

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

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 19-0159.01 Thomas Morris x4218

**SENATE BILL 19-099**

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**SENATE SPONSORSHIP**

**Todd,**

**HOUSE SPONSORSHIP**

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**Senate Committees**

Business, Labor, & Technology  
Finance  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101    **CONCERNING THE "REVISED UNIFORM ATHLETE AGENTS ACT**  
102            **(2015)", AND, IN CONNECTION THEREWITH, MAKING AN**  
103            **APPROPRIATION.**

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**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 The general assembly repealed the registration

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.

SENATE  
Amended 2nd Reading  
March 13, 2019

requirement in 2010.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, repeal part 2 of  
3 article 16 of title 23.

4 **SECTION 2.** In Colorado Revised Statutes, add article 4.5 to title  
5 12 as follows:

6 **ARTICLE 4.5**

7 **Revised Uniform Athlete Agents Act (2015)**

8 **12-4.5-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 4.5 IS  
9 THE "REVISED UNIFORM ATHLETE AGENTS ACT (2015)".

10 **12-4.5-102. Definitions.** AS USED IN THIS ARTICLE 4.5, UNLESS  
11 THE CONTEXT OTHERWISE REQUIRES:

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

16 (2) "ATHLETE AGENT":  
17 (a) MEANS AN INDIVIDUAL, WHETHER OR NOT REGISTERED UNDER  
18 THIS ARTICLE 4.5, WHO:

19 (I) DIRECTLY OR INDIRECTLY RECRUITS OR SOLICITS A STUDENT  
20 ATHLETE TO ENTER INTO AN AGENCY CONTRACT OR, FOR COMPENSATION,  
21 PROCURES EMPLOYMENT OR OFFERS, PROMISES, ATTEMPTS, OR  
22 NEGOTIATES TO OBTAIN EMPLOYMENT FOR A STUDENT ATHLETE AS A

1 PROFESSIONAL ATHLETE OR MEMBER OF A PROFESSIONAL SPORTS TEAM OR  
2 ORGANIZATION;

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

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

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

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

16 (A) GIVES CONSIDERATION TO THE STUDENT ATHLETE OR  
17 ANOTHER PERSON;

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

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

24 (b) DOES NOT INCLUDE AN INDIVIDUAL WHO:

25 (I) ACTS SOLELY ON BEHALF OF A PROFESSIONAL SPORTS TEAM OR  
26 ORGANIZATION; OR

27 (II) IS A LICENSED, REGISTERED, OR CERTIFIED PROFESSIONAL AND

1 OFFERS OR PROVIDES SERVICES TO A STUDENT ATHLETE THAT ARE  
2 CUSTOMARILY PROVIDED BY MEMBERS OF THE PROFESSION, UNLESS THE  
3 INDIVIDUAL:

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

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

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

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

19 (4) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OF  
20 PROFESSIONS AND OCCUPATIONS CREATED IN THE DEPARTMENT OF  
21 REGULATORY AGENCIES PURSUANT TO SECTION 24-34-102 (1)(b), OR THE  
22 DIRECTOR'S DESIGNEE.

23 (5) "EDUCATIONAL INSTITUTION" MEANS A PUBLIC OR PRIVATE  
24 ELEMENTARY SCHOOL, SECONDARY SCHOOL, TECHNICAL OR VOCATIONAL  
25 SCHOOL, COMMUNITY COLLEGE, COLLEGE, OR UNIVERSITY.

26 (6) "ENDORSEMENT CONTRACT" MEANS AN AGREEMENT UNDER  
27 WHICH A STUDENT ATHLETE IS EMPLOYED OR RECEIVES CONSIDERATION

1 TO USE ON BEHALF OF THE OTHER PARTY ANY VALUE THAT THE STUDENT  
2 ATHLETE MAY HAVE BECAUSE OF PUBLICITY, REPUTATION, FOLLOWING, OR  
3 FAME OBTAINED BECAUSE OF ATHLETIC ABILITY OR PERFORMANCE.

4 (7) "ENROLLED" MEANS REGISTERED FOR COURSES AND  
5 ATTENDING ATHLETIC PRACTICE OR CLASS. "ENROLLS" HAS A  
6 CORRESPONDING MEANING.

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

11 (9) "INTERSCHOLASTIC SPORT" MEANS A SPORT PLAYED BETWEEN  
12 EDUCATIONAL INSTITUTIONS THAT ARE NOT COMMUNITY COLLEGES,  
13 COLLEGES, OR UNIVERSITIES.

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

23 (11) "PERSON" MEANS AN INDIVIDUAL; ESTATE; BUSINESS OR  
24 NONPROFIT ENTITY; PUBLIC CORPORATION; GOVERNMENT OR  
25 GOVERNMENTAL SUBDIVISION, AGENCY, OR INSTRUMENTALITY; OR OTHER  
26 LEGAL ENTITY.

27 (12) "PROFESSIONAL-SPORTS-SERVICES CONTRACT" MEANS AN

1 AGREEMENT UNDER WHICH AN INDIVIDUAL IS EMPLOYED AS A  
2 PROFESSIONAL ATHLETE OR AGREES TO RENDER SERVICES AS A PLAYER ON  
3 A PROFESSIONAL SPORTS TEAM OR WITH A PROFESSIONAL SPORTS  
4 ORGANIZATION.

5 (13) "RECORD" MEANS INFORMATION THAT IS INSCRIBED ON A  
6 TANGIBLE MEDIUM OR THAT IS STORED IN AN ELECTRONIC OR OTHER  
7 MEDIUM AND IS RETRIEVABLE IN PERCEIVABLE FORM.

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

16 (15) "REGISTRATION" MEANS REGISTRATION AS AN ATHLETE  
17 AGENT UNDER THIS ARTICLE 4.5.

18 (16) "SIGN" MEANS, WITH PRESENT INTENT TO AUTHENTICATE OR  
19 ADOPT A RECORD:

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

23 (17) "STATE" MEANS A STATE OF THE UNITED STATES, THE  
24 DISTRICT OF COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN  
25 ISLANDS, OR ANY TERRITORY OR INSULAR POSSESSION SUBJECT TO THE  
26 JURISDICTION OF THE UNITED STATES.

27 (18) "STUDENT ATHLETE" MEANS AN INDIVIDUAL WHO IS ELIGIBLE

1 TO ATTEND AN EDUCATIONAL INSTITUTION AND ENGAGES IN, IS ELIGIBLE  
2 TO ENGAGE IN, OR MAY BE ELIGIBLE IN THE FUTURE TO ENGAGE IN, ANY  
3 INTERSCHOLASTIC OR INTERCOLLEGIATE SPORT. "STUDENT ATHLETE"  
4 DOES NOT INCLUDE AN INDIVIDUAL PERMANENTLY INELIGIBLE TO  
5 PARTICIPATE IN A PARTICULAR INTERSCHOLASTIC OR INTERCOLLEGIATE  
6 SPORT FOR PURPOSES OF THAT SPORT.

7 **12-4.5-103. Authority - procedure - rules.** THE "STATE  
8 ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, APPLIES TO  
9 THIS ARTICLE 4.5. THE DIRECTOR MAY ADOPT RULES PURSUANT TO THE  
10 REQUIREMENTS OF THE "STATE ADMINISTRATIVE PROCEDURE ACT" TO  
11 IMPLEMENT THIS ARTICLE 4.5.

12 **12-4.5-104. Athlete agent - registration required - void**  
13 **contract.** (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF  
14 THIS SECTION, EFFECTIVE JANUARY 1, 2020, AN INDIVIDUAL SHALL NOT  
15 ACT AS AN ATHLETE AGENT IN THIS STATE WITHOUT HOLDING A VALID  
16 CERTIFICATE OF REGISTRATION UNDER THIS ARTICLE 4.5.

17 (2) BEFORE BEING ISSUED A CERTIFICATE OF REGISTRATION UNDER  
18 THIS ARTICLE 4.5, AN INDIVIDUAL MAY ACT AS AN ATHLETE AGENT IN THIS  
19 STATE FOR ALL PURPOSES, EXCEPT SIGNING AN AGENCY CONTRACT, IF:

20 (a) A STUDENT ATHLETE OR ANOTHER PERSON ACTING ON BEHALF  
21 OF THE STUDENT ATHLETE INITIATES COMMUNICATION WITH THE  
22 INDIVIDUAL; AND

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

27 (3) AN AGENCY CONTRACT THAT RESULTS FROM CONDUCT IN

1 VIOLATION OF THIS SECTION IS VOID, AND THE ATHLETE AGENT OR  
2 INDIVIDUAL SHALL RETURN ANY CONSIDERATION RECEIVED UNDER THE  
3 CONTRACT.

