *An application for renewal of registration.*
4. *Renewal of registration based on a renewal of registration in another state.*

Sec. 30. 1. An agency contract must be in a record signed by the parties.

2. An agency contract must contain:

(a) 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;

(b) 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;

(c) 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;

(d) A description of any expenses the athlete agrees to reimburse;

(e) A description of the services to be provided to the athlete;

(f) The duration of the contract; and

(g) The date of execution.

3. Subject to subsection 7, 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:**

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

(b) 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

(c) 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.



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

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

11 6. *At the time an agency contract is executed, the athlete*
12 *agent shall give the student athlete or, if the athlete is a minor, the*
13 *parent or guardian of the athlete a copy in a record of the contract*
14 *and the separate acknowledgment required by subsection 4.*

15 7. *If a student athlete is a minor, an agency contract must be*
16 *signed by the parent or guardian of the minor and the notice*
17 *required by subsection 3 must be revised accordingly.*

18 **Sec. 31.** 1. *Not later than 72 hours after entering into an*
19 *agency contract or before the next scheduled athletic event in*
20 *which the student athlete may participate, whichever occurs first,*
21 *the athlete agent shall give notice in a record of the existence of*
22 *the contract to the athletic director of the educational institution at*
23 *which the athlete is enrolled or at which the agent has reasonable*
24 *grounds to believe the athlete intends to enroll.*

25 2. *Not later than 72 hours after entering into an agency*
26 *contract or before the next scheduled athletic event in which the*
27 *student athlete may participate, whichever occurs first, the athlete*
28 *shall inform the athletic director of the educational institution at*
29 *which the athlete is enrolled that the athlete has entered into an*
30 *agency contract and the name and contact information of the*
31 *athlete agent.*

32 3. *If an athlete agent enters into an agency contract with a*
33 *student athlete and the athlete subsequently enrolls at an*
34 *educational institution, the agent shall notify the athletic director*
35 *of the institution of the existence of the contract not later than 72*
36 *hours after the agent knew or should have known the athlete*
37 *enrolled.*

38 4. *If an athlete agent has a relationship with a student athlete*
39 *before the athlete enrolls in an educational institution and*
40 *receives an athletic scholarship from the institution, the agent*
41 *shall notify the institution of the relationship not later than 10*
42 *days after the enrollment if the agent knows or should have known*
43 *of the enrollment and:*



* A B 3 7 2 R 3 *

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

4 (b) The agent directly or indirectly recruited or solicited the
5 athlete to enter an agency contract before the enrollment.

6 5. An athlete agent shall give notice in a record to the athletic
7 director of any educational institution at which a student athlete is
8 enrolled before the agent communicates or attempts to
9 communicate with:

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

13 (b) Another individual to have that individual influence the
14 athlete or, if the athlete is a minor, the parent or guardian of the
15 athlete to enter into an agency contract.

16 6. If a communication or attempt to communicate with an
17 athlete agent is initiated by a student athlete or another individual
18 on behalf of the athlete, the agent shall notify in a record the
19 athletic director of any educational institution at which the athlete
20 is enrolled. The notification must be made not later than 10 days
21 after the communication or attempt.

22 7. An educational institution that becomes aware of a
23 violation of NRS 398.600, 398.610 and 398.620 and sections 2 to
24 38, inclusive, of this act by an athlete agent shall notify the
25 Secretary of State and any professional league or players
26 association with which the institution is aware the agent is
27 licensed or registered of the violation.

28 8. As used in this section, "communicating or attempting to
29 communicate" means contacting or attempting to contact by an
30 in-person meeting, a record or any other method that conveys or
31 attempts to convey a message.

32 **Sec. 32. 1.** A student athlete or, if the athlete is a minor, the
33 parent or guardian of the athlete may cancel an agency contract
34 by giving notice in a record of cancellation to the athlete agent not
35 later than 14 days after the contract is signed.

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

39 3. If a student athlete, parent or guardian cancels an agency
40 contract, the athlete, parent or guardian is not required to pay any
41 consideration under the contract or return any consideration
42 received from the athlete agent to influence the athlete to enter
43 into the contract.

