

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 19-0159.01 Thomas Morris x4218

SENATE BILL 19-099

SENATE SPONSORSHIP

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HOUSE SPONSORSHIP

Tipper,

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE "REVISED UNIFORM ATHLETE AGENTS ACT**
102 **(2015)".**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Colorado Commission on Uniform State Laws. Athlete agents who represent students first became regulated in Colorado through the enactment of the "Uniform Athlete Agents Act" in 2008, which, among other requirements, required athlete agents to register with the department of regulatory agencies. The general assembly repealed the registration requirement in 2010.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

The bill enacts the "Revised Uniform Athlete Agents Act (2015)", drafted by the National Conference of Commissioners on Uniform State Laws. The revised act establishes new provisions for registration and renewal of registration for athlete agents, to be administered by the secretary of state. The revised act is subject to sunset review in 2026 and repeals in 2027 if not continued by bill.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **repeal and reenact**,
3 **with amendments**, part 2 of article 16 of title 23 as follows:

4 PART 2

5 REVISED UNIFORM ATHLETE AGENTS ACT (2015)

6 **23-16-201. Short title.** THE SHORT TITLE OF THIS PART 2 IS THE
7 "REVISED UNIFORM ATHLETE AGENTS ACT (2015)".

8 **23-16-202. Definitions.** AS USED IN THIS PART 2, UNLESS THE
9 CONTEXT OTHERWISE REQUIRES:

10 (1) "AGENCY CONTRACT" MEANS AN AGREEMENT IN WHICH A
11 STUDENT ATHLETE AUTHORIZES A PERSON TO NEGOTIATE OR SOLICIT ON
12 BEHALF OF THE STUDENT ATHLETE A PROFESSIONAL-SPORTS-SERVICES
13 CONTRACT OR AN ENDORSEMENT CONTRACT.

14 (2) "ATHLETE AGENT":

15 (a) MEANS AN INDIVIDUAL, WHETHER OR NOT REGISTERED UNDER
16 THIS PART 2, WHO:

17 (I) DIRECTLY OR INDIRECTLY RECRUITS OR SOLICITS A STUDENT
18 ATHLETE TO ENTER INTO AN AGENCY CONTRACT OR, FOR COMPENSATION,
19 PROCURES EMPLOYMENT OR OFFERS, PROMISES, ATTEMPTS, OR
20 NEGOTIATES TO OBTAIN EMPLOYMENT FOR A STUDENT ATHLETE AS A
21 PROFESSIONAL ATHLETE OR MEMBER OF A PROFESSIONAL SPORTS TEAM OR
22 ORGANIZATION;

1 (II) FOR COMPENSATION OR IN ANTICIPATION OF COMPENSATION
2 RELATED TO A STUDENT ATHLETE'S PARTICIPATION IN ATHLETICS:

3 (A) SERVES THE STUDENT ATHLETE IN AN ADVISORY CAPACITY ON
4 A MATTER RELATED TO FINANCES, BUSINESS PURSUITS, OR CAREER
5 MANAGEMENT DECISIONS, UNLESS THE INDIVIDUAL IS AN EMPLOYEE OF AN
6 EDUCATIONAL INSTITUTION AND IS ACTING EXCLUSIVELY AS AN EMPLOYEE
7 OF THE INSTITUTION FOR THE BENEFIT OF THE INSTITUTION; OR

8 (B) MANAGES THE BUSINESS AFFAIRS OF THE STUDENT ATHLETE
9 BY PROVIDING ASSISTANCE WITH BILLS, PAYMENTS, CONTRACTS, OR
10 TAXES; OR

11 (III) IN ANTICIPATION OF REPRESENTING A STUDENT ATHLETE FOR
12 A PURPOSE RELATED TO THE STUDENT ATHLETE'S PARTICIPATION IN
13 ATHLETICS:

14 (A) GIVES CONSIDERATION TO THE STUDENT ATHLETE OR
15 ANOTHER PERSON;

16 (B) SERVES THE STUDENT ATHLETE IN AN ADVISORY CAPACITY ON
17 A MATTER RELATED TO FINANCES, BUSINESS PURSUITS, OR CAREER
18 MANAGEMENT DECISIONS; OR

19 (C) MANAGES THE BUSINESS AFFAIRS OF THE STUDENT ATHLETE
20 BY PROVIDING ASSISTANCE WITH BILLS, PAYMENTS, CONTRACTS, OR
21 TAXES; BUT

22 (b) DOES NOT INCLUDE AN INDIVIDUAL WHO:

23 (I) ACTS SOLELY ON BEHALF OF A PROFESSIONAL SPORTS TEAM OR
24 ORGANIZATION; OR

25 (II) IS A LICENSED, REGISTERED, OR CERTIFIED PROFESSIONAL AND
26 OFFERS OR PROVIDES SERVICES TO A STUDENT ATHLETE THAT ARE
27 CUSTOMARILY PROVIDED BY MEMBERS OF THE PROFESSION, UNLESS THE

1 INDIVIDUAL:

2 (A) ALSO RECRUITS OR SOLICITS THE STUDENT ATHLETE TO ENTER
3 INTO AN AGENCY CONTRACT;

4 (B) ALSO, FOR COMPENSATION, PROCURES EMPLOYMENT OR
5 OFFERS, PROMISES, ATTEMPTS, OR NEGOTIATES TO OBTAIN EMPLOYMENT
6 FOR THE ATHLETE AS A PROFESSIONAL ATHLETE OR MEMBER OF A
7 PROFESSIONAL SPORTS TEAM OR ORGANIZATION; OR

8 (C) RECEIVES CONSIDERATION FOR PROVIDING THE SERVICES,
9 WHICH CONSIDERATION IS CALCULATED USING A DIFFERENT METHOD THAN
10 FOR AN INDIVIDUAL WHO IS NOT A STUDENT ATHLETE.

11 (3) "ATHLETIC DIRECTOR" MEANS THE INDIVIDUAL RESPONSIBLE
12 FOR ADMINISTERING THE OVERALL ATHLETIC PROGRAM OF AN
13 EDUCATIONAL INSTITUTION OR, IF AN EDUCATIONAL INSTITUTION HAS
14 SEPARATELY ADMINISTERED ATHLETIC PROGRAMS FOR MALE STUDENTS
15 AND FEMALE STUDENTS, THE ATHLETIC PROGRAM FOR MALES OR THE
16 ATHLETIC PROGRAM FOR FEMALES, AS APPROPRIATE.

17 (4) "EDUCATIONAL INSTITUTION" MEANS A PUBLIC OR PRIVATE
18 ELEMENTARY SCHOOL, SECONDARY SCHOOL, TECHNICAL OR VOCATIONAL
19 SCHOOL, COMMUNITY COLLEGE, COLLEGE, OR UNIVERSITY.

20 (5) "ENDORSEMENT CONTRACT" MEANS AN AGREEMENT UNDER
21 WHICH A STUDENT ATHLETE IS EMPLOYED OR RECEIVES CONSIDERATION
22 TO USE ON BEHALF OF THE OTHER PARTY ANY VALUE THAT THE STUDENT
23 ATHLETE MAY HAVE BECAUSE OF PUBLICITY, REPUTATION, FOLLOWING, OR
24 FAME OBTAINED BECAUSE OF ATHLETIC ABILITY OR PERFORMANCE.

25 (6) "ENROLLED" MEANS REGISTERED FOR COURSES AND
26 ATTENDING ATHLETIC PRACTICE OR CLASS. "ENROLLS" HAS A
27 CORRESPONDING MEANING.

1 (7) "INTERCOLLEGIATE SPORT" MEANS A SPORT PLAYED AT THE
2 COLLEGIATE LEVEL FOR WHICH ELIGIBILITY REQUIREMENTS FOR
3 PARTICIPATION BY A STUDENT ATHLETE ARE ESTABLISHED BY A NATIONAL
4 ASSOCIATION THAT PROMOTES OR REGULATES COLLEGIATE ATHLETICS.

5 (8) "INTERSCHOLASTIC SPORT" MEANS A SPORT PLAYED BETWEEN
6 EDUCATIONAL INSTITUTIONS THAT ARE NOT COMMUNITY COLLEGES,
7 COLLEGES, OR UNIVERSITIES.