4 **12-4.5-105. Registration as athlete agent - application -**  
5 **requirements - reciprocal registration.** (1) AN APPLICANT FOR  
6 REGISTRATION AS AN ATHLETE AGENT MUST SUBMIT AN APPLICATION FOR  
7 REGISTRATION TO THE DIRECTOR IN A FORM PRESCRIBED BY THE  
8 DIRECTOR. THE APPLICANT MUST BE AN INDIVIDUAL, AND THE APPLICANT  
9 SHALL SIGN THE APPLICATION UNDER PENALTY OF PERJURY. THE  
10 APPLICATION MUST CONTAIN AT LEAST THE FOLLOWING INFORMATION:

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

13 (I) THE ADDRESS OF THE APPLICANT'S PRINCIPAL PLACE OF  
14 BUSINESS;

15 (II) WORK AND MOBILE TELEPHONE NUMBERS; AND

16 (III) ANY MEANS OF COMMUNICATING ELECTRONICALLY,  
17 INCLUDING A FACSIMILE NUMBER, ELECTRONIC MAIL ADDRESS, AND  
18 PERSONAL AND BUSINESS OR EMPLOYER WEBSITES;

19 (b) THE NAME OF THE APPLICANT'S BUSINESS OR EMPLOYER, IF  
20 APPLICABLE, INCLUDING FOR EACH BUSINESS OR EMPLOYER ITS MAILING  
21 ADDRESS, TELEPHONE NUMBER, ORGANIZATION FORM, AND THE NATURE  
22 OF THE BUSINESS;

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

25 (d) EACH BUSINESS OR OCCUPATION IN WHICH THE APPLICANT  
26 ENGAGED WITHIN FIVE YEARS BEFORE THE DATE OF THE APPLICATION,  
27 INCLUDING SELF-EMPLOYMENT AND EMPLOYMENT BY OTHERS, AND ANY



1 PROFESSIONAL OR OCCUPATIONAL LICENSE, REGISTRATION, OR  
2 CERTIFICATION HELD BY THE APPLICANT DURING THAT TIME;

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

4 (I) FORMAL TRAINING AS AN ATHLETE AGENT;

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

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

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

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

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

18 (II) IS AN OFFICER OR DIRECTOR OF A CORPORATION EMPLOYING  
19 THE ATHLETE AGENT OR A SHAREHOLDER HAVING AN INTEREST OF FIVE  
20 PERCENT OR GREATER IN THE CORPORATION;

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

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

- 6 (I) THE CRIME;
- 7 (II) THE LAW ENFORCEMENT AGENCY INVOLVED; AND
- 8 (III) IF APPLICABLE, THE DATE OF THE CONVICTION AND THE FINE  
9 OR PENALTY IMPOSED;

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

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

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

25 (m) WHETHER THERE HAS BEEN ANY ADMINISTRATIVE OR JUDICIAL  
26 DETERMINATION THAT THE APPLICANT, OR ANY PERSON NAMED PURSUANT  
27 TO SUBSECTION (1)(g) OF THIS SECTION, MADE A FALSE, MISLEADING,

1 DECEPTIVE, OR FRAUDULENT REPRESENTATION;

2 (n) EACH INSTANCE IN WHICH CONDUCT OF THE APPLICANT, OR  
3 ANY PERSON NAMED PURSUANT TO SUBSECTION (1)(g) OF THIS SECTION,  
4 RESULTED IN THE IMPOSITION OF A SANCTION, SUSPENSION, OR  
5 DECLARATION OF INELIGIBILITY TO PARTICIPATE IN AN INTERSCHOLASTIC,  
6 INTERCOLLEGIATE, OR PROFESSIONAL ATHLETIC EVENT ON A STUDENT  
7 ATHLETE OR A SANCTION ON AN EDUCATIONAL INSTITUTION;

8 (o) EACH SANCTION, SUSPENSION, OR DISCIPLINARY ACTION TAKEN  
9 AGAINST THE APPLICANT, OR ANY PERSON NAMED PURSUANT TO  
10 SUBSECTION (1)(g) OF THIS SECTION, ARISING OUT OF OCCUPATIONAL OR  
11 PROFESSIONAL CONDUCT;

12 (p) WHETHER THERE HAS BEEN A DENIAL OF AN APPLICATION FOR,  
13 SUSPENSION OR REVOCATION OF, REFUSAL TO RENEW, OR ABANDONMENT  
14 OF, THE REGISTRATION OF THE APPLICANT, OR ANY PERSON NAMED  
15 PURSUANT TO SUBSECTION (1)(g) OF THIS SECTION, AS AN ATHLETE AGENT  
16 IN ANY STATE;

17 (q) EACH STATE IN WHICH THE APPLICANT IS CURRENTLY  
18 REGISTERED AS AN ATHLETE AGENT OR HAS APPLIED TO BE REGISTERED AS  
19 AN ATHLETE AGENT;

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

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

23 (II) THE DATE OF CERTIFICATION OR REGISTRATION, AND THE DATE  
24 OF EXPIRATION OF THE CERTIFICATION OR REGISTRATION, IF ANY; AND

25 (III) IF APPLICABLE, THE DATE OF ANY DENIAL OF AN APPLICATION  
26 FOR, SUSPENSION OR REVOCATION OF, REFUSAL TO RENEW, WITHDRAWAL  
27 OF, OR TERMINATION OF, THE CERTIFICATION OR REGISTRATION OR ANY

1 REPRIMAND OR CENSURE RELATED TO THE CERTIFICATION OR  
2 REGISTRATION; AND

3 (s) ANY ADDITIONAL INFORMATION REQUIRED BY THE DIRECTOR.

4 (2) INSTEAD OF PROCEEDING AS PROVIDED IN SUBSECTION (1) OF  
5 THIS SECTION, AN INDIVIDUAL REGISTERED AS AN ATHLETE AGENT IN  
6 ANOTHER STATE MAY APPLY FOR REGISTRATION AS AN ATHLETE AGENT IN  
7 THIS STATE BY SUBMITTING THE FOLLOWING INFORMATION TO THE  
8 DIRECTOR:

9 (a) A COPY OF THE APPLICATION FOR REGISTRATION IN THE OTHER  
10 STATE;

11 (b) A STATEMENT THAT IDENTIFIES ANY MATERIAL CHANGE IN THE  
12 INFORMATION ON THE APPLICATION IN THE OTHER STATE OR VERIFIES  
13 THERE IS NO MATERIAL CHANGE IN THE INFORMATION, SIGNED UNDER  
14 PENALTY OF PERJURY; AND

15 (c) A COPY OF THE CERTIFICATE OF REGISTRATION FROM THE  
16 OTHER STATE.

17 (3) THE DIRECTOR SHALL ISSUE A CERTIFICATE OF REGISTRATION  
18 TO AN INDIVIDUAL WHO APPLIES FOR REGISTRATION PURSUANT TO  
19 SUBSECTION (2) OF THIS SECTION IF THE DIRECTOR DETERMINES THAT:

20 (a) THE APPLICATION AND REGISTRATION REQUIREMENTS OF THE  
21 OTHER STATE ARE SUBSTANTIALLY SIMILAR TO OR MORE RESTRICTIVE  
22 THAN THOSE OF THIS ARTICLE 4.5; AND

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

27 (4) FOR PURPOSES OF IMPLEMENTING SUBSECTION (3) OF THIS

1 SECTION, THE DIRECTOR SHALL:

2 (a) COOPERATE WITH NATIONAL ORGANIZATIONS CONCERNED  
3 WITH ATHLETE AGENT ISSUES AND AGENCIES IN OTHER STATES THAT  
4 REGISTER ATHLETE AGENTS TO DEVELOP A COMMON REGISTRATION FORM  
5 AND DETERMINE WHICH STATES HAVE LAWS THAT ARE SUBSTANTIALLY  
6 SIMILAR TO OR MORE RESTRICTIVE THAN THOSE OF THIS ARTICLE 4.5; AND

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

11 **12-4.5-106. Certificate of registration - issuance or denial -**  
12 **renewal.** (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS  
13 SECTION, THE DIRECTOR SHALL ISSUE A CERTIFICATE OF REGISTRATION TO  
14 AN APPLICANT FOR REGISTRATION WHO COMPLIES WITH THE PROVISIONS  
15 OF SECTION 12-4.5-105 (1).

16 (2) THE DIRECTOR MAY REFUSE TO ISSUE A CERTIFICATE OF  
17 REGISTRATION TO AN APPLICANT FOR REGISTRATION UNDER SECTION  
18 12-4.5-105 (1) IF THE DIRECTOR DETERMINES THAT THE APPLICANT HAS  
19 ENGAGED IN CONDUCT THAT SIGNIFICANTLY ADVERSELY REFLECTS ON THE  
20 APPLICANT'S FITNESS TO ACT AS AN ATHLETE AGENT. IN MAKING THE  
21 DETERMINATION, THE DIRECTOR MAY CONSIDER WHETHER THE APPLICANT  
22 HAS:

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

26 (b) MADE A MATERIALLY FALSE, MISLEADING, DECEPTIVE, OR  
27 FRAUDULENT REPRESENTATION IN THE APPLICATION OR AS AN ATHLETE

1 AGENT;

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

4 (d) ENGAGED IN CONDUCT PROHIBITED BY SECTION 12-4.5-114;

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

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

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

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

16 (3) IN MAKING A DETERMINATION PURSUANT TO SUBSECTION (2)  
17 OF THIS SECTION, THE DIRECTOR SHALL CONSIDER:

18 (a) HOW RECENTLY THE CONDUCT OCCURRED;

19 (b) THE NATURE OF THE CONDUCT AND THE CONTEXT IN WHICH IT  
20 OCCURRED; AND

21 (c) OTHER RELEVANT CONDUCT OF THE APPLICANT.

