

164.6903 Definitions for KRS 164.6901 to 164.6935.

As used in KRS 164.6901 to 164.6935, unless the context requires otherwise:

- (1) "Agency contract" means 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;
- (2) "Athlete agent":
 - (a) Means an individual, whether registered under KRS 164.6901 to 164.6935 or not, who:
 1. Directly or indirectly, recruits or solicits a student-athlete to enter into an agency contract or, for compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for a student-athlete as a professional athlete or member of a professional sports team or organization;
 2. For compensation or in anticipation of compensation related to a student-athlete's participation in athletics:
 - a. Serves the student-athlete in an advisor capacity on a matter related to finances, business pursuits, or career management decisions, unless the individual is an employee of an educational institution acting exclusively as an employee of the institution for the benefit of the institution; or
 - b. Manages the business affairs of the student-athlete by providing assistance with bills, payments, contracts or taxes; or
 3. In anticipation of representing a student-athlete for a purpose related to the student-athlete's participation in athletics:
 - a. Gives consideration to the student-athlete or another person;
 - b. Serves the student-athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions; or
 - c. Manages the business affairs of the student-athlete by providing assistance with bills, payments, contracts, or taxes; and
 - (b) Does not include an individual who:
 1. Acts solely on behalf of a professional sports team or organization; or
 2. Is a licensed, registered, or certified professional and offers or provides services to a student-athlete customarily provided by members of the profession, unless the individual:
 - a. Also recruits or solicits the student-athlete to enter into an agency contract;
 - b. For compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for the student-athlete as a professional athlete or member of a professional sports team or organization; or

- c. Receives consideration for providing the services calculated using a different method than for an individual who is not a student-athlete; or
 - 3. Is a parent or guardian of a student-athlete, unless the parent or guardian for compensation, or any form of valuable consideration or reasonable expectation thereof, influences or attempts to influence the student-athlete to enter into an agency contract, or procures employment or offers, promises, attempts, or negotiates to obtain employment for the student-athlete as a professional athlete or member of a professional sports team or organization;
- (3) "Athletic director" means an individual responsible for administering the overall athletic program of an educational institution or, if an educational institution has separately administered athletic programs for male and female students, the athletic program for males or the athletic program for females, as appropriate;
 - (4) "Contact" means a communication, direct or indirect, between an athlete agent and a student-athlete, to recruit or solicit the student-athlete to enter into an agency contract;
 - (5) "Department" means the Department of Professional Licensing in the Public Protection Cabinet;
 - (6) "Educational institution" includes a public or private elementary school, secondary school, technical or vocational school, community college, college, and university;
 - (7) "Endorsement contract" means an agreement under which a student-athlete is employed or receives consideration to use on behalf of the other party any value that the student-athlete may have because of publicity, reputation, following, or fame obtained because of athletic ability or performance;
 - (8) "Enrolled" means registered for courses and attending athletic practice or class;
 - (9) "Intercollegiate sport" means a sport played at the collegiate level for which eligibility requirements for participation by a student-athlete are established by a national association that promotes or regulates collegiate athletics;
 - (10) "Interscholastic sport" means a sport played between educational institutions that are not community colleges, colleges, or universities;
 - (11) "Licensed, registered, or certified professional" means an individual licensed, registered, or certified as an attorney, dealer in securities, financial planner, insurance agent, real estate broker or sales agent, tax consultant, accountant, or member of a profession other than that of an athlete agent who is licensed, registered, or certified by the state or a nationally recognized organization that licenses, registers, or certifies members of the profession on the basis of experience, education, or testing;
 - (12) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, or government; governmental subdivision, agency, or instrumentality; public corporation, or any other legal or commercial entity;
 - (13) "Professional-sports-services contract" means an agreement under which an

individual is employed, or agrees to render services, as a player on a professional sports team, with a professional sports organization, or as a professional athlete;

- (14) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;
- (15) "Recruit or solicit" means to attempt to influence the choice of an athlete agent by a student-athlete or, if the student-athlete is a minor, a parent or guardian of the student-athlete. The term does not include giving advice on the selection of a particular agent in a family, coaching, or social situation unless the individual giving the advice does so because of the receipt or anticipated receipt of an economic benefit, directly or indirectly, from the agent.
- (16) "Registration" means registration as an athlete agent pursuant to KRS 164.6901 to 164.6935;
- (17) "Sign" means with present intent to authenticate or adopt a record:
 - (a) To execute or adopt a tangible symbol; or
 - (b) To attach to or logically associate with the record an electronic symbol, sound, or process;
- (18) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States; and
- (19) "Student-athlete" means an individual who is eligible to attend an educational institution and engages in, is eligible to engage in, or may be eligible in the future to engage in, any interscholastic or intercollegiate sport. "Student-athlete" does not include an individual permanently ineligible to participate in a particular interscholastic or intercollegiate sport for that sport.

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History: Amended 2018 Ky. Acts ch. 205, sec. 2, effective July 14, 2018. -- Amended 2017 Ky. Acts ch. 178, sec. 9, effective April 11, 2017. -- Amended 2010 Ky. Acts ch. 24, sec. 214, effective July 15, 2010. -- Amended 2009 Ky. Acts ch. 12, sec. 43, effective June 25, 2009. -- Repealed and reenacted 2003 Ky. Acts ch. 172, sec. 2, effective June 24, 2003. -- Created 1998 Ky. Acts ch. 259, sec. 1, effective July 15, 1998.

Formerly codified as KRS 164.680.