



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB3941

Introduced 10/29/2019, by Rep. Emanuel Chris Welch

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Illinois Athlete Agents Act of 2021. Requires licensure of agents for student-athletes with the Department of Financial and Professional Regulation and establishes qualifications for licensure and requirements for athlete agents. Sets forth provisions concerning the powers and duties of the Department, grounds for disciplinary action, requirements for agency contracts subject to the Act, a student-athlete's right to cancel the contract, notice to educational institutions, injunctive actions, investigations, and hearings. Establishes recordkeeping requirements for athlete agents. Prohibits athlete agents from engaging in specified conduct, subject to criminal and civil penalties. Includes other provisions. Preempts home rule powers. Effective January 1, 2021.

LRB101 15032 RPS 64082 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

1 AN ACT concerning athlete agents.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Illinois Athlete Agents Act of 2021.

6 Section 10. Declaration of public policy. Practice as an  
7 athlete agent in the State of Illinois is hereby declared to  
8 affect the public health, safety, and well-being of its  
9 citizens and to be subject to regulation and control in the  
10 public interest. It is further declared that the practice as an  
11 athlete agent, as defined in this Act, merits the confidence of  
12 the public, and that only qualified persons shall be authorized  
13 to engage in such practice in the State of Illinois. This Act  
14 shall be liberally construed to best carry out this purpose.

15 Section 15. Definitions. In this Act:

16 "Address of record" means the designated address recorded  
17 by the Department in the applicant's or licensee's application  
18 file or license file maintained by the Department's licensure  
19 maintenance unit. It is the duty of the applicant or licensee  
20 to inform the Department of any change of address, and such  
21 changes must be made either through the Department's website or  
22 by contacting the Department's licensure maintenance unit.

1 "Agency contract" means an agreement in which a  
2 student-athlete authorizes a person to negotiate or solicit on  
3 behalf of the student-athlete a professional-sports-services  
4 contract or an endorsement contract.

5 "Athlete agent" means an individual who enters into an  
6 agency contract with a student-athlete or, directly or  
7 indirectly, recruits or solicits a student-athlete to enter  
8 into an agency contract. "Athlete agent" includes an individual  
9 who represents to the public that the individual is an athlete  
10 agent. "Athlete agent" does not include a spouse, parent,  
11 sibling, grandparent, or guardian of the student-athlete or an  
12 individual acting solely on behalf of a professional sports  
13 team or professional sports organization.

14 "Athletic director" means an individual responsible for  
15 administering the overall athletic program of an educational  
16 institution or, if an educational institution has separately  
17 administered athletic programs for male students and female  
18 students, the athletic program for males or the athletic  
19 program for females, as appropriate.

20 "Contact" means a communication, direct or indirect,  
21 between an athlete agent and a student-athlete, to recruit or  
22 solicit the student-athlete to enter into an agency contract.

23 "Department" means the Department of Financial and  
24 Professional Regulation.

25 "Endorsement contract" means an agreement under which a  
26 student-athlete is employed or receives consideration to use on

1 behalf of the other party any value that the student-athlete  
2 may have because of publicity, reputation, following, or fame  
3 obtained because of athletic ability or performance.

4 "Intercollegiate sport" means a sport played at the  
5 collegiate level for which eligibility requirements for  
6 participation by a student-athlete are established by a  
7 national association for the promotion or regulation of  
8 collegiate athletics.

9 "License" means a person holding licensure as an athlete  
10 agent pursuant to this Act.

11 "Licensed athlete agent" means an individual who is  
12 licensed under this Act to engage as an athlete agent in  
13 Illinois.

14 "Person" means an individual, corporation, business trust,  
15 estate, trust, partnership, limited liability company,  
16 association, joint venture, government; governmental  
17 subdivision, agency, or instrumentality; public corporation;  
18 or any other legal or commercial entity.

19 "Professional-sports-services contract" means an agreement  
20 under which an individual is employed, or agrees to render  
21 services, as a player on a professional sports team, with a  
22 professional sports organization, or as a professional  
23 athlete.

24 "Record" means information that is inscribed on a tangible  
25 medium or that is stored in an electronic or other medium and  
26 is retrievable in perceivable form.

1 "Secretary" means the Secretary of Financial and  
2 Professional Regulation.

3 "State" means a state of the United States, the District of  
4 Columbia, Puerto Rico, the United States Virgin Islands, or any  
5 territory or insular possession subject to the jurisdiction of  
6 the United States.

7 "Student-athlete" means an individual who engages in, is  
8 eligible to engage in, or may be eligible in the future to  
9 engage in, any intercollegiate sport. If an individual is  
10 permanently ineligible to participate in a particular  
11 intercollegiate sport, the individual is not a student-athlete  
12 for purposes of that sport.

13 Section 20. Exemptions. Nothing in this Act shall be  
14 construed to prohibit practice as an athlete agent for the  
15 following:

16 (1) Practice as an athlete agent by officers and  
17 employees of the United States government within the scope  
18 of their employment.

19 (2) Practice as an athlete agent by any person licensed  
20 in this State under any other Act from engaging in the  
21 practice for which he is licensed.

22 Section 25. Restrictions and limitations.

23 (a) No person without a license under this Act or who is  
24 otherwise exempt from this Act shall: (i) in any manner hold

1 himself or herself out to the public as a licensed athlete  
2 agent; (ii) attach the title "licensed athlete agent" to his or  
3 her name; or (iii) render or offer to render to any individual,  
4 athlete or other person or entity any services or activities  
5 constituting the practice of an athlete agent as defined in  
6 this Act.

