

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.

SB19-099 be amended as follows:

1 Amend printed bill, page 28, strike lines 10 through 21 and substitute:

2 "SECTION 5. In Colorado Revised Statutes, **add to title 12 as**
3 **repealed and reenacted by House Bill 19-1172** article 103 as follows:

4 **ARTICLE 103**

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

6 **12-103-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 103 IS
7 THE "REVISED UNIFORM ATHLETE AGENTS ACT (2015)".

8 **12-103-102. Applicability of common provisions.** ARTICLES 1
9 AND 20 OF THIS TITLE 12 APPLY, ACCORDING TO THEIR TERMS, TO THIS
10 ARTICLE 103.

11 **12-103-103. Definitions.** AS USED IN THIS ARTICLE 103, UNLESS
12 THE CONTEXT OTHERWISE REQUIRES:

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

17 (2) "ATHLETE AGENT":

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

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

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

28 (A) SERVES THE STUDENT ATHLETE IN AN ADVISORY CAPACITY ON
29 A MATTER RELATED TO FINANCES, BUSINESS PURSUITS, OR CAREER
30 MANAGEMENT DECISIONS, UNLESS THE INDIVIDUAL IS AN EMPLOYEE OF AN
31 EDUCATIONAL INSTITUTION AND IS ACTING EXCLUSIVELY AS AN EMPLOYEE
32 OF THE INSTITUTION FOR THE BENEFIT OF THE INSTITUTION; OR

33 (B) MANAGES THE BUSINESS AFFAIRS OF THE STUDENT ATHLETE
34 BY PROVIDING ASSISTANCE WITH BILLS, PAYMENTS, CONTRACTS, OR
35 TAXES; OR

36 (III) IN ANTICIPATION OF REPRESENTING A STUDENT ATHLETE FOR
37 A PURPOSE RELATED TO THE STUDENT ATHLETE'S PARTICIPATION IN
38 ATHLETICS:

39 (A) GIVES CONSIDERATION TO THE STUDENT ATHLETE OR

1 ANOTHER PERSON;
2 (B) SERVES THE STUDENT ATHLETE IN AN ADVISORY CAPACITY ON
3 A MATTER RELATED TO FINANCES, BUSINESS PURSUITS, OR CAREER
4 MANAGEMENT DECISIONS; OR
5 (C) MANAGES THE BUSINESS AFFAIRS OF THE STUDENT ATHLETE
6 BY PROVIDING ASSISTANCE WITH BILLS, PAYMENTS, CONTRACTS, OR
7 TAXES; BUT
8 (b) DOES NOT INCLUDE AN INDIVIDUAL WHO:
9 (I) ACTS SOLELY ON BEHALF OF A PROFESSIONAL SPORTS TEAM OR
10 ORGANIZATION; OR
11 (II) IS A LICENSED, REGISTERED, OR CERTIFIED PROFESSIONAL AND
12 OFFERS OR PROVIDES SERVICES TO A STUDENT ATHLETE THAT ARE
13 CUSTOMARILY PROVIDED BY MEMBERS OF THE PROFESSION, UNLESS THE
14 INDIVIDUAL:
15 (A) ALSO RECRUITS OR SOLICITS THE STUDENT ATHLETE TO ENTER
16 INTO AN AGENCY CONTRACT;
17 (B) ALSO, FOR COMPENSATION, PROCURES EMPLOYMENT OR
18 OFFERS, PROMISES, ATTEMPTS, OR NEGOTIATES TO OBTAIN EMPLOYMENT
19 FOR THE ATHLETE AS A PROFESSIONAL ATHLETE OR MEMBER OF A
20 PROFESSIONAL SPORTS TEAM OR ORGANIZATION; OR
21 (C) RECEIVES CONSIDERATION FOR PROVIDING THE SERVICES,
22 WHICH CONSIDERATION IS CALCULATED USING A DIFFERENT METHOD THAN
23 FOR AN INDIVIDUAL WHO IS NOT A STUDENT ATHLETE.
24 (3) "ATHLETIC DIRECTOR" MEANS THE INDIVIDUAL RESPONSIBLE
25 FOR ADMINISTERING THE OVERALL ATHLETIC PROGRAM OF AN
26 EDUCATIONAL INSTITUTION OR, IF AN EDUCATIONAL INSTITUTION HAS
27 SEPARATELY ADMINISTERED ATHLETIC PROGRAMS FOR MALE STUDENTS
28 AND FEMALE STUDENTS, THE ATHLETIC PROGRAM FOR MALES OR THE
29 ATHLETIC PROGRAM FOR FEMALES, AS APPROPRIATE.
30 (4) "EDUCATIONAL INSTITUTION" MEANS A PUBLIC OR PRIVATE
31 ELEMENTARY SCHOOL, SECONDARY SCHOOL, TECHNICAL OR VOCATIONAL
32 SCHOOL, COMMUNITY COLLEGE, COLLEGE, OR UNIVERSITY.
33 (5) "ENDORSEMENT CONTRACT" MEANS AN AGREEMENT UNDER
34 WHICH A STUDENT ATHLETE IS EMPLOYED OR RECEIVES CONSIDERATION
35 TO USE ANY VALUE THAT THE STUDENT ATHLETE MAY HAVE BECAUSE OF
36 PUBLICITY, REPUTATION, FOLLOWING, OR FAME OBTAINED BECAUSE OF
37 ATHLETIC ABILITY OR PERFORMANCE.
38 (6) "ENROLLED" MEANS REGISTERED FOR COURSES AND
39 ATTENDING ATHLETIC PRACTICE OR CLASS. "ENROLLS" HAS A
40 CORRESPONDING MEANING.
41 (7) "INTERCOLLEGIATE SPORT" MEANS A SPORT PLAYED AT THE
42 COLLEGIATE LEVEL FOR WHICH ELIGIBILITY REQUIREMENTS FOR
43 PARTICIPATION BY A STUDENT ATHLETE ARE ESTABLISHED BY A NATIONAL