44 **Sec. 33. 1.** An athlete agent shall create and retain for 5
45 years records of the following:



1 (a) *The name and address of each individual represented by*
2 *the agent;*

3 (b) *Each agency contract entered into by the agent; and*

4 (c) *The direct costs incurred by the agent in the recruitment or*
5 *solicitation of each student athlete to enter into an agency*
6 *contract.*

7 2. *Records described in subsection 1 are open to inspection by*
8 *the Secretary of State during normal business hours.*

9 **Sec. 34.** 1. *An athlete agent, with the intent to influence a*
10 *student athlete or, if the athlete is a minor, a parent or guardian of*
11 *the athlete to enter into an agency contract, may not take any of*
12 *the following actions or encourage any other individual to take or*
13 *assist any other individual in taking any of the following actions*
14 *on behalf of the agent:*

15 (a) *Give materially false or misleading information or make a*
16 *materially false promise or representation;*

17 (b) *Furnish anything of value to the athlete before the athlete*
18 *enters into the contract; or*

19 (c) *Furnish anything of value to an individual other than the*
20 *athlete or another registered athlete agent.*

21 2. *An athlete agent may not intentionally do any of the*
22 *following or encourage any other individual to do any of the*
23 *following on behalf of the agent:*

24 (a) *Initiate contact, directly or indirectly, with a student athlete*
25 *or, if the athlete is a minor, a parent or guardian of the athlete, to*
26 *recruit or solicit the athlete, parent or guardian to enter an agency*
27 *contract unless registered under NRS 398.600, 398.610 and*
28 *398.620 and sections 2 to 38, inclusive, of this act;*

29 (b) *Fail to create or retain or to permit inspection of the*
30 *records required by section 33 of this act;*

31 (c) *Fail to register when required by section 22 of this act;*

32 (d) *Provide materially false or misleading information in an*
33 *application for registration or renewal of registration;*

34 (e) *Predate or postdate an agency contract; or*

35 (f) *Fail to notify a student athlete or, if the athlete is a minor, a*
36 *parent or guardian of the athlete, before the athlete, parent or*
37 *guardian signs an agency contract for a particular sport that the*
38 *signing may make the athlete ineligible to participate as a student*
39 *athlete in that sport.*

40 3. *The provisions of NRS 398.600, 398.610 and 398.620 and*
41 *sections 2 to 38, inclusive, of this act do not limit the power of the*
42 *State of Nevada to punish a person for conduct that constitutes a*
43 *crime pursuant to any other law.*

44 **Sec. 35.** *An athlete agent who violates section 34 of this act is*
45 *guilty of a misdemeanor and shall be punished by imprisonment in*



* A B 3 7 2 R 3 *

1 *the county jail for not more than 6 months, or by a fine of not*
2 *more than \$50,000 or by both fine and imprisonment. In addition*
3 *to any other penalty, the court shall order the person to pay*
4 *restitution.*

5 **Sec. 36.** 1. *An educational institution or student athlete*
6 *may bring an action for damages against an athlete agent if the*
7 *institution or athlete is adversely affected by an act or omission of*
8 *the agent in violation of NRS 398.600, 398.610 and 398.620 and*
9 *sections 2 to 38, inclusive, of this act. An educational institution or*
10 *student athlete is adversely affected by an act or omission of the*
11 *agent only if, because of the act or omission, the institution or an*
12 *individual who was a student athlete at the time of the act or*
13 *omission and enrolled in the institution:*

14 (a) *Is suspended or disqualified from participation in an*
15 *interscholastic or intercollegiate sports event by or under the rules*
16 *of a state or national federation or association that promotes or*
17 *regulates interscholastic or intercollegiate sports; or*

18 (b) *Suffers financial damage.*

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

25 **Sec. 37.** *In applying and construing this uniform act,*
26 *consideration must be given to the need to promote uniformity of*
27 *the law with respect to its subject matter among states that enact it.*

28 **Sec. 38.** *NRS 398.600, 398.610 and 398.620 and sections 2 to*
29 *38, inclusive, of this act modify, limit or supersede the Electronic*
30 *Signatures in Global and National Commerce Act, 15 U.S.C. §§*
31 *7001 et seq., but do not modify, limit or supersede Section 101(c)*
32 *of that Act, 15 U.S.C. § 7001(c), or authorize electronic delivery of*
33 *any of the notices described in Section 103(b) of that Act, 15*
34 *U.S.C. § 7003(b).*

35 **Sec. 39.** NRS 398.600 is hereby amended to read as follows:

36 398.600 1. The Secretary of State may, within or outside this
37 state:

38 (a) Investigate any violation of:

39 (1) A provision of NRS ~~{398.400 to}~~ 398.600, 398.610 and
40 398.620 ~~{, inclusive;}~~ and sections 2 to 38, inclusive, of this act;

41 (2) A regulation adopted by the Secretary of State pursuant
42 to NRS ~~{398.400 to}~~ 398.600, 398.610 and 398.620 ~~{, inclusive;}~~
43 and sections 2 to 38, inclusive, of this act; or

44 (3) An order denying, suspending or revoking the
45 effectiveness of a registration, or an order to cease and desist, issued



* A B 3 7 2 R 3 *

1 by the Secretary of State pursuant to NRS ~~{398.400 to}~~ 398.600,
2 398.610 and 398.620 ~~{, inclusive,}~~ and sections 2 to 38, inclusive,
3 of this act.