7 (b) A person shall be construed to practice, render, or  
8 offer to practice as an athlete agent, within the meaning and  
9 intent of this Act, if that person: (i) by verbal claim, sign,  
10 advertisement, letterhead, card, or any other means,  
11 represents himself or herself to be an athlete agent or through  
12 the use of some title implies that he or she is an athlete  
13 agent or is licensed under this Act; (ii) holds himself or  
14 herself out as able to perform or does perform services or work  
15 defined in this Act as the practice of an athlete agent; or  
16 (iii) provides services as an athlete agent as set forth in  
17 this Act.

18 Individuals practicing as an athlete agent in Illinois as  
19 of the effective date of this Act may continue to practice as  
20 provided in this Act until the Department has adopted rules  
21 implementing this Act. To continue practicing as an athlete  
22 agent after the adoption of rules, individuals shall apply for  
23 licensure within 90 days after the effective date of the rules.  
24 If an application is received during the 90-day period, then  
25 the individual may continue to practice until the Department  
26 acts to grant or deny licensure. If an application is not filed

1 within the 90-day period, then the individual must cease  
2 practice as an athlete agent at the conclusion of the 90-day  
3 period and until the Department acts to grant a license to the  
4 individual.

5 Section 30. Practice pending licensure; void contracts.

6 (a) Except as otherwise provided in Section 20 or in  
7 subsection (b) of this Section, an individual may not act as an  
8 athlete agent in this State without holding a license issued  
9 under this Act.

10 (b) Before being issued a license, an individual may act as  
11 an athlete agent in this State for all purposes except signing  
12 an agency contract if:

13 (1) a student-athlete or another person acting on  
14 behalf of the student-athlete initiates communication with  
15 the individual; and

16 (2) within 7 days after an initial act as an athlete  
17 agent, the individual submits an application and the  
18 application and fee have been received by the Department  
19 for licensure as an athlete agent in this State.

20 (c) An agency contract resulting from conduct in violation  
21 of this Section is void and the athlete agent shall return any  
22 consideration received under the contract.

23 Section 35. Powers and duties of the Department. Subject to  
24 the provisions of this Act, the Department may:

1           (1) Conduct or authorize examinations, at the  
2 discretion of the Department, to ascertain the fitness and  
3 qualifications of applicants for licensure and issue  
4 licenses to those who are found to be fit and qualified.

5           (2) Adopt rules for a method of examination of  
6 candidates if required.

7           (3) Conduct hearings on proceedings to revoke,  
8 suspend, or otherwise discipline or take nondisciplinary  
9 action.

10          (4) Adopt rules required for the administration of this  
11 Act.

12          Section 40. Application for original license. Applications  
13 for original licenses shall be made to the Department on forms  
14 prescribed by the Department and accompanied by the required  
15 fee. All applications shall contain the information that, in  
16 the judgment of the Department, will enable the Department to  
17 pass on the qualifications of the applicant for a license to  
18 practice as an athlete agent.

19          Section 45. Qualifications for licensure.

20          (a) A person is qualified for licensure as an athlete agent  
21 if that person:

22               (1) is at least 21 years of age;

23               (2) has applied in writing on forms prepared and  
24 furnished by the Department;



1           (3) has not engaged or is not engaged in any practice  
2 or conduct that would be grounds for disciplining a  
3 licensee under this Act;

4           (4) pays the required nonrefundable fee as set forth in  
5 rule;

6           (5) submits an application that is signed or otherwise  
7 authenticated by the applicant under penalty of perjury  
8 which contains the following information:

9           (A) the name and social security number of the  
10 applicant, and the address of the applicant's  
11 principal place of business;

12           (B) the name of the applicant's business or  
13 employer, if applicable;

14           (C) any business or occupation engaged in by the  
15 applicant for the 5 years next preceding the date of  
16 submission of the application;

17           (D) a description of the applicant's:

18           (i) education or formal training as an athlete  
19 agent;

20           (ii) work history, including, but not limited  
21 to, any practical experience as an athlete agent;  
22 and

23           (iii) educational background;

24           (E) the names and addresses of all persons who are:

25           (i) with respect to the athlete agent's  
26 business if it is not a corporation, the partners,

1 members, officers, managers, associates, or  
2 profit-sharers of the business; and

3 (ii) with respect to a corporation employing  
4 the athlete agent, the officers, directors, and  
5 any shareholder of the corporation having an  
6 interest of 5% or greater;

7 (F) the names and addresses of 3 individuals not  
8 related to the applicant who are willing to serve as  
9 references; and

10 (G) the name, sport, and last known team for each  
11 individual for whom the applicant acted as an athlete  
12 agent during the 5 years next preceding the date of  
13 submission of the application; and

14 (7) has complied with all other requirements of this  
15 Act and rules established for the implementation of this  
16 Act.

17 (b) Applicants have 3 years from the date of application to  
18 complete the application process. If the process has not been  
19 completed in 3 years, then the application shall be denied, the  
20 fee shall be forfeited, and the applicant must reapply and meet  
21 the requirements in effect at the time of reapplication.