1 ASSOCIATION THAT PROMOTES OR REGULATES COLLEGIATE ATHLETICS.

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

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

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

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

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

26 (13) "RECRUIT OR SOLICIT" MEANS TO ATTEMPT TO INFLUENCE THE
27 CHOICE OF AN ATHLETE AGENT BY A STUDENT ATHLETE OR, IF THE
28 STUDENT ATHLETE IS A MINOR, A PARENT OR GUARDIAN OF THE ATHLETE.
29 THE TERM DOES NOT INCLUDE GIVING ADVICE ON THE SELECTION OF A
30 PARTICULAR ATHLETE AGENT IN A FAMILY, COACHING, OR SOCIAL
31 SITUATION UNLESS THE INDIVIDUAL GIVING THE ADVICE DOES SO BECAUSE
32 OF THE RECEIPT OR ANTICIPATED RECEIPT OF AN ECONOMIC BENEFIT,
33 DIRECTLY OR INDIRECTLY, FROM THE ATHLETE AGENT.

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

36 (a) TO EXECUTE OR ADOPT A TANGIBLE SYMBOL; OR
37 (b) TO ATTACH TO OR LOGICALLY ASSOCIATE WITH THE RECORD
38 AN ELECTRONIC SYMBOL, SOUND, OR PROCESS.

39 (15) "STATE" MEANS A STATE OF THE UNITED STATES, THE
40 DISTRICT OF COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN
41 ISLANDS, OR ANY TERRITORY OR INSULAR POSSESSION SUBJECT TO THE
42 JURISDICTION OF THE UNITED STATES.

43 (16) "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 **12-103-104. Procedure - rules.** THE "STATE ADMINISTRATIVE
8 PROCEDURE ACT", ARTICLE 4 OF TITLE 24, APPLIES TO THIS ARTICLE 103.
9 THE DIRECTOR MAY ADOPT RULES PURSUANT TO THE "STATE
10 ADMINISTRATIVE PROCEDURE ACT" AND SECTION 12-20-204 TO
11 IMPLEMENT THIS ARTICLE 103.

12 **12-103-105. 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 REGISTRATION UNDER THIS ARTICLE 103.

17 (2) BEFORE BEING ISSUED A REGISTRATION UNDER THIS ARTICLE
18 103, AN INDIVIDUAL MAY ACT AS AN ATHLETE AGENT IN THIS STATE FOR
19 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
28 VIOLATION OF THIS SECTION IS VOID, AND THE ATHLETE AGENT OR
29 INDIVIDUAL SHALL RETURN ANY CONSIDERATION RECEIVED UNDER THE
30 CONTRACT.