8 (9) "LICENSED, REGISTERED, OR CERTIFIED PROFESSIONAL" MEANS
9 AN INDIVIDUAL LICENSED, REGISTERED, OR CERTIFIED AS AN ATTORNEY,
10 DEALER IN SECURITIES, FINANCIAL PLANNER, INSURANCE AGENT, REAL
11 ESTATE BROKER OR SALES AGENT, TAX CONSULTANT, ACCOUNTANT, OR
12 MEMBER OF A PROFESSION, OTHER THAN THAT OF ATHLETE AGENT, WHO
13 IS LICENSED, REGISTERED, OR CERTIFIED BY THE STATE OR A NATIONALLY
14 RECOGNIZED ORGANIZATION THAT LICENSES, REGISTERS, OR CERTIFIES
15 MEMBERS OF THE PROFESSION ON THE BASIS OF EXPERIENCE, EDUCATION,
16 OR TESTING.

17 (10) "PERSON" MEANS AN INDIVIDUAL; ESTATE; BUSINESS OR
18 NONPROFIT ENTITY; PUBLIC CORPORATION; GOVERNMENT OR
19 GOVERNMENTAL SUBDIVISION, AGENCY, OR INSTRUMENTALITY; OR OTHER
20 LEGAL ENTITY.

21 (11) "PROFESSIONAL-SPORTS-SERVICES CONTRACT" MEANS AN
22 AGREEMENT UNDER WHICH AN INDIVIDUAL IS EMPLOYED AS A
23 PROFESSIONAL ATHLETE OR AGREES TO RENDER SERVICES AS A PLAYER ON
24 A PROFESSIONAL SPORTS TEAM OR WITH A PROFESSIONAL SPORTS
25 ORGANIZATION.

26 (12) "RECORD" MEANS INFORMATION THAT IS INSCRIBED ON A
27 TANGIBLE MEDIUM OR THAT IS STORED IN AN ELECTRONIC OR OTHER

1 MEDIUM AND IS RETRIEVABLE IN PERCEIVABLE FORM.

2 (13) "RECRUIT OR SOLICIT" MEANS TO ATTEMPT TO INFLUENCE THE
3 CHOICE OF AN ATHLETE AGENT BY A STUDENT ATHLETE OR, IF THE
4 STUDENT ATHLETE IS A MINOR, A PARENT OR GUARDIAN OF THE ATHLETE.
5 THE TERM DOES NOT INCLUDE GIVING ADVICE ON THE SELECTION OF A
6 PARTICULAR ATHLETE AGENT IN A FAMILY, COACHING, OR SOCIAL
7 SITUATION UNLESS THE INDIVIDUAL GIVING THE ADVICE DOES SO BECAUSE
8 OF THE RECEIPT OR ANTICIPATED RECEIPT OF AN ECONOMIC BENEFIT,
9 DIRECTLY OR INDIRECTLY, FROM THE ATHLETE AGENT.

10 (14) "REGISTRATION" MEANS REGISTRATION AS AN ATHLETE
11 AGENT UNDER THIS PART 2.

12 (15) "SIGN" MEANS, WITH PRESENT INTENT TO AUTHENTICATE OR
13 ADOPT A RECORD:

14 (a) TO EXECUTE OR ADOPT A TANGIBLE SYMBOL; OR

15 (b) TO ATTACH TO OR LOGICALLY ASSOCIATE WITH THE RECORD
16 AN ELECTRONIC SYMBOL, SOUND, OR PROCESS.

17 (16) "STATE" MEANS A STATE OF THE UNITED STATES, THE
18 DISTRICT OF COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN
19 ISLANDS, OR ANY TERRITORY OR INSULAR POSSESSION SUBJECT TO THE
20 JURISDICTION OF THE UNITED STATES.

21 (17) "STUDENT ATHLETE" MEANS AN INDIVIDUAL WHO IS ELIGIBLE
22 TO ATTEND AN EDUCATIONAL INSTITUTION AND ENGAGES IN, IS ELIGIBLE
23 TO ENGAGE IN, OR MAY BE ELIGIBLE IN THE FUTURE TO ENGAGE IN, ANY
24 INTERSCHOLASTIC OR INTERCOLLEGIATE SPORT. "STUDENT ATHLETE"
25 DOES NOT INCLUDE AN INDIVIDUAL PERMANENTLY INELIGIBLE TO
26 PARTICIPATE IN A PARTICULAR INTERSCHOLASTIC OR INTERCOLLEGIATE
27 SPORT FOR PURPOSES OF THAT SPORT.

1 **23-16-203. Authority - procedure - rules.** THE "STATE
2 ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, APPLIES TO
3 THIS PART 2. THE SECRETARY OF STATE MAY ADOPT RULES PURSUANT TO
4 THE REQUIREMENTS OF THE "STATE ADMINISTRATIVE PROCEDURE ACT"
5 TO IMPLEMENT THIS PART 2.

6 **23-16-204. Athlete agent - registration required - void**
7 **contract.** (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF
8 THIS SECTION, EFFECTIVE JANUARY 1, 2020, AN INDIVIDUAL SHALL NOT
9 ACT AS AN ATHLETE AGENT IN THIS STATE WITHOUT HOLDING A VALID
10 CERTIFICATE OF REGISTRATION UNDER THIS PART 2.

11 (2) BEFORE BEING ISSUED A CERTIFICATE OF REGISTRATION UNDER
12 THIS PART 2, AN INDIVIDUAL MAY ACT AS AN ATHLETE AGENT IN THIS
13 STATE FOR ALL PURPOSES, EXCEPT SIGNING AN AGENCY CONTRACT, IF:

14 (a) A STUDENT ATHLETE OR ANOTHER PERSON ACTING ON BEHALF
15 OF THE STUDENT ATHLETE INITIATES COMMUNICATION WITH THE
16 INDIVIDUAL; AND

17 (b) NOT LATER THAN SEVEN DAYS AFTER AN INITIAL ACTION THAT
18 REQUIRES THE INDIVIDUAL TO REGISTER AS AN ATHLETE AGENT AND THAT
19 OCCURS ON OR AFTER JANUARY 1, 2020, THE INDIVIDUAL SUBMITS AN
20 APPLICATION FOR REGISTRATION AS AN ATHLETE AGENT IN THIS STATE.

21 (3) AN AGENCY CONTRACT THAT RESULTS FROM CONDUCT IN
22 VIOLATION OF THIS SECTION IS VOID, AND THE ATHLETE AGENT OR
23 INDIVIDUAL SHALL RETURN ANY CONSIDERATION RECEIVED UNDER THE
24 CONTRACT.

25 **23-16-205. Registration as athlete agent - application -**
26 **requirements - reciprocal registration.** (1) AN APPLICANT FOR
27 REGISTRATION AS AN ATHLETE AGENT MUST SUBMIT AN APPLICATION FOR

1 REGISTRATION TO THE SECRETARY OF STATE IN A FORM PRESCRIBED BY
2 THE SECRETARY OF STATE. THE APPLICANT MUST BE AN INDIVIDUAL, AND
3 THE APPLICANT SHALL SIGN THE APPLICATION UNDER PENALTY OF
4 PERJURY. THE APPLICATION MUST CONTAIN AT LEAST THE FOLLOWING
5 INFORMATION:

6 (a) THE NAME AND DATE AND PLACE OF BIRTH OF THE APPLICANT
7 AND THE FOLLOWING CONTACT INFORMATION FOR THE APPLICANT:

8 (I) THE ADDRESS OF THE APPLICANT'S PRINCIPAL PLACE OF
9 BUSINESS;

10 (II) WORK AND MOBILE TELEPHONE NUMBERS; AND

11 (III) ANY MEANS OF COMMUNICATING ELECTRONICALLY,
12 INCLUDING A FACSIMILE NUMBER, ELECTRONIC MAIL ADDRESS, AND
13 PERSONAL AND BUSINESS OR EMPLOYER WEBSITES;