22 Section 50. Licensure by endorsement.

23 (a) The Department may, in its discretion, grant a license  
24 on submission of the required application and payment of the  
25 required nonrefundable fee to any person who, at the time of

1 application, is licensed by another state or the United States  
2 or a foreign country or province whose standards, in the  
3 opinion of the Department, were substantially equivalent at the  
4 date of his or her licensure in the other jurisdiction to the  
5 requirements then in force in this State or to any person who  
6 at the time of his or her licensure possessed individual  
7 qualifications that were substantially equivalent to the  
8 requirements of this Act.

9 (b) The Department may adopt rules to further define the  
10 licensing criteria under this Section.

11 (c) Applicants have 3 years from the date of application to  
12 complete the application process. If the process has not been  
13 completed in 3 years, then the application shall be denied, the  
14 fee shall be forfeited, and the applicant must reapply and meet  
15 the requirements in effect at the time of reapplication.

16 Section 55. Licenses; renewals; restoration; person in  
17 military service.

18 (a) The expiration date and renewal period for each license  
19 issued under this Act shall be set by rule. As a condition for  
20 renewal of a license, the licensee may be required to complete  
21 continuing education under requirements set forth in rules of  
22 the Department.

23 (b) Any person who has permitted his or her license to  
24 expire may have his or her license restored by making  
25 application to the Department and filing proof acceptable to

1 the Department of fitness to have his or her license restored,  
2 which may include sworn evidence certifying to active practice  
3 in another jurisdiction satisfactory to the Department,  
4 complying with any continuing education requirements, and  
5 paying the required restoration fee.

6 (c) If the person has not maintained an active practice in  
7 another jurisdiction satisfactory to the Department, then the  
8 Department shall determine, by an evaluation program  
9 established by rule, the person's fitness to resume active  
10 status and may require the person to complete a period of  
11 evaluated experience. However, any person whose license  
12 expired while (i) in federal service on active duty with the  
13 Armed Forces of the United States or called into service or  
14 training with the State Militia, or (ii) in training or  
15 education under the supervision of the United States  
16 preliminary to induction into the military service may have his  
17 or her license renewed or restored without paying any lapsed  
18 renewal fees if, within 2 years after honorable termination of  
19 the service, training or education, except under conditions  
20 other than honorable, he or she furnishes the Department with  
21 satisfactory evidence to the effect that he or she has been so  
22 engaged and that the service, training, or education has been  
23 so terminated.

24 (d) Any person who notifies the Department, in writing on  
25 forms prescribed by the Department, may place his or her  
26 license on inactive status and shall be excused from the

1 payment of renewal fees until the person notifies the  
2 Department in writing of the intention to resume active  
3 practice.

4 (e) Any person requesting his or her license be changed  
5 from inactive to active status shall be required to pay the  
6 current renewal fee and shall also demonstrate compliance with  
7 any applicable continuing education requirements.

8 (f) Any licensee whose license is nonrenewed or on inactive  
9 status shall not engage in the practice as an athlete agent as  
10 set forth in this Act in the State of Illinois and use the  
11 title or advertise that he or she performs the services of an  
12 athlete agent.

13 (g) Any person violating subsection (f) of this Section  
14 shall be considered to be practicing without a license and  
15 shall be subject to the disciplinary provisions of this Act.

16 (h) The Department may adopt additional rules in order to  
17 effectively administer the provisions in this Section.

18 Section 60. Fees.

19 (a) The fees for the administration and enforcement of this  
20 Act, including, but not limited to, original licensure,  
21 renewal, and restoration fees, shall be set by the Department  
22 by rule. The fees shall not be refundable.

23 (b) All fees and other moneys collected under this Act  
24 shall be deposited into the General Professions Dedicated Fund.

1           Section 65. Roster. The Department shall maintain a roster  
2 of names and addresses of all persons who hold valid licenses  
3 and all persons whose licenses have been suspended, revoked, or  
4 otherwise disciplined within the previous year. This roster  
5 shall be available upon request and payment of the required fee  
6 as set forth by rule.

7           Section 70. Returned checks; fines. Any person who delivers  
8 a check or other payment to the Department that is returned to  
9 the Department unpaid by the financial institution upon which  
10 it is drawn shall pay to the Department, in addition to the  
11 amount already owed to the Department, a fine of \$50. The fines  
12 imposed by this Section are in addition to any other discipline  
13 provided under this Act for unlicensed practice or practice on  
14 a nonrenewed license. The Department shall notify the person  
15 that payment of fees and fines shall be paid to the Department  
16 by certified check or money order within 30 calendar days of  
17 the notification. If, after the expiration of 30 days from the  
18 date of the notification, the person has failed to submit the  
19 necessary remittance, then the Department shall automatically  
20 terminate the license or deny the application, without hearing.  
21 If, after termination or denial, the person seeks a license,  
22 then he or she shall apply to the Department for restoration or  
23 issuance of the license and pay all fees and fines due to the  
24 Department. The Department may establish a fee for the  
25 processing of an application for restoration of a license to

1 pay all expenses of processing this application. The Secretary  
2 may waive the fines due under this Section in individual cases  
3 where the Secretary finds that the fines would be unreasonable  
4 or unnecessarily burdensome.

5 Section 75. Grounds for disciplinary action.

6 (a) The Department may refuse to issue or renew, or may  
7 revoke, suspend, place on probation, reprimand, or take other  
8 disciplinary or nondisciplinary action as the Department may  
9 deem appropriate, including imposing fines not to exceed  
10 \$10,000 for each violation, with regard to any license for any  
11 one or combination of the following:

12 (1) Making a material misstatement in furnishing  
13 information to the Department.