4 (b) Conduct such other investigations as the Secretary of State
5 finds necessary to aid in the enforcement of NRS ~~{398.400 to}~~
6 398.600, 398.610 and 398.620 ~~{, inclusive,}~~ and sections 2 to 38,
7 inclusive, of this act and any regulation or order adopted or issued
8 by the Secretary of State pursuant thereto.

9 2. If the Secretary of State determines that a violation specified
10 in paragraph (a) of subsection 1 has occurred, the Attorney General
11 may prosecute the violation at the request of the Secretary of State.

12 3. If the Attorney General declines to prosecute such a
13 violation, the district attorney of the appropriate county may
14 prosecute the violation at the request of the Secretary of State.

15 **Sec. 40.** NRS 398.610 is hereby amended to read as follows:

16 398.610 1. If the Secretary of State reasonably believes,
17 whether or not based upon an investigation conducted pursuant to
18 NRS 398.600, that a person has violated, or is about to violate, any
19 provision of NRS ~~{398.400 to}~~ 398.600, 398.610 and 398.620 ~~{,~~
20 ~~inclusive,}~~ and sections 2 to 38, inclusive, of this act or any
21 regulation or order of the Secretary of State adopted or issued
22 pursuant to NRS ~~{398.400 to}~~ 398.600, 398.610 and 398.620 ~~{,~~
23 ~~inclusive,}~~ and sections 2 to 38, inclusive, of this act, the Secretary
24 of State, in addition to any specific power granted by NRS ~~{398.400~~
25 ~~to}~~ 398.600, 398.610 and 398.620 ~~{, inclusive,}~~ and sections 2 to
26 38, inclusive, of this act may, without a prior hearing, issue a
27 summary order against the person, directing the person to cease and
28 desist from any further acts that constitute or would constitute such
29 a violation until he or she is in compliance with NRS ~~{398.400 to}~~
30 398.600, 398.610 and 398.620 ~~{, inclusive,}~~ and sections 2 to 38,
31 inclusive, of this act. The summary order to cease and desist must
32 specify the section of NRS ~~{398.400 to}~~ 398.600, 398.610 and
33 398.620 ~~{, inclusive,}~~ and sections 2 to 38, inclusive, of this act or
34 the regulation or order of the Secretary of State adopted or issued
35 pursuant to NRS ~~{398.400 to}~~ 398.600, 398.610 and 398.620 ~~{,~~
36 ~~inclusive,}~~ and sections 2 to 38, inclusive, of this act which the
37 Secretary of State reasonably believes has been or is about to be
38 violated.

39 2. If the Secretary of State reasonably believes, whether or not
40 based upon an investigation conducted pursuant to NRS 398.600,
41 that a person has violated any provision of NRS ~~{398.400 to}~~
42 398.600, 398.610 and 398.620 ~~{, inclusive,}~~ and sections 2 to 38,
43 inclusive, of this act or any regulation or order of the Secretary of
44 State adopted or issued pursuant to NRS ~~{398.400 to}~~ 398.600,
45 398.610 and 398.620 ~~{, inclusive,}~~ and sections 2 to 38, inclusive,



* A B 3 7 2 R 3 *

1 *of this act*, the Secretary of State, in addition to any specific power
2 granted by NRS ~~398.400 to~~ *398.600, 398.610 and* 398.620 ~~;~~
3 ~~inclusive,~~ *and sections 2 to 38, inclusive, of this act* after giving
4 notice by registered or certified mail and conducting a hearing in an
5 administrative proceeding, unless the right to notice and hearing is
6 waived by the person against whom the sanction is imposed, may:

7 (a) Issue an order against the person to cease and desist;

8 (b) Censure the person if he or she is a registered ~~athlete's~~
9 *athlete* agent;

10 (c) Suspend, revoke or refuse to renew the registration of the
11 person as an ~~athlete's~~ *athlete* agent; or

12 (d) If it is determined that the violation was willful, issue an
13 order against the person imposing an administrative fine of not more
14 than ~~\$25,000~~ *\$50,000*.

15 3. If the person to whom notice is given pursuant to subsection
16 2 does not request a hearing within 45 days after receipt of the
17 notice, the person waives his or her right to a hearing and the
18 Secretary of State shall issue a permanent order. If the person
19 requests a hearing, the Secretary of State shall set the matter for
20 hearing not less than 15 or more than 60 days after the Secretary of
21 State receives the request for a hearing. The Secretary of State shall
22 promptly notify the parties by registered or certified mail of the time
23 and place set for the hearing.

