

Chapter 702

2017 EDITION

Student Athlete Agents

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OCCUPATIONS AND PROFESSIONS

702.001 Revised Uniform Athlete Agents Act. ORS 702.005 to 702.065, 702.991 and 702.994 shall be known and may be cited as the Revised Uniform Athlete Agents Act. [2017 c.113 §1]

702.005 Definitions. As used in ORS 702.005 to 702.065, 702.991 and 702.994:

(1) “Agency contract” means an agreement in which a student athlete authorizes a person to negotiate or solicit on behalf of the student athlete a professional sports services contract or an endorsement contract.

(2)(a) “Athlete agent” means an individual who:

(A) Directly or indirectly recruits or solicits a student athlete to enter into an agency contract; or

(B) For compensation, procures employment or offers, promises, attempts or negotiates to obtain employment for a student athlete as a professional athlete or member of a professional sports team or organization;

(C) For compensation or in anticipation of compensation related to a student athlete’s participation in athletics:

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

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

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

(i) Gives consideration to the athlete or another person;

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

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

(E) Is a licensed, registered or certified professional and offers or provides services to a student athlete customarily provided by members of the profession and the individual:

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

(ii) 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

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

(b) “Athlete agent” does not include an individual who:

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

(B) Is employed by, and acts solely on behalf of, a publicly traded corporation engaged in consumer brand marketing and seeking to negotiate an endorsement contract;

(C) Serves a student athlete in an advisory capacity on a matter related to finances, business pursuits or career management decisions and the individual is an employee of an educational institution acting exclusively as an employee of the institution for the benefit of the institution; or

(D) Is a licensed, registered or certified professional and offers or provides services to a student athlete customarily provided by members of the profession.

(3) “Athletic director” means:

(a) An 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;

(b) If the educational institution is a public or private elementary school or secondary school and the educational institution does not have a person responsible for administering the overall athletic program:

(A) The principal of the educational institution; or

(B) If the educational institution does not have a principal, the person designated by the governing body of the school district, education service district or charter school to manage the educational institution; or

(c) If the educational institution is a technical or vocational school, community college or university and the educational institution does not have a person responsible for administering the overall athletic program:

(A) The president of the educational institution; or

(B) If the educational institution does not have a president, the person designated by the governing body of the educational institution to manage the educational institution.

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

(5) “Educational institution” means a public or private elementary school, second-

ary school, technical or vocational school, community college, university or other educational institution.

(6) “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 student athlete may have because of publicity, reputation, following or fame obtained because of athletic ability or performance.

(7) “Enrolled” means registered for courses and attending athletic practice or class.

(8) “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.

(9) “Interscholastic sport” means a sport played between educational institutions that are not community colleges, colleges or universities.

(10) “Licensed, registered or certified professional” means an individual who is licensed, registered or certified as an attorney, dealer in securities, financial planner, insurance agent, real estate broker or sales agent, tax consultant or accountant or a member of a profession, other than that of athlete agent, who is licensed, registered or certified by the state or a nationally recognized organization that licenses, registers or certifies members of the profession on the basis of experience, education or testing.

(11) “Person” means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, business or nonprofit entity, joint venture, public body, as defined in ORS 174.109, or any other legal or commercial entity.

(12) “Professional sports services contract” means an agreement under which an individual is employed, or agrees to render services, as a player on a professional sports team, with a professional sports organization or as a professional athlete.

(13) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(14)(a) “Recruit or solicit” means attempt to influence the choice of an athlete agent by a student athlete or, if the athlete is a minor, a parent or guardian of the athlete.

(b) “Recruit or solicit” does not include giving advice on the selection of a particular athlete agent in a family, coaching or social situation unless the individual giving the advice does so because of the receipt or antic-

ipated receipt of an economic benefit, directly or indirectly, from the agent.

(15) “Registration” means registration as an athlete agent pursuant to ORS 702.005 to 702.065, 702.991 and 702.994.