14 (b) THE NAME OF THE APPLICANT'S BUSINESS OR EMPLOYER, IF
15 APPLICABLE, INCLUDING FOR EACH BUSINESS OR EMPLOYER ITS MAILING
16 ADDRESS, TELEPHONE NUMBER, ORGANIZATION FORM, AND THE NATURE
17 OF THE BUSINESS;

18 (c) EACH SOCIAL MEDIA ACCOUNT WITH WHICH THE APPLICANT OR
19 THE APPLICANT'S BUSINESS OR EMPLOYER IS AFFILIATED;

20 (d) EACH BUSINESS OR OCCUPATION IN WHICH THE APPLICANT
21 ENGAGED WITHIN FIVE YEARS BEFORE THE DATE OF THE APPLICATION,
22 INCLUDING SELF-EMPLOYMENT AND EMPLOYMENT BY OTHERS, AND ANY
23 PROFESSIONAL OR OCCUPATIONAL LICENSE, REGISTRATION, OR
24 CERTIFICATION HELD BY THE APPLICANT DURING THAT TIME;

25 (e) A DESCRIPTION OF THE APPLICANT'S:

26 (I) FORMAL TRAINING AS AN ATHLETE AGENT;

27 (II) PRACTICAL EXPERIENCE AS AN ATHLETE AGENT; AND

1 (III) EDUCATIONAL BACKGROUND RELATING TO THE APPLICANT'S
2 ACTIVITIES AS AN ATHLETE AGENT;

3 (f) THE NAME OF EACH STUDENT ATHLETE FOR WHOM THE
4 APPLICANT ACTED AS AN ATHLETE AGENT WITHIN THE FIVE YEARS PRIOR
5 TO THE DATE OF THE APPLICATION OR, IF THE STUDENT ATHLETE IS A
6 MINOR, THE NAME OF THE STUDENT ATHLETE'S PARENT OR GUARDIAN,
7 TOGETHER WITH THE STUDENT ATHLETE'S SPORT AND LAST-KNOWN TEAM;

8 (g) THE NAME AND ADDRESS OF EACH PERSON WHO:

9 (I) IS A PARTNER, MEMBER, OFFICER, MANAGER, ASSOCIATE, OR
10 PROFIT SHARER OR DIRECTLY OR INDIRECTLY HOLDS AN EQUITY INTEREST
11 OF FIVE PERCENT OR GREATER OF THE ATHLETE AGENT'S BUSINESS IF IT IS
12 NOT A CORPORATION; AND

13 (II) IS AN OFFICER OR DIRECTOR OF A CORPORATION EMPLOYING
14 THE ATHLETE AGENT OR A SHAREHOLDER HAVING AN INTEREST OF FIVE
15 PERCENT OR GREATER IN THE CORPORATION;

16 (h) A DESCRIPTION OF THE STATUS OF ANY APPLICATION BY THE
17 APPLICANT, OR ANY PERSON NAMED PURSUANT TO SUBSECTION (1)(g) OF
18 THIS SECTION, FOR A STATE OR FEDERAL BUSINESS, PROFESSIONAL, OR
19 OCCUPATIONAL LICENSE, OTHER THAN AS AN ATHLETE AGENT, FROM A
20 STATE OR FEDERAL AGENCY, INCLUDING ANY DENIAL, REFUSAL TO RENEW,
21 SUSPENSION, WITHDRAWAL, OR TERMINATION OF THE LICENSE AND ANY
22 REPRIMAND OR CENSURE RELATED TO THE LICENSE;

23 (i) WHETHER THE APPLICANT, OR ANY PERSON NAMED PURSUANT
24 TO SUBSECTION (1)(g) OF THIS SECTION, HAS PLEADED GUILTY OR NO
25 CONTEST TO, HAS BEEN CONVICTED OF, OR HAS CHARGES PENDING FOR, A
26 CRIME THAT WOULD INVOLVE MORAL TURPITUDE OR BE A FELONY IF
27 COMMITTED IN THIS STATE AND, IF SO, IDENTIFICATION OF:

1 (I) THE CRIME;

2 (II) THE LAW ENFORCEMENT AGENCY INVOLVED; AND

3 (III) IF APPLICABLE, THE DATE OF THE CONVICTION AND THE FINE
4 OR PENALTY IMPOSED;

5 (j) WHETHER, WITHIN FIFTEEN YEARS BEFORE THE DATE OF
6 APPLICATION, THE APPLICANT, OR ANY PERSON NAMED PURSUANT TO
7 SUBSECTION (1)(g) OF THIS SECTION, HAS BEEN A DEFENDANT OR
8 RESPONDENT IN A CIVIL PROCEEDING, INCLUDING A PROCEEDING SEEKING
9 AN ADJUDICATION AND, IF SO, THE DATE AND A FULL EXPLANATION OF
10 EACH PROCEEDING;

11 (k) WHETHER THE APPLICANT, OR ANY PERSON NAMED PURSUANT
12 TO SUBSECTION (1)(g) OF THIS SECTION, HAS AN UNSATISFIED JUDGMENT
13 OR A JUDGMENT OF CONTINUING EFFECT, INCLUDING SPOUSAL
14 MAINTENANCE OR A DOMESTIC ORDER IN THE NATURE OF CHILD SUPPORT,
15 WHICH IS NOT CURRENT AT THE DATE OF THE APPLICATION;

16 (l) WHETHER, WITHIN TEN YEARS BEFORE THE DATE OF
17 APPLICATION, THE APPLICANT, OR ANY PERSON NAMED PURSUANT TO
18 SUBSECTION (1)(g) OF THIS SECTION, WAS ADJUDICATED BANKRUPT OR
19 WAS AN OWNER OF A BUSINESS THAT WAS ADJUDICATED BANKRUPT;

20 (m) WHETHER THERE HAS BEEN ANY ADMINISTRATIVE OR JUDICIAL
21 DETERMINATION THAT THE APPLICANT, OR ANY PERSON NAMED PURSUANT
22 TO SUBSECTION (1)(g) OF THIS SECTION, MADE A FALSE, MISLEADING,
23 DECEPTIVE, OR FRAUDULENT REPRESENTATION;

24 (n) EACH INSTANCE IN WHICH CONDUCT OF THE APPLICANT, OR
25 ANY PERSON NAMED PURSUANT TO SUBSECTION (1)(g) OF THIS SECTION,
26 RESULTED IN THE IMPOSITION OF A SANCTION, SUSPENSION, OR
27 DECLARATION OF INELIGIBILITY TO PARTICIPATE IN AN INTERSCHOLASTIC,

1 INTERCOLLEGIATE, OR PROFESSIONAL ATHLETIC EVENT ON A STUDENT
2 ATHLETE OR A SANCTION ON AN EDUCATIONAL INSTITUTION;

3 (o) EACH SANCTION, SUSPENSION, OR DISCIPLINARY ACTION TAKEN
4 AGAINST THE APPLICANT, OR ANY PERSON NAMED PURSUANT TO
5 SUBSECTION (1)(g) OF THIS SECTION, ARISING OUT OF OCCUPATIONAL OR
6 PROFESSIONAL CONDUCT;

7 (p) WHETHER THERE HAS BEEN A DENIAL OF AN APPLICATION FOR,
8 SUSPENSION OR REVOCATION OF, REFUSAL TO RENEW, OR ABANDONMENT
9 OF, THE REGISTRATION OF THE APPLICANT, OR ANY PERSON NAMED
10 PURSUANT TO SUBSECTION (1)(g) OF THIS SECTION, AS AN ATHLETE AGENT
11 IN ANY STATE;

12 (q) EACH STATE IN WHICH THE APPLICANT IS CURRENTLY
13 REGISTERED AS AN ATHLETE AGENT OR HAS APPLIED TO BE REGISTERED AS
14 AN ATHLETE AGENT;

15 (r) IF THE APPLICANT IS CERTIFIED OR REGISTERED BY A
16 PROFESSIONAL LEAGUE OR PLAYERS ASSOCIATION:

17 (I) THE NAME OF THE LEAGUE OR ASSOCIATION;

18 (II) THE DATE OF CERTIFICATION OR REGISTRATION, AND THE DATE
19 OF EXPIRATION OF THE CERTIFICATION OR REGISTRATION, IF ANY; AND

20 (III) IF APPLICABLE, THE DATE OF ANY DENIAL OF AN APPLICATION
21 FOR, SUSPENSION OR REVOCATION OF, REFUSAL TO RENEW, WITHDRAWAL
22 OF, OR TERMINATION OF, THE CERTIFICATION OR REGISTRATION OR ANY
23 REPRIMAND OR CENSURE RELATED TO THE CERTIFICATION OR
24 REGISTRATION; AND

25 (s) ANY ADDITIONAL INFORMATION REQUIRED BY THE SECRETARY
26 OF STATE.