24 4. The imposition of the sanctions provided in this section is
25 limited as follows:

26 (a) If the Secretary of State revokes the registration of an
27 ~~athlete's~~ *athlete* agent, the imposition of that sanction precludes
28 the imposition of an administrative fine pursuant to subsection 2;
29 and

30 (b) The imposition by the Secretary of State of one or more
31 sanctions pursuant to subsection 2 with respect to a specific
32 violation precludes the Secretary of State from later imposing any
33 other sanction pursuant to subsection 2 with respect to that violation.

34 5. For the purpose of determining any sanction to be imposed
35 pursuant to subsection 2, the Secretary of State shall consider,
36 among other factors, how recently the conduct occurred, the nature
37 of the conduct and the context in which it occurred, and any other
38 relevant conduct of the applicant.

39 6. If a sanction is imposed pursuant to this section, the
40 Secretary of State may recover the costs of the proceeding,
41 including, without limitation, investigative costs and attorney's fees,
42 from the person against whom the sanction is imposed.

43 **Sec. 41.** NRS 398.620 is hereby amended to read as follows:

44 398.620 1. For the purposes of an investigation or proceeding
45 pursuant to NRS ~~398.400 to~~ *398.600, 398.610 and* 398.620 ~~;~~



1 ~~inclusive,~~ and sections 2 to 38, inclusive, of this act, the Secretary
2 of State or any officer or employee designated by the Secretary of
3 State by regulation, order or written direction may conduct hearings,
4 administer oaths and affirmations, render findings of fact and
5 conclusions of law, subpoena witnesses and compel their
6 attendance, take evidence and require the production, by subpoena
7 or otherwise, of books, papers, correspondence, memoranda,
8 agreements or other documents or records which the Secretary of
9 State or the Secretary of State's designated officer or employee
10 determines to be relevant or material to the investigation or
11 proceeding. A person whom the Secretary of State or a designated
12 officer or employee does not consider to be the subject of an
13 investigation is entitled to reimbursement at the rate of 25 cents per
14 page for copies of documents which he or she is required by
15 subpoena to produce. The Secretary of State or a designated officer
16 or employee may require or permit a person to file a statement,
17 under oath or otherwise as the Secretary of State or a designated
18 officer or employee determines, as to the facts and circumstances
19 concerning the matter to be investigated.

20 2. If the activities constituting an alleged violation for which
21 the information is sought would be a violation of NRS ~~398.400 to~~
22 ~~398.600, 398.610 and~~ 398.620 ~~[- inclusive,~~ and sections 2 to 38,
23 ~~inclusive, of this act~~ had the activities occurred in this state, the
24 Secretary of State may issue and apply to enforce subpoenas in this
25 state at the request of an agency or Secretary of State of another
26 state.

27 3. If a person does not testify or produce the documents
28 required by the Secretary of State or a designated officer or
29 employee pursuant to subpoena, the Secretary of State or designated
30 officer or employee may apply to the court for an order compelling
31 compliance. A request for an order of compliance may be addressed
32 to:

33 (a) The district court in and for the county where service may be
34 obtained on the person refusing to testify or produce the documents,
35 if the person is subject to service of process in this state; or

36 (b) A court of another state having jurisdiction over the person
37 refusing to testify or produce the documents, if the person is not
38 subject to service of process in this state.

39 **Sec. 42.** NRS 239.010 is hereby amended to read as follows:

40 239.010 1. Except as otherwise provided in this section and
41 NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440,
42 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320,
43 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246,
44 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355,
45 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730,



1 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260,
2 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370,
3 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161,
4 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817,
5 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015,
6 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
7 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160,
8 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651,
9 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040,
10 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350,
11 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270,
12 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300,
13 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,
14 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020,
15 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130,
16 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195,
17 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438,
18 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558,
19 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
20 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420,
21 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,
22 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610,
23 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008,
24 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,
25 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147,
26 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460,
27 394.465, 396.3295, 396.405, 396.525, 396.535, ~~398.403,~~
28 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070,
29 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236,
30 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407,
31 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420,
32 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395,
33 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164,
34 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,
35 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
36 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063,
37 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800,
38 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160,
39 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090,
40 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015,
41 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131,
42 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418,
43 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665,
44 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283,
45 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107,