(16) “Sign” means, with present intent to authenticate or adopt a record:

(a) To execute or adopt a tangible symbol; or

(b) To attach to or logically associate with the record an electronic symbol, sound or process.

(17) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.

(18) “Student athlete” means an individual who is eligible to attend an educational institution who engages in, is eligible to engage in or may be eligible in the future to engage in any interscholastic sport or intercollegiate sport. If an individual is permanently ineligible to participate in a particular interscholastic sport or intercollegiate sport, the individual is not a student athlete for purposes of that sport. [1999 c.1079 §1; 2001 c.300 §80; 2003 c.364 §56; 2005 c.525 §1; 2013 c.54 §1; 2015 c.767 §208; 2017 c.113 §2]

702.010 [1971 c.771 §1; 1973 c.832 §§61,61a; 1979 c.352 §4; 1983 c.411 §1; 1987 c.414 §91a; 1987 c.456 §7; repealed by 1995 c.386 §1]

702.012 Registration requirement; exceptions; issuance; expiration; renewal; suspension; revocation. (1) Except as otherwise provided in subsection (2) of this section, an individual may not act as an athlete agent in Oregon without holding a certificate of registration issued under this section or ORS 702.019.

(2) Before being issued a certificate of registration, an individual may act as an athlete agent in Oregon for all purposes except entering into an agency contract, if:

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

(b) Within seven days after an initial act as an athlete agent, the individual submits an application for registration as an athlete agent in Oregon.

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

(4) Except as otherwise provided in subsection (5) of this section, the Department of Education shall issue a certificate of registration to an individual who complies with ORS 702.017 (1) and (2).

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

(a) Pledaded guilty or no contest to, has been convicted of, or has charges pending for a crime that, if committed in Oregon, would be a crime involving moral turpitude or a felony;

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

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

(d) Engaged in conduct prohibited by ORS 702.027;

(e) Had a registration or licensure as an athlete agent suspended, revoked or denied or been refused renewal of registration or licensure as an athlete agent in any state;

(f) Engaged in conduct the consequence of which was that a sanction, suspension or declaration of ineligibility to participate in an interscholastic or intercollegiate athletic event was imposed on a student athlete or educational institution; or

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

(6) In making a determination under subsection (5) of this section, the department shall consider:

(a) How recently the conduct occurred;

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

(c) Any other relevant conduct of the applicant.

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

(8) An individual who has submitted an application for renewal of registration or licensure in another state, in lieu of submitting an application for renewal in the form prescribed pursuant to subsection (7) of this section, may file a copy of the application for renewal and a valid certificate of registration or licensure from the other state. The department shall renew the registration if the department determines:

(a) The registration requirements of the other state are substantially similar to or more restrictive than ORS 702.005 to 702.065, 702.991 and 702.994; and

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

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

(10) The department may suspend, revoke or refuse to renew a registration for conduct that would have justified denial of registration under subsection (5) of this section.

(11) The department may deny, suspend, revoke or refuse to renew a certificate of registration or licensure only after proper notice and an opportunity for a hearing. [1999 c.1079 §2; 2005 c.525 §4; 2013 c.54 §4; 2017 c.113 §3]

702.017 Application form; contents; issuance of certificate of registration.

(1) An applicant for registration as an athlete agent shall submit an application for registration to the Department of Education in a form prescribed by the department and, if requested by the department, shall allow the department to take fingerprints for the purpose of requesting a state or nationwide criminal records check under ORS 181A.195.