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

1 (5) AN ATHLETE AGENT REGISTERED PURSUANT TO SECTION  
2 12-4.5-105(3) MAY RENEW THE REGISTRATION BY PROCEEDING PURSUANT  
3 TO SUBSECTION (4) OF THIS SECTION OR, IF THE REGISTRATION IN THE  
4 OTHER STATE HAS BEEN RENEWED, BY SUBMITTING TO THE DIRECTOR  
5 COPIES OF THE APPLICATION FOR RENEWAL IN THE OTHER STATE AND THE  
6 RENEWED REGISTRATION FROM THE OTHER STATE. THE DIRECTOR SHALL  
7 RENEW THE REGISTRATION IF THE DIRECTOR DETERMINES THAT:

8 (a) THE REGISTRATION REQUIREMENTS OF THE OTHER STATE ARE  
9 SUBSTANTIALLY SIMILAR TO OR MORE RESTRICTIVE THAN THOSE OF THIS  
10 ARTICLE 4.5; AND

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

15 (6) A CERTIFICATE OF REGISTRATION OR RENEWAL OF  
16 REGISTRATION UNDER THIS ARTICLE 4.5 IS VALID FOR TWO YEARS.

17 **12-4.5-107. Suspension, revocation, or refusal to renew**  
18 **registration.** (1) THE DIRECTOR MAY LIMIT, SUSPEND, REVOKE, OR  
19 REFUSE TO RENEW A REGISTRATION OF AN INDIVIDUAL REGISTERED UNDER  
20 SECTION 12-4.5-106 (1) FOR CONDUCT THAT WOULD HAVE JUSTIFIED  
21 REFUSAL TO ISSUE A CERTIFICATE OF REGISTRATION UNDER SECTION  
22 12-4.5-106 (2).

23 (2) THE DIRECTOR MAY SUSPEND OR REVOKE THE REGISTRATION  
24 OF AN INDIVIDUAL REGISTERED UNDER SECTION 12-4.5-105 (3) OR  
25 RENEWED UNDER SECTION 12-4.5-106 (5) FOR ANY REASON FOR WHICH  
26 THE DIRECTOR COULD HAVE REFUSED TO GRANT OR RENEW REGISTRATION  
27 OR FOR CONDUCT THAT WOULD JUSTIFY REFUSAL TO ISSUE A CERTIFICATE

1 OF REGISTRATION UNDER SECTION 12-4.5-106 (2).

2 **12-4.5-108. Temporary registration.** THE DIRECTOR MAY ISSUE  
3 A TEMPORARY CERTIFICATE OF REGISTRATION AS AN ATHLETE AGENT  
4 WHILE AN APPLICATION FOR REGISTRATION OR RENEWAL OF REGISTRATION  
5 IS PENDING.

6 **12-4.5-109. Registration and renewal fees.** AN APPLICATION FOR  
7 REGISTRATION OR RENEWAL OF REGISTRATION AS AN ATHLETE AGENT  
8 MUST BE ACCOMPANIED BY A FEE IN THE AMOUNT DETERMINED BY RULE  
9 OF THE DIRECTOR.

10 **12-4.5-110. Required form of agency contract.** (1) AN AGENCY  
11 CONTRACT MUST BE IN A RECORD SIGNED BY THE PARTIES.

12 (2) AN AGENCY CONTRACT MUST CONTAIN:

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

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

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

26 (d) A DESCRIPTION OF ANY EXPENSES THE STUDENT ATHLETE  
27 AGREES TO REIMBURSE;



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

3 (f) THE DURATION OF THE CONTRACT; AND

4 (g) THE DATE OF EXECUTION.

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

8 **WARNING TO STUDENT ATHLETE**

9 **IF YOU SIGN THIS CONTRACT:**

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

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

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

1           (4) AN AGENCY CONTRACT MUST BE ACCOMPANIED BY A  
2 SEPARATE RECORD SIGNED BY THE STUDENT ATHLETE OR, IF THE STUDENT  
3 ATHLETE IS A MINOR, THE STUDENT ATHLETE'S PARENT OR GUARDIAN,  
4 ACKNOWLEDGING THAT SIGNING THE CONTRACT MAY RESULT IN THE LOSS  
5 OF THE STUDENT ATHLETE'S ELIGIBILITY TO PARTICIPATE IN THE STUDENT  
6 ATHLETE'S SPORT.

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

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

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

22           **12-4.5-111. Notice to educational institution - definition.**

23           (1) AS USED IN THIS SECTION, "COMMUNICATING OR ATTEMPTING TO  
24 COMMUNICATE" MEANS CONTACTING OR ATTEMPTING TO CONTACT BY AN  
25 IN-PERSON MEETING, A RECORD, OR ANY OTHER METHOD THAT CONVEYS  
26 OR ATTEMPTS TO CONVEY A MESSAGE.

27           (2) WITHIN SEVENTY-TWO HOURS AFTER ENTERING INTO AN

1 AGENCY CONTRACT OR BEFORE THE NEXT SCHEDULED ATHLETIC EVENT IN  
2 WHICH THE STUDENT ATHLETE MAY PARTICIPATE, WHICHEVER OCCURS  
3 FIRST, THE ATHLETE AGENT SHALL GIVE NOTICE, IN A RECORD, OF THE  
4 EXISTENCE OF THE CONTRACT TO THE ATHLETIC DIRECTOR OF THE  
5 EDUCATIONAL INSTITUTION AT WHICH THE STUDENT ATHLETE IS ENROLLED  
6 OR AT WHICH THE ATHLETE AGENT HAS REASONABLE GROUNDS TO  
7 BELIEVE THE ATHLETE INTENDS TO ENROLL.

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

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

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

1 SHOULD HAVE KNOWN OF THE ENROLLMENT AND:

2 (a) THE RELATIONSHIP WAS MOTIVATED IN WHOLE OR IN PART BY  
3 THE INTENTION OF THE ATHLETE AGENT TO RECRUIT OR SOLICIT THE  
4 STUDENT ATHLETE TO ENTER INTO AN AGENCY CONTRACT IN THE FUTURE;  
5 OR

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

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

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

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

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

1 (8) AN EDUCATIONAL INSTITUTION THAT BECOMES AWARE OF A  
2 VIOLATION OF THIS ARTICLE 4.5 BY AN ATHLETE AGENT SHALL PROVIDE  
3 NOTICE OF THE VIOLATION TO THE DIRECTOR AND ANY PROFESSIONAL  
4 LEAGUE OR PLAYERS ASSOCIATION WITH WHICH THE EDUCATIONAL  
5 INSTITUTION IS AWARE THE ATHLETE AGENT IS LICENSED OR REGISTERED.

6 **12-4.5-112. Student athlete's right to cancel.** (1) A STUDENT  
7 ATHLETE OR, IF THE STUDENT ATHLETE IS A MINOR, THE STUDENT  
8 ATHLETE'S PARENT OR GUARDIAN MAY:

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

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

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

19 **12-4.5-113. Required records.** (1) AN ATHLETE AGENT SHALL  
20 CREATE AND RETAIN THE FOLLOWING RECORDS FOR A PERIOD OF FIVE  
21 YEARS:

22 (a) THE NAME AND ADDRESS OF EACH INDIVIDUAL REPRESENTED  
23 BY THE ATHLETE AGENT;

24 (b) EACH AGENCY CONTRACT ENTERED INTO BY THE ATHLETE  
25 AGENT; AND

26 (c) THE DIRECT COSTS INCURRED BY THE ATHLETE AGENT IN THE  
27 RECRUITMENT OR SOLICITATION OF EACH STUDENT ATHLETE TO ENTER

1 INTO AN AGENCY CONTRACT.

2 (2) THE RECORDS DESCRIBED IN SUBSECTION (1) OF THIS SECTION  
3 ARE OPEN TO INSPECTION BY THE DIRECTOR DURING NORMAL BUSINESS  
4 HOURS.

5 **12-4.5-114. Prohibited conduct - definition.** (1) EXCEPT AS  
6 PROVIDED IN SUBSECTION (3) OF THIS SECTION, AN ATHLETE AGENT, WITH  
7 THE INTENT TO INFLUENCE A STUDENT ATHLETE OR, IF THE STUDENT  
8 ATHLETE IS A MINOR, THE STUDENT ATHLETE'S PARENT OR GUARDIAN TO  
9 ENTER INTO AN AGENCY CONTRACT, MAY NOT TAKE ANY OF THE  
10 FOLLOWING ACTIONS OR ENCOURAGE ANY OTHER INDIVIDUAL TO TAKE OR  
11 ASSIST ANY OTHER INDIVIDUAL IN TAKING ANY OF THE FOLLOWING  
12 ACTIONS ON BEHALF OF THE ATHLETE AGENT:

13 (a) GIVE MATERIALLY FALSE OR MISLEADING INFORMATION OR  
14 MAKE A MATERIALLY FALSE PROMISE OR REPRESENTATION;

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

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

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

22 (a) INITIATE CONTACT, DIRECTLY OR INDIRECTLY, WITH A STUDENT  
23 ATHLETE OR, IF THE STUDENT ATHLETE IS A MINOR, THE STUDENT  
24 ATHLETE'S PARENT OR GUARDIAN TO RECRUIT OR SOLICIT THE STUDENT  
25 ATHLETE OR THE STUDENT ATHLETE'S PARENT OR GUARDIAN TO ENTER  
26 INTO AN AGENCY CONTRACT UNLESS THE ATHLETE AGENT IS PROPERLY  
27 REGISTERED PURSUANT TO THIS ARTICLE 4.5;

1 (b) FAIL TO CREATE, RETAIN, OR PERMIT INSPECTION OF THE  
2 RECORDS REQUIRED TO BE RETAINED BY SECTION 12-4.5-113;

3 (c) FAIL TO REGISTER WHEN REQUIRED BY SECTION 12-4.5-104;

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

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

7 (f) FAIL TO NOTIFY A STUDENT ATHLETE OR, IF THE STUDENT  
8 ATHLETE IS A MINOR, THE STUDENT ATHLETE'S PARENT OR GUARDIAN  
9 BEFORE THE STUDENT ATHLETE OR THE STUDENT ATHLETE'S PARENT OR  
10 GUARDIAN SIGNS AN AGENCY CONTRACT FOR A PARTICULAR SPORT THAT  
11 THE SIGNING MAY MAKE THE STUDENT ATHLETE INELIGIBLE TO  
12 PARTICIPATE AS A STUDENT ATHLETE IN THAT SPORT.

