

Chapter 19.225 RCW
UNIFORM ATHLETE AGENTS ACT

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RCW 19.225.010 Definitions. 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 an endorsement contract.

(2) (a) "Athlete agent" 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:

(A) 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

(B) 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:

(A) Gives consideration to the student athlete or another person;

(B) Serves the 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 athlete by providing assistance with bills, payments, contracts, or taxes.

(b) "Athlete agent" 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:

(A) Also recruits or solicits the athlete to enter into an agency contract;

(B) 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

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

(6) "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.

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

(8) "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.

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

(10) "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 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.

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

(12) "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.

(13) "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.

(14) "Recruit or solicit" means the 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 athlete 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 athlete agent.

(15) "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.

(16) "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.

(17) "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. [2016 sp.s. c 13 § 1; 2002 c 131 § 2.]

RCW 19.225.020 Service of process. By acting as an athlete agent in this state, a nonresident individual appoints the secretary of state as the individual's agent for service of process in any civil action in this state related to acting as an athlete agent in this state. [2016 sp.s. c 13 § 2; 2002 c 131 § 3.]

RCW 19.225.030 Athlete agents—Delivery of disclosure form required. (1) Except as otherwise provided in subsection (2) of this section, an individual may not act as an athlete agent in this state unless on the day of initial contact with any student athlete the athlete agent delivers to the student athlete the athlete agent disclosure form as required by RCW 19.225.040.

(2) An individual may act as an athlete agent before delivering an athlete agent disclosure form for all purposes except signing an agency contract if:

- (a) A student athlete or another person acting on behalf of the athlete initiates communication with the individual; and
- (b) Not later than seven days after an initial act as an athlete agent, the individual delivers an athlete agent disclosure form to the student athlete.

(3) An agency contract resulting from conduct in violation of this section is void, and the athlete agent shall return any consideration received under the contract. [2016 sp.s. c 13 § 3; 2002 c 131 § 4.]

RCW 19.225.040 Athlete agent disclosure form—Requirements. (1) The athlete agent disclosure form must be in a record executed in the name of an individual and signed by the athlete agent under penalty of

perjury and, except as otherwise provided in subsection (2) of this section, must contain at least the following:

(a) The name of the athlete agent and the following contact information for the agent:

(i) The address of the athlete agent's principal place of business;

(ii) Work and mobile telephone numbers; and

(iii) Any means of communicating electronically, including a facsimile number, email address, and personal and business or employer websites;

(b) The name of the athlete agent's business or employer, if applicable, including for each business or employer, its mailing address, telephone number, organization form, and nature of the business;

(c) Each social media account with which the athlete agent or the agent's business or employer is affiliated;

(d) Each business or occupation in which the athlete agent engaged within five years before the date of execution of the athlete agent disclosure form, including self-employment and employment by others, and any professional or occupational license, registration, or certification held by the agent during that time;

(e) A description of the athlete agent's:

(i) Formal training as an athlete agent;

(ii) Practical experience as an athlete agent; and

(iii) Educational background relating to the athlete agent's activities as an athlete agent;

(f) The name of each student athlete for whom the athlete agent acted as an athlete agent within the five years before the date of execution of the athlete agent disclosure form or, if the individual is a minor, the name of the parent or guardian of the minor, together with the athlete's sport and last-known team;

(g) The names and addresses of each person that:

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

(ii) Is an officer or director of a corporation employing the athlete agent or a shareholder having an interest of five percent or greater in the corporation;

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

(i) Whether the athlete agent or any other person named pursuant to (g) of this subsection has pleaded guilty or no contest to, has been convicted of, or has charges pending for, a felony or other crime involving moral turpitude, and, if so, identification of:

(i) The crime;

(ii) The law enforcement agency involved; and

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

(j) Whether, within fifteen years before the date of execution of the athlete agent disclosure form, the athlete agent, or any person named under (g) of this subsection, has been a defendant or respondent in a civil proceeding, including a proceeding seeking an adjudication

of legal incompetence and, if so, the date and a full explanation of each proceeding;

(k) Whether the athlete agent, or any person named under (g) of this subsection, has an unsatisfied judgment or a judgment of continuing effect, including maintenance or a domestic order in the nature of child support, which is not current at the date of execution of the athlete agent disclosure form;