14 (2) Violating this Act, or the rules adopted pursuant  
15 to this Act.

16 (3) Conviction of or entry of a plea of guilty or nolo  
17 contendere, finding of guilt, jury verdict, or entry of  
18 judgment or by sentencing of any crime, including, but not  
19 limited to, convictions, preceding sentences of  
20 supervision, conditional discharge, or first offender  
21 probation, to any crime that is a felony under the laws of  
22 the United States or any state or territory thereof or that  
23 is a misdemeanor of which as essential element is  
24 dishonesty, or any crime that is directly related to the  
25 practice of the profession.

1           (4) Making any misrepresentation for the purpose of  
2           obtaining licensure or violating any provision of this Act  
3           or the rules adopted under this Act pertaining to  
4           advertising.

5           (5) Professional incompetence.

6           (6) Gross malpractice.

7           (7) Aiding or assisting another person in violating any  
8           provision of this Act or rules adopted under this Act.

9           (8) Failing, within 60 days, to provide information in  
10          response to a written request made by the Department.

11          (9) Engaging in dishonorable, unethical, or  
12          unprofessional conduct of a character likely to deceive,  
13          defraud, or harm the public.

14          (10) Inability to practice with reasonable judgment,  
15          skill or safety as a result of habitual or excessive use or  
16          addiction to alcohol, narcotics, stimulants, or any other  
17          chemical agent or drug.

18          (11) Denial of any application as an athlete agent or  
19          discipline by another state, District of Columbia,  
20          territory, or foreign nation, if at least one of the  
21          grounds for the discipline is the same or substantially  
22          equivalent to those set forth in this Section.

23          (12) A finding by the Department that the licensee,  
24          after having his or her license placed on probationary  
25          status, has violated the terms of probation.

26          (13) Willfully making or filing false records or



1 reports in his or her practice, including, but not limited  
2 to, false records filed with State agencies or departments.

3 (14) Inability to practice the profession with  
4 reasonable judgment, skill, or safety as a result of a  
5 physical illness, including, but not limited to,  
6 deterioration through the aging process or loss of motor  
7 skill, or a mental illness or disability.

8 (15) Solicitation of professional services other than  
9 permitted advertising.

10 (16) Conviction of or cash compromise of a charge or  
11 violation of the Illinois Controlled Substances Act  
12 regulating narcotics.

13 (17) Gross, willful, or continued overcharging for  
14 professional services, including filing false statements  
15 for collection of fees for which services are not rendered.

16 (18) Practicing under a false or, except as provided by  
17 law, an assumed name.

18 (19) Fraud or misrepresentation in applying for, or  
19 procuring, a license under this Act or in connection with  
20 applying for renewal of a license under this Act.

21 (20) Any instance in which the conduct of the applicant  
22 or any person named pursuant to item (5) of subsection (a)  
23 of Section 45 resulted in the imposition of a sanction,  
24 suspension, or declaration of ineligibility to participate  
25 in an interscholastic or intercollegiate athletic event on  
26 a student-athlete or educational institution.

1           (21) Any instance in which the conduct of any person  
2           named pursuant to item (5) of subsection (a) of Section 45  
3           resulted in the denial of an application as an athlete  
4           agent or discipline of a license as an athlete agent by  
5           another state, District of Columbia, territory, or foreign  
6           nation, if at least one of the grounds for the discipline  
7           is the same or substantially equivalent to those set forth  
8           in this Section.

9           (22) Committing any of the activities set forth in  
10          subsection (b) of Section 175 of this Act.

11          (b) A person holding a license under this Act or has  
12          applied for licensure under this Act who, because of a physical  
13          or mental illness or disability, including, but not limited to,  
14          deterioration through the aging process or loss of motor skill,  
15          is unable to practice the profession with reasonable judgment,  
16          skill, or safety may be required by the Department to submit to  
17          care, counseling or treatment by physicians approved or  
18          designated by the Department as a condition, term, or  
19          restriction for continued, reinstated, or renewed licensure to  
20          practice. Submission to care, counseling, or treatment as  
21          required by the Department shall not be considered discipline  
22          of the license. If the licensee refuses to enter into a care,  
23          counseling, or treatment agreement or fails to abide by the  
24          terms of the agreement, then the Department may file a  
25          complaint to suspend, revoke, or otherwise discipline the  
26          license of the individual. The Secretary may order the license

1 suspended immediately, pending a hearing by the Department.  
2 Fines shall not be assessed in disciplinary actions involving  
3 physical or mental illness or impairment.

4 (c) The determination by a circuit court that a licensee is  
5 subject to involuntary admission or judicial admission as  
6 provided in the Mental Health and Developmental Disabilities  
7 Code operates as an automatic suspension. The suspension will  
8 end only upon a finding by a court that the licensee is no  
9 longer subject to the involuntary admission or judicial  
10 admission and issues an order so finding and discharging the  
11 licensee; and upon review of the order by the Secretary or his  
12 or her designee, the licensee may be allowed to resume his or  
13 her practice.

14 (d) The Department may refuse to issue or may suspend  
15 without hearing as provided for in the Code of Civil Procedure  
16 the license of any person who fails to file a return, to pay  
17 the tax, penalty, or interest shown in a filed return, or to  
18 pay any final assessment of the tax, penalty, or interest as  
19 required by any tax Act administered by the Illinois Department  
20 of Revenue, until such time as the requirements of any such tax  
21 Act are satisfied.

