

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 398

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO THE REVISED UNIFORM ATHLETE AGENTS ACT; REPEALING CHAPTER 48,
2 TITLE 54, IDAHO CODE, RELATING TO THE UNIFORM ATHLETE AGENTS ACT; AND
3 AMENDING TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 48, TITLE
4 54, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE
5 RULEMAKING AUTHORITY, TO PROVIDE CERTAIN AUTHORITY TO THE BUREAU OF
6 OCCUPATIONAL LICENSES, TO REQUIRE REGISTRATION FOR ATHLETE AGENTS,
7 TO PROVIDE CERTAIN EXCEPTIONS TO REGISTRATION, TO PROVIDE THAT A CON-
8 TRACT ENTERED INTO WITH AN UNREGISTERED INDIVIDUAL IS VOID, TO PROVIDE
9 PROCEDURES AND REQUIREMENTS FOR APPLICATION AS AN ATHLETE AGENT, TO
10 PROVIDE FOR THE ISSUANCE, DENIAL AND RENEWAL OF A CERTIFICATE OF REGIS-
11 TRATION, TO PROVIDE FOR THE SUSPENSION, REVOCATION OR REFUSAL TO RENEW
12 REGISTRATION, TO PROVIDE FOR TEMPORARY REGISTRATION, TO PROVIDE FOR
13 REGISTRATION AND RENEWAL FEES, TO PROVIDE FOR REQUIREMENTS OF AN AGENCY
14 CONTRACT, TO PROVIDE FOR NOTICE TO AN EDUCATIONAL INSTITUTION IN CER-
15 TAIN INSTANCES, TO PROVIDE FOR A STUDENT ATHLETE'S RIGHT TO CANCEL AN
16 AGENCY CONTRACT IN CERTAIN INSTANCES, TO REQUIRE AN ATHLETE AGENT TO
17 CREATE AND RETAIN CERTAIN RECORDS, TO PROHIBIT CERTAIN CONDUCT FOR AN
18 ATHLETE AGENT, TO PROVIDE A CRIMINAL PENALTY, TO PROVIDE A CIVIL REMEDY
19 FOR AN EDUCATIONAL INSTITUTION OR STUDENT ATHLETE IN CERTAIN INSTANCES,
20 TO PROVIDE A CIVIL PENALTY, TO PROVIDE FOR UNIFORMITY OF CONSTRUCTION,
21 TO PROVIDE FOR RELATION TO THE ELECTRONIC SIGNATURES IN GLOBAL AND NA-
22 TIONAL COMMERCE ACT AND TO PROVIDE SEVERABILITY.
23

24 Be It Enacted by the Legislature of the State of Idaho:

25 SECTION 1. That Chapter 48, Title 54, Idaho Code, be, and the same is
26 hereby repealed.

27 SECTION 2. That Title 54, Idaho Code, be, and the same is hereby amended
28 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
29 ter 48, Title 54, Idaho Code, and to read as follows:

30 CHAPTER 48

31 REVISED UNIFORM ATHLETE AGENTS ACT

32 54-4801. SHORT TITLE. This chapter may be cited as the "Revised Uni-
33 form Athlete Agents Act."

34 54-4802. DEFINITIONS. As used in this chapter:

35 (1) "Agency contract" means an agreement in which a student athlete au-
36 thorizes a person to negotiate or solicit on behalf of the athlete a profes-
37 sional-sports-services contract or endorsement contract.

