

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0191.01 Thomas Morris x4218

SENATE BILL 17-023

SENATE SPONSORSHIP

Gardner,

HOUSE SPONSORSHIP

(None),

Senate Committees

State, Veterans, & Military Affairs

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 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 The general assembly repealed the registration requirement in 2010.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 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.

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;

23 (II) FOR COMPENSATION OR IN ANTICIPATION OF COMPENSATION

1 RELATED TO A STUDENT ATHLETE'S PARTICIPATION IN ATHLETICS:

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

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

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

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

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

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

21 (b) DOES NOT INCLUDE AN INDIVIDUAL WHO:

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

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

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

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

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

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

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

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

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

27 (7) "INTERCOLLEGIATE SPORT" MEANS A SPORT PLAYED AT THE

1 COLLEGIATE LEVEL FOR WHICH ELIGIBILITY REQUIREMENTS FOR
2 PARTICIPATION BY A STUDENT ATHLETE ARE ESTABLISHED BY A NATIONAL
3 ASSOCIATION THAT PROMOTES OR REGULATES COLLEGIATE ATHLETICS.

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

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

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

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

25 (12) "RECORD" MEANS INFORMATION THAT IS INSCRIBED ON A
26 TANGIBLE MEDIUM OR THAT IS STORED IN AN ELECTRONIC OR OTHER
27 MEDIUM AND IS RETRIEVABLE IN PERCEIVABLE FORM.

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

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

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

- 13 (a) TO EXECUTE OR ADOPT A TANGIBLE SYMBOL; OR
- 14 (b) TO ATTACH TO OR LOGICALLY ASSOCIATE WITH THE RECORD
15 AN ELECTRONIC SYMBOL, SOUND, OR PROCESS.

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

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

27 **23-16-203. Authority - procedure - rules.** THE "STATE

1 ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, APPLIES TO
2 THIS PART 2. THE SECRETARY OF STATE MAY ADOPT RULES PURSUANT TO
3 THE REQUIREMENTS OF THE "STATE ADMINISTRATIVE PROCEDURE ACT"
4 TO IMPLEMENT THIS PART 2.

5 **23-16-204. Athlete agent - registration required - void**
6 **contract.** (1) EXCEPT AS OTHERWISE PROVIDED FOR IN SUBSECTION (2) OF
7 THIS SECTION, EFFECTIVE JANUARY 1, 2018, AN INDIVIDUAL SHALL NOT
8 ACT AS AN ATHLETE AGENT IN THIS STATE WITHOUT HOLDING A VALID
9 CERTIFICATE OF REGISTRATION UNDER THIS PART 2.

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

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

16 (b) NOT LATER THAN SEVEN DAYS AFTER AN INITIAL ACTION THAT
17 REQUIRES THE INDIVIDUAL TO REGISTER AS AN ATHLETE AGENT AND THAT
18 OCCURS ON OR AFTER JANUARY 1, 2018, THE INDIVIDUAL SUBMITS AN
19 APPLICATION FOR REGISTRATION AS AN ATHLETE AGENT IN THIS STATE.

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

24 **23-16-205. Registration as athlete agent - application -**
25 **requirements - reciprocal registration.** (1) AN APPLICANT FOR
26 REGISTRATION AS AN ATHLETE AGENT MUST SUBMIT AN APPLICATION FOR
27 REGISTRATION TO THE SECRETARY OF STATE IN A FORM PRESCRIBED BY

1 THE SECRETARY OF STATE. THE APPLICANT MUST BE AN INDIVIDUAL, AND
2 THE APPLICANT SHALL SIGN THE APPLICATION UNDER PENALTY OF
3 PERJURY. THE APPLICATION MUST CONTAIN AT LEAST THE FOLLOWING
4 INFORMATION:

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

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

9 (II) WORK AND MOBILE TELEPHONE NUMBERS; AND

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

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

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

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

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

25 (I) FORMAL TRAINING AS AN ATHLETE AGENT;

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

27 (III) EDUCATIONAL BACKGROUND RELATING TO THE APPLICANT'S

1 ACTIVITIES AS AN ATHLETE AGENT;

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

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

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

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

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

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

27 (I) THE CRIME;