13 (3) (a) AS USED IN THIS SUBSECTION (3), "CERTIFIED ATHLETE  
14 AGENT" MEANS AN ATHLETE AGENT REGISTERED UNDER THIS ARTICLE 4.5  
15 WHO IS CERTIFIED TO BE AN ATHLETE AGENT IN A PARTICULAR SPORT BY  
16 A NATIONAL ASSOCIATION THAT PROMOTES OR REGULATES  
17 INTERCOLLEGIATE ATHLETICS AND ESTABLISHES ELIGIBILITY STANDARDS  
18 FOR PARTICIPATION BY A STUDENT ATHLETE IN THAT SPORT.

19 (b) A CERTIFIED ATHLETE AGENT MAY PAY EXPENSES INCURRED  
20 BEFORE THE SIGNING OF AN AGENCY CONTRACT BY A STUDENT ATHLETE,  
21 A FAMILY MEMBER OF THE STUDENT ATHLETE, OR AN INDIVIDUAL OF A  
22 CLASS OF INDIVIDUALS AUTHORIZED TO RECEIVE THE EXPENSES BY THE  
23 NATIONAL ASSOCIATION THAT CERTIFIED THE AGENT IF THE EXPENSES  
24 ARE:

25 (I) FOR THE BENEFIT OF AN ATHLETE WHO IS A MEMBER OF A CLASS  
26 OF ATHLETES AUTHORIZED TO RECEIVE THE BENEFIT BY THE NATIONAL  
27 ASSOCIATION THAT CERTIFIED THE AGENT;

1 (II) OF A TYPE AUTHORIZED TO BE PAID BY A CERTIFIED ATHLETE  
2 AGENT BY THE NATIONAL ASSOCIATION THAT CERTIFIED THE AGENT; AND

3 (III) FOR A PURPOSE AUTHORIZED BY THE NATIONAL ASSOCIATION  
4 THAT CERTIFIED THE AGENT.

5 **12-4.5-115. Criminal penalties.** AN ATHLETE AGENT WHO  
6 VIOLATES SECTION 12-4.5-114 COMMITS A CLASS 2 MISDEMEANOR AND  
7 SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501 FOR THE FIRST  
8 OFFENSE, AND COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS  
9 PROVIDED IN SECTION 18-1.3-401 FOR A SECOND OR SUBSEQUENT  
10 OFFENSE.

11 **12-4.5-116. Civil remedy.** (1) AN EDUCATIONAL INSTITUTION OR  
12 STUDENT ATHLETE MAY BRING AN ACTION FOR DAMAGES AGAINST AN  
13 ATHLETE AGENT IF THE EDUCATIONAL INSTITUTION OR STUDENT ATHLETE  
14 IS ADVERSELY AFFECTED BY AN ACT OR OMISSION OF THE ATHLETE AGENT  
15 IN VIOLATION OF THIS ARTICLE 4.5. AN EDUCATIONAL INSTITUTION OR  
16 STUDENT ATHLETE IS ADVERSELY AFFECTED BY AN ACT OR OMISSION OF  
17 AN ATHLETE AGENT ONLY IF, BECAUSE OF THE ACT OR OMISSION, THE  
18 EDUCATIONAL INSTITUTION OR AN INDIVIDUAL WHO WAS A STUDENT  
19 ATHLETE AT THE TIME OF THE ACT OR OMISSION AND WHO WAS ALSO  
20 ENROLLED IN THE EDUCATIONAL INSTITUTION:

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

26 (b) SUFFERS FINANCIAL DAMAGE.

27 (2) A PLAINTIFF THAT PREVAILS IN AN ACTION UNDER THIS SECTION



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

6 (3) A VIOLATION OF THIS ARTICLE 4.5 IS A DECEPTIVE TRADE  
7 PRACTICE PURSUANT TO SECTION 6-1-105 (1)(kkk).

8 **12-4.5-117. Civil penalty.** ON MOTION OF THE ATTORNEY  
9 GENERAL OR THE DISTRICT ATTORNEY, THE COURT MAY IMPOSE A CIVIL  
10 PENALTY OF NOT LESS THAN TWENTY-FIVE THOUSAND DOLLARS BUT NOT  
11 MORE THAN FIFTY THOUSAND DOLLARS FOR A VIOLATION OF THIS ARTICLE  
12 4.5. MONEY COLLECTED UNDER THIS SECTION SHALL BE TRANSMITTED TO  
13 THE STATE TREASURER AND CREDITED TO THE GENERAL FUND.

14 **12-4.5-118. Uniformity of application and construction.** IN  
15 APPLYING AND CONSTRUING THIS UNIFORM ACT, CONSIDERATION MUST BE  
16 GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT  
17 TO ITS SUBJECT MATTER AMONG STATES THAT ENACT IT.

18 **12-4.5-119. Relation to electronic signatures in global and**  
19 **national commerce act.** THIS ARTICLE 4.5 MODIFIES, LIMITS, OR  
20 SUPERSEDES THE FEDERAL "ELECTRONIC SIGNATURES IN GLOBAL AND  
21 NATIONAL COMMERCE ACT", 15 U.S.C. SEC. 7001 ET SEQ., BUT DOES NOT  
22 MODIFY, LIMIT, OR SUPERSEDE SECTION 101 (c) OF THAT ACT, 15 U.S.C.  
23 SEC. 7001 (c), OR AUTHORIZE ELECTRONIC DELIVERY OF ANY OF THE  
24 NOTICES DESCRIBED IN SECTION 103 (b) OF THAT ACT, 15 U.S.C. SEC. 7003  
25 (b).

26 **12-4.5-120. Fees - gifts, grants, donations - software.** (1) (a) ==  
27 == THE DIRECTOR SHALL TRANSFER ALL FEES COLLECTED PURSUANT TO

1 THIS ARTICLE 4.5 TO THE STATE TREASURER, WHO SHALL CREDIT THEM TO  
2 THE DIVISION OF PROFESSIONS AND OCCUPATIONS CASH FUND, CREATED  
3 IN SECTION 24-34-105 (2)(b)(I), REFERRED TO IN THIS SECTION AS THE  
4 "FUND".

5 (b) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL  
6 ASSEMBLY, THE DIRECTOR MAY EXPEND MONEY FROM THE FUND TO  
7 ADMINISTER THIS ARTICLE 4.5.

8 (2) THE DIRECTOR MAY SEEK, ACCEPT, AND EXPEND GIFTS,  
9 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE  
10 PURPOSES OF THIS ARTICLE 4.5.

11 (3) TO REDUCE THE FISCAL IMPACTS OF ADMINISTERING THIS  
12 ARTICLE 4.5 AND IN FURTHERANCE OF THE DUTIES SPECIFIED IN SECTION  
13 12-4.5-105 (4), THE DIRECTOR IS AUTHORIZED AND ENCOURAGED TO  
14 COORDINATE WITH THE ADMINISTRATORS OF ATHLETE AGENT  
15 REGISTRATION PROGRAMS IN OTHER STATES REGARDING COST-EFFECTIVE  
16 MEANS TO REGISTER ATHLETE AGENTS, INCLUDING THE SHARING OF  
17 NECESSARY SOFTWARE.

18 **12-4.5-121. Repeal of article.** THIS ARTICLE 4.5 IS REPEALED,  
19 EFFECTIVE SEPTEMBER 1, 2027. BEFORE THE REPEAL, THIS ARTICLE 4.5 IS  
20 SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

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

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

24 (1) In addition to the requirements specified in section ~~23-16-209~~  
25 12-4.5-110 for contracts with athlete agents, any agent contract entered  
26 into between an athlete agent and a student athlete ~~shall~~ MUST also  
27 include:

1 (d) In addition to the warning required to be given to the student  
2 athlete as specified in section ~~23-16-209(c)~~ 12-4.5-110(3), the following  
3 statement in at least ten-point type that is bold-faced, capitalized,  
4 underlined, or otherwise conspicuously set out from surrounding written  
5 material:

6 **WARNING TO STUDENT ATHLETE:**

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

19 **SECTION 4.** In Colorado Revised Statutes, 24-34-104, **add**  
20 **(28)(a)(III) as follows:**

21 **24-34-104. General assembly review of regulatory agencies**  
22 **and functions for repeal, continuation, or reestablishment - legislative**  
23 **declaration - repeal.** (28) (a) The following agencies, functions, or both,  
24 are scheduled for repeal on September 1, 2027:

25 (III) THE REGISTRATION OF ATHLETE AGENTS WHO REPRESENT  
26 STUDENT ATHLETES PURSUANT TO THE "REVISED UNIFORM ATHLETE  
27 AGENTS ACT (2015)", ARTICLE 4.5 OF TITLE 12.

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

3           **6-1-105. Deceptive trade practices.** (1) A person engages in a  
4 deceptive trade practice when, in the course of the person's business,  
5 vocation, or occupation, the person:

6           (kkk) VIOLATES ARTICLE 4.5 OF TITLE 12.