38 (2) "Athlete agent":

39 (a) Means an individual, whether or not registered under this chapter,
40 who:

1 (i) Directly or indirectly recruits or solicits a student athlete
 2 to enter into an agency contract or, for compensation, procures
 3 employment or offers, promises, attempts or negotiates to obtain
 4 employment for a student athlete as a professional athlete or mem-
 5 ber of a professional sports team or organization;

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

8 1. Serves the athlete in an advisory capacity on a matter
 9 related to finances, business pursuits or career management
 10 decisions, unless the individual is an employee of an educa-
 11 tional institution acting exclusively as an employee of the
 12 institution for the benefit of the institution; or

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

15 (iii) In anticipation of representing a student athlete for a pur-
 16 pose related to the athlete's participation in athletics:

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

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

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

24 (b) Does not include an individual who:

25 (i) Acts solely on behalf of a professional sports team or organi-
 26 zation; or

27 (ii) Is a licensed, registered or certified professional and of-
 28 fers or provides services to a student athlete customarily pro-
 29 vided by members of the profession, unless the individual:

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

32 2. Also, for compensation, procures employment or offers,
 33 promises, attempts or negotiates to obtain employment for
 34 the athlete as a professional athlete or member of a profes-
 35 sional sports team or organization; or

36 3. Receives consideration for providing the services calcula-
 37 ted using a different method than for an individual who is
 38 not a student athlete.

39 (3) "Athletic director" means the individual responsible for adminis-
 40 tering the overall athletic program of an educational institution or, if an
 41 educational institution has separately administered athletic programs for
 42 male students and female students, the athletic program for males or the ath-
 43 letic program for females, as appropriate.

44 (4) "Bureau" means the bureau of occupational licenses.

45 (5) "Educational institution" includes a public or private elementary
 46 school, secondary school, technical or vocational school, community col-
 47 lege, college and university.

48 (6) "Endorsement contract" means an agreement under which a student
 49 athlete is employed or receives consideration to use on behalf of the other

1 party any value that the athlete may have because of publicity, reputation,
2 following or fame obtained because of athletic ability or performance.

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

5 (8) "Intercollegiate sport" means a sport played at the collegiate
6 level for which eligibility requirements for participation by a student
7 athlete are established by a national association that promotes or regulates
8 collegiate athletics.

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

11 (10) "Licensed, registered or certified professional" means an indi-
12 vidual licensed, registered or certified as an attorney, dealer in securi-
13 ties, financial planner, insurance agent, real estate broker or sales agent,
14 tax consultant, accountant or member of a profession, other than that of ath-
15 lete agent, who is licensed, registered or certified by the state or a na-
16 tionally recognized organization that licenses, registers or certifies mem-
17 bers of the profession on the basis of experience, education or testing.

18 (11) "Person" means an individual, estate, business or nonprofit en-
19 tity, public corporation, government or governmental subdivision, agency or
20 instrumentality, or other legal entity.

21 (12) "Professional-sports-services contract" means an agreement under
22 which an individual is employed as a professional athlete or agrees to ren-
23 der services as a player on a professional sports team or with a professional
24 sports organization.

25 (13) "Record" means information that is inscribed on a tangible medium
26 or that is stored in an electronic or other medium and is retrievable in per-
27 ceivable form.

28 (14) "Recruit or solicit" means attempt to influence the choice of an
29 athlete agent by a student athlete or, if the athlete is a minor, a parent or
30 guardian of the athlete. The term does not include giving advice on the se-
31 lection of a particular agent in a family, coaching or social situation un-
32 less the individual giving the advice does so because of the receipt or an-
33 ticipated receipt of an economic benefit, directly or indirectly, from the
34 agent.

35 (15) "Registration" means registration as an athlete agent under this
36 chapter.

37 (16) "Sign" means, with present intent to authenticate or adopt a
38 record:

39 (a) To execute or adopt a tangible symbol; or

40 (b) To attach to or logically associate with the record an electronic
41 symbol, sound or process.

42 (17) "State" means a state of the United States, the District of Colum-
43 bia, Puerto Rico, the United States Virgin Islands or any territory or insu-
44 lar possession subject to the jurisdiction of the United States.

45 (18) "Student athlete" means an individual who is eligible to attend an
46 educational institution and engages in, is eligible to engage in, or may be
47 eligible in the future to engage in, any interscholastic or intercollegiate
48 sport. The term does not include an individual permanently ineligible to
49 participate in a particular interscholastic or intercollegiate sport for
50 that sport.