31 **12-103-106. Registration as athlete agent - application -**
32 **requirements - reciprocal registration.** (1) AN APPLICANT FOR
33 REGISTRATION AS AN ATHLETE AGENT MUST SUBMIT AN APPLICATION FOR
34 REGISTRATION TO THE DIRECTOR IN A FORM PRESCRIBED BY THE
35 DIRECTOR. THE APPLICANT MUST BE AN INDIVIDUAL, AND THE APPLICANT
36 SHALL SIGN THE APPLICATION UNDER PENALTY OF PERJURY. THE
37 APPLICATION MUST CONTAIN AT LEAST THE FOLLOWING INFORMATION:

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

40 (I) THE ADDRESS OF THE APPLICANT'S PRINCIPAL PLACE OF
41 BUSINESS;

42 (II) WORK AND MOBILE TELEPHONE NUMBERS; AND

43 (III) ANY MEANS OF COMMUNICATING ELECTRONICALLY,

1 INCLUDING A FACSIMILE NUMBER, ELECTRONIC MAIL ADDRESS, AND
2 PERSONAL AND BUSINESS OR EMPLOYER WEBSITES;

3 (b) THE NAME OF THE APPLICANT'S BUSINESS OR EMPLOYER, IF
4 APPLICABLE, INCLUDING FOR EACH BUSINESS OR EMPLOYER ITS MAILING
5 ADDRESS, TELEPHONE NUMBER, ORGANIZATION FORM, AND THE NATURE
6 OF THE BUSINESS;

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

9 (d) EACH BUSINESS OR OCCUPATION IN WHICH THE APPLICANT
10 ENGAGED WITHIN FIVE YEARS BEFORE THE DATE OF THE APPLICATION,
11 INCLUDING SELF-EMPLOYMENT AND EMPLOYMENT BY OTHERS, AND ANY
12 PROFESSIONAL OR OCCUPATIONAL LICENSE, REGISTRATION, OR
13 CERTIFICATION HELD BY THE APPLICANT DURING THAT TIME;

14 (e) A DESCRIPTION OF THE APPLICANT'S:
15 (I) FORMAL TRAINING AS AN ATHLETE AGENT;
16 (II) PRACTICAL EXPERIENCE AS AN ATHLETE AGENT; AND
17 (III) EDUCATIONAL BACKGROUND RELATING TO THE APPLICANT'S
18 ACTIVITIES AS AN ATHLETE AGENT;

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

24 (g) THE NAME AND ADDRESS OF EACH PERSON WHO:
25 (I) IS A PARTNER, MEMBER, OFFICER, MANAGER, ASSOCIATE, OR
26 PROFIT SHARER OR DIRECTLY OR INDIRECTLY HOLDS AN EQUITY INTEREST
27 OF FIVE PERCENT OR GREATER OF THE ATHLETE AGENT'S BUSINESS IF IT IS
28 NOT A CORPORATION; AND
29 (II) IS AN OFFICER OR DIRECTOR OF A CORPORATION EMPLOYING
30 THE ATHLETE AGENT OR A SHAREHOLDER HAVING AN INTEREST OF FIVE
31 PERCENT OR GREATER IN THE CORPORATION;

32 (h) A DESCRIPTION OF THE STATUS OF ANY APPLICATION BY THE
33 APPLICANT, OR ANY PERSON NAMED PURSUANT TO SUBSECTION (1)(g) OF
34 THIS SECTION, FOR A STATE OR FEDERAL BUSINESS, PROFESSIONAL, OR
35 OCCUPATIONAL LICENSE, OTHER THAN AS AN ATHLETE AGENT, FROM A
36 STATE OR FEDERAL AGENCY, INCLUDING ANY DENIAL, REFUSAL TO RENEW,
37 SUSPENSION, WITHDRAWAL, OR TERMINATION OF THE LICENSE AND ANY
38 REPRIMAND OR CENSURE RELATED TO THE LICENSE;