22 (e) In enforcing this Section, the Department upon a  
23 showing of a possible violation may compel an individual  
24 licensed to practice under this Act, or who has applied for  
25 licensure under this Act, to submit to a mental or physical  
26 examination, or both, as required by and at the expense of the

1 Department. The Department may order the examining physician to  
2 present testimony concerning the mental or physical  
3 examination of the licensee or applicant. No information shall  
4 be excluded by reason of any common law or statutory privilege  
5 relating to communications between the licensee or applicant  
6 and the examining physician. The examining physicians shall be  
7 specifically designated by the Department. The individual to be  
8 examined may have, at his or her own expense, another physician  
9 of his or her choice present during all aspects of this  
10 examination. Failure of an individual to submit to a mental or  
11 physical examination, when directed, shall be grounds for the  
12 immediate suspension of his or her license until the individual  
13 submits to the examination if the Department finds that the  
14 refusal to submit to the examination was without reasonable  
15 cause as defined by rule.

16 In instances in which the Secretary immediately suspends a  
17 person's license for his or her failure to submit to a mental  
18 or physical examination, when directed, a hearing on that  
19 person's license must be convened by the Department within 15  
20 days after the suspension and completed without appreciable  
21 delay.

22 In instances in which the Secretary otherwise suspends a  
23 person's license pursuant to the results of a compelled mental  
24 or physical examination a hearing on that person's license must  
25 be convened by the Department within 15 days after the  
26 suspension and completed without appreciable delay. The

1 Department shall have the authority to review the subject  
2 individual's record of treatment and counseling regarding the  
3 impairment to the extent permitted by applicable federal  
4 statutes and regulations safeguarding the confidentiality of  
5 medical records.

6 An individual licensed under this Act and affected under  
7 this Section shall be afforded an opportunity to demonstrate to  
8 the Department that he or she can resume practice in compliance  
9 with acceptable and prevailing standards under the provisions  
10 of his or her license.

11 Section 80. Required form of contract.

12 (a) An agency contract must be in a record, signed or  
13 otherwise authenticated by the parties.

14 (b) An agency contract must state or contain the following:

15 (1) the amount and method of calculating the  
16 consideration to be paid by the student-athlete for  
17 services to be provided by the athlete agent under the  
18 contract and any other consideration the athlete agent has  
19 received or will receive from any other source for entering  
20 into the contract or for providing the services;

21 (2) the name of any person not listed in the  
22 application for licensure or renewal of licensure who will  
23 be compensated because the student-athlete signed the  
24 agency contract;

25 (3) a description of any expenses that the

1 student-athlete agrees to reimburse;

2 (4) a description of the services to be provided to the  
3 student-athlete;

4 (5) the duration of the contract; and

5 (6) the date of execution.

6 (c) An agency contract must contain, in close proximity to  
7 the signature of the student-athlete, a conspicuous notice in  
8 boldface type in capital letters stating:

9 WARNING TO STUDENT-ATHLETE IF YOU SIGN THIS CONTRACT:

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

12 (2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS  
13 AFTER ENTERING INTO THIS CONTRACT OR BEFORE YOUR NEXT  
14 SCHEDULED ATHLETIC EVENT, WHICHEVER OCCURS FIRST, BOTH YOU  
15 AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR;  
16 AND

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

20 (d) An agency contract that does not conform to this  
21 Section is voidable by the student-athlete. If a  
22 student-athlete voids an agency contract, then the  
23 student-athlete is not required to pay any consideration under  
24 the contract or to return any consideration received from the

1 athlete agent to induce the student-athlete to enter into the  
2 contract.

3 (e) The athlete agent shall give a record of the signed or  
4 otherwise authenticated agency contract to the student-athlete  
5 at the time of execution.

6 Section 85. Student-athlete's right to cancel.

7 (a) A student-athlete may cancel an agency contract by  
8 giving notice of the cancellation to the athlete agent in a  
9 record within 14 days after the contract is signed.

10 (b) A student-athlete may not waive the right to cancel an  
11 agency contract.

12 (c) If a student-athlete cancels an agency contract, then  
13 the student-athlete is not required to pay any consideration  
14 under the contract or to return any consideration received from  
15 the athlete agent to induce the student-athlete to enter into  
16 the contract.

17 Section 90. Notice to educational institution.

18 (a) Within 72 hours after entering into an agency contract  
19 or before the next scheduled athletic event in which the  
20 student-athlete may participate, whichever occurs first, the  
21 athlete agent shall give notice in a record of the existence of  
22 the contract to the athletic director of the educational  
23 institution at which the student-athlete is enrolled or the  
24 athlete agent has reasonable grounds to believe the

1 student-athlete intends to enroll.

2 (b) Within 72 hours after entering into an agency contract  
3 or before the next athletic event in which the student-athlete  
4 may participate, whichever occurs first, the student-athlete  
5 shall inform the athletic director of the educational  
6 institution at which the student-athlete is enrolled that he or  
7 she has entered into an agency contract.

8 Section 95. Required records.

9 (a) An athlete agent shall retain the following records for  
10 a period of 5 years:

11 (1) the name and address of each individual represented  
12 by the athlete agent;

13 (2) any agency contract entered into by the athlete  
14 agent; and

15 (3) any direct costs incurred by the athlete agent in  
16 the recruitment or solicitation of a student-athlete to  
17 enter into an agency contract.