(2) The application must be in the name of an individual and, except as otherwise provided in subsection (3) of this section, signed or otherwise authenticated by the applicant under penalty of perjury. The application must state or contain:

(a) The name of the applicant and the address of the applicant's principal place of business;

(b) The applicant's date of birth and place of birth;

(c) The following contact information for the applicant:

(A) Cellular and work telephone numbers; and

(B) Any means of electronic communication, including a facsimile number, electronic mail address and personal, business or employer website addresses;

(d) The following information about the applicant's business or employer, if applicable:

(A) Name, address and telephone numbers;

(B) The nature of the business; and

(C) The type of organization;

(e) Each social media account with which the applicant or applicant's business or employer is affiliated;

(f) Any business or occupation engaged in by the applicant for the five years preceding the date of submission of the application, including self-employment and employment by others, and any professional or occupational license, registration or certification held by the applicant during that time;

(g) A description of the applicant's:

(A) Formal training as an athlete agent;

(B) Practical experience as an athlete agent; and

(C) Educational background relating to the applicant's activities as an athlete agent;

(h) The names and addresses of three individuals not related to the applicant who are willing to serve as references;

(i) The name, sport and last known team for each individual for whom the applicant acted as an athlete agent during the five years preceding the date of submission of the application;

(j) The names and addresses of all persons who are:

(A) A partner, member, officer, manager, associate or profit sharer of the athlete agent's business or who directly or indirectly hold an equity interest of five percent or greater of the athlete agent's business if the business is not a corporation; and

(B) An officer or director of a corporation employing the athlete agent or a shareholder having an interest of five percent or greater in the corporation;

(k) A description of the status of any application by the applicant, or any person named under paragraph (j) of this subsection, for a state or federal business, professional or occupational license, other than as an athlete agent, from a state or federal agency, including any denial, refusal to renew, suspension, withdrawal or termination of the license and any reprimand or censure related to the license;

(L) Whether the applicant or any person named pursuant to paragraph (j) of this subsection has pleaded guilty or no contest to, has been convicted of, or has charges pending for a crime that, if committed in Oregon, would be a crime involving moral turpitude or a felony, and if so, identification of the following:

(A) The name of the crime;

(B) The law enforcement agency involved; and

(C) If applicable, the date of conviction and penalty imposed;

(m) Whether there has been any administrative or judicial determination that the applicant or any person named pursuant to

paragraph (j) of this subsection has made a false, misleading, deceptive or fraudulent representation;

(n) Whether there has been any denial of an application for, suspension or revocation of, refusal to renew or abandonment of the registration or licensure of the applicant or any person named pursuant to paragraph (j) of this subsection as an athlete agent in any state;

(o) Any sanction, suspension or disciplinary action taken against the applicant or any person named pursuant to paragraph (j) of this subsection arising out of occupational or professional conduct;

(p) Any instance in which the conduct of the applicant or any person named pursuant to paragraph (j) of this subsection 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 an educational institution;

(q) The name of each student athlete for whom the applicant acted as an athlete agent for the five years preceding the date of submission of the application or, if the athlete is a minor, the name of the parent or guardian of the athlete, together with the athlete's sport and last known team;

(r) Whether, within the 15 years preceding the date of submission of the application, the applicant, or any person named pursuant to paragraph (j) of this subsection, 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;

(s) Whether the applicant, or any person named under paragraph (j) of this subsection, has an unsatisfied judgment or order or a judgment of continuing effect for spousal support or child support and the applicant or person is in arrears as of the date of the application;

(t) Whether, within the 10 years preceding the date of submission of the application, the applicant, or any person named pursuant to paragraph (j) of this subsection, was adjudicated as bankrupt or was an owner of a business that was adjudicated as bankrupt;

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

(v) If the applicant is certified or registered by a professional league or player's association:

(A) The name of the league or association;

(B) The date of certification or registration, and the date of expiration of the certification or registration, if any; and

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

(w) Any other information required by the department.

(3) Instead of proceeding under subsection (2) of this section, an individual registered as an athlete agent in another state may apply for registration as an athlete agent in this state by submitting to the department:

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

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

(c) A copy of the certificate of registration from the other state.