1 54-4803. BUREAU OF OCCUPATIONAL LICENSES -- AUTHORITY -- PROCE-
2 DURE. (1) Chapter 52, title 67, Idaho Code, shall apply to this chapter.
3 The bureau may adopt rules pursuant to chapter 52, title 67, Idaho Code, to
4 implement the provisions of this chapter.

5 (2) By acting as an athlete agent in this state, a nonresident individ-
6 ual appoints the bureau as the individual's agent for service of process in
7 any civil action in this state related to the individual acting as an athlete
8 agent in this state.

9 (3) The bureau may issue subpoenas for any material that is relevant to
10 the administration of this chapter.

11 54-4804. ATHLETE AGENT REGISTRATION REQUIRED -- VOID CONTRACT. (1)
12 Except as otherwise provided in subsection (2) of this section, an in-
13 dividual may not act as an athlete agent in this state without holding a
14 certificate of registration under this chapter.

15 (2) Before being issued a certificate of registration under this chap-
16 ter, an individual may act as an athlete agent in this state for all purposes
17 except signing an agency contract, if:

18 (a) A student athlete or another person acting on behalf of the athlete
19 initiates communication with the individual; and

20 (b) Not later than seven (7) days after an initial act that requires the
21 individual to register as an athlete agent, the individual submits an
22 application for registration as an athlete agent in this state.

23 (3) An agency contract resulting from conduct in violation of this sec-
24 tion is void, and the athlete agent shall return any consideration received
25 under the contract.

26 54-4805. REGISTRATION AS ATHLETE AGENT -- APPLICATION -- REQUIREMENTS
27 -- RECIPROCAL REGISTRATION. (1) An applicant for registration as an athlete
28 agent shall submit an application for registration to the bureau in a form
29 prescribed by the bureau. The applicant must be an individual, and the ap-
30 plication must be signed by the applicant under penalty of perjury. An ap-
31 plication filed under this section is a public record. The application must
32 contain at least the following:

33 (a) The name and date and place of birth of the applicant and the follow-
34 ing contact information for the applicant:

35 (i) The address of the applicant's principal place of business;

36 (ii) Work and mobile telephone numbers; and

37 (iii) Any means of communicating electronically, including a fac-
38 simile number, electronic-mail address and personal and business
39 or employer websites;

40 (b) The name of the applicant's business or employer, if applicable,
41 including for each business or employer, its mailing address, telephone
42 number, type of business organization and the nature of the business;

43 (c) Each social media account with which the applicant or the appli-
44 cant's business or employer is affiliated;

45 (d) Each business or occupation in which the applicant engaged within
46 five (5) years before the date of the application, including self-em-
47 ployment and employment by others, and any professional or occupational

1 license, registration or certification held by the applicant during
2 that time;

3 (e) A description of the applicant's:

4 (i) Formal training as an athlete agent;

5 (ii) Practical experience as an athlete agent; and

6 (iii) Educational background relating to the applicant's activi-
7 ties as an athlete agent;

8 (f) The name of each student athlete for whom the applicant acted as an
9 athlete agent within five (5) years before the date of the application
10 or, if the individual is a minor, the name of the parent or guardian of
11 the minor, together with the athlete's sport and last known team;

12 (g) The name and address of each person that:

13 (i) Is a partner, member, officer, manager, associate or profit
14 sharer or directly or indirectly holds an equity interest of five
15 percent (5%) or greater of the athlete agent's business if it is
16 not a corporation; and

17 (ii) Is an officer or director of a corporation employing the ath-
18 letre agent or a shareholder having an interest of five percent (5%)
19 or greater in the corporation;

20 (h) A description of the status of any application by the applicant, or
21 any person named under paragraph (g) of this subsection, for a state or
22 federal business, professional or occupational license, other than as
23 an athlete agent, from a state or federal agency, including any denial,
24 refusal to renew, suspension, withdrawal or termination of the license
25 and any reprimand or censure related to the license;