39 (i) WHETHER THE APPLICANT, OR ANY PERSON NAMED PURSUANT
40 TO SUBSECTION (1)(g) OF THIS SECTION, HAS PLEADED GUILTY OR NO
41 CONTEST TO, HAS BEEN CONVICTED OF, OR HAS CHARGES PENDING FOR, A
42 CRIME THAT WOULD INVOLVE MORAL TURPITUDE OR BE A FELONY IF
43 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,
- 28 INTERCOLLEGIATE, OR PROFESSIONAL ATHLETIC EVENT ON A STUDENT
- 29 ATHLETE OR A SANCTION ON AN EDUCATIONAL INSTITUTION;
- 30 (o) EACH SANCTION, SUSPENSION, OR DISCIPLINARY ACTION TAKEN
- 31 AGAINST THE APPLICANT, OR ANY PERSON NAMED PURSUANT TO
- 32 SUBSECTION (1)(g) OF THIS SECTION, ARISING OUT OF OCCUPATIONAL OR
- 33 PROFESSIONAL CONDUCT;
- 34 (p) WHETHER THERE HAS BEEN A DENIAL OF AN APPLICATION FOR,
- 35 SUSPENSION OR REVOCATION OF, REFUSAL TO RENEW, OR ABANDONMENT
- 36 OF, THE REGISTRATION OF THE APPLICANT, OR ANY PERSON NAMED
- 37 PURSUANT TO SUBSECTION (1)(g) OF THIS SECTION, AS AN ATHLETE AGENT
- 38 IN ANY STATE;
- 39 (q) EACH STATE IN WHICH THE APPLICANT IS CURRENTLY
- 40 REGISTERED AS AN ATHLETE AGENT OR HAS APPLIED TO BE REGISTERED AS
- 41 AN ATHLETE AGENT;
- 42 (r) IF THE APPLICANT IS CERTIFIED OR REGISTERED BY A
- 43 PROFESSIONAL LEAGUE OR PLAYERS ASSOCIATION:

1 (I) THE NAME OF THE LEAGUE OR ASSOCIATION;
2 (II) THE DATE OF CERTIFICATION OR REGISTRATION, AND THE DATE
3 OF EXPIRATION OF THE CERTIFICATION OR REGISTRATION, IF ANY; AND
4 (III) IF APPLICABLE, THE DATE OF ANY DENIAL OF AN APPLICATION
5 FOR, SUSPENSION OR REVOCATION OF, REFUSAL TO RENEW, WITHDRAWAL
6 OF, OR TERMINATION OF, THE CERTIFICATION OR REGISTRATION OR ANY
7 REPRIMAND OR CENSURE RELATED TO THE CERTIFICATION OR
8 REGISTRATION; AND
9 (s) ANY ADDITIONAL INFORMATION REQUIRED BY THE DIRECTOR.
10 (2) INSTEAD OF PROCEEDING AS PROVIDED IN SUBSECTION (1) OF
11 THIS SECTION, AN INDIVIDUAL REGISTERED AS AN ATHLETE AGENT IN
12 ANOTHER STATE MAY APPLY FOR REGISTRATION AS AN ATHLETE AGENT IN
13 THIS STATE BY SUBMITTING THE FOLLOWING INFORMATION TO THE
14 DIRECTOR:
15 (a) A COPY OF THE APPLICATION FOR REGISTRATION IN THE OTHER
16 STATE;
17 (b) A STATEMENT THAT IDENTIFIES ANY MATERIAL CHANGE IN THE
18 INFORMATION ON THE APPLICATION IN THE OTHER STATE OR VERIFIES
19 THERE IS NO MATERIAL CHANGE IN THE INFORMATION, SIGNED UNDER
20 PENALTY OF PERJURY; AND
21 (c) A COPY OF THE REGISTRATION FROM THE OTHER STATE.
22 (3) THE DIRECTOR SHALL ISSUE A REGISTRATION TO AN
23 INDIVIDUAL WHO APPLIES FOR REGISTRATION PURSUANT TO SUBSECTION
24 (2) OF THIS SECTION IF THE DIRECTOR DETERMINES THAT:
25 (a) THE APPLICATION AND REGISTRATION REQUIREMENTS OF THE
26 OTHER STATE ARE SUBSTANTIALLY SIMILAR TO OR MORE RESTRICTIVE
27 THAN THOSE OF THIS ARTICLE 103; AND
28 (b) THE REGISTRATION HAS NOT BEEN REVOKED OR SUSPENDED
29 AND NO ACTION INVOLVING THE INDIVIDUAL'S CONDUCT AS AN ATHLETE
30 AGENT IS PENDING AGAINST THE INDIVIDUAL OR THE INDIVIDUAL'S
31 REGISTRATION IN ANY STATE.
32 (4) FOR PURPOSES OF IMPLEMENTING SUBSECTION (3) OF THIS
33 SECTION, THE DIRECTOR SHALL:
34 (a) COOPERATE WITH NATIONAL ORGANIZATIONS CONCERNED
35 WITH ATHLETE AGENT ISSUES AND AGENCIES IN OTHER STATES THAT
36 REGISTER ATHLETE AGENTS TO DEVELOP A COMMON REGISTRATION FORM
37 AND DETERMINE WHICH STATES HAVE LAWS THAT ARE SUBSTANTIALLY
38 SIMILAR TO OR MORE RESTRICTIVE THAN THOSE OF THIS ARTICLE 103; AND
39 (b) EXCHANGE INFORMATION, INCLUDING INFORMATION RELATED
40 TO ACTIONS TAKEN AGAINST REGISTERED ATHLETE AGENTS OR THEIR
41 REGISTRATIONS, WITH THOSE ORGANIZATIONS AND AGENCIES SPECIFIED IN
42 SUBSECTION (4)(a) OF THIS SECTION.
43 **12-103-107. Registration - issuance or denial - renewal.**