7           **SECTION 6.** In Colorado Revised Statutes, **add to title 12 as**  
8 **repealed and reenacted by House Bill 19-1172** article 103 as follows:

9                           **ARTICLE 103**

10                          **Revised Uniform Athlete Agents Act (2015)**

11           **12-103-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 103 IS  
12 THE "REVISED UNIFORM ATHLETE AGENTS ACT (2015)".

13           **12-103-102. Applicability of common provisions.** ARTICLES 1  
14 AND 20 OF THIS TITLE 12 APPLY, ACCORDING TO THEIR TERMS, TO THIS  
15 ARTICLE 103.

16           **12-103-103. Definitions.** AS USED IN THIS ARTICLE 103, UNLESS  
17 THE CONTEXT OTHERWISE REQUIRES:

18           (1) "AGENCY CONTRACT" MEANS AN AGREEMENT IN WHICH A  
19 STUDENT ATHLETE AUTHORIZES A PERSON TO NEGOTIATE OR SOLICIT ON  
20 BEHALF OF THE STUDENT ATHLETE A PROFESSIONAL-SPORTS-SERVICES  
21 CONTRACT OR AN ENDORSEMENT CONTRACT.

22           (2) "ATHLETE AGENT":

23           (a) MEANS AN INDIVIDUAL, WHETHER OR NOT REGISTERED UNDER  
24 THIS ARTICLE 103, WHO:

25           (I) DIRECTLY OR INDIRECTLY RECRUITS OR SOLICITS A STUDENT  
26 ATHLETE TO ENTER INTO AN AGENCY CONTRACT OR, FOR COMPENSATION,  
27 PROCURES EMPLOYMENT OR OFFERS, PROMISES, ATTEMPTS, OR

1 NEGOTIATES TO OBTAIN EMPLOYMENT FOR A STUDENT ATHLETE AS A  
2 PROFESSIONAL ATHLETE OR MEMBER OF A PROFESSIONAL SPORTS TEAM OR  
3 ORGANIZATION;

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

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

11 (B) MANAGES THE BUSINESS AFFAIRS OF THE STUDENT ATHLETE  
12 BY PROVIDING ASSISTANCE WITH BILLS, PAYMENTS, CONTRACTS, OR  
13 TAXES; OR

14 (III) IN ANTICIPATION OF REPRESENTING A STUDENT ATHLETE FOR  
15 A PURPOSE RELATED TO THE STUDENT ATHLETE'S PARTICIPATION IN  
16 ATHLETICS:

17 (A) GIVES CONSIDERATION TO THE STUDENT ATHLETE OR  
18 ANOTHER PERSON;

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

22 (C) MANAGES THE BUSINESS AFFAIRS OF THE STUDENT ATHLETE  
23 BY PROVIDING ASSISTANCE WITH BILLS, PAYMENTS, CONTRACTS, OR  
24 TAXES; BUT

25 (b) DOES NOT INCLUDE AN INDIVIDUAL WHO:

26 (I) ACTS SOLELY ON BEHALF OF A PROFESSIONAL SPORTS TEAM OR  
27 ORGANIZATION; OR

1           (II) IS A LICENSED, REGISTERED, OR CERTIFIED PROFESSIONAL AND  
2           OFFERS OR PROVIDES SERVICES TO A STUDENT ATHLETE THAT ARE  
3           CUSTOMARILY PROVIDED BY MEMBERS OF THE PROFESSION, UNLESS THE  
4           INDIVIDUAL:

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

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

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

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

20          (4) "EDUCATIONAL INSTITUTION" MEANS A PUBLIC OR PRIVATE  
21          ELEMENTARY SCHOOL, SECONDARY SCHOOL, TECHNICAL OR VOCATIONAL  
22          SCHOOL, COMMUNITY COLLEGE, COLLEGE, OR UNIVERSITY.

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

1           (6) "ENROLLED" MEANS REGISTERED FOR COURSES AND  
2 ATTENDING ATHLETIC PRACTICE OR CLASS. "ENROLLS" HAS A  
3 CORRESPONDING MEANING.

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

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

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

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

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

1 ORGANIZATION.

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

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

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

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

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

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

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



1 SPORT FOR PURPOSES OF THAT SPORT.

2 **12-103-104. Procedure - rules.** THE "STATE ADMINISTRATIVE  
3 PROCEDURE ACT", ARTICLE 4 OF TITLE 24, APPLIES TO THIS ARTICLE 103.  
4 THE DIRECTOR MAY ADOPT RULES PURSUANT TO THE "STATE  
5 ADMINISTRATIVE PROCEDURE ACT" AND SECTION 12-20-204 TO  
6 IMPLEMENT THIS ARTICLE 103.

7 **12-103-105. Athlete agent - registration required - void**  
8 **contract.** (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF  
9 THIS SECTION, EFFECTIVE JANUARY 1, 2020, AN INDIVIDUAL SHALL NOT  
10 ACT AS AN ATHLETE AGENT IN THIS STATE WITHOUT HOLDING A VALID  
11 REGISTRATION UNDER THIS ARTICLE 103.

12 (2) BEFORE BEING ISSUED A REGISTRATION UNDER THIS ARTICLE  
13 103, AN INDIVIDUAL MAY ACT AS AN ATHLETE AGENT IN THIS STATE FOR  
14 ALL PURPOSES, EXCEPT SIGNING AN AGENCY CONTRACT, IF:

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

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

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

26 **12-103-106. Registration as athlete agent - application -**  
27 **requirements - reciprocal registration.** (1) AN APPLICANT FOR

1 REGISTRATION AS AN ATHLETE AGENT MUST SUBMIT AN APPLICATION FOR  
2 REGISTRATION TO THE DIRECTOR IN A FORM PRESCRIBED BY THE  
3 DIRECTOR. THE APPLICANT MUST BE AN INDIVIDUAL, AND THE APPLICANT  
4 SHALL SIGN THE APPLICATION UNDER PENALTY OF PERJURY. THE  
5 APPLICATION MUST CONTAIN AT LEAST THE FOLLOWING 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 DIRECTOR.

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 DIRECTOR:

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 REGISTRATION FROM THE OTHER STATE.

11 (3) THE DIRECTOR SHALL ISSUE A REGISTRATION TO AN  
12 INDIVIDUAL WHO APPLIES FOR REGISTRATION PURSUANT TO SUBSECTION  
13 (2) OF THIS SECTION IF THE DIRECTOR DETERMINES THAT:

14 (a) THE APPLICATION AND REGISTRATION REQUIREMENTS OF THE  
15 OTHER STATE ARE SUBSTANTIALLY SIMILAR TO OR MORE RESTRICTIVE  
16 THAN THOSE OF THIS ARTICLE 103; AND

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

21 (4) FOR PURPOSES OF IMPLEMENTING SUBSECTION (3) OF THIS  
22 SECTION, THE DIRECTOR SHALL:

23 (a) COOPERATE WITH NATIONAL ORGANIZATIONS CONCERNED  
24 WITH ATHLETE AGENT ISSUES AND AGENCIES IN OTHER STATES THAT  
25 REGISTER ATHLETE AGENTS TO DEVELOP A COMMON REGISTRATION FORM  
26 AND DETERMINE WHICH STATES HAVE LAWS THAT ARE SUBSTANTIALLY  
27 SIMILAR TO OR MORE RESTRICTIVE THAN THOSE OF THIS ARTICLE 103; AND

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

5           **12-103-107. Registration - issuance or denial - renewal.**

6 (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION,  
7 THE DIRECTOR SHALL ISSUE A REGISTRATION TO AN APPLICANT FOR  
8 REGISTRATION WHO COMPLIES WITH SECTION 12-103-106 (1).

9           (2) THE DIRECTOR MAY REFUSE TO ISSUE A REGISTRATION TO AN  
10 APPLICANT FOR REGISTRATION UNDER SECTION 12-103-106 (1) IF THE  
11 DIRECTOR DETERMINES THAT THE APPLICANT HAS ENGAGED IN CONDUCT  
12 THAT SIGNIFICANTLY ADVERSELY REFLECTS ON THE APPLICANT'S FITNESS  
13 TO ACT AS AN ATHLETE AGENT. IN MAKING THE DETERMINATION, THE  
14 DIRECTOR MAY CONSIDER WHETHER THE APPLICANT HAS:

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

18           (b) MADE A MATERIALLY FALSE, MISLEADING, DECEPTIVE, OR  
19 FRAUDULENT REPRESENTATION IN THE APPLICATION OR AS AN ATHLETE  
20 AGENT;

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

23           (d) ENGAGED IN CONDUCT PROHIBITED BY SECTION 12-103-115;

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

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

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

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

8           (3) IN MAKING A DETERMINATION PURSUANT TO SUBSECTION (2)  
9           OF THIS SECTION, THE DIRECTOR IS GOVERNED BY SECTION 12-20-202 (5)  
10          AND SHALL CONSIDER:

11           (a) HOW RECENTLY THE CONDUCT OCCURRED;

12           (b) THE NATURE OF THE CONDUCT AND THE CONTEXT IN WHICH IT  
13          OCCURRED; AND

14           (c) OTHER RELEVANT CONDUCT OF THE APPLICANT.