26 (i) Whether the applicant, or any person named under paragraph (g) of
27 this subsection, has pleaded guilty or no contest to; has been convicted
28 of; entered an Alford plea for; received a withheld judgment, suspended
29 sentence or deferred prosecution for; or has charges pending for, a
30 crime that would involve moral turpitude or be a felony if committed in
31 this state and, if so, identification of:

32 (i) The crime;

33 (ii) The law enforcement agency involved; and

34 (iii) If applicable, the date of the conviction and the fine or
35 penalty imposed;

36 (j) Whether, within fifteen (15) years before the date of application,
37 the applicant, or any person named under paragraph (g) of this subsec-
38 tion, has been a defendant or respondent in a civil proceeding, includ-
39 ing a proceeding seeking an adjudication of legal incompetence and, if
40 so, the date and a full explanation of each proceeding;

41 (k) Whether the applicant, or any person named under paragraph (g) of
42 this subsection, has an unsatisfied judgment or a judgment of continu-
43 ing effect, including spousal support or a domestic order in the nature
44 of child support, that is not current at the date of the application;

45 (l) Whether, within ten (10) years before the date of application, the
46 applicant, or any person named under paragraph (g) of this subsection,
47 was adjudicated bankrupt or was an owner of a business that was adjudi-
48 cated bankrupt;

49 (m) Whether there has been any administrative or judicial determina-
50 tion that the applicant, or any person named under paragraph (g) of this

1 subsection, made a false, misleading, deceptive or fraudulent repre-
2 sentation;

3 (n) Each instance in which conduct of the applicant, or any person named
4 under paragraph (g) of this subsection, resulted in the imposition of a
5 sanction, suspension or declaration of ineligibility to participate in
6 an interscholastic, intercollegiate or professional athletic event on
7 a student athlete or a sanction on an educational institution;

8 (o) Each sanction, suspension or disciplinary action taken against the
9 applicant, or any person named under paragraph (g) of this subsection,
10 arising out of occupational or professional conduct;

11 (p) Whether there has been a denial of an application for, suspension
12 or revocation of, refusal to renew or abandonment of the registration of
13 the applicant, or any person named under paragraph (g) of this subsec-
14 tion, as an athlete agent in any state;

15 (q) Each state in which the applicant currently is registered as an ath-
16 lete agent or has applied to be registered as an athlete agent;

17 (r) If the applicant is certified or registered by a professional
18 league or players association:

19 (i) The name of the league or association;

20 (ii) The date of certification or registration and the date of ex-
21 piration of the certification or registration, if any; and

22 (iii) If applicable, the date of any denial of an application for,
23 suspension or revocation of, refusal to renew, withdrawal of, or
24 termination of the certification or registration, or any reprim-
25 and or censure related to the certification or registration; and

26 (s) Any additional information requested by the bureau.

27 (2) Instead of proceeding under subsection (1) of this section, an in-
28 dividual registered as an athlete agent in another state may apply for regis-
29 tration as an athlete agent in this state by submitting to the bureau:

30 (a) A copy of the application for registration in the other state;

31 (b) A statement that identifies any material change in the information
32 on the application or verifies there is no material change in the infor-
33 mation, signed under penalty of perjury; and

34 (c) A copy of the certificate of registration from the other state.

35 (3) The bureau shall issue a certificate of registration to an individ-
36 ual who applies for registration under subsection (2) of this section, if the
37 bureau determines:

38 (a) The application and registration requirements of the other state
39 are substantially similar to or more restrictive than this chapter; and

40 (b) The registration has not been revoked or suspended and no action in-
41 volving the individual's conduct as an athlete agent is pending against
42 the individual or the individual's registration in any state.

43 (4) For purposes of implementing subsection (3) of this section, the
44 bureau shall:

45 (a) Cooperate with national organizations concerned with athlete agent
46 issues, and agencies in other states that register athlete agents, to
47 develop a common registration form and determine which states have laws
48 that are substantially similar to or more restrictive than this chap-
49 ter; and

1 (b) Exchange information, including information related to actions
2 taken against registered athlete agents or their registrations, with
3 those organizations and agencies.