1 (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION,
2 THE DIRECTOR SHALL ISSUE A REGISTRATION TO AN APPLICANT FOR
3 REGISTRATION WHO COMPLIES WITH SECTION 12-103-106 (1).
4 (2) THE DIRECTOR MAY REFUSE TO ISSUE A REGISTRATION TO AN
5 APPLICANT FOR REGISTRATION UNDER SECTION 12-103-106 (1) IF THE
6 DIRECTOR DETERMINES THAT THE APPLICANT HAS ENGAGED IN CONDUCT
7 THAT SIGNIFICANTLY ADVERSELY REFLECTS ON THE APPLICANT'S FITNESS
8 TO ACT AS AN ATHLETE AGENT. IN MAKING THE DETERMINATION, THE
9 DIRECTOR MAY CONSIDER WHETHER THE APPLICANT HAS:
10 (a) PLEADED GUILTY OR NO CONTEST TO, HAS BEEN CONVICTED OF,
11 OR HAS CHARGES PENDING FOR, A CRIME THAT WOULD INVOLVE MORAL
12 TURPITUDE OR BE A FELONY IF COMMITTED IN THIS STATE;
13 (b) MADE A MATERIALLY FALSE, MISLEADING, DECEPTIVE, OR
14 FRAUDULENT REPRESENTATION IN THE APPLICATION OR AS AN ATHLETE
15 AGENT;
16 (c) ENGAGED IN CONDUCT THAT WOULD DISQUALIFY THE
17 APPLICANT FROM SERVING IN A FIDUCIARY CAPACITY;
18 (d) ENGAGED IN CONDUCT PROHIBITED BY SECTION 12-103-115;
19 (e) HAD A REGISTRATION AS AN ATHLETE AGENT SUSPENDED,
20 REVOKED, OR DENIED IN ANY STATE;
21 (f) BEEN REFUSED RENEWAL OF REGISTRATION AS AN ATHLETE
22 AGENT IN ANY STATE;
23 (g) ENGAGED IN CONDUCT RESULTING IN THE IMPOSITION OF A
24 SANCTION, SUSPENSION, OR DECLARATION OF INELIGIBILITY TO
25 PARTICIPATE IN AN INTERSCHOLASTIC, INTERCOLLEGIATE, OR
26 PROFESSIONAL ATHLETIC EVENT ON A STUDENT ATHLETE OR A SANCTION
27 ON AN EDUCATIONAL INSTITUTION; OR
28 (h) ENGAGED IN CONDUCT THAT ADVERSELY REFLECTS ON THE
29 APPLICANT'S CREDIBILITY, HONESTY, OR INTEGRITY.
30 (3) IN MAKING A DETERMINATION PURSUANT TO SUBSECTION (2)
31 OF THIS SECTION, THE DIRECTOR IS GOVERNED BY SECTION 12-20-202 (5)
32 AND SHALL CONSIDER:
33 (a) HOW RECENTLY THE CONDUCT OCCURRED;
34 (b) THE NATURE OF THE CONDUCT AND THE CONTEXT IN WHICH IT
35 OCCURRED; AND
36 (c) OTHER RELEVANT CONDUCT OF THE APPLICANT.
37 (4) AN ATHLETE AGENT REGISTERED UNDER SUBSECTION (1) OF
38 THIS SECTION MAY APPLY TO RENEW THE REGISTRATION BY SUBMITTING
39 AN APPLICATION FOR RENEWAL IN A FORM PRESCRIBED BY THE DIRECTOR.
40 THE APPLICANT SHALL SIGN THE APPLICATION FOR RENEWAL UNDER
41 PENALTY OF PERJURY AND INCLUDE CURRENT INFORMATION ON ALL
42 MATTERS REQUIRED IN AN ORIGINAL APPLICATION FOR REGISTRATION.
43 (5) AN ATHLETE AGENT REGISTERED PURSUANT TO SECTION

