

CERTIFICATION OF ENROLLMENT
SUBSTITUTE HOUSE BILL 1712

52nd Legislature
1991 Regular Session

Passed by the House March 19, 1991
Yeas 98 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate April 17, 1991
Yeas 36 Nays 11

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1712** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

Secretary of State
State of Washington

SUBSTITUTE HOUSE BILL 1712

AS AMENDED BY THE SENATE

Passed Legislature - 1991 Regular Session

State of Washington 52nd Legislature 1991 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives Heavey, Lisk, Cole, Fuhrman, Wood, Betrozoff, Jacobsen, R. Meyers, Phillips, Winsley, Ferguson, Orr and Wineberry).

Read first time February 28, 1991.

1 AN ACT Relating to the registration of athlete agents; adding a new
2 chapter to Title 18 RCW; prescribing penalties; and making an
3 appropriation.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds it necessary to
6 regulate the practice of athlete agents and athlete agent firms to
7 protect the public health, safety, and welfare. The public has a right
8 to be kept informed about the role of athlete agents. The purpose of
9 this chapter is to help ensure that public information is available and
10 that the integrity of interscholastic athletics is preserved.

11 NEW SECTION. **Sec. 2.** (1) It is a violation of this chapter
12 for a person to practice or represent himself or herself as an athlete
13 agent or athlete agent firm without a certificate of registration as an
14 athlete agent or athlete agent firm.

1 (2) It is a violation of this chapter for a person other than a
2 registered athlete agent or an employee or representative of a
3 professional sport team to directly or indirectly solicit an individual
4 to enter into an agent contract or professional sport services contract
5 or procure, offer, promise, or attempt to obtain employment for an
6 individual with a professional sport team or as a professional athlete.

7 NEW SECTION. **Sec. 3.** Unless the context clearly requires
8 otherwise, the definitions in this section apply throughout this
9 chapter.

10 (1) "Department" means the department of licensing.

11 (2) "Director" means the director of licensing.

12 (3) "Athlete agent" means an individual registered under this
13 chapter.

14 (4) "Athlete agent firm" means a sole proprietorship, partnership,
15 association, corporation, or other entity that employs one or more
16 individuals to act as an athlete agent on behalf of the entity.

17 (5) "Agent contract" means a contract or agreement pursuant to
18 which a person authorizes or empowers an athlete agent to negotiate or
19 solicit on behalf of the person with one or more professional sport
20 teams for the employment of the person by a professional sport team or
21 to negotiate or solicit on behalf of the person for the employment of
22 the person as a professional athlete.

23 (6) "Institution of higher education" means a public or private
24 college or university in this state.

25 (7) "Professional athlete" means a person who is under contract to
26 a professional sports team and is no longer enrolled in an institution
27 of higher education as an undergraduate student.

28 (8) "Professional sport services contract" means a contract or
29 agreement pursuant to which a person is employed or agrees to render

1 services as a player on a professional sport team or as a professional
2 athlete.

3 (9) "Student athlete" means a person who engages in, is eligible to
4 engage in, or may be eligible to engage in any intercollegiate sporting
5 event, contest, exhibition, or program in this state. The term also
6 includes an individual who has applied for enrollment to an institution
7 of higher education. A person ceases to be a "student athlete" as soon
8 as his or her collegiate eligibility in the sport in which he or she is
9 under scholarship has expired.

10 NEW SECTION. **Sec. 4.** The registration provisions of this
11 chapter do not apply to a person:

- 12 (1) Who is related to the student athlete by blood or marriage;
13 (2) Who represents or advises no more than one student athlete in
14 any given year; or
15 (3) Who represents only professional athletes.

16 NEW SECTION. **Sec. 5.** In addition to any other authority
17 provided by law, the director may:

- 18 (1) Adopt rules in accordance with chapter 34.05 RCW as necessary
19 to implement this chapter;
20 (2) Establish forms and procedures as necessary to administer this
21 chapter;
22 (3) Register applicants;
23 (4) Hire clerical, administrative, and investigative staff as
24 needed to implement and administer this chapter;
25 (5) Maintain the official departmental record of all applicants and
26 registrants; and
27 (6) Set all registration, renewal, and late renewal fees in
28 accordance with RCW 43.24.086.

1 (b) Enter into an agreement whereby the athletic agent offers
2 anything of value to an employee of an institution of higher education
3 in return for the referral of a student athlete by that employee.

4 (2) It is a class C felony punishable according to chapter 9A.20
5 RCW for an athlete agent, athlete agent firm, or any person exempt
6 under section 4 of this act to offer money or any valuable
7 consideration to a student athlete to induce the student athlete to
8 enter into a professional sports services contract.

9 NEW SECTION. **Sec. 8.** The regulation of athlete agents is a
10 matter affecting the public interest for the purpose of applying
11 chapter 19.86 RCW. Activities of athlete agents prohibited under this
12 chapter are not reasonable in relation to the development and
13 preservation of business. A violation of this chapter constitutes an
14 unfair or deceptive act or practice in trade or commerce for the
15 purpose of applying chapter 19.86 RCW.

16 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act shall
17 constitute a new chapter in Title 18 RCW.

18 NEW SECTION. **Sec. 10.** The sum of forty-two thousand dollars,
19 or as much thereof as may be necessary, is appropriated from the
20 general fund to the department of licensing for the biennium ending
21 June 30, 1993, to carry out the purposes of this act.