1 (II) THE LAW ENFORCEMENT AGENCY INVOLVED; AND

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

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

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

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

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

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

1 ATHLETE OR A SANCTION ON AN EDUCATIONAL INSTITUTION;

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

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

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

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

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

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

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

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

26 (2) INSTEAD OF PROCEEDING AS PROVIDED IN SUBSECTION (1) OF
27 THIS SECTION, AN INDIVIDUAL REGISTERED AS AN ATHLETE AGENT IN

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

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

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

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

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

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

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

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

25 (a) COOPERATE WITH NATIONAL ORGANIZATIONS CONCERNED
26 WITH ATHLETE AGENT ISSUES AND AGENCIES IN OTHER STATES WHICH
27 REGISTER ATHLETE AGENTS TO DEVELOP A COMMON REGISTRATION FORM

1 AND DETERMINE WHICH STATES HAVE LAWS THAT ARE SUBSTANTIALLY
2 SIMILAR TO OR MORE RESTRICTIVE THAN THOSE OF THIS PART 2; AND

3 (b) EXCHANGE INFORMATION, INCLUDING INFORMATION RELATED
4 TO ACTIONS TAKEN AGAINST REGISTERED ATHLETE AGENTS OR THEIR
5 REGISTRATIONS, WITH THOSE ORGANIZATIONS AND AGENCIES.

6 **23-16-206. Certificate of registration - issuance or denial -**
7 **renewal.** (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS
8 SECTION, THE SECRETARY OF STATE SHALL ISSUE A CERTIFICATE OF
9 REGISTRATION TO AN APPLICANT FOR REGISTRATION WHO COMPLIES WITH
10 THE PROVISIONS OF SECTION 23-16-205 (1).

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

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

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

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

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

27 (e) HAD A REGISTRATION AS AN ATHLETE AGENT SUSPENDED,

1 REVOKED, OR DENIED IN ANY STATE;

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

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

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

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

13 (a) HOW RECENTLY THE CONDUCT OCCURRED;

14 (b) THE NATURE OF THE CONDUCT AND THE CONTEXT IN WHICH IT
15 OCCURRED; AND

16 (c) OTHER RELEVANT CONDUCT OF THE APPLICANT.

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

23 (5) AN ATHLETE AGENT REGISTERED PURSUANT TO SECTION
24 23-16-205 (3) MAY RENEW THE REGISTRATION BY PROCEEDING PURSUANT
25 TO SUBSECTION (4) OF THIS SECTION OR, IF THE REGISTRATION IN THE
26 OTHER STATE HAS BEEN RENEWED, BY SUBMITTING TO THE SECRETARY OF
27 STATE COPIES OF THE APPLICATION FOR RENEWAL IN THE OTHER STATE

1 AND THE RENEWED REGISTRATION FROM THE OTHER STATE. THE
2 SECRETARY OF STATE SHALL RENEW THE REGISTRATION IF THE SECRETARY
3 OF STATE DETERMINES THAT:

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

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

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

13 **23-16-207. Suspension, revocation, or refusal to renew**
14 **registration.** (1) THE SECRETARY OF STATE MAY LIMIT, SUSPEND,
15 REVOKE, OR REFUSE TO RENEW A REGISTRATION OF AN INDIVIDUAL
16 REGISTERED UNDER SECTION 23-16-206 (1) FOR CONDUCT THAT WOULD
17 HAVE JUSTIFIED REFUSAL TO ISSUE A CERTIFICATE OF REGISTRATION
18 UNDER SECTION 23-16-206 (2).

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

25 **23-16-208. Temporary registration.** THE SECRETARY OF STATE
26 MAY ISSUE A TEMPORARY CERTIFICATE OF REGISTRATION AS AN ATHLETE
27 AGENT WHILE AN APPLICATION FOR REGISTRATION OR RENEWAL OF

1 REGISTRATION IS PENDING.

2 **23-16-209. Registration and renewal fees.** AN APPLICATION FOR
3 REGISTRATION OR RENEWAL OF REGISTRATION AS AN ATHLETE AGENT
4 MUST BE ACCOMPANIED BY A FEE IN THE AMOUNT DETERMINED BY RULE
5 OF THE SECRETARY OF STATE.

6 **23-16-210. Required form of agency contract.** (1) AN AGENCY
7 CONTRACT MUST BE IN A RECORD SIGNED BY THE PARTIES.