(4) The department shall issue a certificate of registration to an individual who applies for registration under subsection (3) of this section if the department determines:

(a) The application and registration requirements of the other state are substantially similar to or more restrictive than ORS 702.005 to 702.065, 702.991 and 702.994; and

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

(5) For purposes of implementing subsection (4) of this section, the department shall:

(a) Cooperate with national organizations concerned with athlete agent issues and agencies in other states that register athlete agents to develop a common registration form and determine which states have laws that are substantially similar to or more restrictive than ORS 702.005 to 702.065, 702.991 and 702.994; and

(b) Exchange information, including information related to actions taken against registered athlete agents or their registrations, with those organizations and agencies. [1999 c.1079 §3; 2005 c.730 §§41,87; 2017 c.113 §4]

702.019 Temporary certificate of registration. The Department of Education may issue a temporary certificate of registration while an application for registration or renewal of registration is pending. [2005 c.525 §6]

702.020 [1971 c.771 §21; 1973 c.576 §1; 1983 c.411 §2; 1987 c.447 §138; repealed by 1995 c.386 §1]

702.022 [1999 c.1079 §4; repealed by 2005 c.730 §77]

702.023 Fees. (1) An application for registration or renewal of registration must be accompanied by a fee in the following amount:

(a) \$250 for an initial application for registration;

(b) \$150 for an application for registration based upon a certificate of registration or licensure issued by another state;

(c) \$150 for an application for renewal of registration; or

(d) \$150 for an application for renewal of registration based upon an application for renewal of registration or licensure submitted in another state.

(2) Any fees collected under this section by the Department of Education shall be deposited in the Department of Education Account established under ORS 326.115. [2005 c.525 §7]

702.027 Restrictions on athlete agents. An athlete agent may not intentionally:

(1) Initiate contact with a student athlete or, if the athlete is a minor, a parent or guardian of the athlete unless registered under ORS 702.005 to 702.065, 702.991 and 702.994;

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

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

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

(5) Predate or postdate a written agency contract; or

(6) Fail to notify a student athlete or, if the athlete is a minor, a parent or guardian of the athlete before the student athlete, parent or guardian enters into an agency contract for a particular sport that entering into the agency contract may make the student athlete ineligible to participate as a student athlete in that sport. [1999 c.1079 §6; 2005 c.525 §8; 2013 c.54 §5; 2017 c.113 §9]

702.029 Notice to athletic director regarding contact with student athlete. (1) As used in this section, "communicating or attempting to communicate" means contacting or attempting to contact by an in-person meeting, a record or any other method that conveys or attempts to convey a message.

(2) Before communicating or attempting to communicate with a student athlete or, if the athlete is a minor, a parent or guardian of the athlete, an athlete agent shall provide written notice to the athletic director of the educational institution at which the student

athlete is enrolled. Notice provided under this subsection must state that the athlete agent intends to communicate with:

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

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

(3) Within 10 days after a communication or attempt to communicate with an athlete agent is initiated by a student athlete or another individual on behalf of the athlete, the agent shall provide written notice to the athletic director of any educational institution at which the athlete is enrolled.

(4) The written notice required by this section may be delivered personally or by registered or certified mail, electronic mail, facsimile or other electronic means.

(5) An educational institution that becomes aware of a violation of ORS 702.005 to 702.065, 702.991 and 702.994 by an athlete agent shall notify the Department of Education and any professional league or players association with which the institution is aware the agent is licensed or registered of the violation. [2013 c.54 §3; 2017 c.113 §7]

702.030 Restrictions on inducement of student athletes. An athlete agent, with the intent to induce 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) Give any materially false or misleading information or make a materially false promise or representation.

(2) Furnish anything of value to the student athlete before the student athlete enters into an agency contract.

(3) Furnish anything of value to any individual other than the student athlete or another registered athlete agent. [2005 c.525 §11; 2017 c.113 §10]

702.032 [1999 c.1079 §5; 2005 c.525 §9; repealed by 2017 c.113 §11]

702.037 [1999 c.1079 §7; 2005 c.525 §10; repealed by 2017 c.113 §11]

702.042 [1999 c.1079 §8; repealed by 2005 c.525 §23]

702.047 Contract requirements. (1) A written agency contract must be in a record, signed or otherwise authenticated by the parties.