27 (2) INSTEAD OF PROCEEDING AS PROVIDED IN SUBSECTION (1) OF

1 THIS SECTION, AN INDIVIDUAL REGISTERED AS AN ATHLETE AGENT IN
2 ANOTHER STATE MAY APPLY FOR REGISTRATION AS AN ATHLETE AGENT IN
3 THIS STATE BY SUBMITTING THE FOLLOWING INFORMATION TO THE
4 SECRETARY OF STATE:

5 (a) A COPY OF THE APPLICATION FOR REGISTRATION IN THE OTHER
6 STATE;

7 (b) A STATEMENT THAT IDENTIFIES ANY MATERIAL CHANGE IN THE
8 INFORMATION ON THE APPLICATION IN THE OTHER STATE OR VERIFIES
9 THERE IS NO MATERIAL CHANGE IN THE INFORMATION, SIGNED UNDER
10 PENALTY OF PERJURY; AND

11 (c) A COPY OF THE CERTIFICATE OF REGISTRATION FROM THE
12 OTHER STATE.

13 (3) THE SECRETARY OF STATE SHALL ISSUE A CERTIFICATE OF
14 REGISTRATION TO AN INDIVIDUAL WHO APPLIES FOR REGISTRATION
15 PURSUANT TO SUBSECTION (2) OF THIS SECTION IF THE SECRETARY OF
16 STATE DETERMINES THAT:

17 (a) THE APPLICATION AND REGISTRATION REQUIREMENTS OF THE
18 OTHER STATE ARE SUBSTANTIALLY SIMILAR TO OR MORE RESTRICTIVE
19 THAN THOSE OF THIS PART 2; AND

20 (b) THE REGISTRATION HAS NOT BEEN REVOKED OR SUSPENDED
21 AND NO ACTION INVOLVING THE INDIVIDUAL'S CONDUCT AS AN ATHLETE
22 AGENT IS PENDING AGAINST THE INDIVIDUAL OR THE INDIVIDUAL'S
23 REGISTRATION IN ANY STATE.

24 (4) FOR PURPOSES OF IMPLEMENTING SUBSECTION (3) OF THIS
25 SECTION, THE SECRETARY OF STATE SHALL:

26 (a) COOPERATE WITH NATIONAL ORGANIZATIONS CONCERNED
27 WITH ATHLETE AGENT ISSUES AND AGENCIES IN OTHER STATES THAT

1 REGISTER ATHLETE AGENTS TO DEVELOP A COMMON REGISTRATION FORM
2 AND DETERMINE WHICH STATES HAVE LAWS THAT ARE SUBSTANTIALLY
3 SIMILAR TO OR MORE RESTRICTIVE THAN THOSE OF THIS PART 2; AND

4 (b) EXCHANGE INFORMATION, INCLUDING INFORMATION RELATED
5 TO ACTIONS TAKEN AGAINST REGISTERED ATHLETE AGENTS OR THEIR
6 REGISTRATIONS, WITH THOSE ORGANIZATIONS AND AGENCIES SPECIFIED IN
7 SUBSECTION (4)(a) OF THIS SECTION.

8 **23-16-206. Certificate of registration - issuance or denial -**
9 **renewal.** (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS
10 SECTION, THE SECRETARY OF STATE SHALL ISSUE A CERTIFICATE OF
11 REGISTRATION TO AN APPLICANT FOR REGISTRATION WHO COMPLIES WITH
12 THE PROVISIONS OF SECTION 23-16-205 (1).

13 (2) THE SECRETARY OF STATE MAY REFUSE TO ISSUE A
14 CERTIFICATE OF REGISTRATION TO AN APPLICANT FOR REGISTRATION
15 UNDER SECTION 23-16-205 (1) IF THE SECRETARY OF STATE DETERMINES
16 THAT THE APPLICANT HAS ENGAGED IN CONDUCT THAT SIGNIFICANTLY
17 ADVERSELY REFLECTS ON THE APPLICANT'S FITNESS TO ACT AS AN
18 ATHLETE AGENT. IN MAKING THE DETERMINATION, THE SECRETARY OF
19 STATE MAY CONSIDER WHETHER THE APPLICANT HAS:

20 (a) PLEADED GUILTY OR NO CONTEST TO, HAS BEEN CONVICTED OF,
21 OR HAS CHARGES PENDING FOR, A CRIME THAT WOULD INVOLVE MORAL
22 TURPITUDE OR BE A FELONY IF COMMITTED IN THIS STATE;

23 (b) MADE A MATERIALLY FALSE, MISLEADING, DECEPTIVE, OR
24 FRAUDULENT REPRESENTATION IN THE APPLICATION OR AS AN ATHLETE
25 AGENT;

26 (c) ENGAGED IN CONDUCT THAT WOULD DISQUALIFY THE
27 APPLICANT FROM SERVING IN A FIDUCIARY CAPACITY;

1 (d) ENGAGED IN CONDUCT PROHIBITED BY SECTION 23-16-214;

2 (e) HAD A REGISTRATION AS AN ATHLETE AGENT SUSPENDED,
3 REVOKED, OR DENIED IN ANY STATE;

4 (f) BEEN REFUSED RENEWAL OF REGISTRATION AS AN ATHLETE
5 AGENT IN ANY STATE;

6 (g) ENGAGED IN CONDUCT RESULTING IN THE IMPOSITION OF A
7 SANCTION, SUSPENSION, OR DECLARATION OF INELIGIBILITY TO
8 PARTICIPATE IN AN INTERSCHOLASTIC, INTERCOLLEGIATE, OR
9 PROFESSIONAL ATHLETIC EVENT ON A STUDENT ATHLETE OR A SANCTION
10 ON AN EDUCATIONAL INSTITUTION; OR

11 (h) ENGAGED IN CONDUCT THAT ADVERSELY REFLECTS ON THE
12 APPLICANT'S CREDIBILITY, HONESTY, OR INTEGRITY.

13 (3) IN MAKING A DETERMINATION PURSUANT TO SUBSECTION (2)
14 OF THIS SECTION, THE SECRETARY OF STATE SHALL CONSIDER:

15 (a) HOW RECENTLY THE CONDUCT OCCURRED;

16 (b) THE NATURE OF THE CONDUCT AND THE CONTEXT IN WHICH IT
17 OCCURRED; AND

18 (c) OTHER RELEVANT CONDUCT OF THE APPLICANT.

19 (4) AN ATHLETE AGENT REGISTERED UNDER SUBSECTION (1) OF
20 THIS SECTION MAY APPLY TO RENEW THE REGISTRATION BY SUBMITTING
21 AN APPLICATION FOR RENEWAL IN A FORM PRESCRIBED BY THE SECRETARY
22 OF STATE. THE APPLICANT SHALL SIGN THE APPLICATION FOR RENEWAL
23 UNDER PENALTY OF PERJURY AND INCLUDE CURRENT INFORMATION ON
24 ALL MATTERS REQUIRED IN AN ORIGINAL APPLICATION FOR REGISTRATION.

