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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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DIGEST

SB 389 Original 2026 Regular Session Connick

Present law provides for the licensing and regulation of agents representing professional and prospective professional athletes.

Proposed law retains present law with respect to licensing and regulation of agents representing professional and prospective professional athletes and adds those agents representing student athletes in college and high school.

Present law defines an "athlete agent" as any person who recruits or solicits an athlete to enter into an agent contract or professional sport services contract with any person, or who offers anything of value to any person to induce an athlete to enter into an agreement by which any person will represent the athlete, or who for anything of value procures, offers, promises, or attempts to obtain employment for an athlete with a professional sports team.

Proposed law defines an "athlete agent" as an individual who does any of the following:

- (1) Enters into an agent contract with an athlete or, directly or indirectly, recruits or solicits an athlete to enter into an agent contract for compensation or in anticipation of compensation.
- (2) Represents or advises an athlete in connection with an endorsement contract, or endorsement activities, including name, image, and likeness matters for compensation or in anticipation of compensation.

Proposed law defines an "endorsement contract" as an agreement under which an athlete is employed or receives anything of value to permit the use, promotion, or association of the athlete's name, image, and likeness, publicity, reputation, following, fame, or other personal or commercial attributes, whether or not related to the athlete's athletic ability or performance.

Present law requires an athlete agent to register with the Dept. of Justice public protection division.

Proposed law retains present law and further requires that an individual who is not previously registered may act as an athlete agent for purposes other than entering into an agent contract or endorsement contract if all of the following occur:

- (1) The athlete or third person acting on behalf of the athlete initiates communication with the individual.

- (2) Not later than seven days after the initial act that requires registration under proposed law, the individual submits a completed application for registration to the division.

Proposed law provides that the registration or renewal of registration be valid for two years.

Proposed law requires nonresident athlete agents to appoint the LA. secretary of state as his agent for service of process in any civil or administrative action arising from conduct under proposed law.

Proposed law authorizes the divisions to charge the following fees to produce sufficient revenue to offset the expenses incurred by the division in administering proposed law, as follows:

- (1) \$1,000 for an initial application for registration.
- (2) \$500 for registration based on a certificate of registration issued by another state.
- (3) \$1,000 for renewal of a registration.
- (4) \$500 for renewal of registration based on a certificate of registration issued by another state.

Proposed law requires the attorney general to prescribe training for all applicants for registration as an athlete agent.

Proposed law requires each applicant to consent to and submit to a background check conducted by or on behalf of the division.

Proposed law authorizes the division to refuse to issue or renew a certificate of registration to an applicant for registration if the division determines that the applicant fails to comply with any requirement of proposed law, or the rules the division adopts.

Proposed law authorizes the division to refuse to issue or renew; or may suspend or revoke, a certificate of registration if the division determines the applicant has engaged in conduct that has a significantly adverse effect on the applicant's fitness to act as an athlete agent.

Proposed law requires the division to refuse to issue or renew; or shall suspend or revoke, a certificate of registration if the division determines the applicant has ever plead guilty or no contest to, or has been convicted of fraud, embezzlement, a felonious theft, any crime involving moral turpitude, or any other crime involving a misappropriation of funds, which could render him unfit in a fiduciary capacity.

Proposed law requires any endorsement contract to be used by an athlete agent with an athlete be filed with the division.

Proposed law requires an endorsement contract for compensation for the use of the athlete's name, image, or likeness (NIL) be disclosed to the educational institution before or upon execution and comply with present law.

Proposed law requires that endorsement contracts or endorsement activities related to an athlete's NIL matters, the athlete agent, and the athlete to comply with all applicable requirements of present law and any rules adopted by the division.

Proposed law provides that upon a finding that an athlete agent has violated a provision of proposed law, as determined from admissions of the athlete agent freely and voluntarily made or as the result of an adjudicatory hearing, the administrative law judge may assess a fine against an athlete agent not to exceed \$100,000 for a violation of proposed law.

Proposed law requires that all fines received from the payment of the fines imposed and collected pursuant to the provisions of proposed law be deposited into the Dept. of Justice Legal Support Fund.

Proposed law authorizes the division to maintain a record or database of registered athlete agents who provide representation or advice in connection with endorsement contracts or NIL matters.

Proposed law provides that an athlete may bring a civil action against an athlete agent for damages if the athlete is adversely affected by an act or omission of the athlete agent in violation of proposed law.

Proposed law authorizes the court to award actual damages, court costs, and reasonable attorney's fees. Proposed law provides that if an athlete agent is found liable, he forfeits any right to compensation and shall refund any consideration paid to or on behalf of the athlete.

Proposed law provides that a violation of proposed law constitutes an unfair or deceptive act or practice in trade or commerce for purposes of the Louisiana Unfair Trade Practices and Consumer Protection Law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 4:420, 421(A), 422, 422.1, 423(G)(4), 424(A)(6) through (9), (B), (C), (D), and (E), 426, 431, 432(A), and 433(A) and (B); adds R.S. 4:423.1, 424(A)(10), 427(A)(8), and 432.1; repeals R.S. 4:425 and 430)