(2) A written agency contract must state or contain:

(a) The amount and method of calculating the consideration to be paid by the student athlete for services to be provided by the athlete agent under the contract and any other consideration the athlete agent has received or will receive from any other source for entering into the contract or for providing the services;

(b) The name of any person not listed in the application for registration or renewal of registration who will be compensated because the student athlete or, if the athlete is a minor, the parent or guardian of the athlete signed the written agency contract;

(c) A description of any expenses that the student athlete agrees to reimburse;

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

(e) The duration of the contract;

(f) The date of execution; and

(g) 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.

(3) A written agency contract must contain, in close proximity to the signature of the student athlete or, if the athlete is a minor, the signature of the parent or guardian of the athlete, a conspicuous notice in bold-faced type in capital letters stating:

WARNING TO THE STUDENT ATHLETE:

IF YOU OR YOUR PARENT OR GUARDIAN SIGNS THIS CONTRACT:

(1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT ATHLETE IN YOUR SPORT.

(2) IF YOU HAVE AN ATHLETIC DIRECTOR, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR WITHIN 72 HOURS AFTER ENTERING INTO THIS CONTRACT, OR BEFORE YOU PARTICIPATE IN ANY INTERSCHOLASTIC OR INTERCOLLEGIATE SPORTS EVENT, WHICHEVER OCCURS FIRST, THAT YOU HAVE ENTERED INTO THIS CONTRACT AND PROVIDE THE NAME AND CONTACT INFORMATION OF THE ATHLETE AGENT.

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

(4) A written agency contract that does not conform to this section is voidable by the

student athlete or, if the athlete is a minor, the parent or guardian of the athlete. If the contract is voided, any consideration received from the athlete agent under the contract to induce entering into the contract is not required to be returned.

(5) The athlete agent shall give a record of the written agency contract to the student athlete or, if the athlete is a minor, to the parent or guardian of the athlete at the time of execution.

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

(7) At the time an agency contract is executed, the athlete agent shall give the student athlete or, if the athlete is a minor, the parent or guardian of the athlete a copy in a record of the contract and the separate acknowledgement required by subsection (6) of this section.

(8) If a student athlete is a minor, an agency contract must be signed by the parent or guardian of the athlete and the notice required by subsection (b) of this section must be revised accordingly. [1999 c.1079 §9; 2005 c.525 §12; 2013 c.54 §6; 2017 c.113 §5]

702.050 [1971 c.771 §2; 1979 c.352 §5; 1983 c.411 §3; repealed by 1995 c.386 §1]

702.052 Right to cancel contract. (1) A student athlete or, if the athlete is a minor, the parent or guardian of the athlete may cancel an agency contract by giving notice of the cancellation to the athlete agent in a record within 14 days after entering into the agency contract.

(2) The right of a student athlete or, if the athlete is a minor, the parent or guardian of the athlete to cancel an agency contract under this section may not be waived.

(3) If a student athlete, parent or guardian cancels an agency contract, the student athlete, parent or guardian is not required to pay any consideration under the contract or to return any consideration received from the athlete agent to induce the student athlete to enter into the contract. [1999 c.1079 §10; 2005 c.525 §15; 2013 c.54 §7; 2017 c.113 §8]

702.054 Notice of contract. (1) Within 72 hours after entering into an agency contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, the athlete agent shall give notice in a record of the existence of the contract to the athletic director of the educational institution at which the student athlete is enrolled or the athlete

agent has reasonable grounds to believe the student athlete intends to enroll.

(2) Within 72 hours after entering into an agency contract or before the next athletic event in which the student athlete may participate, whichever occurs first, the student athlete shall inform the athletic director of the educational institution at which the student athlete is enrolled that the student athlete has entered into an agency contract and the name and contact information of the athlete agent.