1 12-103-106 (3) MAY RENEW THE REGISTRATION BY PROCEEDING
2 PURSUANT TO SUBSECTION (4) OF THIS SECTION OR, IF THE REGISTRATION
3 IN THE OTHER STATE HAS BEEN RENEWED, BY SUBMITTING TO THE
4 DIRECTOR COPIES OF THE APPLICATION FOR RENEWAL IN THE OTHER STATE
5 AND THE RENEWED REGISTRATION FROM THE OTHER STATE. THE DIRECTOR
6 SHALL RENEW THE REGISTRATION IF THE DIRECTOR DETERMINES THAT:

7 (a) THE REGISTRATION REQUIREMENTS OF THE OTHER STATE ARE
8 SUBSTANTIALLY SIMILAR TO OR MORE RESTRICTIVE THAN THOSE OF THIS
9 ARTICLE 103; AND

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

14 **12-103-108. Disciplinary procedures and authority.** THE
15 DIRECTOR MAY TAKE DISCIPLINARY OR OTHER ACTION AS AUTHORIZED BY
16 SECTION 12-20-404 FOR ANY REASON FOR WHICH THE DIRECTOR COULD
17 HAVE REFUSED TO GRANT OR RENEW A REGISTRATION OR FOR CONDUCT
18 THAT WOULD JUSTIFY REFUSAL TO ISSUE A REGISTRATION UNDER SECTION
19 12-103-107 (2). ACTIONS UNDER THIS SECTION ARE GOVERNED BY
20 SECTION 12-20-403.

21 **12-103-109. Temporary registration.** THE DIRECTOR MAY ISSUE
22 A TEMPORARY REGISTRATION AS AN ATHLETE AGENT WHILE AN
23 APPLICATION FOR REGISTRATION OR RENEWAL OF REGISTRATION IS
24 PENDING.

25 **12-103-110. Fees - penalties.** ALL REGISTRATIONS ISSUED
26 PURSUANT TO THIS ARTICLE 103 ARE SUBJECT TO THE RENEWAL,
27 EXPIRATION, REINSTATEMENT, AND DELINQUENCY FEE PROVISIONS
28 SPECIFIED IN SECTION 12-20-202 (1) AND (2). A PERSON WHOSE
29 REGISTRATION HAS EXPIRED IS SUBJECT TO THE PENALTIES PROVIDED IN
30 THIS ARTICLE 103 OR SECTION 12-20-202 (1).

31 **12-103-111. Required form of agency contract.** (1) AN AGENCY
32 CONTRACT MUST BE IN A RECORD SIGNED BY THE PARTIES.

33 (2) AN AGENCY CONTRACT MUST CONTAIN:

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

37 (b) THE AMOUNT AND METHOD OF CALCULATING THE
38 CONSIDERATION TO BE PAID BY THE STUDENT ATHLETE FOR SERVICES TO
39 BE PROVIDED BY THE ATHLETE AGENT UNDER THE CONTRACT AND ANY
40 OTHER CONSIDERATION THE ATHLETE AGENT HAS RECEIVED OR WILL
41 RECEIVE FROM ANY OTHER SOURCE FOR ENTERING INTO THE CONTRACT OR
42 FOR PROVIDING THE SERVICES;

43 (c) THE NAME OF ANY PERSON NOT LISTED IN THE ATHLETE

1 AGENT'S APPLICATION FOR REGISTRATION OR RENEWAL OF REGISTRATION
2 THAT WILL BE COMPENSATED BECAUSE THE STUDENT ATHLETE SIGNED THE
3 CONTRACT;

4 (d) A DESCRIPTION OF ANY EXPENSES THE STUDENT ATHLETE
5 AGREES TO REIMBURSE;

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

8 (f) THE DURATION OF THE CONTRACT; AND

9 (g) THE DATE OF EXECUTION.