18 (b) Records required by subsection (a) of this Section to  
19 be retained shall be open to inspection by the Department  
20 during normal business hours.

21 Section 100. Injunctive action; cease and desist order.

22 (a) If any person violates the provisions of this Act, then  
23 the Secretary, in the name of the People of the State of  
24 Illinois, through the Attorney General or the State's Attorney



1 of the county in which the violation is alleged to have  
2 occurred, may petition for an order enjoining the violation or  
3 for an order enforcing compliance with this Act. Upon the  
4 filing of a verified petition, the court with appropriate  
5 jurisdiction may issue a temporary restraining order, without  
6 notice or bond, and may preliminarily and permanently enjoin  
7 the violation. If it is established that the person has  
8 violated or is violating the injunction, then the court may  
9 punish the offender for contempt of court. Proceedings under  
10 this Section are in addition to, and not in lieu of, all other  
11 remedies and penalties provided by this Act.

12 (b) Whenever, in the opinion of the Department, a person  
13 violates any provision of this Act, the Department may issue a  
14 rule to show cause why an order to cease and desist should not  
15 be entered against that person. The rule shall clearly set  
16 forth the grounds relied upon by the Department and shall allow  
17 at least 7 days from the date of the rule to file an answer  
18 satisfactory to the Department. Failure to answer to the  
19 satisfaction of the Department shall cause an order to cease  
20 and desist to be issued.

21 Section 105. Investigations; notice and hearing. The  
22 Department may investigate the actions of any applicant or of  
23 any person or persons rendering or offering to render services  
24 as an athlete agent or any person holding or claiming to hold a  
25 license as an athlete agent. The Department shall, before

1 revoking, suspending, placing on probation, reprimanding, or  
2 taking any other disciplinary or nondisciplinary action under  
3 Section 75 of this Act, at least 30 days before the date set  
4 for the hearing, (i) notify the accused in writing of the  
5 charges made and the time and place for the hearing on the  
6 charges, (ii) direct him or her to file a written answer to the  
7 charges with the Department under oath within 20 days after the  
8 service on him or her of the notice, and (iii) inform the  
9 accused that, if he or she fails to answer, default will be  
10 taken against him or her or that his or her license may be  
11 suspended, revoked, placed on probationary status, or other  
12 disciplinary action taken with regard to the license, including  
13 limiting the scope, nature, or extent of his or her practice,  
14 as the Department may consider proper. At the time and place  
15 fixed in the notice, the Department shall proceed to hear the  
16 charges and the parties or their counsel shall be accorded  
17 ample opportunity to present any pertinent statements,  
18 testimony, evidence, and arguments. The Department may  
19 continue the hearing from time to time. In case the person,  
20 after receiving the notice, fails to file an answer, his or her  
21 license may, in the discretion of the Department, be suspended,  
22 revoked, placed on probationary status, or the Department may  
23 take whatever disciplinary action considered proper, including  
24 limiting the scope, nature, or extent of the person's practice  
25 or the imposition of a fine, without a hearing, if the act or  
26 acts charged constitute sufficient grounds for that action

1 under this Act. The written notice may be served by personal  
2 delivery or by certified mail to the address specified by the  
3 accused in his or her last notification with the Department.

4 Section 110. Record of proceedings; transcript. The  
5 Department, at its expense, shall preserve a record of all  
6 proceedings at the formal hearing of any case. The notice of  
7 hearing, complaint, all other documents in the nature of  
8 pleadings, written motions filed in the proceedings, the  
9 transcripts of testimony, the report of the Hearing Officer,  
10 and orders of the Department shall be in the record of the  
11 proceeding. The Department shall furnish a transcript of such  
12 record to any person interested in such hearing upon payment of  
13 the fee required under Section 2105-115 of the Department of  
14 Professional Regulation Law of the Civil Administrative Code of  
15 Illinois.

16 Section 115. Subpoenas; depositions; oaths. The Department  
17 has the power to subpoena documents, books, records, or other  
18 materials and to bring before it any person and to take  
19 testimony either orally or by deposition, or both, with the  
20 same fees and mileage and in the same manner as prescribed in  
21 civil cases in the courts of this State.

22 The Secretary, the designated hearing officer, and other  
23 parties designated by the Department have the power to  
24 administer oaths to witnesses at any hearing that the

1 Department is authorized to conduct, and any other oaths  
2 authorized in any Act administered by the Department.

3 Section 120. Compelling testimony. Any circuit court, upon  
4 application of the Department or designated hearing officer may  
5 enter an order requiring the attendance of witnesses and their  
6 testimony, and the production of documents, papers, files,  
7 books, and records in connection with any hearing or  
8 investigation. The court may compel obedience to its order by  
9 proceedings for contempt.

10 Section 125. Findings and recommendations. At the  
11 conclusion of the hearing, the Hearing Officer shall present to  
12 the Secretary a written report of its findings of fact,  
13 conclusions of law, and recommendations. The report shall  
14 contain a finding whether or not the accused person violated  
15 this Act or its rules or failed to comply with the conditions  
16 required in this Act or its rules. The Hearing Officer shall  
17 specify the nature of any violations or failure to comply and  
18 shall make its recommendations to the Secretary. In making  
19 recommendations for any disciplinary actions, the Hearing  
20 Officer may take into consideration all facts and circumstances  
21 bearing upon the reasonableness of the conduct of the accused  
22 and the potential for future harm to the public, including, but  
23 not limited to, previous discipline of the accused by the  
24 Department, intent, degree of harm to the public, and

1 likelihood of harm in the future, any restitution made by the  
2 accused, and whether the incident or incidents contained in the  
3 complaint appear to be isolated or represent a continuing  
4 pattern of conduct. In making its recommendations for  
5 discipline, the Hearing Officer shall endeavor to ensure that  
6 the severity of the discipline recommended is reasonably  
7 related to the severity of the violation.