(3) If a student athlete subsequently enrolls at an educational institution after entering into an agency contract, the athlete agent shall notify the athletic director of the institution of the existence of the contract not later than 72 hours after the agent knew or should have known the athlete enrolled.

(4) If an athlete agent has a relationship with a student athlete before the athlete enrolls in an educational institution and receives an athletic scholarship from the institution, the agent shall notify the institution of the relationship not later than 10 days after the enrollment if the agent knows or should have known of the enrollment and:

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

(b) The agent directly or indirectly recruited or solicited the athlete to enter an agency contract before the enrollment. [2005 c.525 §14; 2017 c.113 §6]

702.057 Civil remedies available for educational institutions and student athletes.

(1) An educational institution or student athlete shall have a cause of action against an athlete agent for damages caused by a violation of ORS 702.005 to 702.065, 702.991 and 702.994. In an action under this section, the court may award to the prevailing party costs and reasonable attorney fees.

(2) For the purposes of this section, damages of an educational institution or student athlete include losses and expenses incurred because, as a result of the conduct of an athlete agent, the educational institution or student athlete was injured by a violation of ORS 702.005 to 702.065, 702.991 and 702.994 or was penalized, disqualified or suspended from participation in athletics by a national association for the promotion and regulation of athletics, by an athletic conference or by reasonable self-imposed disciplinary action taken to mitigate sanctions likely to be imposed by such an organization.

(3) A cause of action under this section does not accrue until the educational institution or student athlete discovers or by the

exercise of reasonable diligence would have discovered the violation by the athlete agent.

(4) Any liability of the athlete agent under this section is several and not joint.

(5) ORS 702.005 to 702.065, 702.991 and 702.994 do not restrict rights, remedies or defenses of any person under law or equity. [1999 c.1079 §1; 2005 c.525 §17; 2017 c.113 §13]

702.059 Retention of records; inspection. (1) An athlete agent shall retain the following records for a period of five years:

(a) The name and address of each individual represented by the athlete agent;

(b) Any agency contract entered into by the athlete agent; and

(c) Any direct costs incurred by the athlete agent in the recruitment or solicitation of a student athlete to enter into an agency contract.

(2) Records required by subsection (1) of this section to be retained are open to inspection by the Department of Education during normal business hours of the athlete agent. [2005 c.525 §16]

702.060 [1971 c.771 §12; 1973 c.832 §62; 1979 c.352 §6; 1983 c.411 §4; repealed by 1995 c.386 §1]

702.062 Appointment of Department of Education as agent for service of process; subpoenas. (1) By acting as an athlete agent in Oregon, a nonresident individual appoints the Department of Education as the individual's agent for service of process in any civil action in Oregon related to the individual's acting as an athlete agent in Oregon.

(2) The department may issue subpoenas for any material that is relevant to the administration of ORS 702.005 to 702.065, 702.991 and 702.994. [2005 c.525 §3]

702.063 Rules. The State Board of Education may adopt any rules necessary to carry out the provisions of ORS 702.005 to 702.065, 702.991 and 702.994. [1999 c.1079 §4a; 2005 c.525 §18]

702.065 Uniformity of law. In applying and construing ORS 702.005 to 702.065, 702.991 and 702.994, the courts, a prosecuting attorney as defined in ORS 646.605 and the Department of Education shall give consideration to the need to promote uniformity of the law with respect to its subject matter among states that have enacted the Uniform Athlete Agents Act. [2005 c.525 §21; 2013 c.54 §9]

702.070 [1971 c.771 §3; 1973 c.576 §2; 1983 c.411 §5; repealed by 1995 c.386 §1]

702.080 [1971 c.771 §13; 1983 c.411 §6; repealed by 1995 c.386 §1]

702.083 [1979 c.352 §2; 1983 c.411 §7; repealed by 1995 c.386 §1]

702.087 [1979 c.352 §16; repealed by 1995 c.386 §1]

