



THE REVISED UNIFORM ATHLETE AGENTS ACT (2015)
(LAST AMENDED 2019)

- A Summary -

With the immense amount of money at stake for a wide variety of professional athletes and those who represent them, the commercial marketplace in which athlete agents operate is extremely competitive. While seeking to best position one's clients and maximize potential income is both legal and good business practice, the recruitment of a student athlete while he or she is still enrolled in an educational institution can cause substantial eligibility problems for both the student athlete and the educational institution, which in turn lead to severe economic sanctions and loss of scholarships for the institution. The problem becomes worse where an unethical agent misleads a student, especially where the athlete is not aware of the possible effect of signing the agency agreement or where agency is established without notice to the athletic director of the institution. In an effort to address these problems, the Uniform Law Commission (ULC) drafted the Uniform Athlete Agents Act (UAAA), which was approved in 2000.

The UAAA provided for the uniform registration and certification of individuals who sought to represent student athletes who were or may have been eligible to participate in intercollegiate sports. Agents who were issued a valid certificate of registration in one state were able to cross-file that application (or a renewal thereof) in all other states that adopted the act. Individuals who applied for registration as agents were required to disclose relevant information including their training, experience, and education, and whether they or an associate had been convicted of a felony or crime of moral turpitude or had their agent's license denied, suspended, or revoked in any state.

The UAAA required agency contracts to contain provisions including agent compensation, descriptions of reimbursable expenses and services to be provided, and warnings of the notice requirements imposed under the act. In addition, the UAAA prohibited certain agent conduct, including providing materially false or misleading information, promises, or representations with the purpose of getting a student athlete to enter into an agency contract, intentionally initiating contact with a student athlete without registering in the state, and providing anything of value to a student athlete or another person before that athlete enters into an agency contract. The UAAA also provided educational institutions with a civil cause of action for damages resulting from a breach of specified duties.

The UAAA was revised in 2015 and is now known as the Revised Uniform Athlete Agents Act (RUAAA). The purposes of the RUAAA include providing enhanced protection for student athletes and educational institutions, creating a uniform body of agent registration information for use by state agencies, and simplifying the regulatory environment faced by legitimate athlete agents. While retaining other portions of the UAAA, the RUAAA makes the following changes:

- “Athlete agent” is further defined to include an individual who, for compensation or in the anticipation of compensation, serves the athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions or manages the business affairs of the athlete by providing assistance with bills, payments, contracts, or taxes, and an individual who gives something of value to

a student athlete or another person in anticipation of representing the athlete for a purpose related to the athlete's participation in athletics.

- Provides a true reciprocal registration requirement, meaning that if an individual is issued a certificate of registration by one state, the registration is in good standing and no disciplinary proceedings are pending against the registration, and the law in that state is the same or more restrictive as the law in another state, the other state would be required to register the individual.
- Additional requirements are added for the signing of an agency contract. The contract must now contain a statement that the athlete agent is registered in the state in which the contract is signed and list any other state in which the agent is registered. The contract must also be accompanied by a separate record signed by the student athlete acknowledging that signing the contract may result in the loss of eligibility to participate in the athlete's sport.
- An agent is required to notify the educational institution at which a student athlete is enrolled before contacting a student athlete. A violation of this notice requirement is subject to civil penalties. The revised act also contains a provision that requires an athlete agent with a preexisting relationship with a student athlete who enrolls at an education institution and receives an athletic scholarship to notify the institution of the relationship if the agent knows or should have known of the enrollment and the relationship was motivated by the intention of the agent to recruit or solicit the athlete to enter an agency contract or the agent actually recruited or solicited the student athlete to enter a contract.
- Criminal penalties are added for athlete agents who encourage another individual to take on behalf of the agent an action the agent is prohibited from taking. Student athletes are also given a right of action against an athlete agent in violation of the act.

In September 2017, the FBI arrested ten individuals in relation to a college basketball corruption scandal. As a result of these indictments, the National Collegiate Athletic Association (NCAA) established the Commission on College Basketball (the Rice Commission), chaired by Dr. Condoleezza Rice, to "fully examine critical aspects of Division I men's basketball." The Rice Commission recommended "that high school and college players who declare for the NBA draft and are not drafted remain eligible for college basketball unless and until they sign a professional contract. Specifically, players who are not drafted should be permitted to change their minds and attend college or return to college, provided they remain academically and otherwise eligible." On August 8, 2018, the NCAA amended its bylaws in accordance with recommendations made by the Rice Commission. The changes apply only to high school and college student athletes playing basketball.

In 2019, the ULC amended Section 14 of the RUAAA to accommodate the NCAA bylaws amendments. Though the changes to the NCAA bylaws are limited to student athletes playing basketball, the ULC did not limit the amendment in the same manner. The 2019 RUAAA amendment accommodates the 2018 changes to NCAA bylaws and will accommodate future changes by associations of educational institutions governing interscholastic or intercollegiate sports to rules or bylaws governing student athletes.

For further information about RUAAA, please contact ULC Legislative Counsel Libby Snyder at (312) 450-6619 or lsnyder@uniformlaws.org.