

Athlete Agents

Board/Commission Members:

There is no Board or Commission. The Bureau of Occupational Licenses is authorized to administer the act. [Idaho Code § 54-4803](#).

Operating costs per registrant per renewal cycle: **\$78.52**. This number represents the dollar amount required per renewal period to serve each applicant or registrant based on the average number of registrants and the average expenditures since Fiscal Year 2014. This includes all administrative, fiscal, legal, and investigative services.

Total number of current registrants in Idaho on May 19, 2018: **32**.

For Athlete Agents, the **shortest time** from complete application to issuing the registration was the **same day**. The **longest time** from complete application to issuing a registration was **1 day**. Of all registrations, **75 percent** were issued the **same day**, and the **average time** from complete application to issuing the registration was **.25 days**. The total number of registrations issued between May 19, 2017 and May 19, 2018 was **8**.

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A. Index of Statute, Rule, and Policy Requirements for Registration and Renewal

		Statute Title 54, Chapter 48	Rule N/A	Policy*	Application	Basis to Deny Issuance or Renewal	Fees
Registration	Issuance for Initial Registration	I.C. § 54-4805	N/A	*	Application	I.C. § 54-4807	\$250
	Renewal Requirements	I.C. § 54-4809 (fee) I.C. § 54-4806	N/A	*		I.C. § 54-4807	\$250
Temporary Permit	Issuance for Initial Registration	I.C. § 54-4808	N/A	*	Application	N/A	N/A
	Renewal Requirements	I.C. § 54-4808	N/A	*	N/A	N/A	N/A

**All requirements for registration and renewal are in the statute. There are no rules, and there are no requirements in policy.*

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B. Applications and Renewals Denied, May 19, 2017-May 19, 2018

Refusal to Issue Initial Registration [Total Number: 0]

	Statutory Basis	Summary of Factual Basis
	None	

Refusal to Renew Registration [Total Number: 0]

	Statutory Basis	Summary of Factual Basis
	None	

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C. Disciplinary Actions for the Past Five (5) Years**

Athlete Agents received **0 complaints** from Fiscal Year 2013 through May 19, 2018.

***The detail provided below is only for disciplinary action closed between May 19, 2017 and May 19, 2018. Cases are not always closed within the same fiscal year they are opened, and sometimes multiple complaints are included in one disciplinary action.*

Case No.	Date of Final Action	Action Taken	Statutory Basis	Summary of Factual Basis
None				

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D. Changes or Attempted Changes in Last Five (5) Years to Eliminate Barriers to Entry, and Address Public Protection Issues

Law

Session	Legislation or Rule	Summary
2001	Senate Bill 1063	<p>The Uniform Athlete Agents Act was adopted by the Uniform Law Commission in 2000.</p> <p>In 2001, Senate Bill 1063 created the Uniform Athlete Agents Act. This Act provides for the uniform registration, certification, and background check of sports agents seeking to represent student athletes who are or may be eligible to participate in intercollegiate sports.</p> <p>The Act also imposes specified contract terms on these agreements to the benefit of student athletes, and provides education institutions with a right to notice along with a civil cause of action for damages resulting from a breach of specified duties.</p> <p><u>The Act accomplished the following:</u></p> <ol style="list-style-type: none"> 1. Provides students and educational institutions a central location to review an athlete agent's credentials and any administrative or judicial findings related to their license. 2. Requires athlete agency contracts to contain the amount and method of calculating an agent's compensation, the name of any unregistered person receiving compensation, a description of reimbursable expenses and services to be provided, and warning of the notice requirements of the Act. 3. Requires both the athlete agents and student athletes to give notice of the contract to the athletic director of an affected educational institution within 72 hours of signing the agreement, or before the athlete's next scheduled athletic event, whichever occurs first. 4. Prohibits agents from providing materially false or misleading information. 5. Imposes criminal penalties upon an athlete agent who intentionally contacts an athlete and who does not maintain required records, fails to register, provides false or misleading information in an application for registration, predates or postdates an agency contract, or fails to notify a student athlete (prior to signing) that signing the contract can make the student athlete ineligible to participate in that sport.

Law (continued)

Session	Legislation or Rule	Summary
	Senate Bill 1063 (continued)	<ol style="list-style-type: none"> 6. Provides educational institutions a civil cause of action for damages resulting from a breach of specified duties. Creates ease of portability with other states who have adopted the Act. 7. Creates ease of portability with other states who have adopted the Act by allowing states to accept applications for applicants from other states. In Idaho, the act says the department shall accept the application and the certificate from the other state as an application for registration in this state if certain requirements are met.
2016	House Bill 398	<p>House Bill 398 revised the Uniform Athlete Agents Act originally passed in 2001. The Revised Uniform Athlete Agents Act updates the 2000 version of the Act adopted by Idaho in 2001 due to the increased occurrences of improper activity and benefits between student athletes and agents and for the ever-evolving sports commercial marketplace.</p> <p>The Act governs relations among student athletes, athlete agents, and educational institutions. It further protects the interests of student athletes and academic institutions by regulating the activities of athlete agents. The 2015 revision updates the definition of "athlete agent"; requires reciprocal agent licensing; and enhances notice requirements to educational institutions.</p> <p>The Revised Act accomplished the following:</p> <ol style="list-style-type: none"> 1. Expands the definition of “athlete agent” to include persons who: <ol style="list-style-type: none"> A. For compensation procure or attempt to procure employment for a student athlete. B. For compensation or the anticipation of compensation advise a student athlete on finance and business affairs of the athlete. C. In anticipation of representing the athlete give something of value to the athlete or another person. 2. Creates a reciprocal registration requirement in 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.