4 54-4806. CERTIFICATE OF REGISTRATION -- ISSUANCE OR DENIAL -- RE-
5 NEWAL. (1) Except as otherwise provided in subsection (2) of this section,
6 the bureau shall issue a certificate of registration to an applicant for
7 registration who complies with section 54-4805(1), Idaho Code.

8 (2) The bureau may refuse to issue a certificate of registration to an
9 applicant for registration under section 54-4805(1), Idaho Code, if the bu-
10 reau determines that the applicant has engaged in conduct that significantly
11 adversely reflects on the applicant's fitness to act as an athlete agent. In
12 making the determination, the bureau may consider whether the applicant has:

13 (a) Pledaded guilty or no contest to; has been convicted of; entered an
14 Alford plea for; received a withheld judgment, suspended sentence or
15 deferred prosecution for; or has charges pending for, a crime that would
16 involve moral turpitude or be a felony if committed in this state;

17 (b) Made a materially false, misleading, deceptive or fraudulent rep-
18 resentation in the application or as an athlete agent;

19 (c) Engaged in conduct that would disqualify the applicant from serving
20 in a fiduciary capacity;

21 (d) Engaged in conduct prohibited by section 54-4814, Idaho Code;

22 (e) Had a registration as an athlete agent suspended, revoked or denied
23 in any state;

24 (f) Been refused renewal of registration as an athlete agent in any
25 state;

26 (g) Engaged in conduct resulting in imposition of a sanction, suspen-
27 sion or declaration of ineligibility to participate in an interscholas-
28 tic, intercollegiate or professional athletic event on a student ath-
29 lete or a sanction on an educational institution; or

30 (h) Engaged in conduct that adversely reflects on the applicant's cred-
31 ibility, honesty or integrity.

32 (3) In making a determination under subsection (2) of this section, the
33 bureau shall consider:

34 (a) How recently the conduct occurred;

35 (b) The nature of the conduct and the context in which it occurred; and

36 (c) Other relevant conduct of the applicant.

37 (4) An athlete agent registered under subsection (1) of this section
38 may apply to renew the registration by submitting an application for renewal
39 in a form prescribed by the bureau. The applicant shall sign the application
40 for renewal under penalty of perjury and include current information on all
41 matters required in an original application for registration.

42 (5) An athlete agent registered under section 54-4805(3), Idaho Code,
43 may renew the registration by proceeding under subsection (4) of this sec-
44 tion or, if the registration in the other state has been renewed, by submit-
45 ting to the bureau copies of the application for renewal in the other state
46 and the renewed registration from the other state. The bureau shall renew
47 the registration if the bureau determines:

48 (a) The registration requirements of the other state are substantially
49 similar to or more restrictive than this chapter; and

1 (b) The renewed registration has not been suspended or revoked and
2 no action involving the individual's conduct as an athlete agent is
3 pending against the individual or the individual's registration in any
4 state.

5 (6) A certificate of registration or renewal of registration under this
6 chapter is valid for two (2) years.

7 54-4807. SUSPENSION, REVOCATION OR REFUSAL TO RENEW REGISTRATION. (1)
8 The bureau may limit, suspend, revoke or refuse to renew a registration of
9 an individual registered under section 54-4806(1), Idaho Code, for conduct
10 that would have justified refusal to issue a certificate of registration un-
11 der section 54-4806(2), Idaho Code.

12 (2) The bureau may suspend or revoke the registration of an individual
13 registered under section 54-4805(3), Idaho Code, or renewed under section
14 54-4806(5), Idaho Code, for any reason that the bureau could have refused to
15 grant or renew registration or for conduct that would justify refusal to is-
16 sue a certificate of registration under section 54-4806(2), Idaho Code.