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

21           (5) AN ATHLETE AGENT REGISTERED PURSUANT TO SECTION  
22          12-103-106 (3) MAY RENEW THE REGISTRATION BY PROCEEDING  
23          PURSUANT TO SUBSECTION (4) OF THIS SECTION OR, IF THE REGISTRATION  
24          IN THE OTHER STATE HAS BEEN RENEWED, BY SUBMITTING TO THE  
25          DIRECTOR COPIES OF THE APPLICATION FOR RENEWAL IN THE OTHER STATE  
26          AND THE RENEWED REGISTRATION FROM THE OTHER STATE. THE DIRECTOR  
27          SHALL RENEW THE REGISTRATION IF THE DIRECTOR DETERMINES THAT:



1           (a) THE REGISTRATION REQUIREMENTS OF THE OTHER STATE ARE  
2           SUBSTANTIALLY SIMILAR TO OR MORE RESTRICTIVE THAN THOSE OF THIS  
3           ARTICLE 103; AND

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

8           **12-103-108. Disciplinary procedures and authority.** THE  
9           DIRECTOR MAY TAKE DISCIPLINARY OR OTHER ACTION AS AUTHORIZED BY  
10          SECTION 12-20-404 FOR ANY REASON FOR WHICH THE DIRECTOR COULD  
11          HAVE REFUSED TO GRANT OR RENEW A REGISTRATION OR FOR CONDUCT  
12          THAT WOULD JUSTIFY REFUSAL TO ISSUE A REGISTRATION UNDER SECTION  
13          12-103-107 (2). ACTIONS UNDER THIS SECTION ARE GOVERNED BY  
14          SECTION 12-20-403.

15          **12-103-109. Temporary registration.** THE DIRECTOR MAY ISSUE  
16          A TEMPORARY REGISTRATION AS AN ATHLETE AGENT WHILE AN  
17          APPLICATION FOR REGISTRATION OR RENEWAL OF REGISTRATION IS  
18          PENDING.

19          **12-103-110. Fees - penalties.** ALL REGISTRATIONS ISSUED  
20          PURSUANT TO THIS ARTICLE 103 ARE SUBJECT TO THE RENEWAL,  
21          EXPIRATION, REINSTATEMENT, AND DELINQUENCY FEE PROVISIONS  
22          SPECIFIED IN SECTION 12-20-202 (1) AND (2). A PERSON WHOSE  
23          REGISTRATION HAS EXPIRED IS SUBJECT TO THE PENALTIES PROVIDED IN  
24          THIS ARTICLE 103 OR SECTION 12-20-202 (1).

25          **12-103-111. Required form of agency contract.** (1) AN AGENCY  
26          CONTRACT MUST BE IN A RECORD SIGNED BY THE PARTIES.

27          (2) AN AGENCY CONTRACT MUST CONTAIN:

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

4           (b) THE AMOUNT AND METHOD OF CALCULATING THE  
5           CONSIDERATION TO BE PAID BY THE STUDENT ATHLETE FOR SERVICES TO  
6           BE PROVIDED BY THE ATHLETE AGENT UNDER THE CONTRACT AND ANY  
7           OTHER CONSIDERATION THE ATHLETE AGENT HAS RECEIVED OR WILL  
8           RECEIVE FROM ANY OTHER SOURCE FOR ENTERING INTO THE CONTRACT OR  
9           FOR PROVIDING THE SERVICES;

10           (c) THE NAME OF ANY PERSON NOT LISTED IN THE ATHLETE  
11           AGENT'S APPLICATION FOR REGISTRATION OR RENEWAL OF REGISTRATION  
12           THAT WILL BE COMPENSATED BECAUSE THE STUDENT ATHLETE SIGNED THE  
13           CONTRACT;

14           (d) A DESCRIPTION OF ANY EXPENSES THE STUDENT ATHLETE  
15           AGREES TO REIMBURSE;

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

18           (f) THE DURATION OF THE CONTRACT; AND

19           (g) THE DATE OF EXECUTION.

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

23                           **WARNING TO STUDENT ATHLETE**  
24                           **IF YOU SIGN THIS CONTRACT:**  
25                           **(1) YOU MAY LOSE YOUR ELIGIBILITY TO**  
26                           **COMPETE AS A STUDENT ATHLETE IN YOUR**  
27                           **SPORT;**

1                   **(2) IF YOU HAVE AN ATHLETIC DIRECTOR,**  
2                   **WITHIN 72 HOURS AFTER SIGNING THIS**  
3                   **CONTRACT OR BEFORE THE NEXT SCHEDULED**  
4                   **ATHLETIC EVENT IN WHICH YOU PARTICIPATE,**  
5                   **WHICHEVER OCCURS FIRST, BOTH YOU AND**  
6                   **YOUR ATHLETE AGENT MUST NOTIFY YOUR**  
7                   **ATHLETIC DIRECTOR THAT YOU HAVE**  
8                   **ENTERED INTO THIS CONTRACT AND PROVIDE**  
9                   **THE NAME AND CONTACT INFORMATION OF**  
10                   **THE ATHLETE AGENT; AND**

11                   **(3) YOU MAY CANCEL THIS CONTRACT**  
12                   **WITHIN 14 DAYS AFTER SIGNING IT.**  
13                   **CANCELLATION OF THIS CONTRACT MAY NOT**  
14                   **REINSTATE YOUR ELIGIBILITY AS A STUDENT**  
15                   **ATHLETE IN YOUR SPORT.**

16                   **(4) AN AGENCY CONTRACT MUST BE ACCOMPANIED BY A**  
17                   **SEPARATE RECORD SIGNED BY THE STUDENT ATHLETE OR, IF THE STUDENT**  
18                   **ATHLETE IS A MINOR, THE STUDENT ATHLETE'S PARENT OR GUARDIAN,**  
19                   **ACKNOWLEDGING THAT SIGNING THE CONTRACT MAY RESULT IN THE LOSS**  
20                   **OF THE STUDENT ATHLETE'S ELIGIBILITY TO PARTICIPATE IN THE STUDENT**  
21                   **ATHLETE'S SPORT.**

22                   **(5) A STUDENT ATHLETE OR, IF THE STUDENT ATHLETE IS A MINOR,**  
23                   **THE STUDENT ATHLETE'S PARENT OR GUARDIAN MAY VOID AN AGENCY**  
24                   **CONTRACT THAT DOES NOT CONFORM TO THIS SECTION. IF THE CONTRACT**  
25                   **IS VOIDED, THE STUDENT ATHLETE IS NOT REQUIRED TO RETURN ANY**  
26                   **CONSIDERATION RECEIVED FROM THE ATHLETE AGENT UNDER THE**  
27                   **CONTRACT TO INDUCE ENTERING INTO THE CONTRACT.**

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

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

10           **12-103-112. Notice to educational institution - definition.**

11           (1) AS USED IN THIS SECTION, "COMMUNICATING OR ATTEMPTING TO  
12           COMMUNICATE" MEANS CONTACTING OR ATTEMPTING TO CONTACT BY AN  
13           IN-PERSON MEETING, A RECORD, OR ANY OTHER METHOD THAT CONVEYS  
14           OR ATTEMPTS TO CONVEY A MESSAGE.

15           (2) WITHIN SEVENTY-TWO HOURS AFTER ENTERING INTO AN  
16           AGENCY CONTRACT OR BEFORE THE NEXT SCHEDULED ATHLETIC EVENT IN  
17           WHICH THE STUDENT ATHLETE MAY PARTICIPATE, WHICHEVER OCCURS  
18           FIRST, THE ATHLETE AGENT SHALL GIVE NOTICE, IN A RECORD, OF THE  
19           EXISTENCE OF THE CONTRACT TO THE ATHLETIC DIRECTOR OF THE  
20           EDUCATIONAL INSTITUTION AT WHICH THE STUDENT ATHLETE IS ENROLLED  
21           OR AT WHICH THE ATHLETE AGENT HAS REASONABLE GROUNDS TO  
22           BELIEVE THE ATHLETE INTENDS TO ENROLL.

23           (3) WITHIN SEVENTY-TWO HOURS AFTER ENTERING INTO AN  
24           AGENCY CONTRACT OR BEFORE THE NEXT SCHEDULED ATHLETIC EVENT IN  
25           WHICH THE STUDENT ATHLETE MAY PARTICIPATE, WHICHEVER OCCURS  
26           FIRST, THE STUDENT ATHLETE SHALL INFORM THE ATHLETIC DIRECTOR OF  
27           THE EDUCATIONAL INSTITUTION AT WHICH THE ATHLETE IS ENROLLED

1 THAT THE ATHLETE HAS ENTERED INTO AN AGENCY CONTRACT AND THE  
2 NAME AND CONTACT INFORMATION OF THE ATHLETE AGENT.

3 (4) IF AN ATHLETE AGENT ENTERS INTO AN AGENCY CONTRACT  
4 WITH A STUDENT ATHLETE AND THE STUDENT ATHLETE SUBSEQUENTLY  
5 ENROLLS AT AN EDUCATIONAL INSTITUTION, THE ATHLETE AGENT SHALL  
6 NOTIFY THE ATHLETIC DIRECTOR OF THE EDUCATIONAL INSTITUTION OF  
7 THE CONTRACT'S EXISTENCE WITHIN SEVENTY-TWO HOURS AFTER THE  
8 ATHLETE AGENT KNEW OR SHOULD HAVE KNOWN OF THE STUDENT  
9 ATHLETE'S ENROLLMENT.