25 (5) AN ATHLETE AGENT REGISTERED PURSUANT TO SECTION
26 23-16-205 (3) MAY RENEW THE REGISTRATION BY PROCEEDING PURSUANT
27 TO SUBSECTION (4) OF THIS SECTION OR, IF THE REGISTRATION IN THE

1 OTHER STATE HAS BEEN RENEWED, BY SUBMITTING TO THE SECRETARY OF
2 STATE COPIES OF THE APPLICATION FOR RENEWAL IN THE OTHER STATE
3 AND THE RENEWED REGISTRATION FROM THE OTHER STATE. THE
4 SECRETARY OF STATE SHALL RENEW THE REGISTRATION IF THE SECRETARY
5 OF STATE DETERMINES THAT:

6 (a) THE REGISTRATION REQUIREMENTS OF THE OTHER STATE ARE
7 SUBSTANTIALLY SIMILAR TO OR MORE RESTRICTIVE THAN THOSE OF THIS
8 PART 2; AND

9 (b) THE RENEWED REGISTRATION HAS NOT BEEN SUSPENDED OR
10 REVOKED AND NO ACTION INVOLVING THE INDIVIDUAL'S CONDUCT AS AN
11 ATHLETE AGENT IS PENDING AGAINST THE INDIVIDUAL OR THE
12 INDIVIDUAL'S REGISTRATION IN ANY STATE.

13 (6) A CERTIFICATE OF REGISTRATION OR RENEWAL OF
14 REGISTRATION UNDER THIS PART 2 IS VALID FOR TWO YEARS.

15 **23-16-207. Suspension, revocation, or refusal to renew**
16 **registration.** (1) THE SECRETARY OF STATE MAY LIMIT, SUSPEND,
17 REVOKE, OR REFUSE TO RENEW A REGISTRATION OF AN INDIVIDUAL
18 REGISTERED UNDER SECTION 23-16-206 (1) FOR CONDUCT THAT WOULD
19 HAVE JUSTIFIED REFUSAL TO ISSUE A CERTIFICATE OF REGISTRATION
20 UNDER SECTION 23-16-206 (2).

21 (2) THE SECRETARY OF STATE MAY SUSPEND OR REVOKE THE
22 REGISTRATION OF AN INDIVIDUAL REGISTERED UNDER SECTION 23-16-205
23 (3) OR RENEWED UNDER SECTION 23-16-206 (5) FOR ANY REASON FOR
24 WHICH THE SECRETARY OF STATE COULD HAVE REFUSED TO GRANT OR
25 RENEW REGISTRATION OR FOR CONDUCT THAT WOULD JUSTIFY REFUSAL TO
26 ISSUE A CERTIFICATE OF REGISTRATION UNDER SECTION 23-16-206 (2).

27 **23-16-208. Temporary registration.** THE SECRETARY OF STATE

1 MAY ISSUE A TEMPORARY CERTIFICATE OF REGISTRATION AS AN ATHLETE
2 AGENT WHILE AN APPLICATION FOR REGISTRATION OR RENEWAL OF
3 REGISTRATION IS PENDING.

4 **23-16-209. Registration and renewal fees.** AN APPLICATION FOR
5 REGISTRATION OR RENEWAL OF REGISTRATION AS AN ATHLETE AGENT
6 MUST BE ACCOMPANIED BY A FEE IN THE AMOUNT DETERMINED BY RULE
7 OF THE SECRETARY OF STATE.

8 **23-16-210. Required form of agency contract.** (1) AN AGENCY
9 CONTRACT MUST BE IN A RECORD SIGNED BY THE PARTIES.

10 (2) AN AGENCY CONTRACT MUST CONTAIN:

11 (a) A STATEMENT THAT THE ATHLETE AGENT IS REGISTERED AS AN
12 ATHLETE AGENT IN THIS STATE AND A LIST OF ANY OTHER STATES IN
13 WHICH THE ATHLETE AGENT IS REGISTERED AS AN ATHLETE AGENT;

14 (b) THE AMOUNT AND METHOD OF CALCULATING THE
15 CONSIDERATION TO BE PAID BY THE STUDENT ATHLETE FOR SERVICES TO
16 BE PROVIDED BY THE ATHLETE AGENT UNDER THE CONTRACT AND ANY
17 OTHER CONSIDERATION THE ATHLETE AGENT HAS RECEIVED OR WILL
18 RECEIVE FROM ANY OTHER SOURCE FOR ENTERING INTO THE CONTRACT OR
19 FOR PROVIDING THE SERVICES;

20 (c) THE NAME OF ANY PERSON NOT LISTED IN THE ATHLETE
21 AGENT'S APPLICATION FOR REGISTRATION OR RENEWAL OF REGISTRATION
22 THAT WILL BE COMPENSATED BECAUSE THE STUDENT ATHLETE SIGNED THE
23 CONTRACT;

24 (d) A DESCRIPTION OF ANY EXPENSES THE STUDENT ATHLETE
25 AGREES TO REIMBURSE;

26 (e) A DESCRIPTION OF THE SERVICES TO BE PROVIDED TO THE
27 STUDENT ATHLETE BY THE ATHLETE AGENT;

1 (f) THE DURATION OF THE CONTRACT; AND

2 (g) THE DATE OF EXECUTION.

3 (3) SUBJECT TO SUBSECTION (7) OF THIS SECTION, AN AGENCY
4 CONTRACT MUST CONTAIN A CONSPICUOUS NOTICE IN BOLD-FACED TYPE
5 AND IN SUBSTANTIALLY THE FOLLOWING FORM:

6 **WARNING TO STUDENT ATHLETE**

7 **IF YOU SIGN THIS CONTRACT:**

8 **(1) YOU MAY LOSE YOUR ELIGIBILITY TO**
9 **COMPETE AS A STUDENT ATHLETE IN YOUR**
10 **SPORT;**

11 **(2) IF YOU HAVE AN ATHLETIC DIRECTOR,**
12 **WITHIN 72 HOURS AFTER SIGNING THIS**
13 **CONTRACT OR BEFORE THE NEXT SCHEDULED**
14 **ATHLETIC EVENT IN WHICH YOU PARTICIPATE,**
15 **WHICHEVER OCCURS FIRST, BOTH YOU AND**
16 **YOUR ATHLETE AGENT MUST NOTIFY YOUR**
17 **ATHLETIC DIRECTOR THAT YOU HAVE**
18 **ENTERED INTO THIS CONTRACT AND PROVIDE**
19 **THE NAME AND CONTACT INFORMATION OF**
20 **THE ATHLETE AGENT; AND**

21 **(3) YOU MAY CANCEL THIS CONTRACT**
22 **WITHIN 14 DAYS AFTER SIGNING IT.**
23 **CANCELLATION OF THIS CONTRACT MAY NOT**
24 **REINSTATE YOUR ELIGIBILITY AS A STUDENT**
25 **ATHLETE IN YOUR SPORT.**

26 (4) AN AGENCY CONTRACT MUST BE ACCOMPANIED BY A
27 SEPARATE RECORD SIGNED BY THE STUDENT ATHLETE OR, IF THE STUDENT

1 ATHLETE IS A MINOR, THE STUDENT ATHLETE'S PARENT OR GUARDIAN,
2 ACKNOWLEDGING THAT SIGNING THE CONTRACT MAY RESULT IN THE LOSS
3 OF THE STUDENT ATHLETE'S ELIGIBILITY TO PARTICIPATE IN THE STUDENT
4 ATHLETE'S SPORT.

5 (5) A STUDENT ATHLETE OR, IF THE STUDENT ATHLETE IS A MINOR,
6 THE STUDENT ATHLETE'S PARENT OR GUARDIAN MAY VOID AN AGENCY
7 CONTRACT THAT DOES NOT CONFORM TO THIS SECTION. IF THE CONTRACT
8 IS VOIDED, THE STUDENT ATHLETE IS NOT REQUIRED TO RETURN ANY
9 CONSIDERATION RECEIVED FROM THE ATHLETE AGENT UNDER THE
10 CONTRACT TO INDUCE ENTERING INTO THE CONTRACT.

11 (6) AT THE TIME AN AGENCY CONTRACT IS EXECUTED, THE
12 ATHLETE AGENT SHALL GIVE THE STUDENT ATHLETE OR, IF THE STUDENT
13 ATHLETE IS A MINOR, THE STUDENT ATHLETE'S PARENT OR GUARDIAN A
14 COPY IN A RECORD OF THE CONTRACT AND THE SEPARATE
15 ACKNOWLEDGMENT REQUIRED BY SUBSECTION (4) OF THIS SECTION.