17 (3) The bureau may deny, suspend, revoke or refuse to renew a certifi-
18 cate of registration or licensure only after proper notice and an opportu-
19 nity for a hearing in accordance with the provisions of chapter 52, title 67,
20 Idaho Code.

21 54-4808. TEMPORARY REGISTRATION. The bureau may issue a temporary
22 certificate of registration as an athlete agent while an application for
23 registration or renewal of registration is pending.

24 54-4809. REGISTRATION AND RENEWAL FEES. (1) An application for regis-
25 tration or renewal of registration as an athlete agent must be accompanied
26 by a fee in an amount prescribed by the bureau, but not to exceed two hundred
27 fifty dollars (\$250), for any registration period for the following:

28 (a) An initial application for registration;

29 (b) Registration based on a certificate of registration issued by an-
30 other state;

31 (c) An application for renewal of registration; or

32 (d) Renewal of registration based on a renewal of registration in an-
33 other state.

34 (2) All fees received under the provisions of this chapter shall be de-
35 posited in the state treasury to the credit of the occupational licenses fund
36 and all costs and expenses incurred by the bureau under the provisions of
37 this chapter shall be a charge against and paid from said fund for such pur-
38 poses. Notwithstanding the provisions of any other law, the funds collected
39 hereunder shall be immediately available for the administration of this
40 chapter. In no event will the occupational licenses fund be obligated to pay
41 any claims which, in aggregate with claims already paid, exceed the income
42 to the occupational licenses fund that has been derived by the application
43 of this chapter.

44 (3) The money paid into the occupational licenses fund is continuously
45 appropriated to the bureau for expenditure in the manner prescribed herein
46 to defray the expenses of the bureau in carrying out and enforcing the provi-
47 sions of this chapter.

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

3 (2) An agency contract must contain:

4 (a) A statement that the athlete agent is registered as an athlete agent
5 in this state and a list of any other states in which the agent is regis-
6 tered as an athlete agent;

7 (b) The amount and method of calculating the consideration to be paid
8 by the student athlete for services to be provided by the agent under the
9 contract and any other consideration the agent has received or will re-
10 ceive from any other source for entering into the contract or providing
11 the services;

12 (c) The name of any person not listed in the agent's application for
13 registration or renewal of registration that will be compensated be-
14 cause the athlete signed the contract;

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

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

17 (f) The duration of the contract; and

18 (g) The date of execution.

19 (3) Subject to subsection (7) of this section, an agency contract must
20 contain a conspicuous notice in boldface type and in substantially the fol-
21 lowing form:

22 WARNING TO STUDENT ATHLETE

23 IF YOU SIGN THIS CONTRACT:

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

26 (2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER SIGN-
27 ING THIS CONTRACT OR BEFORE THE NEXT SCHEDULED ATHLETIC EVENT IN
28 WHICH YOU PARTICIPATE, WHICHEVER OCCURS FIRST, BOTH YOU AND YOUR
29 ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR THAT YOU HAVE EN-
30 TERED INTO THIS CONTRACT AND PROVIDE THE NAME AND CONTACT INFORMA-
31 TION OF THE ATHLETE AGENT; AND

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

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

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

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

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

4 54-4811. NOTICE TO EDUCATIONAL INSTITUTION. (1) As used in this sec-
5 tion, "communicating or attempting to communicate" means contacting or at-
6 tempting to contact by an in-person meeting, a record or any other method
7 that conveys or attempts to convey a message.

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

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

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

26 (5) If an athlete agent has a relationship with a student athlete be-
27 fore the athlete enrolls in an educational institution and receives an ath-
28 letic scholarship from the institution, the agent shall notify the institu-
29 tion of the relationship not later than ten (10) days after the enrollment if
30 the agent knows or should have known of the enrollment and:

31 (a) The relationship was motivated in whole or in part by the intention
32 of the agent to recruit or solicit the athlete to enter an agency con-
33 tract in the future; or

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

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

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

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

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

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

5 54-4812. STUDENT ATHLETE'S RIGHT TO CANCEL. (1) A student athlete or,
6 if the athlete is a minor, the parent or guardian of the athlete may cancel an
7 agency contract by giving notice in a record of cancellation to the athlete
8 agent not later than fourteen (14) days after the contract is signed.