8 (2) AN AGENCY CONTRACT MUST CONTAIN:

9 (a) A STATEMENT THAT THE ATHLETE AGENT IS REGISTERED AS AN
10 ATHLETE AGENT IN THIS STATE AND A LIST OF ANY OTHER STATES IN
11 WHICH HE OR SHE IS REGISTERED AS AN ATHLETE AGENT;

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

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

22 (d) A DESCRIPTION OF ANY EXPENSES THE STUDENT ATHLETE
23 AGREES TO REIMBURSE;

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

26 (f) THE DURATION OF THE CONTRACT; AND

27 (g) THE DATE OF EXECUTION.

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

4 **WARNING TO STUDENT ATHLETE**

5 **IF YOU SIGN THIS CONTRACT:**

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

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

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

24 (4) AN AGENCY CONTRACT MUST BE ACCOMPANIED BY A
25 SEPARATE RECORD SIGNED BY THE STUDENT ATHLETE OR, IF THE STUDENT
26 ATHLETE IS A MINOR, HIS OR HER PARENT OR GUARDIAN, ACKNOWLEDGING
27 THAT SIGNING THE CONTRACT MAY RESULT IN THE LOSS OF THE STUDENT

1 ATHLETE'S ELIGIBILITY TO PARTICIPATE IN THE STUDENT ATHLETE'S SPORT.

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

8 (6) AT THE TIME AN AGENCY CONTRACT IS EXECUTED, THE
9 ATHLETE AGENT SHALL GIVE THE STUDENT ATHLETE OR, IF THE STUDENT
10 ATHLETE IS A MINOR, HIS OR HER PARENT OR GUARDIAN, A COPY IN A
11 RECORD OF THE CONTRACT AND THE SEPARATE ACKNOWLEDGMENT
12 REQUIRED BY SUBSECTION (4) OF THIS SECTION.

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

17 **23-16-211. Notice to educational institution.** (1) AS USED IN
18 THIS SECTION, "COMMUNICATING OR ATTEMPTING TO COMMUNICATE"
19 MEANS CONTACTING OR ATTEMPTING TO CONTACT BY AN IN-PERSON
20 MEETING, A RECORD, OR ANY OTHER METHOD THAT CONVEYS OR
21 ATTEMPTS TO CONVEY A MESSAGE.

22 (2) WITHIN SEVENTY-TWO HOURS AFTER ENTERING INTO AN
23 AGENCY CONTRACT OR BEFORE THE NEXT SCHEDULED ATHLETIC EVENT IN
24 WHICH THE STUDENT ATHLETE MAY PARTICIPATE, WHICHEVER OCCURS
25 FIRST, THE ATHLETE AGENT SHALL GIVE NOTICE IN A RECORD OF THE
26 EXISTENCE OF THE CONTRACT TO THE ATHLETIC DIRECTOR OF THE
27 EDUCATIONAL INSTITUTION AT WHICH THE STUDENT ATHLETE IS ENROLLED

1 OR AT WHICH THE ATHLETE AGENT HAS REASONABLE GROUNDS TO
2 BELIEVE THE ATHLETE INTENDS TO ENROLL.

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

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

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

24 (a) THE RELATIONSHIP WAS MOTIVATED IN WHOLE OR IN PART BY
25 THE INTENTION OF THE ATHLETE AGENT TO RECRUIT OR SOLICIT THE
26 STUDENT ATHLETE TO ENTER INTO AN AGENCY CONTRACT IN THE FUTURE;
27 OR

1 (b) THE ATHLETE AGENT DIRECTLY OR INDIRECTLY RECRUITED OR
2 SOLICITED THE STUDENT ATHLETE TO ENTER INTO AN AGENCY CONTRACT
3 BEFORE THE ENROLLMENT.

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

8 (a) THE STUDENT ATHLETE OR, IF THE STUDENT ATHLETE IS A
9 MINOR, HIS OR HER PARENT OR GUARDIAN, TO INFLUENCE THE STUDENT
10 ATHLETE OR HIS OR HER PARENT OR GUARDIAN TO ENTER INTO AN AGENCY
11 CONTRACT; OR

12 (b) ANOTHER INDIVIDUAL WITH THE INTENT OF HAVING THAT
13 INDIVIDUAL INFLUENCE THE STUDENT ATHLETE OR, IF THE STUDENT
14 ATHLETE IS A MINOR, HIS OR HER PARENT OR GUARDIAN, TO ENTER INTO
15 AN AGENCY CONTRACT.