16 (7) IF A STUDENT ATHLETE IS A MINOR, AN AGENCY CONTRACT
17 MUST BE SIGNED BY THE STUDENT ATHLETE'S PARENT OR GUARDIAN AND
18 THE NOTICE REQUIRED BY SUBSECTION (3) OF THIS SECTION MUST BE
19 REVISED ACCORDINGLY.

20 **23-16-211. Notice to educational institution - definition.** (1) AS
21 USED IN THIS SECTION, "COMMUNICATING OR ATTEMPTING TO
22 COMMUNICATE" MEANS CONTACTING OR ATTEMPTING TO CONTACT BY AN
23 IN-PERSON MEETING, A RECORD, OR ANY OTHER METHOD THAT CONVEYS
24 OR ATTEMPTS TO CONVEY A MESSAGE.

25 (2) WITHIN SEVENTY-TWO HOURS AFTER ENTERING INTO AN
26 AGENCY CONTRACT OR BEFORE THE NEXT SCHEDULED ATHLETIC EVENT IN
27 WHICH THE STUDENT ATHLETE MAY PARTICIPATE, WHICHEVER OCCURS

1 FIRST, THE ATHLETE AGENT SHALL GIVE NOTICE, IN A RECORD, OF THE
2 EXISTENCE OF THE CONTRACT TO THE ATHLETIC DIRECTOR OF THE
3 EDUCATIONAL INSTITUTION AT WHICH THE STUDENT ATHLETE IS ENROLLED
4 OR AT WHICH THE ATHLETE AGENT HAS REASONABLE GROUNDS TO
5 BELIEVE THE ATHLETE INTENDS TO ENROLL.

6 (3) WITHIN SEVENTY-TWO HOURS AFTER ENTERING INTO AN
7 AGENCY CONTRACT OR BEFORE THE NEXT SCHEDULED ATHLETIC EVENT IN
8 WHICH THE STUDENT ATHLETE MAY PARTICIPATE, WHICHEVER OCCURS
9 FIRST, THE STUDENT ATHLETE SHALL INFORM THE ATHLETIC DIRECTOR OF
10 THE EDUCATIONAL INSTITUTION AT WHICH THE ATHLETE IS ENROLLED
11 THAT THE ATHLETE HAS ENTERED INTO AN AGENCY CONTRACT AND THE
12 NAME AND CONTACT INFORMATION OF THE ATHLETE AGENT.

13 (4) IF AN ATHLETE AGENT ENTERS INTO AN AGENCY CONTRACT
14 WITH A STUDENT ATHLETE AND THE STUDENT ATHLETE SUBSEQUENTLY
15 ENROLLS AT AN EDUCATIONAL INSTITUTION, THE ATHLETE AGENT SHALL
16 NOTIFY THE ATHLETIC DIRECTOR OF THE EDUCATIONAL INSTITUTION OF
17 THE CONTRACT'S EXISTENCE WITHIN SEVENTY-TWO HOURS AFTER THE
18 ATHLETE AGENT KNEW OR SHOULD HAVE KNOWN OF THE STUDENT
19 ATHLETE'S ENROLLMENT.

20 (5) IF AN ATHLETE AGENT HAS A RELATIONSHIP WITH A STUDENT
21 ATHLETE BEFORE THE STUDENT ATHLETE ENROLLS IN AN EDUCATIONAL
22 INSTITUTION AND RECEIVES AN ATHLETIC SCHOLARSHIP FROM THE
23 EDUCATIONAL INSTITUTION, THE ATHLETE AGENT SHALL NOTIFY THE
24 EDUCATIONAL INSTITUTION OF THE RELATIONSHIP WITHIN TEN DAYS AFTER
25 THE STUDENT ATHLETE'S ENROLLMENT IF THE ATHLETE AGENT KNOWS OR
26 SHOULD HAVE KNOWN OF THE ENROLLMENT AND:

27 (a) THE RELATIONSHIP WAS MOTIVATED IN WHOLE OR IN PART BY

1 THE INTENTION OF THE ATHLETE AGENT TO RECRUIT OR SOLICIT THE
2 STUDENT ATHLETE TO ENTER INTO AN AGENCY CONTRACT IN THE FUTURE;
3 OR

4 (b) THE ATHLETE AGENT DIRECTLY OR INDIRECTLY RECRUITED OR
5 SOLICITED THE STUDENT ATHLETE TO ENTER INTO AN AGENCY CONTRACT
6 BEFORE THE ENROLLMENT.

7 (6) AN ATHLETE AGENT SHALL GIVE NOTICE IN A RECORD TO THE
8 ATHLETIC DIRECTOR OF ANY EDUCATIONAL INSTITUTION AT WHICH A
9 STUDENT ATHLETE IS ENROLLED BEFORE THE ATHLETE AGENT
10 COMMUNICATES OR ATTEMPTS TO COMMUNICATE WITH:

11 (a) THE STUDENT ATHLETE OR, IF THE STUDENT ATHLETE IS A
12 MINOR, THE STUDENT ATHLETE'S PARENT OR GUARDIAN TO INFLUENCE THE
13 STUDENT ATHLETE OR THE STUDENT ATHLETE'S PARENT OR GUARDIAN TO
14 ENTER INTO AN AGENCY CONTRACT; OR

15 (b) ANOTHER INDIVIDUAL WITH THE INTENT OF HAVING THAT
16 INDIVIDUAL INFLUENCE THE STUDENT ATHLETE OR, IF THE STUDENT
17 ATHLETE IS A MINOR, THE STUDENT ATHLETE'S PARENT OR GUARDIAN TO
18 ENTER INTO AN AGENCY CONTRACT.

19 (7) IF A COMMUNICATION OR AN ATTEMPT TO COMMUNICATE WITH
20 AN ATHLETE AGENT IS INITIATED BY A STUDENT ATHLETE OR ANOTHER
21 INDIVIDUAL ON BEHALF OF THE STUDENT ATHLETE, THE ATHLETE AGENT
22 SHALL NOTIFY, IN A RECORD, THE ATHLETIC DIRECTOR OF ANY
23 EDUCATIONAL INSTITUTION AT WHICH THE STUDENT ATHLETE IS
24 ENROLLED. THE NOTIFICATION MUST BE MADE WITHIN TEN DAYS AFTER
25 THE COMMUNICATION OR ATTEMPT TO COMMUNICATE.

26 (8) AN EDUCATIONAL INSTITUTION THAT BECOMES AWARE OF A
27 VIOLATION OF THIS PART 2 BY AN ATHLETE AGENT SHALL PROVIDE NOTICE

1 OF THE VIOLATION TO THE SECRETARY OF STATE AND ANY PROFESSIONAL
2 LEAGUE OR PLAYERS ASSOCIATION WITH WHICH THE EDUCATIONAL
3 INSTITUTION IS AWARE THE ATHLETE AGENT IS LICENSED OR REGISTERED.

4 **23-16-212. Student athlete's right to cancel.** (1) A STUDENT
5 ATHLETE OR, IF THE STUDENT ATHLETE IS A MINOR, THE STUDENT
6 ATHLETE'S PARENT OR GUARDIAN MAY:

7 (a) CANCEL AN AGENCY CONTRACT BY GIVING NOTICE IN A
8 RECORD OF CANCELLATION TO THE ATHLETE AGENT WITHIN FOURTEEN
9 DAYS AFTER THE CONTRACT IS SIGNED; AND

10 (b) NOT WAIVE THE RIGHT TO CANCEL AN AGENCY CONTRACT.

11 (2) IF A STUDENT ATHLETE, PARENT, OR GUARDIAN CANCELS AN
12 AGENCY CONTRACT, THE STUDENT ATHLETE, PARENT, OR GUARDIAN IS
13 NOT REQUIRED TO PAY ANY CONSIDERATION UNDER THE CONTRACT OR
14 RETURN ANY CONSIDERATION RECEIVED FROM THE ATHLETE AGENT TO
15 INFLUENCE THE STUDENT ATHLETE TO ENTER INTO THE AGENCY
16 CONTRACT.