10 (5) IF AN ATHLETE AGENT HAS A RELATIONSHIP WITH A STUDENT  
11 ATHLETE BEFORE THE STUDENT ATHLETE ENROLLS IN AN EDUCATIONAL  
12 INSTITUTION AND RECEIVES AN ATHLETIC SCHOLARSHIP FROM THE  
13 EDUCATIONAL INSTITUTION, THE ATHLETE AGENT SHALL NOTIFY THE  
14 EDUCATIONAL INSTITUTION OF THE RELATIONSHIP WITHIN TEN DAYS AFTER  
15 THE STUDENT ATHLETE'S ENROLLMENT IF THE ATHLETE AGENT KNOWS OR  
16 SHOULD HAVE KNOWN OF THE ENROLLMENT AND:

17 (a) THE RELATIONSHIP WAS MOTIVATED IN WHOLE OR IN PART BY  
18 THE INTENTION OF THE ATHLETE AGENT TO RECRUIT OR SOLICIT THE  
19 STUDENT ATHLETE TO ENTER INTO AN AGENCY CONTRACT IN THE FUTURE;  
20 OR

21 (b) THE ATHLETE AGENT DIRECTLY OR INDIRECTLY RECRUITED OR  
22 SOLICITED THE STUDENT ATHLETE TO ENTER INTO AN AGENCY CONTRACT  
23 BEFORE THE ENROLLMENT.

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

1           (a) THE STUDENT ATHLETE OR, IF THE STUDENT ATHLETE IS A  
2           MINOR, THE STUDENT ATHLETE'S PARENT OR GUARDIAN TO INFLUENCE THE  
3           STUDENT ATHLETE OR THE STUDENT ATHLETE'S PARENT OR GUARDIAN TO  
4           ENTER INTO AN AGENCY CONTRACT; OR

5           (b) ANOTHER INDIVIDUAL WITH THE INTENT OF HAVING THAT  
6           INDIVIDUAL INFLUENCE THE STUDENT ATHLETE OR, IF THE STUDENT  
7           ATHLETE IS A MINOR, THE STUDENT ATHLETE'S PARENT OR GUARDIAN TO  
8           ENTER INTO AN AGENCY CONTRACT.

9           (7) IF A COMMUNICATION OR AN ATTEMPT TO COMMUNICATE WITH  
10          AN ATHLETE AGENT IS INITIATED BY A STUDENT ATHLETE OR ANOTHER  
11          INDIVIDUAL ON BEHALF OF THE STUDENT ATHLETE, THE ATHLETE AGENT  
12          SHALL NOTIFY, IN A RECORD, THE ATHLETIC DIRECTOR OF ANY  
13          EDUCATIONAL INSTITUTION AT WHICH THE STUDENT ATHLETE IS  
14          ENROLLED. THE NOTIFICATION MUST BE MADE WITHIN TEN DAYS AFTER  
15          THE COMMUNICATION OR ATTEMPT TO COMMUNICATE.

16          (8) AN EDUCATIONAL INSTITUTION THAT BECOMES AWARE OF A  
17          VIOLATION OF THIS ARTICLE 103 BY AN ATHLETE AGENT SHALL PROVIDE  
18          NOTICE OF THE VIOLATION TO THE DIRECTOR AND ANY PROFESSIONAL  
19          LEAGUE OR PLAYERS ASSOCIATION WITH WHICH THE EDUCATIONAL  
20          INSTITUTION IS AWARE THE ATHLETE AGENT IS LICENSED OR REGISTERED.

21          **12-103-113. Student athlete's right to cancel.** (1) A STUDENT  
22          ATHLETE OR, IF THE STUDENT ATHLETE IS A MINOR, THE STUDENT  
23          ATHLETE'S PARENT OR GUARDIAN MAY:

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

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

1           (2) IF A STUDENT ATHLETE, PARENT, OR GUARDIAN CANCELS AN  
2           AGENCY CONTRACT, THE STUDENT ATHLETE, PARENT, OR GUARDIAN IS  
3           NOT REQUIRED TO PAY ANY CONSIDERATION UNDER THE CONTRACT OR  
4           RETURN ANY CONSIDERATION RECEIVED FROM THE ATHLETE AGENT TO  
5           INFLUENCE THE STUDENT ATHLETE TO ENTER INTO THE AGENCY  
6           CONTRACT.

7           **12-103-114. Required records.** (1) AN ATHLETE AGENT SHALL  
8           CREATE AND RETAIN THE FOLLOWING RECORDS FOR A PERIOD OF FIVE  
9           YEARS:

10           (a) THE NAME AND ADDRESS OF EACH INDIVIDUAL REPRESENTED  
11           BY THE ATHLETE AGENT;

12           (b) EACH AGENCY CONTRACT ENTERED INTO BY THE ATHLETE  
13           AGENT; AND

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

17           (2) THE RECORDS DESCRIBED IN SUBSECTION (1) OF THIS SECTION  
18           ARE OPEN TO INSPECTION BY THE DIRECTOR DURING NORMAL BUSINESS  
19           HOURS.

20           **12-103-115. Prohibited conduct - definition.** (1) EXCEPT AS  
21           PROVIDED IN SUBSECTION (3) OF THIS SECTION, AN ATHLETE AGENT, WITH  
22           THE INTENT TO INFLUENCE A STUDENT ATHLETE OR, IF THE STUDENT  
23           ATHLETE IS A MINOR, THE STUDENT ATHLETE'S PARENT OR GUARDIAN TO  
24           ENTER INTO AN AGENCY CONTRACT, MAY NOT TAKE ANY OF THE  
25           FOLLOWING ACTIONS OR ENCOURAGE ANY OTHER INDIVIDUAL TO TAKE OR  
26           ASSIST ANY OTHER INDIVIDUAL IN TAKING ANY OF THE FOLLOWING  
27           ACTIONS ON BEHALF OF THE ATHLETE AGENT:

1           (a) GIVE MATERIALLY FALSE OR MISLEADING INFORMATION OR  
2           MAKE A MATERIALLY FALSE PROMISE OR REPRESENTATION;

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

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

7           (2) AN ATHLETE AGENT MAY NOT INTENTIONALLY DO ANY OF THE  
8           FOLLOWING ACTIONS OR ENCOURAGE ANY OTHER INDIVIDUAL TO DO ANY  
9           OF THE FOLLOWING ACTIONS ON BEHALF OF THE ATHLETE AGENT:

10          (a) INITIATE CONTACT, DIRECTLY OR INDIRECTLY, WITH A STUDENT  
11          ATHLETE OR, IF THE STUDENT ATHLETE IS A MINOR, THE STUDENT  
12          ATHLETE'S PARENT OR GUARDIAN TO RECRUIT OR SOLICIT THE STUDENT  
13          ATHLETE OR THE STUDENT ATHLETE'S PARENT OR GUARDIAN TO ENTER  
14          INTO AN AGENCY CONTRACT UNLESS THE ATHLETE AGENT IS PROPERLY  
15          REGISTERED PURSUANT TO THIS ARTICLE 103;

16          (b) FAIL TO CREATE, RETAIN, OR PERMIT INSPECTION OF THE  
17          RECORDS REQUIRED TO BE RETAINED BY SECTION 12-103-114;

18          (c) FAIL TO REGISTER WHEN REQUIRED BY SECTION 12-103-105;

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

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

22          (f) FAIL TO NOTIFY A STUDENT ATHLETE OR, IF THE STUDENT  
23          ATHLETE IS A MINOR, THE STUDENT ATHLETE'S PARENT OR GUARDIAN  
24          BEFORE THE STUDENT ATHLETE OR THE STUDENT ATHLETE'S PARENT OR  
25          GUARDIAN SIGNS AN AGENCY CONTRACT FOR A PARTICULAR SPORT THAT  
26          THE SIGNING MAY MAKE THE STUDENT ATHLETE INELIGIBLE TO  
27          PARTICIPATE AS A STUDENT ATHLETE IN THAT SPORT.



1           (3) (a) AS USED IN THIS SUBSECTION (3), "CERTIFIED ATHLETE  
2           AGENT" MEANS AN ATHLETE AGENT REGISTERED UNDER THIS ARTICLE 103  
3           WHO IS CERTIFIED TO BE AN ATHLETE AGENT IN A PARTICULAR SPORT BY  
4           A NATIONAL ASSOCIATION THAT PROMOTES OR REGULATES  
5           INTERCOLLEGIATE ATHLETICS AND ESTABLISHES ELIGIBILITY STANDARDS  
6           FOR PARTICIPATION BY A STUDENT ATHLETE IN THAT SPORT.

7           (b) A CERTIFIED ATHLETE AGENT MAY PAY EXPENSES INCURRED  
8           BEFORE THE SIGNING OF AN AGENCY CONTRACT BY A STUDENT ATHLETE,  
9           A FAMILY MEMBER OF THE STUDENT ATHLETE, OR AN INDIVIDUAL OF A  
10           CLASS OF INDIVIDUALS AUTHORIZED TO RECEIVE THE EXPENSES BY THE  
11           NATIONAL ASSOCIATION THAT CERTIFIED THE AGENT IF THE EXPENSES  
12           ARE:

13           (I) FOR THE BENEFIT OF AN ATHLETE WHO IS A MEMBER OF A CLASS  
14           OF ATHLETES AUTHORIZED TO RECEIVE THE BENEFIT BY THE NATIONAL  
15           ASSOCIATION THAT CERTIFIED THE AGENT;

16           (II) OF A TYPE AUTHORIZED TO BE PAID BY A CERTIFIED ATHLETE  
17           AGENT BY THE NATIONAL ASSOCIATION THAT CERTIFIED THE AGENT; AND

18           (III) FOR A PURPOSE AUTHORIZED BY THE NATIONAL ASSOCIATION  
19           THAT CERTIFIED THE AGENT.