(l) Whether, within ten years before the execution of the athlete agent disclosure form, the athlete agent, or any person named under (g) of this subsection, was adjudicated bankrupt or was an owner of a business that was adjudicated bankrupt;

(m) Whether there has been any administrative or judicial determination that the athlete agent, or any other person named under (g) of this subsection, made a false, misleading, deceptive, or fraudulent representation;

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

(o) Each sanction, suspension, or disciplinary action taken against the athlete agent, or any other person named under (g) of this subsection, arising out of occupational or professional conduct;

(p) Whether there has been a denial of an application for, suspension or revocation of, refusal to renew, or abandonment of, the registration of the athlete agent, or any other person named under (g) of this subsection, as an athlete agent in any state;

(q) Each state in which the applicant currently is registered as an athlete agent or has applied to be registered as an athlete agent; and

(r) If the athlete agent is certified or registered by a professional league or players association:

(i) The name of the league or association;

(ii) The date of certification or registration, and the date of expiration of the certification or registration, if any; and

(iii) If applicable, the date of any denial of an application for, suspension or revocation of, refusal to renew, withdrawal of, or termination of, the certification or registration or any reprimand or censure related to the certification or registration.

(2) Instead of delivering an athlete agent disclosure form pursuant to subsection (1) of this section, an individual who is registered or licensed as an athlete agent in another state may deliver:

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

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

(c) A copy of the valid certificate of registration or licensure from the other state. [2016 sp.s. c 13 § 4; 2002 c 131 § 5.]

RCW 19.225.050 Disqualifications. No person may engage in the business of an athlete agent who has:

(1) Pleaded guilty or no contest to, has been convicted of, or has charges pending for, a felony or other crime involving moral turpitude;

(2) Made a materially false, misleading, deceptive, or fraudulent representation as an athlete agent or in the application for licensure or registration as an athlete agent in another state;

(3) Engaged in conduct prohibited by RCW 19.225.100;

(4) Had a registration or licensure as an athlete agent suspended, revoked, or denied in any state;

(5) Been refused renewal of registration as an athlete agent in any state; or

(6) Engaged in conduct resulting in imposition of a sanction, suspension, or declaration of ineligibility to participate in an interscholastic, intercollegiate, or professional athletic event on a student athlete or a sanction on an educational institution. [2016 sp.s. c 13 § 5; 2002 c 131 § 6.]

RCW 19.225.060 Form of 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 athlete agent under the contract and any other consideration the athlete agent has received or will receive from any other source for entering into the contract or for providing the services;

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

(c) A description of any expenses the student 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:

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

(b) BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR, IF YOU HAVE AN ATHLETIC DIRECTOR, AT LEAST SEVENTY-TWO HOURS PRIOR TO ENTERING INTO AN AGENCY CONTRACT THAT YOU INTEND TO ENTER INTO THIS CONTRACT AND PROVIDE THE NAME AND CONTACT INFORMATION OF THE ATHLETE AGENT AND AGAIN WITHIN SEVENTY-TWO HOURS AFTER ENTERING INTO AN AGENCY CONTRACT THAT YOU HAVE ENTERED INTO THIS CONTRACT AND PROVIDE THE NAME AND CONTACT INFORMATION OF THE ATHLETE AGENT; AND

(c) 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 in 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. [2016 sp.s. c 13 § 6; 2002 c 131 § 7.]

RCW 19.225.070 Notice to educational institution. (1) 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 hours prior to entering into an agency contract and again not later than seventy-two 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 athlete agent has reasonable grounds to believe the athlete intends to enroll.

(3) Not later than seventy-two hours prior to entering into an agency contract and again not later than seventy-two 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 athlete agent shall notify the athletic director of the institution of the existence of the contract not later than seventy-two hours after the athlete agent knew or should have known 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 athlete agent shall notify the institution of the relationship not later than ten days after the enrollment if the athlete agent knows or should have known of the enrollment and:

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

(b) The athlete 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 athlete 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 athlete 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 days after the communication or attempt.

(8) An educational institution that becomes aware of a violation of chapter 13, Laws of 2016 sp. sess. by an athlete agent shall notify any professional league or players association with which the institution is aware the athlete agent is licensed or registered of the violation. [2016 sp.s. c 13 § 7; 2002 c 131 § 8.]