702.090 [1971 c.771 §§6,10; 1973 c.832 §63; 1977 c.873 §24; 1977 c.874 §6a; 1979 c.352 §7; 1983 c.411 §9; 1985 c.269 §1; repealed by 1995 c.386 §1]

702.100 [1971 c.771 §§5,9; 1973 c.832 §§64,64a; 1977 c.873 §25; 1977 c.874 §7a; 1979 c.352 §8; 1983 c.411 §10; 1987 c.456 §1; repealed by 1995 c.386 §1]

702.105 [1973 c.799 §6; 1979 c.352 §9; 1983 c.411 §11; repealed by 1995 c.386 §1]

702.110 [1971 c.771 §7; 1973 c.799 §3; 1973 c.832 §65; 1974 s.s. c.69 §1; 1975 c.787 §1; 1979 c.352 §10; repealed by 1983 c.411 §21]

702.120 [1971 c.771 §4; 1973 c.832 §66; 1979 c.352 §11; 1983 c.411 §12; 1987 c.414 §92; 1987 c.456 §2; repealed by 1995 c.386 §1]

702.130 [1971 c.771 §7a; 1973 c.799 §4; 1979 c.352 §12; 1983 c.411 §13; repealed by 1995 c.386 §1]

702.135 [1979 c.352 §3; 1983 c.411 §14; repealed by 1995 c.386 §1]

702.140 [1971 c.771 §8; 1979 c.352 §13; 1983 c.411 §15; 1987 c.456 §3; repealed by 1995 c.386 §1]

702.150 [1979 c.352 §14; 1983 c.411 §16; 1989 c.266 §1; repealed by 1995 c.386 §1]

702.160 [1971 c.771 §§11,18; 1983 c.411 §17; 1987 c.456 §8; repealed by 1995 c.386 §1]

702.165 [1987 c.456 §5; repealed by 1995 c.386 §1]

702.170 [1971 c.771 §14; repealed by 1979 c.31 §1]

702.175 [1987 c.456 §10; repealed by 1995 c.386 §1]

702.210 [1971 c.771 §15; 1983 c.411 §18; 1985 c.269 §2; repealed by 1987 c.414 §93a and 1987 c.456 §13]

702.220 [1971 c.771 §16; 1979 c.352 §15; 1983 c.411 §20; repealed by 1987 c.456 §13]

702.230 [1971 c.771 §17; 1973 c.832 §67; repealed by 1987 c.456 §13]

702.990 [1971 c.771 §22; repealed by 1995 c.386 §1]

702.991 Criminal penalties. (1) Violation of ORS 702.027 is a Class A misdemeanor.

(2) An athlete agent who violates ORS 702.030 (2) is guilty of a Class C felony.

(3) Violation of the athlete agent's 72-hour notice requirement provided under ORS 702.054 (1) is a Class C felony.

(4) It is a Class A misdemeanor for any person to conduct business as an athlete agent in the State of Oregon unless the person has a valid certificate of registration issued pursuant to ORS 702.012 or 702.019.

(5) It is a Class A misdemeanor for any person to represent to another person by verbal claim, advertisement, letterhead, business card or any other means that the person is an athlete agent unless the person has a valid certificate of registration issued pursuant to ORS 702.012 or 702.019. [1999 c.1079 §12; 2005 c.525 §20; 2017 c.113 §12]

702.994 Civil penalties. (1) The Department of Education may assess a civil penalty against an athlete agent not to exceed \$25,000 for a violation of this section and ORS 702.005 to 702.065.

(2) Civil penalties under subsection (1) of this section shall be imposed in the manner provided in ORS 183.745.

(3) All civil penalties recovered under this section shall be paid into the State Treasury and credited to the General Fund and are available for general governmental expenses. [2005 c.525 §19]

702.995 [1987 c.456 §12; 1991 c.734 §91; repealed by 1995 c.386 §1]

OCCUPATIONS AND PROFESSIONS