1 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
2 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190,
3 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524,
4 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082,
5 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135,
6 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,
7 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110,
8 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310,
9 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243,
10 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690,
11 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873,
12 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115,
13 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190,
14 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615,
15 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230,
16 710.159, 711.600, *and section 20.7 of this act*, sections 35, 38 and
17 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter
18 391, Statutes of Nevada 2013 and unless otherwise declared by law
19 to be confidential, all public books and public records of a
20 governmental entity must be open at all times during office hours to
21 inspection by any person, and may be fully copied or an abstract or
22 memorandum may be prepared from those public books and public
23 records. Any such copies, abstracts or memoranda may be used to
24 supply the general public with copies, abstracts or memoranda of the
25 records or may be used in any other way to the advantage of the
26 governmental entity or of the general public. This section does not
27 supersede or in any manner affect the federal laws governing
28 copyrights or enlarge, diminish or affect in any other manner the
29 rights of a person in any written book or record which is
30 copyrighted pursuant to federal law.

31 2. A governmental entity may not reject a book or record
32 which is copyrighted solely because it is copyrighted.

33 3. A governmental entity that has legal custody or control of a
34 public book or record shall not deny a request made pursuant to
35 subsection 1 to inspect or copy or receive a copy of a public book or
36 record on the basis that the requested public book or record contains
37 information that is confidential if the governmental entity can
38 redact, delete, conceal or separate the confidential information from
39 the information included in the public book or record that is not
40 otherwise confidential.

41 4. A person may request a copy of a public record in any
42 medium in which the public record is readily available. An officer,
43 employee or agent of a governmental entity who has legal custody
44 or control of a public record:



(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 43. A person who holds a certificate of registration as an athlete's agent which was issued pursuant to NRS 398.400 to 398.620, inclusive, before July 1, 2017, and which is not expired or revoked must be deemed to hold a certificate of registration as an athlete agent issued pursuant to sections 2 to 38, inclusive, of this act.

Sec. 43.5. The regulation of the Secretary of State which is codified as NAC 398.100 remains in effect and may be enforced until the Secretary of State adopts a regulation to repeal or replace that regulation.

Sec. 44. NRS 398.400, 398.402, 398.403, 398.404, 398.408, 398.412, 398.416, 398.420, 398.424, 398.428, 398.432, 398.436, 398.440, 398.444, 398.446, 398.448, 398.452, 398.456, 398.460, 398.464, 398.468, 398.472, 398.476, 398.480, 398.482, 398.484, 398.488, 398.490, 398.492 and 398.496 are hereby repealed.

Sec. 45. 1. This act becomes effective on July 1, 2017.

2. Sections 25 and 26 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

→ are repealed by the Congress of the United States.

LEADLINES OF REPEALED SECTIONS

398.400 Short title.

398.402 Applicability of provisions to person who sells or offers to sell services as athlete's agent.



398.403 Confidentiality of information obtained in connection with application or investigation; exceptions; effect on privilege.

398.404 Definitions.

398.408 "Athlete's agent" defined.

398.412 "Athletic director" defined.

398.416 "Contract for endorsement" defined.

398.420 "Contract for professional sports services" defined.

398.424 "Contract of agency" defined.

398.428 "Intercollegiate sport" defined.

398.432 "Person" defined.

398.436 "Record" defined.

398.440 "Registration" defined.

398.444 "State" defined.

398.446 "Student athlete" defined.

398.448 Registration required to act as athlete's agent; limited exception; contract of agency void if in violation of section.

398.452 Submission of application for registration to Secretary of State; application is public record; required contents and disclosures of application.

398.456 Submission of application by person who holds registration or licensure in another state.

398.460 Issuance of certificate of registration; grounds for denial by Secretary of State.

398.464 Renewal of registration; period for which initial certificate and renewal are valid.

398.468 Grounds for suspension, revocation or refusal to renew registration; issuance of temporary certificate of registration authorized.

398.472 Adoption of regulations establishing fees; authority of Secretary of State to adopt other regulations.

398.476 Secretary of State appointed agent for service of process for nonresident athlete's agent; issuance of subpoenas by Secretary of State.

398.480 Retention and inspection of records; duty to file updated information.

398.482 Required contents of contract; contract void if does not contain required warning; athlete's agent required to give record of contract to student athlete.

398.484 Athlete's agent and student athlete required to give notice of entering into contract.

398.488 Cancellation of contract by student athlete.



* A B 3 7 2 R 3 *

398.490 Liability of athlete's agent or student athlete to institution for damages caused by violation; award of attorney's fees and costs; accrual of right of action; joint and several liability; section does not restrict other rights and remedies.

398.492 Liability of person other than athlete's agent or student athlete to institution for damages caused by violation; award of attorney's fees and costs.

398.496 Prohibition on certain conduct by athlete's agent; penalties for violation of Act, regulations and certain orders.

