

TITLE 54
PROFESSIONS, VOCATIONS, AND BUSINESSES

CHAPTER 48
REVISED UNIFORM ATHLETE AGENTS ACT

54-4801. SHORT TITLE. This chapter may be cited as the "Revised Uniform Athlete Agents Act."

[54-4801, added 2016, ch. 201, sec. 2, p. 562.]

54-4802. DEFINITIONS. As used in this chapter:

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

(2) "Athlete agent":

(a) Means an individual who:

(i) 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;

(ii) For compensation or in anticipation of compensation related to a student athlete's participation in athletics:

1. Serves the athlete in an advisory 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

2. Manages the business affairs of the athlete by providing assistance with bills, payments, contracts or taxes; or

(iii) In anticipation of representing a student athlete for a purpose related to the athlete's participation in athletics:

1. Gives consideration to the student athlete or another person;

2. Serves the athlete in an advisory capacity on a matter related to finances, business pursuits or career management decisions; or

3. Manages the business affairs of the athlete by providing assistance with bills, payments, contracts or taxes; but

(b) Does not include an individual who:

(i) Acts solely on behalf of a professional sports team or organization; or

(ii) 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:

1. Also recruits or solicits the athlete to enter into an agency contract;

2. Also, for compensation, procures employment or offers, promises, attempts or negotiates to obtain employment for the athlete as a professional athlete or member of a professional sports team or organization; or

3. Receives consideration for providing the services calculated using a different method than for an individual who is not a student athlete.

(3) "Athletic director" means the individual responsible for administering the overall athletic program of an educational institution or, if an educational institution has separately administered athletic programs for male students and female students, the athletic program for males or the athletic program for females, as appropriate.

(4) "Educational institution" includes a public or private elementary school, secondary school, technical or vocational school, community college, college and university.

(5) "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 athlete may have because of publicity, reputation, following or fame obtained because of athletic ability or performance.

(6) "Enrolled" means registered for courses and attending athletic practice or class. "Enrolls" has a corresponding meaning.

(7) "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.

(8) "Interscholastic sport" means a sport played between educational institutions that are not community colleges, colleges or universities.

(9) "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency or instrumentality, or other legal entity.

(10) "Professional-sports-services contract" means an agreement under which an individual is employed as a professional athlete or agrees to render services as a player on a professional sports team or with a professional sports organization.

(11) "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.

(12) "Recruit or solicit" means attempt to influence the choice of an athlete agent by a student athlete or, if the athlete is a minor, a parent or guardian of the 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.

(13) "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.

(14) "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.

(15) "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. The term does not include an individual permanently ineligible to

participate in a particular interscholastic or intercollegiate sport for that sport.

[54-4802, added 2016, ch. 201, sec. 2, p. 562; am. 2020, ch. 105, sec. 1, p. 281.]

54-4810. REQUIRED FORM OF AGENCY CONTRACT. (1) An agency contract must be in a record signed by the parties.

(2) An agency contract must contain:

(a) The amount and method of calculating the consideration to be paid by the student athlete for services to be provided by the agent under the contract and any other consideration the agent has received or will receive from any other source for entering into the contract or providing the services;

(b) The name of any person who will be compensated because the athlete signed the contract;

(c) A description of any expenses the athlete agrees to reimburse;

(d) A description of the services to be provided to the athlete;

(e) The duration of the contract; and

(f) The date of execution.

(3) Subject to subsection (7) of this section, an agency contract must contain a conspicuous notice in boldface type and in substantially the following form:

WARNING TO STUDENT ATHLETE

IF YOU SIGN THIS CONTRACT:

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

(2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER SIGNING THIS CONTRACT OR BEFORE THE NEXT SCHEDULED ATHLETIC EVENT IN WHICH YOU PARTICIPATE, WHICHEVER OCCURS FIRST, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR THAT YOU HAVE ENTERED INTO THIS CONTRACT AND PROVIDE THE NAME AND CONTACT INFORMATION OF THE ATHLETE AGENT; AND

(3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY AS A STUDENT ATHLETE IN YOUR SPORT.