8 The report of findings of fact, conclusions of law, and  
9 recommendation of the Hearing Officer may, but shall not be  
10 required to, be the basis for the Department's order refusing  
11 to issue, restore, or renew a license, or otherwise  
12 disciplining a licensee. If the Secretary disagrees with the  
13 recommendations of the Hearing Officer, then the Secretary may  
14 issue an order in contravention. The finding is not admissible  
15 in evidence against the person in a criminal prosecution  
16 brought for a violation of this Act, but the hearing and  
17 finding are not a bar to a criminal prosecution brought for a  
18 violation of this Act.

19 Section 130. Rehearing. At the conclusion of the hearing, a  
20 copy of the Hearing Officer's report shall be served upon the  
21 applicant or licensee by the Department, either personally or  
22 as provided in this Act for the service of a notice of hearing.  
23 Within 20 days after service, the applicant or licensee may  
24 present to the Department a motion in writing for a rehearing,  
25 which shall specify the particular grounds for rehearing. The

1 Department may respond to the motion for rehearing within 20  
2 days after its service on the Department. If no motion for  
3 rehearing is filed, then upon the expiration of the time  
4 specified for filing such a motion, or if a motion for  
5 rehearing is denied, then upon denial, the Secretary may enter  
6 an order in accordance with recommendations of the Hearing  
7 Officer except as provided in Section 135 of this Act. If the  
8 applicant or licensee orders from the reporting service and  
9 pays for a transcript of the record within the time for filing  
10 a motion for rehearing, then the 20-day period within which a  
11 motion may be filed shall commence upon the delivery of the  
12 transcript to the applicant or licensee.

13 Section 135. Secretary; rehearing. Whenever the Secretary  
14 believes that substantial justice has not been done in the  
15 revocation, suspension, or refusal to issue, restore, or renew  
16 a license, or other discipline of an applicant or licensee, he  
17 or she may order a rehearing by the same or a different Hearing  
18 Officer.

19 Section 140. Appointment of a hearing officer. The  
20 Secretary has the authority to appoint any attorney licensed to  
21 practice law in the State of Illinois to serve as the hearing  
22 officer in any action for refusal to issue, restore, or renew a  
23 license or to discipline a licensee. The hearing officer has  
24 full authority to conduct the hearing. The hearing officer

1 shall report his or her findings of fact, conclusions of law,  
2 and recommendations to the Secretary. If the Secretary  
3 disagrees with the recommendation of the hearing officer, then  
4 the Secretary may issue an order in contravention of the  
5 recommendation.

6 Section 145. Order or certified copy; prima facie proof. An  
7 order or certified copy thereof, over the seal of the  
8 Department and purporting to be signed by the Secretary, is  
9 prima facie proof that:

10 (1) the signature is the genuine signature of the  
11 Secretary; and

12 (2) the Secretary is duly appointed and qualified.

13 Section 150. Restoration of suspended or revoked license.  
14 At any time after the successful completion of a term of  
15 suspension or revocation of a license, the Department may  
16 restore it to the licensee, unless after an investigation and a  
17 hearing the Department determines that restoration is not in  
18 the public interest.

19 Section 155. Surrender of license. Upon the revocation or  
20 suspension of a license, the licensee shall immediately  
21 surrender his or her license to the Department. If the licensee  
22 fails to do so, then the Department has the right to seize the  
23 license.

1           Section 160. Summary suspension of a license. The Secretary  
2 may summarily suspend a license, without a hearing,  
3 simultaneously with the institution of proceedings for a  
4 hearing provided for in Section 105 of this Act, if the  
5 Secretary finds that evidence in the Secretary's possession  
6 indicates that the continuation of practice as an athlete agent  
7 would constitute an imminent danger to the public. In the event  
8 that the Secretary summarily suspends a license, without a  
9 hearing, a hearing must be commenced within 30 days after the  
10 suspension has occurred and concluded as expeditiously as  
11 practical.

12           Section 165. Administrative review; venue.

13           (a) All final administrative decisions of the Department  
14 are subject to judicial review under the Administrative Review  
15 Law and its rules. The term "administrative decision" is  
16 defined as in Section 3-101 of the Code of Civil Procedure.

17           (b) Proceedings for judicial review shall be commenced in  
18 the circuit court of the county in which the party applying for  
19 review resides, but if the party is not a resident of Illinois,  
20 the venue shall be in Sangamon County.

21           Section 170. Certifications of record; costs. The  
22 Department shall not be required to certify any record to the  
23 court, to file an answer in court, or to otherwise appear in



1 any court in a judicial review proceeding unless and until the  
2 Department has received from the plaintiff payment of the costs  
3 of furnishing and certifying the record, which costs shall be  
4 determined by the Department. Failure on the part of the  
5 plaintiff to file the receipt in court is grounds for dismissal  
6 of the action.

