

HB 1023 - AS INTRODUCED

2022 SESSION

22-2258

11/10

HOUSE BILL **1023**

AN ACT relative to regulation of athlete agents.

SPONSORS: Rep. Yokela, Rock. 33; Rep. Baxter, Rock. 20

COMMITTEE: Judiciary

ANALYSIS

This bill removes the requirement that athlete agents register with the state.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to regulation of athlete agents.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Athlete Agents; Required Form of Contract. Amend RSA 332-J:9, II(b) to read as follows:

2 (b) The name of any person ~~[not listed in the application for registration or renewal of~~
 3 ~~registration]~~ who will be compensated because the student-athlete signed the agency contract;

4 2 Athlete Agents; Prohibited Conduct; Penalties. Amend RSA 332-J:13 and 14 to read as
 5 follows:

6 332-J:13 Prohibited Conduct; Penalties.

7 I. An athlete agent, with the intent to induce a student-athlete to enter into an agency
 8 contract, shall not:

9 (a) Give any materially false or misleading information or make a materially false
 10 promise or representation.

11 (b) Furnish anything of value to a student-athlete before the student-athlete enters into
 12 the agency contract.

13 (c) Furnish anything of value to any individual other than the student-athlete or another
 14 ~~[registered]~~ athlete agent.

15 II. An athlete agent shall not:

16 (a) ~~[Initiate contact with a student athlete unless registered under this chapter]~~
 17 ***Contribute to the loss of eligibility of a student athlete without a signed contract with the***
 18 ***warning required pursuant to RSA 332-J:9.***

19 (b) ~~[Refuse or fail to retain or permit inspection of the records required to be retained by~~
 20 ~~RSA 332-J:12]~~ ***Refuse a student athlete's right to cancel as required pursuant to RSA 332-***
 21 ***J:11.***

22 (c) ~~[Fail to register when required by RSA 332-J:3]~~ ***Fail to give notice to an education***
 23 ***institution as required pursuant to RSA 332-J:10.***

24 ~~[(d) Provide materially false or misleading information in an application for registration~~
 25 ~~or renewal of registration.]~~

26 ~~[(e)]~~ (d) Predate or postdate an agency contract.

27 ~~[(f)]~~ (e) Fail to notify a student-athlete before the student-athlete signs or otherwise
 28 authenticates an agency contract for a particular sport that the signing or authentication may make
 29 the student-athlete ineligible to participate as a student-athlete in that sport.

30 III.(a) An athlete agent who violates any provision of paragraph I is guilty of a class B
 31 felony.

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1 (b) An athlete agent who violates any provision of paragraph II is guilty of a class A
2 misdemeanor.

3 332-J:14 Civil Remedies.

4 I. An educational institution has a right of action against an athlete agent or a former
5 student-athlete for damages caused by a violation of RSA 332-J:13. In an action under this section,
6 the court may award to the prevailing party costs and reasonable attorney's fees.

7 II. Damages of an educational institution under paragraph I include losses and expenses
8 incurred because, as a result of the conduct of an athlete agent or former student-athlete, the
9 educational institution was injured by a violation of RSA 332-J:13 or was penalized, disqualified, or
10 suspended from participation in athletics by a national association for the promotion and regulation
11 of athletics, by an athletic conference, or by reasonable self-imposed disciplinary action taken to
12 mitigate sanctions likely to be imposed by such an organization.

13 III. A right of action under this section does not accrue until the educational institution
14 discovers or by the exercise of reasonable diligence would have discovered the violation by the
15 athlete agent or former student-athlete.

16 IV. Any liability of the athlete agent or the former student-athlete under this section is
17 several and not joint.

18 ***IV-a. A former student athlete has a right of action against an athlete agent for***
19 ***damages caused by any violation of RSA 332-J:13, II(a) or (b). In any such action, the court***
20 ***may award to the prevailing party costs and reasonable attorney's fees.***

21 ***IV-b. Damages of a student athlete under paragraph IV-a shall include losses and***
22 ***expenses incurred because, as a result of the conduct of an athlete agent, the former***
23 ***student athlete was penalized, disqualified, or suspended from participation in athletics***
24 ***by a national association for the promotion and regulation of athletics, by an athletic***
25 ***conference, or because of reasonable self-imposed disciplinary action taken to mitigate***
26 ***sanctions likely to be imposed such an organization. Damages shall not include those***
27 ***damages imposed by judgments against the former athlete agent.***

28 V. This chapter does not restrict rights, remedies, or defenses of any person under law or
29 equity.

30 3 Repeal. The following are repealed:

31 I. RSA 332-J:1, IX, relative to the definition of "registration" for purposes of regulating
32 athlete agents.

33 II. RSA 332-J:2 through 332-J:8, relative to the registration of athlete agents.

34 III. RSA 332-J:12, relative to required records of athlete agents.

35 IV. RSA 332-J:15, relative to administrative penalties against athlete agents.

36 4 Effective Date. This act shall take effect 60 days after its passage.