RCW 19.225.080 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 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 to return any consideration received from the athlete agent to influence the athlete to enter into the contract. [2016 sp.s. c 13 § 8; 2002 c 131 § 9.]

RCW 19.225.090 Required records—Retention. (1) An athlete agent shall create and retain for five years records of the following:

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

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

(c) The direct costs incurred by the athlete 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 subject to subpoena in a judicial proceeding. [2016 sp.s. c 13 § 9; 2002 c 131 § 10.]

RCW 19.225.100 Prohibited acts. An athlete agent may not intentionally:

(1) Give a student athlete or, if the athlete is a minor, a parent or guardian of the athlete materially false or misleading information or make a materially false promise or representation with the intent to influence the athlete, parent, or guardian to enter into an agency contract;

(2) Furnish anything of value to a student athlete or another individual, if to do so may result in loss of the athlete's eligibility to participate in the athlete's sport, unless:

(a) The agent notifies 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, not later than seventy-two hours after giving the thing of value; and

(b) The athlete or, if the athlete is a minor, a parent or guardian of the athlete acknowledges to the agent in a record that receipt of the thing of value may result in loss of the athlete's eligibility to participate in the athlete's sport;

(3) Initiate contact, directly or indirectly, with a student athlete or, if the athlete is a minor, a parent or guardian of the athlete, to recruit or solicit the athlete, parent, or guardian to enter an agency contract unless providing the athlete with the athlete agent disclosure form as provided in RCW 19.225.030;

(4) Refuse or willfully fail to retain or produce in response to subpoena the records required by RCW 19.225.090;

(5) Fail to disclose information required by RCW 19.225.040;

(6) Provide materially false or misleading information in an athlete agent disclosure form;

(7) Predate or postdate an agency contract;

(8) 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 result in loss of the athlete's eligibility to participate in the athlete's sport;

(9) Encourage another individual to do any of the acts described in subsections (1) through (8) of this section on behalf of the agent;

(10) Encourage another individual to assist any other individual in doing any of the acts described in subsections (1) through (8) of this section on behalf of the agent;

(11) Ask or allow a student athlete to waive or attempt to waive rights under this chapter;

(12) Fail to give notice required under RCW 19.225.070; or

(13) Engage in the business of an athlete agent in this state:

(a) At any time after conviction under RCW 19.225.110; or (b) within five years of entry of a civil judgment under RCW 19.225.120. [2020 c 157 § 1; 2016 sp.s. c 13 § 10; 2002 c 131 § 11.]

RCW 19.225.110 Criminal/civil penalties. The commission of any act prohibited by RCW 19.225.100 by an athlete agent is a class C felony punishable according to chapter 9A.20 RCW. In addition to any criminal penalties, the court may assess a civil penalty of up to ten thousand dollars for a violation of RCW 19.225.100. [2002 c 131 § 12.]

RCW 19.225.120 Civil remedies—Application of consumer protection act. (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 athlete 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 sport 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 actual damages and costs, and reasonable attorneys' 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 athlete agent by or on behalf of the athlete.

(3) A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade and commerce and an unfair method of competition for the purposes of applying the consumer protection act, chapter 19.86 RCW. [2016 sp.s. c 13 § 11; 2002 c 131 § 13.]

RCW 19.225.900 Short title. This chapter may be cited as the uniform athlete agents act. [2002 c 131 § 1.]

RCW 19.225.901 Application—Construction—2002 c 131. 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 of this chapter among states that enact it. [2002 c 131 § 14.]

RCW 19.225.904 Construction—Chapter applicable to state registered domestic partnerships—2009 c 521. For the purposes of this chapter, the terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family shall be interpreted as applying equally to state registered domestic partnerships or individuals in state registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage shall apply equally to state registered domestic partnerships that have been terminated, dissolved, or invalidated, to the extent that such interpretation does not conflict with federal law. Where necessary to implement chapter 521, Laws of 2009, gender-specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender neutral, and applicable to individuals in state registered domestic partnerships. [2009 c 521 § 60.]

RCW 19.225.905 Relation to electronic signatures in global and national commerce act. Chapter 13, Laws of 2016 sp. sess. modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Sec. 7003(b). [2016 sp.s. c 13 § 12.]