



2019 AMENDMENT TO THE REVISED UNIFORM ATHLETE AGENTS ACT (2015)

- A Summary -

In September 2017, the FBI arrested ten individuals related to a college basketball corruption scandal alleging that representatives from Adidas promised six-figure payments to players' families in exchange for the players' commitments to Adidas-sponsored schools. In addition, the government alleged that coaches steered players to financial advisors in anticipation that the players would have lucrative careers in the NBA. So far, two of the individuals have been convicted on some of the indictments against them.

As a result of these indictments, the NCAA Board of Governors, Division I Board of Directors, and NCAA President established the Commission on College Basketball (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 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."

In making its recommendations, the Rice Commission observed, "Only a very small percentage of NCAA men's basketball players make it to the NBA (around 1.2%), let alone have successful careers. Yet, an NCAA Survey we commissioned showed that 59% of Division I players believe that they will play professionally, and NCAA research suggests that 76% of Division I players, 48% of Division II players, and 21% of Division III players believe that they have a chance to play at the next level. **Erroneously entering the NBA draft is not the kind of misjudgment that should deprive student-athletes of the valuable opportunity to enter college or to continue in college while playing basketball.**"

As a result of the Rice Commission's recommendations, the NCAA made changes to its bylaws which apply only to student-athletes playing basketball. The new NCAA bylaws:

- Provide student-athletes playing basketball more freedom and flexibility to decide whether going pro is right for them;
- Allow those student-athletes who are not drafted by the NBA or a professional league other than the NBA to return to college and finish their degree; and
- Minimize the leverage of harmful outside influences on high school recruits and college student-athletes.

The bylaws amendments, approved by the NCAA on August 8, 2018, allow for payments by sports agents to student-athletes and family members for meals, hotel, and travel in connection with recruiting and signing the student-athlete as a client. These payments would violate the criminal provisions found in Section 14 of the Revised Uniform Athlete Agents Act (2015). Under either act, any benefit given to a student-athlete prior to signing an agency contract is prohibited so long as the student-athlete is still

eligible to play in his or her collegiate sport and acceptance of those benefits may cause the student athlete to lose his or her eligibility.

In 2019, the Uniform Law Commission (ULC) amended Section 14 of the Revised Uniform Athlete Agents Act (RUAAA) to accommodate the changes to the NCAA bylaws, thereby allowing student-athletes playing basketball to take advantage of the freedom and flexibility given to them by the NCAA and the Rice Commission.

Though the changes to the NCAA bylaws are limited to student athletes playing basketball, the ULC did not limit the Section 14 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 more information about the 2019 Amendment to the Revised Uniform Athlete Agents Act, please contact ULC Legislative Counsel Libby Snyder at (312) 450-6619 or lsnyder@uniformlaws.org.