(4) An agency contract must be accompanied by a separate record signed by the student athlete or, if the athlete is a minor, the parent or guardian of the athlete acknowledging that signing the contract may result in the loss of the athlete's eligibility to participate in the athlete's sport.

(5) A student athlete or, if the athlete is a minor, the parent or guardian of the athlete may void an agency contract that does not conform to this section. If the contract is voided, any consideration received from the athlete agent under the contract to induce entering into the contract is not required to be returned.

(6) At the time an agency contract is executed, the athlete agent shall give the student athlete or, if the athlete is a minor, the parent or guardian of the athlete a copy in a record of the contract and the separate acknowledgment required by subsection (4) of this section.

(7) If a student athlete is a minor, an agency contract must be signed by the parent or guardian of the minor and the notice required by subsection (3) of this section must be revised accordingly.

[54-4810, added 2016, ch. 201, sec. 2, p. 568; am. 2020, ch. 105, sec. 9, p. 283.]

54-4811. NOTICE TO EDUCATIONAL INSTITUTION. (1) As used in this section, "communicating or attempting to communicate" means contacting or attempting to contact by an in-person meeting, a record or any other method that conveys or attempts to convey a message.

(2) Not later than seventy-two (72) hours after entering into an agency contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, the athlete agent shall give notice in a record of the existence of the contract to the athletic director of the educational institution at which the athlete is enrolled or at which the agent has reasonable grounds to believe the athlete intends to enroll.

(3) Not later than seventy-two (72) hours after entering into an agency contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, the athlete shall inform the athletic director of the educational institution at which the athlete is enrolled that the athlete has entered into an agency contract and the name and contact information of the athlete agent.

(4) If an athlete agent enters into an agency contract with a student athlete and the athlete subsequently enrolls at an educational institution, the agent shall notify the athletic director of the institution of the existence of the contract not later than seventy-two (72) hours after the agent knew or should have known that the athlete enrolled.

(5) If an athlete agent has a relationship with a student athlete before the athlete enrolls in an educational institution and receives an athletic scholarship from the institution, the agent shall notify the institution of the relationship not later than ten (10) days after the enrollment if the agent knows or should have known of the enrollment and:

(a) The relationship was motivated in whole or in part by the intention of the agent to recruit or solicit the athlete to enter an agency contract in the future; or

(b) The agent directly or indirectly recruited or solicited the athlete to enter an agency contract before the enrollment.

(6) An athlete agent shall give notice in a record to the athletic director of any educational institution at which a student athlete is enrolled before the agent communicates or attempts to communicate with:

(a) The athlete or, if the athlete is a minor, a parent or guardian of the athlete, to influence the athlete or parent or guardian to enter into an agency contract; or

(b) Another individual to have that individual influence the athlete or, if the athlete is a minor, the parent or guardian of the athlete to enter into an agency contract.

(7) If a communication or attempt to communicate with an athlete agent is initiated by a student athlete or another individual on behalf of the athlete, the agent shall notify in a record the athletic director of any educational institution at which the athlete is enrolled. The notification must be made not later than ten (10) days after the communication or attempt.

(8) An educational institution that becomes aware of a violation of this chapter by an athlete agent shall notify any professional league or players association with which the institution is aware the agent is licensed or registered of the violation.

[54-4811, added 2016, ch. 201, sec. 2, p. 569; am. 2020, ch. 105, sec. 10, p. 284.]

54-4812. STUDENT ATHLETE'S RIGHT TO CANCEL. (1) A student athlete or, if the athlete is a minor, the parent or guardian of the athlete may cancel an agency contract by giving notice in a record of cancellation to the athlete agent not later than fourteen (14) days after the contract is signed.

