

AMENDED IN SENATE APRIL 16, 2002

SENATE BILL

No. 1866

Introduced by Senator ~~Costa~~ *Figueroa*

February 22, 2002

~~An act to add Chapter 2.5 (commencing with Section 18900) to, and to repeal Chapter 2.5 (commencing with Section 18895) of, Division 8 of the Business and Professions Code, relating to athlete agents and making an appropriation therefor. An act to amend Section 11301 of the Business and Professions Code, relating to professions and vocations.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1866, as amended, ~~Costa~~ *Figueroa*. ~~Athlete agents- Real estate appraisers.~~

Existing law provides for the Business, Transportation and Housing Agency, which consists of numerous agencies, including the Department of Corporations and the Office of Real Estate Appraisers. The Office of Real Estate Appraisers regulates the licensing and certification of real estate appraisers.

This bill would instead create the Office of Real Estate Appraisers in the Department of Corporations. The bill would also declare the intent of the Legislature, subject to the enactment of necessary authorization by Congress, to repeal the provisions regulating licensing and certification of real estate appraisers.

~~Existing law, the Miller Ayala Athlete Agents Act, regulates specified activities of an athlete agent in representing or seeking to represent student athletes and professional athletes. Under this act, an agent is required to file with the Secretary of State specified information about his or her background, training, and experience and to advise an athlete of the availability of this information. The act also requires the~~



~~athlete agent to establish a trust fund and deposit into it all funds received on behalf of the athlete, and it includes specified conflict-of-interest provisions pertaining to the activities of an athlete agent. This act imposes additional requirements pertaining to an athlete agent's transactions with a student athlete, specifying the circumstances under which an athlete agent may contact a student athlete or his or her family, and requiring the athlete agent to include a disclosure in a contract with a student athlete, warning the student that he or she may lose eligibility to compete in interscholastic or intercollegiate sports upon entering into the contract and allowing the student athlete to rescind the contract within 15 days. The act allows for a civil action to recover damages resulting from its violation and makes void any contract that fails to comply with its requirements. The act also makes a violation of its provisions a misdemeanor offense.~~

~~This bill would delete the provisions of the Miller-Ayala Athlete Agents Act and would enact the Uniform Athlete Agents Act to regulate the activities of an athlete agent in soliciting or contracting with a student or professional athlete to represent him or her in negotiations for a professional sports or endorsement contract, as defined. The bill would prohibit, subject to specified exceptions, a person from acting as an athlete agent without a certificate of registration issued by the Department of Consumer Affairs, and would void any contract negotiated in violation of the act's requirements. The bill would authorize the department, by regulation, to delegate its administrative powers and responsibilities required by the act to the State Athletic Commission. The bill would allow, as specified, for the acceptance of registration as an athlete agent with another state. The bill would require that a contract between the athlete agent and athlete contain specified provisions, including the right of a student athlete to cancel the contract within 14 days of its execution and a warning that the student may lose his or her eligibility to compete as a student athlete. The bill would require both the agent and student to notify the educational institution in which the student is enrolled within 72 hours of entering into the contract and would provide for a civil action by the educational institution against an athlete agent for damages resulting from a violation of the requirements pertaining to transactions between a student athlete and athlete agent. The bill would require an athlete agent to establish a trust fund and deposit into it any payment he or she receives on behalf of a professional athlete and would incorporate other conflict-of-interest provisions that pertain to the activities of an athlete~~



~~agent under existing law. The bill would also prohibit other types of specified conduct by an athlete agent, making their commission a misdemeanor offense and by creating a new crime, would impose a state mandated local program. The bill in addition would make the violation of its provisions grounds for the department to revoke or suspend the athlete agent's registration and to assess a civil penalty not to exceed \$25,000 against him or her. The bill would provide for the imposition of a fee for the registration activities required by its provisions and would direct that the fees and civil penalties be deposited into the Athlete Agent Registration Fund, which would be created by the bill. Because the bill would authorize the expenditure of the fees portion of this fund, it would make an appropriation.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: *yes no*. Fiscal committee: *yes*. State-mandated local program: *yes no*.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Chapter 2.5 (commencing with Section 18895)~~

2 *SECTION 1. Section 11301 of the Business and Professions*
 3 *Code is amended to read:*

4 11301. There is hereby created within the *Department of*
 5 *Corporations in the Business, Transportation and Housing*
 6 *Agency an Office of Real Estate Appraisers to administer and*
 7 *enforce this part.*

8 *SEC. 2. Subject to the enactment of necessary authorization*
 9 *by Congress, it is the intent of the Legislature to repeal Part 3 of*
 10 *Division 4 of the Business and Professions Code (commencing*
 11 *with Section 11300).*



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All matter omitted in this version of the bill appears in the bill as introduced in the Senate, February 22, 2002 (JR 11)

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