17 **23-16-213. Required records.** (1) AN ATHLETE AGENT SHALL
18 CREATE AND RETAIN THE FOLLOWING RECORDS FOR A PERIOD OF FIVE
19 YEARS:

20 (a) THE NAME AND ADDRESS OF EACH INDIVIDUAL REPRESENTED
21 BY THE ATHLETE AGENT;

22 (b) EACH AGENCY CONTRACT ENTERED INTO BY THE ATHLETE
23 AGENT; AND

24 (c) THE DIRECT COSTS INCURRED BY THE ATHLETE AGENT IN THE
25 RECRUITMENT OR SOLICITATION OF EACH STUDENT ATHLETE TO ENTER
26 INTO AN AGENCY CONTRACT.

27 (2) THE RECORDS DESCRIBED IN SUBSECTION (1) OF THIS SECTION

1 ARE OPEN TO INSPECTION BY THE SECRETARY OF STATE DURING NORMAL
2 BUSINESS HOURS.

3 **23-16-214. Prohibited conduct - definition.** (1) EXCEPT AS
4 PROVIDED IN SUBSECTION (3) OF THIS SECTION, AN ATHLETE AGENT, WITH
5 THE INTENT TO INFLUENCE A STUDENT ATHLETE OR, IF THE STUDENT
6 ATHLETE IS A MINOR, THE STUDENT ATHLETE'S PARENT OR GUARDIAN TO
7 ENTER INTO AN AGENCY CONTRACT, MAY NOT TAKE ANY OF THE
8 FOLLOWING ACTIONS OR ENCOURAGE ANY OTHER INDIVIDUAL TO TAKE OR
9 ASSIST ANY OTHER INDIVIDUAL IN TAKING ANY OF THE FOLLOWING
10 ACTIONS ON BEHALF OF THE ATHLETE AGENT:

11 (a) GIVE MATERIALLY FALSE OR MISLEADING INFORMATION OR
12 MAKE A MATERIALLY FALSE PROMISE OR REPRESENTATION;

13 (b) FURNISH ANYTHING OF VALUE TO A STUDENT ATHLETE BEFORE
14 THE STUDENT ATHLETE ENTERS INTO THE AGENCY CONTRACT; OR

15 (c) FURNISH ANYTHING OF VALUE TO ANY INDIVIDUAL OTHER
16 THAN THE STUDENT ATHLETE OR ANOTHER REGISTERED ATHLETE AGENT.

17 (2) AN ATHLETE AGENT MAY NOT INTENTIONALLY DO ANY OF THE
18 FOLLOWING ACTIONS OR ENCOURAGE ANY OTHER INDIVIDUAL TO DO ANY
19 OF THE FOLLOWING ACTIONS ON BEHALF OF THE ATHLETE AGENT:

20 (a) INITIATE CONTACT, DIRECTLY OR INDIRECTLY, WITH A STUDENT
21 ATHLETE OR, IF THE STUDENT ATHLETE IS A MINOR, THE STUDENT
22 ATHLETE'S PARENT OR GUARDIAN TO RECRUIT OR SOLICIT THE STUDENT
23 ATHLETE OR THE STUDENT ATHLETE'S PARENT OR GUARDIAN TO ENTER
24 INTO AN AGENCY CONTRACT UNLESS THE ATHLETE AGENT IS PROPERLY
25 REGISTERED PURSUANT TO THIS PART 2;

26 (b) FAIL TO CREATE, RETAIN, OR PERMIT INSPECTION OF THE
27 RECORDS REQUIRED TO BE RETAINED BY SECTION 23-16-213;

- 1 (c) FAIL TO REGISTER WHEN REQUIRED BY SECTION 23-16-204;
- 2 (d) PROVIDE MATERIALLY FALSE OR MISLEADING INFORMATION IN
- 3 AN APPLICATION FOR REGISTRATION OR RENEWAL OF REGISTRATION;
- 4 (e) PREDATE OR POSTDATE AN AGENCY CONTRACT; OR
- 5 (f) FAIL TO NOTIFY A STUDENT ATHLETE OR, IF THE STUDENT
- 6 ATHLETE IS A MINOR, THE STUDENT ATHLETE'S PARENT OR GUARDIAN
- 7 BEFORE THE STUDENT ATHLETE OR THE STUDENT ATHLETE'S PARENT OR
- 8 GUARDIAN SIGNS AN AGENCY CONTRACT FOR A PARTICULAR SPORT THAT
- 9 THE SIGNING MAY MAKE THE STUDENT ATHLETE INELIGIBLE TO
- 10 PARTICIPATE AS A STUDENT ATHLETE IN THAT SPORT.

11 (3) (a) AS USED IN THIS SUBSECTION (3), "CERTIFIED ATHLETE

12 AGENT" MEANS AN ATHLETE AGENT REGISTERED UNDER THIS PART 2 WHO

13 IS CERTIFIED TO BE AN ATHLETE AGENT IN A PARTICULAR SPORT BY A

14 NATIONAL ASSOCIATION THAT PROMOTES OR REGULATES

15 INTERCOLLEGIATE ATHLETICS AND ESTABLISHES ELIGIBILITY STANDARDS

16 FOR PARTICIPATION BY A STUDENT ATHLETE IN THAT SPORT.

17 (b) A CERTIFIED ATHLETE AGENT MAY PAY EXPENSES INCURRED

18 BEFORE THE SIGNING OF AN AGENCY CONTRACT BY A STUDENT ATHLETE,

19 A FAMILY MEMBER OF THE STUDENT ATHLETE, OR AN INDIVIDUAL OF A

20 CLASS OF INDIVIDUALS AUTHORIZED TO RECEIVE THE EXPENSES BY THE

21 NATIONAL ASSOCIATION THAT CERTIFIED THE AGENT IF THE EXPENSES

22 ARE:

23 (I) FOR THE BENEFIT OF AN ATHLETE WHO IS A MEMBER OF A CLASS

24 OF ATHLETES AUTHORIZED TO RECEIVE THE BENEFIT BY THE NATIONAL

25 ASSOCIATION THAT CERTIFIED THE AGENT;

26 (II) OF A TYPE AUTHORIZED TO BE PAID BY A CERTIFIED ATHLETE

27 AGENT BY THE NATIONAL ASSOCIATION THAT CERTIFIED THE AGENT; AND

1 (III) FOR A PURPOSE AUTHORIZED BY THE NATIONAL ASSOCIATION
2 THAT CERTIFIED THE AGENT.

3 **23-16-215. Criminal penalties.** AN ATHLETE AGENT WHO
4 VIOLATES SECTION 23-16-214 COMMITS A CLASS 2 MISDEMEANOR AND
5 SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501 FOR THE FIRST
6 OFFENSE, AND COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS
7 PROVIDED IN SECTION 18-1.3-401 FOR A SECOND OR SUBSEQUENT
8 OFFENSE.

9 **23-16-216. Civil remedy.** (1) AN EDUCATIONAL INSTITUTION OR
10 STUDENT ATHLETE MAY BRING AN ACTION FOR DAMAGES AGAINST AN
11 ATHLETE AGENT IF THE EDUCATIONAL INSTITUTION OR STUDENT ATHLETE
12 IS ADVERSELY AFFECTED BY AN ACT OR OMISSION OF THE ATHLETE AGENT
13 IN VIOLATION OF THIS PART 2. AN EDUCATIONAL INSTITUTION OR STUDENT
14 ATHLETE IS ADVERSELY AFFECTED BY AN ACT OR OMISSION OF AN
15 ATHLETE AGENT ONLY IF, BECAUSE OF THE ACT OR OMISSION, THE
16 EDUCATIONAL INSTITUTION OR AN INDIVIDUAL WHO WAS A STUDENT
17 ATHLETE AT THE TIME OF THE ACT OR OMISSION AND WHO WAS ALSO
18 ENROLLED IN THE EDUCATIONAL INSTITUTION:

19 (a) IS SUSPENDED OR DISQUALIFIED FROM PARTICIPATION IN AN
20 INTERSCHOLASTIC OR INTERCOLLEGIATE SPORTS EVENT BY OR UNDER THE
21 RULES OF A STATE OR NATIONAL FEDERATION OR ASSOCIATION THAT
22 PROMOTES OR REGULATES INTERSCHOLASTIC OR INTERCOLLEGIATE
23 SPORTS; OR

24 (b) SUFFERS FINANCIAL DAMAGE.