(2) A student athlete or, if the athlete is a minor, the parent or guardian of the athlete may not waive the right to cancel an agency contract.

(3) If a student athlete, parent or guardian cancels an agency contract, the athlete, parent or guardian is not required to pay any consideration under the contract or return any consideration received from the athlete agent to influence the athlete to enter into the contract.

[54-4812, added 2016, ch. 201, sec. 2, p. 570.]

54-4813. REQUIRED RECORDS. (1) An athlete agent shall create and retain for five (5) years records of the following:

(a) The name and address of each individual represented by the agent;

(b) Each agency contract entered into by the agent; and

(c) The direct costs incurred by the agent in the recruitment or solicitation of each student athlete to enter into an agency contract.

(2) Records described in subsection (1) of this section are open to inspection during normal business hours by any educational institution whose student athlete contracts with an athlete agent.

[54-4813, added 2016, ch. 201, sec. 2, p. 570; am. 2020, ch. 105, sec. 11, p. 285.]

54-4814. PROHIBITED CONDUCT. (1) An athlete agent, with the intent to influence a student athlete or, if the athlete is a minor, a parent or guardian of the athlete to enter into an agency contract, may not take any of the following actions or encourage any other individual to take or assist any other individual in taking any of the following actions on behalf of the agent:

(a) Give materially false or misleading information or make a materially false promise or representation;

(b) Furnish anything of value to the athlete before the athlete enters into the contract; or

(c) Furnish anything of value to an individual other than the athlete or another registered athlete agent.

(2) An athlete agent may not intentionally do any of the following or encourage any other individual to do any of the following on behalf of the agent:

(a) Fail to create or retain or to permit inspection of the records required by section [54-4813](#), Idaho Code;

(b) Predate or postdate an agency contract; or

(c) Fail to notify a student athlete or, if the athlete is a minor, a parent or guardian of the athlete, before the athlete, parent or guardian signs an agency contract for a particular sport that the signing may make the athlete ineligible to participate as a student athlete in that sport.

[54-4814, added 2016, ch. 201, sec. 2, p. 570; am. 2020, ch. 105, sec. 12, p. 285.]

54-4815. CRIMINAL PENALTY. An athlete agent who violates section [54-4814](#), Idaho Code, shall be guilty of a misdemeanor.

[54-4815, added 2016, ch. 201, sec. 2, p. 571.]

54-4816. CIVIL REMEDY. (1) An educational institution or student athlete may bring an action for damages against an athlete agent if the institution or athlete is adversely affected by an act or omission of the agent in violation of this chapter. An educational institution or student athlete is adversely affected by an act or omission of the agent only if, because of the act or omission, the institution or an individual who was a student athlete at the time of the act or omission and enrolled in the institution:

(a) Is suspended or disqualified from participation in an interscholastic or intercollegiate sports event by or under the rules of a state or national federation or association that promotes or regulates interscholastic or intercollegiate sports; or

(b) Suffers financial damage.

(2) A plaintiff that prevails in an action under this section may recover costs and reasonable attorney's fees. An athlete agent found liable under this section forfeits any right of payment for anything of benefit or value provided to the student athlete and shall refund any consideration paid to the agent by or on behalf of the athlete.

[54-4816, added 2016, ch. 201, sec. 2, p. 571.]

54-4818. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

[54-4818, added 2016, ch. 201, sec. 2, p. 571.]

54-4819. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. This chapter modifies, limits or supersedes the electronic signatures in global and national commerce act, 15 U.S.C. section 7001 et seq., but does not modify, limit or supersede section 101(c) of that act, 15 U.S.C. section 7001(c), or authorize electronic delivery of any of the notices described in section 103 (b) of that act, 15 U.S.C. section 7003(b).

[54-4819, added 2016, ch. 201, sec. 2, p. 571.]

54-4820. SEVERABILITY. If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter that can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

[54-4820, added 2016, ch. 201, sec. 2, p. 571.]