
A BILL FOR AN ACT

RELATING TO ATHLETE AGENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 481Z-2, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By adding a new definition to be appropriately inserted
4 and to read:

5 ""Professional representation" means providing advisory,
6 negotiation, or procurement assistance to or on behalf of a
7 person relating to endorsements; promotional or marketing
8 services; appearances; autographs; social media branding;
9 content creation or distribution; licensing of publicity rights;
10 brand development, sponsorship, or promotional arrangements; or
11 agreements related to the name, image, or likeness of the
12 person."

13 2. By amending the definitions of "agency contract" and
14 "athlete agent" to read:

15 ""Agency contract" means an agreement in which a student
16 athlete authorizes a person to negotiate or solicit on behalf of
17 the athlete a professional-sports-services contract or



1 endorsement contract[-], including providing professional
2 representation to the athlete."

3 "Athlete agent":

4 (1) Means an individual, whether or not registered under
5 this chapter, who:

6 (A) Directly or indirectly recruits or solicits a
7 student athlete to enter into an agency contract
8 or, for compensation, procures employment or
9 offers, promises, attempts, or negotiates to
10 obtain employment for a student athlete as a
11 professional athlete or member of a professional
12 sports team or organization;

13 (B) For compensation or in anticipation of
14 compensation related to a student athlete's
15 participation in athletics:

16 (i) Serves the athlete in an advisory capacity
17 on a matter related to finances, business
18 pursuits, or career management decisions,
19 unless the individual is an employee of an
20 educational institution acting exclusively



1 as an employee of the institution for the
2 benefit of the institution; or

3 (ii) Manages the business affairs of the athlete
4 by providing assistance with bills,
5 payments, contracts, or taxes; [~~e~~]

6 (C) For compensation or in anticipation of
7 compensation, provides professional
8 representation to a student athlete; or

9 [~~(C)~~] (D) In anticipation of representing a student
10 athlete for a purpose related to the athlete's
11 participation in athletics:

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

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

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

20 (2) Does not include an individual who:



- 1 (A) Acts solely on behalf of a professional sports
- 2 team or organization; or
- 3 (B) Is a licensed, registered, or certified
- 4 professional and offers or provides services to a
- 5 student athlete customarily provided by members
- 6 of the profession, unless the individual:
- 7 (i) Also recruits or solicits the athlete to
- 8 enter into an agency contract;
- 9 (ii) Also, for compensation, procures employment
- 10 or offers, promises, attempts, or negotiates
- 11 to obtain employment for the athlete as a
- 12 professional athlete or member of a
- 13 professional sports team or organization; or
- 14 (iii) Receives consideration for providing the
- 15 services calculated using a different method
- 16 than for an individual who is not a student
- 17 athlete."

18 3. By amending the definition of "endorsement contract" to
19 read:

20 ""Endorsement contract" means an agreement under which a
21 student athlete is employed or receives consideration to use on



1 behalf of the other party of any value that the student athlete
2 may have because of publicity, reputation, following, or fame
3 obtained because of athletic ability or performance. For the
4 purposes of this definition, "value" includes the student
5 athlete's name, image, and likeness."

6 SECTION 2. Section 481Z-4, Hawaii Revised Statutes, is
7 amended by amending subsection (a) to read as follows:

8 "(a) Except as otherwise provided in subsection (b), an
9 individual may not act as an athlete agent in this State,
10 including through the provision of professional representation
11 to a student athlete, without holding a certificate of
12 registration under this chapter."

13 SECTION 3. Section 481Z-10, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "[~~§~~481Z-10] **Required form of agency contract.** (a) An
16 agency contract shall be in a record signed by the parties.

17 (b) An agency contract shall contain:

18 (1) A statement that the athlete agent is registered as an
19 athlete agent in this State and a list of any other
20 states in which the agent is registered as an athlete
21 agent;



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

3 (2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN SEVENTY-TWO
4 HOURS AFTER SIGNING THIS CONTRACT OR BEFORE THE NEXT
5 SCHEDULED ATHLETIC EVENT IN WHICH YOU PARTICIPATE,
6 WHICHEVER OCCURS FIRST, BOTH YOU AND YOUR ATHLETE
7 AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR THAT YOU HAVE
8 ENTERED INTO THIS CONTRACT AND PROVIDE THE NAME AND
9 CONTACT INFORMATION OF THE ATHLETE AGENT; AND

10 (3) YOU MAY CANCEL THIS CONTRACT WITHIN FOURTEEN DAYS
11 AFTER SIGNING IT. CANCELLATION OF THIS CONTRACT MAY
12 NOT REINSTATE YOUR ELIGIBILITY AS A STUDENT ATHLETE IN
13 YOUR SPORT."

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

19 (e) A student athlete or, if the athlete is a minor, the
20 parent or guardian of the athlete may void an agency contract
21 that does not conform to this section. If the contract is



1 voided, any consideration received from the athlete agent under
2 the contract to induce entering into the contract is not
3 required to be returned.

4 (f) At the time an agency contract is executed, the
5 athlete agent shall give the student athlete or, if the athlete
6 is a minor, the parent or guardian of the athlete a copy in a
7 record of the contract and the separate acknowledgment required
8 by subsection (d).

9 (g) If a student athlete is a minor, an agency contract
10 shall be signed by the parent or guardian of the minor and the
11 notice required by subsection (c) shall be revised accordingly.

12 (h) Notwithstanding any other law to the contrary, no
13 person shall provide professional representation to a student
14 athlete unless the person is registered as an athlete agent in
15 this State and has a valid agency contract executed in
16 compliance with this section."

17 SECTION 4. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Student Athletes; Athlete Agents; Professional Representation; Registration; Agent Contract; Endorsement; Name, Image, and Likeness

Description:

Prohibits any person from providing advisory, negotiation, or procurement assistance to or on behalf of a student athlete relating to endorsements; promotional or marketing services; appearances; autographs; social media branding; content creation or distribution; licensing of publicity rights; brand development, sponsorship, or promotional arrangements; or agreements related to the name, image, or likeness of the student athlete, without being a registered athlete agent in the State and having a valid agency contract executed in compliance with applicable law. (SD1)

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