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

11 (3) If a student athlete, parent or guardian cancels an agency con-
12 tract, the athlete, parent or guardian is not required to pay any consid-
13 eration under the contract or return any consideration received from the
14 athlete agent to influence the athlete to enter into the contract.

15 54-4813. REQUIRED RECORDS. (1) An athlete agent shall create and re-
16 tain for five (5) years records of the following:

17 (a) The name and address of each individual represented by the agent;
18 (b) Each agency contract entered into by the agent; and
19 (c) The direct costs incurred by the agent in the recruitment or solici-
20 tation of each student athlete to enter into an agency contract.

21 (2) Records described in subsection (1) of this section are open to in-
22 spection by the bureau during normal business hours.

23 54-4814. PROHIBITED CONDUCT. (1) An athlete agent, with the intent
24 to influence a student athlete or, if the athlete is a minor, a parent or
25 guardian of the athlete to enter into an agency contract, may not take any
26 of the following actions or encourage any other individual to take or assist
27 any other individual in taking any of the following actions on behalf of the
28 agent:

29 (a) Give materially false or misleading information or make a materi-
30 ally false promise or representation;

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

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

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

38 (a) Initiate contact, directly or indirectly, with a student athlete
39 or, if the athlete is a minor, a parent or guardian of the athlete, to re-
40 cruit or solicit the athlete, parent or guardian to enter an agency con-
41 tract unless registered under this chapter;

42 (b) Fail to create or retain or to permit inspection of the records re-
43 quired by section 54-4813, Idaho Code;

44 (c) Fail to register when required by section 54-4804, Idaho Code;

45 (d) Provide materially false or misleading information in an applica-
46 tion for registration or renewal of registration;

47 (e) Predate or postdate an agency contract; or

1 (f) Fail to notify a student athlete or, if the athlete is a minor,
2 a parent or guardian of the athlete, before the athlete, parent or
3 guardian signs an agency contract for a particular sport that the sign-
4 ing may make the athlete ineligible to participate as a student athlete
5 in that sport.

6 54-4815. CRIMINAL PENALTY. An athlete agent who violates section
7 54-4814, Idaho Code, shall be guilty of a misdemeanor.

8 54-4816. CIVIL REMEDY. (1) An educational institution or student ath-
9 lete may bring an action for damages against an athlete agent if the insti-
10 tution or athlete is adversely affected by an act or omission of the agent in
11 violation of this chapter. An educational institution or student athlete is
12 adversely affected by an act or omission of the agent only if, because of the
13 act or omission, the institution or an individual who was a student athlete
14 at the time of the act or omission and enrolled in the institution:

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

19 (b) Suffers financial damage.

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

25 54-4817. CIVIL PENALTY. The bureau may assess a civil penalty against
26 an athlete agent not to exceed twenty-five thousand dollars (\$25,000) for a
27 violation of this chapter.

28 54-4818. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and
29 construing this uniform act, consideration must be given to the need to pro-
30 mote uniformity of the law with respect to its subject matter among states
31 that enact it.

32 54-4819. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL
33 COMMERCE ACT. This chapter modifies, limits or supersedes the electronic
34 signatures in global and national commerce act, 15 U.S.C. section 7001 et
35 seq., but does not modify, limit or supersede section 101(c) of that act,
36 15 U.S.C. section 7001(c), or authorize electronic delivery of any of the
37 notices described in section 103 (b) of that act, 15 U.S.C. section 7003(b).

38 54-4820. SEVERABILITY. If any provision of this chapter or its appli-
39 cation to any person or circumstance is held invalid, the invalidity does not
40 affect other provisions or applications of this chapter that can be given ef-
41 fect without the invalid provision or application, and to this end the provi-
42 sions of this chapter are severable.