

Uniform Athlete Agents Act

Section 61-14F-1 – 61-14F-19 NMSA 1978

Frequently Asked Questions

1. Is registration required before initiating contact with a student athlete?

Registration is required before initiating contact with a student-athlete to induce the signing of an agency contract. If the student-athlete initiates contact with an athlete agent, the athlete agent must apply for registration within seven (7) days after commencing any effort to induce the student athlete to enter into any agency contract.

Section 61-14F-4 NMSA 1978

2. How long is the certificate of registration valid for?

A certificate of registration is valid for two years. *Section 61-14F-6(F) NMSA 1978*

3. Is the information on the application for registration public information?

Yes, an application for registration is public record and may be inspected. *Section 61-14F-6(D) NMSA 1978*

4. If I hold a certificate of registration or am licensed in another state as an athlete agent may I submit that registration as my certificate of registration?

You may submit a copy of the application and certificate from another state in lieu of submitting a New Mexico registration application **only** if the application from the other state was submitted in the other state within six (6) months preceding the submission of the application in this state and the applicant certifies that the information contained in the application is current; contains information substantially similar to or more comprehensive than that required in an application submitted in this state; and was signed by the applicant under penalty of perjury. *Section 61-14F-5 (B) NMSA 1978*

5. As an athlete agent are there any requirements that I maintain any information or records?

As an athlete agent you must retain the following records for a period of five years. Further these records are open to inspection by the Secretary of State during normal business hours.

1. the name and address of each individual represented by you;
2. any agency contract entered into by you; and
3. any direct costs incurred by the athlete agent in the recruitment of solicitation of a student athlete to enter into an agency contract. *Section 61-14F-13 NMSA 1978*

6. What is an agency contract?

The Uniform Athlete Agents Act defines an “agency contract” as an agreement in which a student athlete authorizes a person to negotiate or solicit on behalf of the student athlete a professional-sports-services contract or an endorsement contract. *Section 61-14F-2(A) NMSA 1978*

7. What type of conduct is an athlete agent prohibited from engaging in?

An athlete agent, with the intent to induce a student athlete to enter into an agency contract, **shall not**:

- (1) give any materially false or misleading information or make a materially false promise or representation;
- (2) furnish anything of value to a student athlete before the student athlete enters into any the agency contract; or another registered athlete agent.

An athlete agent shall not intentionally:

- (1) initiate contact with a student athlete unless registered pursuant to the Uniform Athlete Agents Act;
- (2) refuse or fail to retain or permit inspection of the records required to be retained pursuant to Section 13 of the Uniform Athlete Agents Act;
- (3) fail to register when required pursuant to Section 4 of the Uniform Athlete Agents Act;
- (4) provide materially false or misleading information in an application for registration or renewal of registration;
- (5) **predate** or **postdate** an agency contract; or
- (6) fail to notify a student athlete before the student athlete signs or otherwise authenticates an agency contract for a particular sport that the signing or authentication may make the student athlete ineligible to participate as a student athlete in that sport.

Section 61-14F-14 NMSA 1978

8. Are there criminal penalties for violating any provisions of the Uniform Athlete Agents Act?

An athlete agent who violates the provision of Uniform Athlete Agents Act is guilty of a misdemeanor and upon conviction shall be sentenced pursuant to the provision of Section 31-19-1 NMSA 1978. The secretary may assess a civil penalty against an athlete agent not to exceed twenty-five thousand dollars (\$25,000) for a violation of the Uniform Athlete Agents Act. *Section 61-14F-15 NMSA 1978*