25 (2) A PLAINTIFF THAT PREVAILS IN AN ACTION UNDER THIS SECTION
26 MAY RECOVER COSTS AND REASONABLE ATTORNEY FEES. AN ATHLETE
27 AGENT FOUND LIABLE UNDER THIS SECTION FORFEITS ANY RIGHT OF

1 PAYMENT FOR ANYTHING OF BENEFIT OR VALUE PROVIDED TO THE
2 STUDENT ATHLETE AND SHALL REFUND ANY CONSIDERATION PAID TO THE
3 ATHLETE AGENT BY OR ON BEHALF OF THE STUDENT ATHLETE.

4 (3) A VIOLATION OF THIS PART 2 IS A DECEPTIVE TRADE PRACTICE
5 PURSUANT TO SECTION 6-1-105 (1)(kkk).

6 **23-16-217. Civil penalty.** ON MOTION OF THE ATTORNEY
7 GENERAL OR THE DISTRICT ATTORNEY, THE COURT MAY IMPOSE A CIVIL
8 PENALTY OF NOT LESS THAN TWENTY-FIVE THOUSAND DOLLARS BUT NOT
9 MORE THAN FIFTY THOUSAND DOLLARS FOR A VIOLATION OF THIS PART 2.
10 MONEY COLLECTED UNDER THIS SECTION SHALL BE TRANSMITTED TO THE
11 STATE TREASURER AND CREDITED TO THE GENERAL FUND.

12 **23-16-218. Uniformity of application and construction.** IN
13 APPLYING AND CONSTRUING THIS UNIFORM ACT, CONSIDERATION MUST BE
14 GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT
15 TO ITS SUBJECT MATTER AMONG STATES THAT ENACT IT.

16 **23-16-219. Relation to electronic signatures in global and**
17 **national commerce act.** THIS PART 2 MODIFIES, LIMITS, OR SUPERSEDES
18 THE FEDERAL "ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL
19 COMMERCE ACT", 15 U.S.C. SEC. 7001 ET SEQ., BUT DOES NOT MODIFY,
20 LIMIT, OR SUPERSEDE SECTION 101 (c) OF THAT ACT, 15 U.S.C. SEC. 7001
21 (c), OR AUTHORIZE ELECTRONIC DELIVERY OF ANY OF THE NOTICES
22 DESCRIBED IN SECTION 103 (b) OF THAT ACT, 15 U.S.C. SEC. 7003 (b).

23 **23-16-220. Athlete agents registration fund - gifts, grants,**
24 **donations - software.** (1) (a) THE ATHLETE AGENTS REGISTRATION FUND,
25 REFERRED TO IN THIS SECTION AS THE "FUND", IS HEREBY CREATED IN THE
26 STATE TREASURY. THE SECRETARY OF STATE SHALL TRANSFER ALL FEES
27 COLLECTED PURSUANT TO THIS PART 2 TO THE STATE TREASURER, WHO

1 SHALL CREDIT THEM TO THE FUND. THE FUND CONSISTS OF ALL FEES
2 CREDITED TO THE FUND PURSUANT TO THIS SECTION AND ANY OTHER
3 MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER
4 TO THE FUND.

5 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
6 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
7 FUND TO THE FUND.

8 (c) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
9 ASSEMBLY, THE SECRETARY OF STATE MAY EXPEND MONEY FROM THE
10 FUND TO ADMINISTER THIS PART 2.

11 (2) THE SECRETARY OF STATE MAY SEEK, ACCEPT, AND EXPEND
12 GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR
13 THE PURPOSES OF THIS PART 2.

14 (3) TO REDUCE THE FISCAL IMPACTS OF ADMINISTERING THIS PART
15 2 AND IN FURTHERANCE OF THE DUTIES SPECIFIED IN SECTION 23-16-205
16 (4), THE SECRETARY OF STATE IS AUTHORIZED AND ENCOURAGED TO
17 COORDINATE WITH THE ADMINISTRATORS OF ATHLETE AGENT
18 REGISTRATION PROGRAMS IN OTHER STATES REGARDING COST-EFFECTIVE
19 MEANS TO REGISTER ATHLETE AGENTS, INCLUDING THE SHARING OF
20 NECESSARY SOFTWARE.

21 **23-16-221. Repeal of part.** THIS PART 2 IS REPEALED, EFFECTIVE
22 SEPTEMBER 1, 2027. BEFORE THE REPEAL, THIS PART 2 IS SCHEDULED FOR
23 REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

24 **SECTION 2.** In Colorado Revised Statutes, 23-16-104, **amend**
25 (1) introductory portion and (1)(d) as follows:

26 **23-16-104. Agent contracts - contents - notice - termination.**

27 (1) In addition to the requirements specified in section ~~23-16-209~~

1 23-16-210 for contracts with athlete agents, any agent contract entered
2 into between an athlete agent and a student athlete ~~shall~~ MUST also
3 include:

4 (d) In addition to the warning required to be given to the student
5 athlete as specified in section ~~23-16-209 (c)~~ 23-16-210 (3), the following
6 statement in at least ten-point type that is bold-faced, capitalized,
7 underlined, or otherwise conspicuously set out from surrounding written
8 material:

9 **WARNING TO STUDENT ATHLETE:**

10 **DO NOT SIGN THIS CONTRACT UNTIL YOU**
11 **HAVE READ IT OR IF IT CONTAINS BLANK**
12 **SPACES. DO NOT SIGN THIS CONTRACT IF IT**
13 **DOES NOT SPECIFY ALL OF THE GUARANTEES**
14 **MADE TO YOU BY THE ATHLETE AGENT. IF**
15 **YOU DECIDE THAT YOU DO NOT WISH TO**
16 **PURCHASE THE SERVICES OF THE ATHLETE**
17 **AGENT, YOU MAY CANCEL THIS CONTRACT BY**
18 **NOTIFYING THE ATHLETE AGENT IN WRITING**
19 **OF YOUR DESIRE TO CANCEL THE CONTRACT**
20 **WITHIN FOURTEEN DAYS AFTER THE DATE ON**
21 **WHICH YOU SIGN THIS CONTRACT.**

22 **SECTION 3.** In Colorado Revised Statutes, 24-34-104, **add**
23 (28)(a)(III) as follows:

24 **24-34-104. General assembly review of regulatory agencies**
25 **and functions for repeal, continuation, or reestablishment - legislative**
26 **declaration - repeal.** (28) (a) The following agencies, functions, or both,
27 are scheduled for repeal on September 1, 2027:

1 (III) THE REGISTRATION OF ATHLETE AGENTS WHO REPRESENT
2 STUDENT ATHLETES PURSUANT TO THE "REVISED UNIFORM ATHLETE
3 AGENTS ACT (2015)", PART 2 OF ARTICLE 16 OF TITLE 23.

4 **SECTION 4.** In Colorado Revised Statutes, 6-1-105, **add**
5 (1)(kkk) as follows:

6 **6-1-105. Deceptive trade practices.** (1) A person engages in a
7 deceptive trade practice when, in the course of the person's business,
8 vocation, or occupation, the person:

9 (kkk) VIOLATES PART 2 OF ARTICLE 16 OF TITLE 23.

10 **SECTION 5. Act subject to petition - effective date -**
11 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
12 the expiration of the ninety-day period after final adjournment of the
13 general assembly (August 2, 2019, if adjournment sine die is on May 3,
14 2019); except that, if a referendum petition is filed pursuant to section 1
15 (3) of article V of the state constitution against this act or an item, section,
16 or part of this act within such period, then the act, item, section, or part
17 will not take effect unless approved by the people at the general election
18 to be held in November 2020 and, in such case, will take effect on the
19 date of the official declaration of the vote thereon by the governor.

20 (2) This act applies to conduct occurring on or after the applicable
21 effective date of this act.