Law (continued)

Session	Legislation or Rule	Summary
	House Bill 398 (continued)	<ol style="list-style-type: none"> <li data-bbox="848 321 1829 532">3. Contracts must also contain a statement that the athlete agent is registered in the state in which the contract is signed and list any other states 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. <li data-bbox="848 565 1829 922">4. An agent is required to notify the education 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 requires an athlete agent with a preexisting relationship with a student athlete who enrolls at an educational institution and receives an athletic scholarship to notify the institution of the relationship when the agent knows, or should have known, 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. <li data-bbox="848 954 1829 1084">5. 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.

Additional Barriers Eliminated/Opportunities Provided

Date	Barriers/Opportunities Provided	Summary
2017	Implemented Idaho Code for military service and added it to the Board's website	<p>I.C. § 67-2620 For military service members and veterans, the Board added to its website a link to a law that says the Board may accept military training and experience toward qualification for licensure. The law states that professional and occupational licensing boards may accept military education, training, and experience toward meeting the qualifications for a license, certification or registration. Boards may also expedite applications, including military spouse applications.</p> <p>I.C. § 67-2602A Additionally, if a licensee already holds an active Idaho license and are on active duty in the United States Armed Forces, that license will remain active without renewing it for six (6) months following discharge from active duty. The license shall remain in good standing without the necessity of renewal and during said period the same shall not be cancelled, suspended or revoked.</p>

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E. Assessment of Public Interest

The Uniform Law Commission undertook a review of the Uniform Athlete Agents Act in 2013. According to the Uniform Law Commission, the Revised Uniform Athlete Agents Act (RUAAA) modernizes the (UAAA) for the ever-evolving sports commercial marketplace and the increasing improper activity between athlete agents and student athletes. An athlete agent's recruitment of a student athlete while they are still enrolled in an academic institution may cause substantial eligibility or other problems for both the student athlete and the academic institution. The RUAAA protects the interests of student athletes, academic institutions and the athlete agents by regulating the activities of athlete agents.

Idaho was the first of 43 states, and the District of Columbia, to adopt the UAAA. In 2015, the UAAA was revised and amended. In 2016 Idaho was again the first state to adopt the RUAAA. Twelve (12) states have now adopted the RUAAA.

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F. Recommendations for Improvement, Modification, or Elimination of Requirements

1. Monitor the cash balance for Athlete Agents and reduce fees if appropriate.
2. Review I.C. [§ 67-2614](#) to see if a reinstatement fee is applicable to this act. Since some agents may only need to register when they are interested in athletes in Idaho, it may be appropriate to eliminate the reinstatement fee.
3. Contact Athletic Directors at Idaho's universities/colleges to discuss the 2016 RUAAA in order to exchange information that would be helpful to the schools and to the Uniform Law Commission.

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Summary of Objectives

The Licensing Freedom Act asked that all of Idaho's professional licensing entities critically look at their processes, laws and rules. The goal is to document the elimination of barriers and make recommendations for future changes that improve, modify or eliminate laws and rules governing professional licensure. In response, Athlete Agents respectfully submits the above report and summarizes with a checklist to ensure all of the objectives were met:

- ✓ Objectives of Executive Order
 - ✓ Protect the public. [Title 54, Chapter 48](#), protects student athletes and educational institutions
 - ✓ Portability of licensure. [I.C. § 54-4818](#), uniformity of the act
 - ✓ Eliminate barriers to entry to work. [I.C. § 54-4818](#), uniformity of the act; [I.C. § 54-4805\(4\)\(a\)](#), work with other states for common registration form
 - ✓ Do away with unnecessary regulation. See Section F
 - ✓ Modernize licensure and regulatory requirements. In 2016, the Legislature passed [House Bill 398](#), Revised Uniform Athlete Agents Act
- ✓ Comprehensive Review - consider some of the issues raised in the background material, such as,
 - ✓ Telework – Idaho has recently passed laws related to telehealth but other occupations may be facing similar issues regarding telework. [I.C. § 54-4819](#), relating to electronic signatures
 - ✓ Distance/Online Learning/Testing – distance/online education and testing are increasingly available and may influence the resources that applicants or licensees can access to obtain education, continuing education or to test. *Not applicable*
 - ✓ Criminal History – What barriers or additional obstacles do applicants/licensees face who have a criminal conviction? Do our laws consider the relevance or proximity in time of a conviction to the individuals applying for licensure or for those currently in practice? [I.C. § 54-4806](#), issuance; [I.C. § 54-4807](#), renewal
 - ✓ Early Examination – What can be addressed in the timing of processes to eliminate unnecessary delays? *No examination requirement*
 - ✓ CE Hardship – Is there an allowance for extenuating circumstances? *Not applicable*
 - ✓ Temporary Permits – Are there opportunities to work while minimum requirements are being met? [I.C. § 54-4808](#), a temporary registration may be issued while an agent waits for registration