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

23 (8) AN EDUCATIONAL INSTITUTION THAT BECOMES AWARE OF A
24 VIOLATION OF THIS PART 2 BY AN ATHLETE AGENT SHALL PROVIDE NOTICE
25 OF THE VIOLATION TO THE SECRETARY OF STATE AND ANY PROFESSIONAL
26 LEAGUE OR PLAYERS ASSOCIATION WITH WHICH THE EDUCATIONAL
27 INSTITUTION IS AWARE THE ATHLETE AGENT IS LICENSED OR REGISTERED.

1 **23-16-212. Student athlete's right to cancel.** (1) A STUDENT
2 ATHLETE OR, IF THE STUDENT ATHLETE IS A MINOR, HIS OR HER PARENT OR
3 GUARDIAN, MAY:

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

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

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

14 **23-16-213. Required records.** (1) AN ATHLETE AGENT SHALL
15 CREATE AND RETAIN THE FOLLOWING RECORDS FOR A PERIOD OF FIVE
16 YEARS:

17 (a) THE NAME AND ADDRESS OF EACH INDIVIDUAL REPRESENTED
18 BY THE ATHLETE AGENT;

19 (b) EACH AGENCY CONTRACT ENTERED INTO BY THE ATHLETE
20 AGENT; AND

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

24 (2) THE RECORDS DESCRIBED IN SUBSECTION (1) OF THIS SECTION
25 ARE OPEN TO INSPECTION BY THE SECRETARY OF STATE DURING NORMAL
26 BUSINESS HOURS.

27 **23-16-214. Prohibited conduct.** (1) AN ATHLETE AGENT, WITH

1 THE INTENT TO INFLUENCE A STUDENT ATHLETE OR, IF THE STUDENT
2 ATHLETE IS A MINOR, HIS OR HER PARENT OR GUARDIAN, TO ENTER INTO
3 AN AGENCY CONTRACT, MAY NOT TAKE ANY OF THE FOLLOWING ACTIONS
4 OR ENCOURAGE ANY OTHER INDIVIDUAL TO TAKE OR ASSIST ANY OTHER
5 INDIVIDUAL IN TAKING ANY OF THE FOLLOWING ACTIONS ON BEHALF OF
6 THE ATHLETE AGENT:

7 (a) GIVE MATERIALLY FALSE OR MISLEADING INFORMATION OR
8 MAKE A MATERIALLY FALSE PROMISE OR REPRESENTATION;

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

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

13 (2) AN ATHLETE AGENT MAY NOT INTENTIONALLY DO ANY OF THE
14 FOLLOWING ACTIONS OR ENCOURAGE ANY OTHER INDIVIDUAL TO DO ANY
15 OF THE FOLLOWING ACTIONS ON BEHALF OF THE ATHLETE AGENT:

16 (a) INITIATE CONTACT, DIRECTLY OR INDIRECTLY, WITH A STUDENT
17 ATHLETE OR, IF THE STUDENT ATHLETE IS A MINOR, HIS OR HER PARENT OR
18 GUARDIAN, TO RECRUIT OR SOLICIT THE STUDENT ATHLETE OR HIS OR HER
19 PARENT OR GUARDIAN TO ENTER INTO AN AGENCY CONTRACT UNLESS THE
20 ATHLETE AGENT IS PROPERLY REGISTERED PURSUANT TO THIS PART 2;

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

23 (c) FAIL TO REGISTER WHEN REQUIRED BY SECTION 23-16-204;

24 (d) PROVIDE MATERIALLY FALSE OR MISLEADING INFORMATION IN
25 AN APPLICATION FOR REGISTRATION OR RENEWAL OF REGISTRATION;

26 (e) PREDATE OR POSTDATE AN AGENCY CONTRACT; OR

27 (f) FAIL TO NOTIFY A STUDENT ATHLETE OR, IF THE STUDENT

1 ATHLETE IS A MINOR, HIS OR HER PARENT OR GUARDIAN, BEFORE THE
2 STUDENT ATHLETE OR HIS OR HER PARENT OR GUARDIAN SIGNS AN
3 AGENCY CONTRACT FOR A PARTICULAR SPORT THAT THE SIGNING MAY
4 MAKE THE STUDENT ATHLETE INELIGIBLE TO PARTICIPATE AS A STUDENT
5 ATHLETE IN THAT SPORT.