7 Section 175. Criminal penalties.

8 (a) Any person who is found to have violated any provision  
9 of this Act is guilty of a Class A misdemeanor. On conviction  
10 of a second or subsequent offense, the violator shall be guilty  
11 of a Class 4 felony.

12 (b) In addition, an athlete agent or an individual holding  
13 oneself out as an athlete agent shall be guilty of a Class A  
14 misdemeanor if he or she, with the intent to induce a  
15 student-athlete to enter into an agency contract, does any of  
16 the following:

17 (1) gives any materially false or misleading  
18 information or makes a materially false promise or  
19 representation;

20 (2) furnishes anything of value to a student-athlete  
21 before the student-athlete enters into the agency  
22 contract;

23 (3) furnishes anything of value to any individual other  
24 than the student-athlete or another athlete agent;

25 (4) initiates contact with a student-athlete unless

1 licensed under this Act;

2 (5) refuses or fails to retain or permit inspection of  
3 the records as required under this Act;

4 (6) provides materially false or misleading  
5 information in an application for licensure;

6 (7) predates or postdates an agency contract; or

7 (8) fails to notify a student-athlete before the  
8 student-athlete signs or otherwise authenticates an agency  
9 contract for a particular sport that the signing or  
10 authentication may make the student-athlete ineligible to  
11 participate as a student-athlete in that sport.

12 Section 180. Civil penalties.

13 (a) In addition to any other penalty provided by law, any  
14 person who violates this Act shall forfeit and pay a civil  
15 penalty to the Department in an amount not to exceed \$10,000  
16 for each violation as determined by the Department. The civil  
17 penalty shall be assessed by the Department in accordance with  
18 the provisions of this Act.

19 (b) The Department has the authority and power to  
20 investigate any and all unlicensed activity.

21 (c) The civil penalty shall be paid within 60 days after  
22 the effective date of the order imposing the civil penalty. The  
23 order shall constitute a judgment and may be filed and  
24 execution had thereon in the same manner as any judgment from  
25 any court of record.

1 (d) All moneys collected under this Section shall be  
2 deposited into the General Professions Dedicated Fund.

3 Section 185. Civil remedies; educational institutions.

4 (a) An educational institution has a right of action  
5 against an athlete agent or a former student-athlete for  
6 damages caused by a violation of this Act. In an action under  
7 this Section, the court may award to the prevailing party costs  
8 and reasonable attorney's fees.

9 (b) Damages of an educational institution under subsection  
10 (a) include losses and expenses incurred because, as a result  
11 of the conduct of an athlete agent or former student-athlete,  
12 the educational institution was injured by a violation of this  
13 Act or was penalized, disqualified, or suspended from  
14 participation in athletics by a national association for the  
15 promotion and regulation of athletics, by an athletic  
16 conference, or by reasonable self-imposed disciplinary action  
17 taken to mitigate sanctions likely to be imposed by such an  
18 organization.

19 (c) A right of action under this Section does not accrue  
20 until the educational institution discovers or by the exercise  
21 of reasonable diligence would have discovered the violation by  
22 the athlete agent or former student-athlete.

23 (d) Any liability of the athlete agent or the former  
24 student-athlete under this Section is several and not joint.

25 (e) This Act does not restrict rights, remedies, or

1 defenses of any person under law or equity.

2 Section 190. Consent order. At any point in the proceedings  
3 as provided in Sections 100 through 145 and Section 165, both  
4 parties may agree to a negotiated consent order. The consent  
5 order shall be final upon signature of the Secretary.

6 Section 195. Illinois Administrative Procedure Act;  
7 application. The Illinois Administrative Procedure Act is  
8 expressly adopted and incorporated in this Act as if all of the  
9 provisions of that Act were included in this Act, except that  
10 the provision of subsection (d) of Section 10-65 of the  
11 Illinois Administrative Procedure Act, which provides that at  
12 hearings the licensee has the right to show compliance with all  
13 lawful requirements for retention or continuation or renewal of  
14 the license, is specifically excluded. For the purpose of this  
15 Act, the notice required under Section 10-25 of the Illinois  
16 Administrative Procedure Act is considered sufficient when  
17 mailed to the last known address of a party.

18 Section 200. Home rule. The regulation and licensing as an  
19 athlete agent are exclusive powers and functions of the State.  
20 A home rule unit may not regulate or license an athlete agent  
21 or the practice as an athlete agent, except as provided under  
22 Section 20 of this Act. This Section is a denial and limitation  
23 of home rule powers and functions under subsection (h) of

1 Section 6 of Article VII of the Illinois Constitution.

2 Section 205. Relation to electronic signatures in Global  
3 and National Commerce Act. This Act modifies, limits, and  
4 supersedes the federal Electronic Signatures in Global and  
5 National Commerce Act, 15 U.S.C. Section 7001, et seq., but  
6 does not modify, limit, or supersede Section 101(c) of that  
7 Act, 15 U.S.C. Section 7001(c), or authorize electronic  
8 delivery of any of the notices described in Section 103(b) of  
9 that Act, 15 U.S.C. Section 7003(b).

10 Section 210. Severability. The provisions of this Act are  
11 severable under Section 1.31 of the Statute on Statutes.

12 Section 215. Agent for service of process. By acting as an  
13 athlete agent in this State, a nonresident individual appoints  
14 the Department as the individual's agent for service of process  
15 in any civil action in this State related to the individual's  
16 acting as an athlete agent in this State.

17 Section 999. Effective date. This Act takes effect January  
18 1, 2021.