Assembly Bill No. 136–Assemblywomen
Bilbray-Axelrod and Cohen

CHAPTER.....

AN ACT relating to intercollegiate athletics; adopting changes promulgated by the Uniform Law Commission to the Revised Uniform Athlete Agents Act (2015) relating to prohibited acts by athlete agents; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Revised Uniform Athlete Agents Act (2015), promulgated by the Uniform Law Commission, was enacted by the Nevada Legislature in 2017, replacing the Uniform Athlete Agents Act. (Chapter 398A of NRS; Assembly Bill No. 372, chapter 314, Statutes of Nevada 2017, at page 1708) Among other prohibited acts set forth in existing law, the Act currently provides that an athlete agent, with the intent to influence a student athlete or, if the athlete is a minor, a parent or guardian of the athlete to enter into an agency contract, may not take any of the following actions or encourage any other individual to take or assist any other individual in taking any of the following actions on behalf of the agent: (1) furnish anything of value to the athlete before the athlete enters into the contract; or (2) furnish anything of value to an individual other than the athlete or another registered athlete agent. (NRS 398A.400)

In 2019, the Uniform Law Commission approved amendments to the Revised Uniform Athlete Agents Act relating to prohibited acts of an athlete agent. This bill incorporates those amendments relating to prohibited acts into the Revised Uniform Athlete Agents Act and provides that an athlete agent may not furnish anything of value to a student athlete or another individual which may result in loss of eligibility of the athlete to participate in the athlete's sport unless: (1) the agent notifies the athletic director of the educational institution at which the athlete is enrolled or intends to enroll, not later than 72 hours after giving the thing of value; and (2) the athlete or, if the athlete is a minor, a parent or guardian acknowledges in a record that receipt of the thing of value may result in the loss of the athlete's eligibility to participate in the athlete's sport.

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

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

Section 1. NRS 398A.400 is hereby amended to read as follows:

398A.400 1. An athlete agent ~~[, with the intent to influence a student athlete or, if the athlete is a minor, a parent or guardian of the athlete to enter into an agency contract,]~~ may not ~~[take any of the following actions or encourage any other individual to take or assist any other individual in taking any of the following actions on behalf of the agent:]~~ ***intentionally:***

(a) Give ***a student athlete or, if the athlete is a minor, a parent or guardian of the athlete*** materially false or misleading information or make a materially false promise or representation ~~[;]~~ ***with the intent to influence the athlete, parent or guardian to enter into an agency contract;***

(b) Furnish anything of value to ~~[the athlete before the athlete enters into the contract; or~~

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

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

~~(a)]~~ ***a student athlete or another individual, if to do so may result in loss of the athlete's eligibility to participate in the athlete's sport, unless:***

(1) The agent notifies the athletic director of the educational institution at which the athlete is enrolled or at which the agent has reasonable grounds to believe the athlete intends to enroll, not later than 72 hours after giving the thing of value; and

(2) The athlete or, if the athlete is a minor, a parent or guardian of the athlete acknowledges to the agent in a record that receipt of the thing of value may result in loss of the athlete's eligibility to participate in the athlete's sport.

(c) Initiate contact, directly or indirectly, with a student athlete or, if the athlete is a minor, a parent or guardian of the athlete ~~[,]~~ to recruit or solicit the athlete, parent or guardian to enter an agency contract unless registered under this chapter;

~~[(b)]~~ ***(d)*** Fail to create ***,*** ~~[or]~~ retain or ~~[to]~~ permit inspection of the records required by NRS 398A.370;

~~[(c)]~~ ***(e)*** Fail to register when required by NRS 398A.200;

~~[(d)]~~ ***(f)*** Provide materially false or misleading information in an application for registration or renewal of registration;

~~[(e)]~~ ***(g)*** Predate or postdate an agency contract; ~~[or~~

~~(f)]~~ ***(h)*** Fail to notify a student athlete or, if the athlete is a minor, a parent or guardian of the athlete ~~[,]~~ before the athlete, parent or guardian signs an agency contract for a particular sport that the signing may ~~[make the athlete ineligible]~~ ***result in loss of the athlete's eligibility*** to participate ~~[as a student athlete in that]~~ ***in the athlete's*** sport ~~[.~~

~~3.]~~ ***;***

(i) Encourage another individual to do any of the acts described in paragraphs (a) to (h), inclusive, on behalf of the agent; or

(j) Encourage another individual to assist any other individual in doing any of the acts described in paragraphs (a) to (h), inclusive, on behalf of the agent.

2. The provisions of this chapter do not limit the power of the State of Nevada to punish a person for conduct that constitutes a crime pursuant to any other law.

~~[4.]~~ ***3.*** An athlete agent who violates this section is guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not more than $50,000 or by both fine and imprisonment. In addition to any other penalty, the court shall order the person to pay restitution.

Sec. 2. This act becomes effective on July 1, 2021.

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