



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: H. 3068 Signed by Governor on May 17, 2018
Author: J. E. Smith
Subject: Uniform Athlete Agents Act of 2017
Requestor: House of Representatives
RFA Analyst(s): Heineman
Impact Date: May 25, 2018

Estimate of Fiscal Impact

	FY 2018-19	FY 2019-20
State Expenditure		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Full-Time Equivalent Position(s)	0.00	0.00
State Revenue		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Local Expenditure	\$0	\$0
Local Revenue	\$0	\$0

Fiscal Impact Summary

This bill will have no expenditure or revenue impact on the General Fund, Other Funds, or Federal Funds of the Department of Consumer Affairs.

Explanation of Fiscal Impact

Signed by Governor on May 17, 2018

State Expenditure

This bill creates the Uniform Athlete Agents Act, which governs relations among student athletes, athlete agents, and educational institutions and provides for regulation of athlete agents activities by the Department of Consumer Affairs (DCA).

To act as an athlete agent, a person is required to hold a certificate of registration issued by DCA, or a temporary certificate while the person’s application for registration is pending. This bill expands the information agents must provide on their application for a certificate to include additional contact, employment and licensing information, and additional information that reflects on the applicant’s fitness to act as an agent. The additional fitness information required for the applicant and his associates includes reporting all of the following: civil actions in which he or they were defendants, unsatisfied judgments, bankruptcies, and adverse actions against the applicant’s certification by a professional league or players association. All funds collected by the DCA may be retained by the department and used to implement the provisions of this bill. The bill also includes additional considerations for which DCA may refuse to issue or renew a certificate of registration or may suspend or revoke an existing certificate.

Current law allows an applicant to submit an application and agent certification from another state in lieu of this state's application, if the other state's application contains substantially the same information required by South Carolina. This bill adds provisions requiring the applicant submitting another state's documents to include either a statement identifying any changed information or verifying there is no change. DCA is authorized to issue a certificate based on the out-of-state application and credentials, if certain current requirements are met, plus a new requirement that other state's registration is in good standing with no adverse actions pending. DCA is directed to exchange applicant and agent information with other states and to cooperate with national organizations and other states to develop a common registration form. This bill clarifies that the current \$500 application fee and \$300 renewal fee are applicable to agents submitting out-of-state documents for their South Carolina applications as well as those using the South Carolina application.

This bill also amends provisions concerning the content of agency contracts and addresses additional situations in which agents and student athletes must notify educational institutions of their relationship or communications to potentially establish a relationship. The bill allows educational institutions and student athletes adversely affected by an agent's violation of the Uniform Athlete Agents Act to recover punitive damages in addition to actual damages, costs, and attorneys fees. Violations of the act are considered an unfair trade practice in addition to the penalties listed above.

Department of Consumer Affairs. The department does not anticipate any expenditure impact because DCA already regulates athlete agents and this bill mainly clarifies provisions of their authority and adds prohibitions for agents. Therefore, this bill is not expected to have an expenditure impact on the General Fund, Other Funds, or Federal Funds.

State Revenue

DCA indicates the athlete agent registration and renewal fees for agents already registered as an athlete agent in another state will not change DCA's revenue. An athlete agent who applied for registration or renewal as an athlete agent in South Carolina by submitting an application using another state's documentation already pays the \$500 registration fee and \$300 renewal fee. Therefore, revenue from these fees will not change because of this bill and there will be no impact on state revenue.

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director