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

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

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

27 (b) SUFFERS FINANCIAL DAMAGE.

1 (2) A PLAINTIFF THAT PREVAILS IN AN ACTION UNDER THIS SECTION
2 MAY RECOVER COSTS AND REASONABLE ATTORNEY FEES. AN ATHLETE
3 AGENT FOUND LIABLE UNDER THIS SECTION FORFEITS ANY RIGHT OF
4 PAYMENT FOR ANYTHING OF BENEFIT OR VALUE PROVIDED TO THE
5 STUDENT ATHLETE AND SHALL REFUND ANY CONSIDERATION PAID TO THE
6 ATHLETE AGENT BY OR ON BEHALF OF THE STUDENT ATHLETE.

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

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

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

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

26 **23-16-220. Athlete agents registration fund - gifts, grants,**
27 **donations - software.** (1)(a) THE ATHLETE AGENTS REGISTRATION FUND,

1 REFERRED TO IN THIS SECTION AS THE "FUND", IS HEREBY CREATED IN THE
2 STATE TREASURY. THE SECRETARY OF STATE SHALL TRANSFER ALL FEES
3 COLLECTED PURSUANT TO THIS PART 2 TO THE STATE TREASURER, WHO
4 SHALL CREDIT THEM TO THE FUND. THE FUND CONSISTS OF ALL FEES
5 CREDITED TO THE FUND PURSUANT TO THIS SECTION AND ANY OTHER
6 MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER
7 TO THE FUND.

8 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
9 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
10 FUND TO THE FUND.

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

14 (2) THE SECRETARY OF STATE MAY SEEK, ACCEPT, AND EXPEND
15 GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR
16 THE PURPOSES OF THIS PART 2. THE SECRETARY OF STATE SHALL
17 TRANSMIT ALL MONEY RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS
18 TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND.

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

26 **23-16-221. Repeal of part.** THIS PART 2 IS REPEALED, EFFECTIVE
27 SEPTEMBER 1, 2027. BEFORE ITS REPEAL, THIS PART 2 IS SCHEDULED FOR

1 REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

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

4 **23-16-104. Agent contracts - contents - notice - termination.**

5 (1) In addition to the requirements specified in section ~~23-16-209~~
6 23-16-210 for contracts with athlete agents, any agent contract entered
7 into between an athlete agent and a student athlete ~~shall~~ MUST also
8 include:

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

14 **WARNING TO STUDENT ATHLETE:**

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

27 **SECTION 3.** In Colorado Revised Statutes, 24-34-104, **add** (28)

1 as follows:

2 **24-34-104. General assembly review of regulatory agencies**
3 **and functions for repeal, continuation, or reestablishment - legislative**
4 **declaration - repeal.** (28) (a) THE FOLLOWING AGENCIES, FUNCTIONS, OR
5 BOTH, ARE SCHEDULED FOR REPEAL ON SEPTEMBER 1, 2027:

6 (I) THE REGISTRATION OF STUDENT ATHLETE AGENTS PURSUANT
7 TO THE "REVISED UNIFORM ATHLETE AGENTS ACT (2015)", PART 2 OF
8 ARTICLE 16 OF TITLE 23.

9 (b) THIS SUBSECTION (28) IS REPEALED, EFFECTIVE SEPTEMBER 1,
10 2029.

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

13 **6-1-105. Deceptive trade practices.** (1) A person engages in a
14 deceptive trade practice when, in the course of the person's business,
15 vocation, or occupation, the person:

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

17 **SECTION 5. Act subject to petition - effective date -**
18 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
19 the expiration of the ninety-day period after final adjournment of the
20 general assembly (August 9, 2017, if adjournment sine die is on May 10,
21 2017); except that, if a referendum petition is filed pursuant to section 1
22 (3) of article V of the state constitution against this act or an item, section,
23 or part of this act within such period, then the act, item, section, or part
24 will not take effect unless approved by the people at the general election
25 to be held in November 2018 and, in such case, will take effect on the
26 date of the official declaration of the vote thereon by the governor.

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