20           **12-103-116. Civil remedy.** (1) AN EDUCATIONAL INSTITUTION OR  
21           STUDENT ATHLETE MAY BRING AN ACTION FOR DAMAGES AGAINST AN  
22           ATHLETE AGENT IF THE EDUCATIONAL INSTITUTION OR STUDENT ATHLETE  
23           IS ADVERSELY AFFECTED BY AN ACT OR OMISSION OF THE ATHLETE AGENT  
24           IN VIOLATION OF THIS ARTICLE 103. AN EDUCATIONAL INSTITUTION OR  
25           STUDENT ATHLETE IS ADVERSELY AFFECTED BY AN ACT OR OMISSION OF  
26           AN ATHLETE AGENT ONLY IF, BECAUSE OF THE ACT OR OMISSION, THE  
27           EDUCATIONAL INSTITUTION OR AN INDIVIDUAL WHO WAS A STUDENT

1 ATHLETE AT THE TIME OF THE ACT OR OMISSION AND WHO WAS ALSO  
2 ENROLLED IN THE EDUCATIONAL INSTITUTION:

3 (a) IS SUSPENDED OR DISQUALIFIED FROM PARTICIPATION IN AN  
4 INTERSCHOLASTIC OR INTERCOLLEGIATE SPORTS EVENT BY OR UNDER THE  
5 RULES OF A STATE OR NATIONAL FEDERATION OR ASSOCIATION THAT  
6 PROMOTES OR REGULATES INTERSCHOLASTIC OR INTERCOLLEGIATE  
7 SPORTS; OR

8 (b) SUFFERS FINANCIAL DAMAGE.

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

15 (3) A VIOLATION OF THIS ARTICLE 103 IS A DECEPTIVE TRADE  
16 PRACTICE PURSUANT TO SECTION 6-1-105 (1)(kkk).

17 **12-103-117. Unauthorized practice - penalties.** AN ATHLETE  
18 AGENT WHO VIOLATES SECTION 12-103-115 IS SUBJECT TO PENALTIES  
19 PURSUANT TO SECTION 12-20-407 (1)(a).

20 **12-103-118. Civil penalty.** ON MOTION OF THE ATTORNEY  
21 GENERAL OR THE DISTRICT ATTORNEY, THE COURT MAY IMPOSE A CIVIL  
22 PENALTY OF NOT LESS THAN TWENTY-FIVE THOUSAND DOLLARS BUT NOT  
23 MORE THAN FIFTY THOUSAND DOLLARS FOR A VIOLATION OF THIS ARTICLE  
24 103. MONEY COLLECTED UNDER THIS SECTION SHALL BE CREDITED TO THE  
25 GENERAL FUND IN ACCORDANCE WITH SECTION 12-20-404 (6).

26 **12-103-119. Uniformity of application and construction.** IN  
27 APPLYING AND CONSTRUING THIS UNIFORM ACT, CONSIDERATION MUST BE

1 GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT  
2 TO ITS SUBJECT MATTER AMONG STATES THAT ENACT IT.

3 **12-103-120. Relation to electronic signatures in global and**  
4 **national commerce act.** THIS ARTICLE 103 MODIFIES, LIMITS, OR  
5 SUPERSEDES THE FEDERAL "ELECTRONIC SIGNATURES IN GLOBAL AND  
6 NATIONAL COMMERCE ACT", 15 U.S.C. SEC. 7001 ET SEQ., BUT DOES NOT  
7 MODIFY, LIMIT, OR SUPERSEDE SECTION 101 (c) OF THAT ACT, 15 U.S.C.  
8 SEC. 7001 (c), OR AUTHORIZE ELECTRONIC DELIVERY OF ANY OF THE  
9 NOTICES DESCRIBED IN SECTION 103 (b) OF THAT ACT, 15 U.S.C. SEC. 7003  
10 (b).

11 **12-103-121. Gifts, grants, donations - software.** (1) THE  
12 DIRECTOR MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS  
13 FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS ARTICLE  
14 103.

15 (2) TO REDUCE THE FISCAL IMPACTS OF ADMINISTERING THIS  
16 ARTICLE 103 AND IN FURTHERANCE OF THE DUTIES SPECIFIED IN SECTION  
17 12-103-106 (4), THE DIRECTOR IS AUTHORIZED AND ENCOURAGED TO  
18 COORDINATE WITH THE ADMINISTRATORS OF ATHLETE AGENT  
19 REGISTRATION PROGRAMS IN OTHER STATES REGARDING COST-EFFECTIVE  
20 MEANS TO REGISTER ATHLETE AGENTS, INCLUDING THE SHARING OF  
21 NECESSARY SOFTWARE.

22 **12-103-122. Repeal of article.** THIS ARTICLE 103 IS REPEALED,  
23 EFFECTIVE SEPTEMBER 1, 2027. BEFORE THE REPEAL, THIS ARTICLE 103 IS  
24 SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

25 **SECTION 7.** In Colorado Revised Statutes, 12-20-402, **amend**  
26 **as relocated by House Bill 19-1172 (4) as follows:**

27 **12-20-402. Immunity.** (4) This section does not apply to articles

1 103, 125, 140, 150, and 250 of this title 12 concerning ATHLETE AGENTS,  
2 fantasy contests, nontransplant tissue banks, passenger tramways, and  
3 naturopathic doctors, respectively.

4 SECTION 8. In Colorado Revised Statutes, 12-20-404, amend  
5 as relocated by House Bill 19-1172 (1)(c)(II)(A) and (3)(c)(I); and add  
6 (1)(c)(II)(A.5) and (3)(c)(I.5) as follows:

7 12-20-404. Disciplinary actions - regulator powers -  
8 disposition of fines. (1) General disciplinary authority. If a regulator  
9 determines that an applicant, licensee, certificate holder, or registrant has  
10 committed an act or engaged in conduct that constitutes grounds for  
11 discipline or unprofessional conduct under a part or article of this title 12  
12 governing the particular profession or occupation, the regulator may:

13 (c) (II) A regulator is not authorized under this subsection (1)(c)  
14 to impose a fine on a licensee, certificate holder, or registrant regulated  
15 under the following:

16 (A) Article ~~125~~ 103 of this title 12 concerning fantasy contests  
17 ATHLETE AGENTS;

18 (A.5) ARTICLE 125 OF THIS TITLE 12 CONCERNING FANTASY  
19 CONTESTS;

20 (3) Waiting period after revocation or surrender. (c) This  
21 subsection (3) does not apply to the following:

22 (I) Article ~~110~~ 103 of this title 12 concerning combative sports  
23 ATHLETE AGENTS;

24 (I.5) ARTICLE 110 OF THIS TITLE 12 CONCERNING COMBATIVE  
25 SPORTS;

26 SECTION 9. In Colorado Revised Statutes, 12-20-405, amend  
27 as relocated by House Bill 19-1172 (6) as follows:

1           12-20-405. Cease-and-desist orders. (6) This section does not  
2 apply to articles 103, 125, 140, and 150 of this title 12 concerning  
3 ATHLETE AGENTS, fantasy contests, nontransplant tissue banks, and  
4 passenger tramways, respectively.

5           SECTION 10. In Colorado Revised Statutes, 12-20-406, add as  
6 relocated by House Bill 19-1172 (3)(a.5) as follows:

7           12-20-406. Injunctive relief. (3) This section does not apply to  
8 the following:

9           (a.5) ARTICLE 103 OF THIS TITLE 12 CONCERNING ATHLETE  
10 AGENTS;

11           SECTION 11. In Colorado Revised Statutes, 12-20-407, add as  
12 relocated by House Bill 19-1172 (1)(a)(I.5) as follows:

13           12-20-407. Unauthorized practice of profession or occupation  
14 - penalties - exclusions. (1) (a) A person commits a class 2 misdemeanor  
15 and shall be punished as provided in section 18-1.3-501 for the first  
16 offense, and, for the second or any subsequent offense, commits a class  
17 6 felony and shall be punished as provided in section 18-1.3-401, if the  
18 person:

19           (I.5) VIOLATES SECTION 12-103-115 CONCERNING PROHIBITED  
20 CONDUCT BY ATHLETE AGENTS;

21           SECTION 12. In Colorado Revised Statutes, 12-20-408, amend  
22 as relocated by House Bill 19-1172 (2)(a); and add (2)(a.5) as follows:

23           12-20-408. Judicial review. (2) A district court of competent  
24 jurisdiction has initial jurisdiction to review all final actions and orders  
25 of a regulator that are subject to judicial review and shall conduct the  
26 judicial review proceedings in accordance with section 24-4-106 (3) for  
27 the following:

1           (a) Article ~~125~~ 103 of this title 12 concerning fantasy contests

2           ATHLETE AGENTS;

3           (a.5) ARTICLE 125 OF THIS TITLE 12 CONCERNING FANTASY

4           CONTESTS;

5           **SECTION 13. Appropriation.** (1) For the 2019-20 state fiscal  
6           year, \$42,056 is appropriated to the department of regulatory agencies for  
7           use by the division of professions and occupations. This appropriation is  
8           from the division of professions and occupations cash fund created in  
9           section 24-34-105 (2)(b)(I), C.R.S. To implement this act, the division  
10          may use this appropriation as follows:

11           (a) \$36,783 for personal services, which amount is based on an  
12          assumption that the division will require an additional 0.6 FTE; and

13           (b) \$5,273 for operating expenses.

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

25           (2) Sections 6 through 12 of this act take effect only if House Bill  
26          19-1172 becomes law, in which case sections 5 through 11 take effect  
27          October 1, 2019.

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