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

13 **WARNING TO STUDENT ATHLETE**

14 **IF YOU SIGN THIS CONTRACT:**

15 **(1) YOU MAY LOSE YOUR ELIGIBILITY TO**
16 **COMPETE AS A STUDENT ATHLETE IN YOUR**
17 **SPORT;**

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

28 **(3) YOU MAY CANCEL THIS CONTRACT**
29 **WITHIN 14 DAYS AFTER SIGNING IT.**
30 **CANCELLATION OF THIS CONTRACT MAY NOT**
31 **REINSTATE YOUR ELIGIBILITY AS A STUDENT**
32 **ATHLETE IN YOUR SPORT.**

33 (4) AN AGENCY CONTRACT MUST BE ACCOMPANIED BY A
34 SEPARATE RECORD SIGNED BY THE STUDENT ATHLETE OR, IF THE STUDENT
35 ATHLETE IS A MINOR, THE STUDENT ATHLETE'S PARENT OR GUARDIAN,
36 ACKNOWLEDGING THAT SIGNING THE CONTRACT MAY RESULT IN THE LOSS
37 OF THE STUDENT ATHLETE'S ELIGIBILITY TO PARTICIPATE IN THE STUDENT
38 ATHLETE'S SPORT.

39 (5) A STUDENT ATHLETE OR, IF THE STUDENT ATHLETE IS A MINOR,
40 THE STUDENT ATHLETE'S PARENT OR GUARDIAN MAY VOID AN AGENCY
41 CONTRACT THAT DOES NOT CONFORM TO THIS SECTION. IF THE CONTRACT
42 IS VOIDED, THE STUDENT ATHLETE IS NOT REQUIRED TO RETURN ANY
43 CONSIDERATION RECEIVED FROM THE ATHLETE AGENT UNDER THE
44 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
28 THAT THE ATHLETE HAS ENTERED INTO AN AGENCY CONTRACT AND THE
29 NAME AND CONTACT INFORMATION OF THE ATHLETE AGENT.

30 (4) IF AN ATHLETE AGENT ENTERS INTO AN AGENCY CONTRACT
31 WITH A STUDENT ATHLETE AND THE STUDENT ATHLETE SUBSEQUENTLY
32 ENROLLS AT AN EDUCATIONAL INSTITUTION, THE ATHLETE AGENT SHALL
33 NOTIFY THE ATHLETIC DIRECTOR OF THE EDUCATIONAL INSTITUTION OF
34 THE CONTRACT'S EXISTENCE WITHIN SEVENTY-TWO HOURS AFTER THE
35 ATHLETE AGENT KNEW OR SHOULD HAVE KNOWN OF THE STUDENT
36 ATHLETE'S ENROLLMENT.

37 (5) IF AN ATHLETE AGENT HAS A RELATIONSHIP WITH A STUDENT
38 ATHLETE BEFORE THE STUDENT ATHLETE ENROLLS IN AN EDUCATIONAL
39 INSTITUTION AND RECEIVES AN ATHLETIC SCHOLARSHIP FROM THE
40 EDUCATIONAL INSTITUTION, THE ATHLETE AGENT SHALL NOTIFY THE
41 EDUCATIONAL INSTITUTION OF THE RELATIONSHIP WITHIN TEN DAYS AFTER
42 THE STUDENT ATHLETE'S ENROLLMENT IF THE ATHLETE AGENT KNOWS OR
43 SHOULD HAVE KNOWN OF THE ENROLLMENT AND:

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

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

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

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

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

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

27 (8) AN EDUCATIONAL INSTITUTION THAT BECOMES AWARE OF A
28 VIOLATION OF THIS ARTICLE 103 BY AN ATHLETE AGENT SHALL PROVIDE
29 NOTICE OF THE VIOLATION TO THE DIRECTOR AND ANY PROFESSIONAL
30 LEAGUE OR PLAYERS ASSOCIATION WITH WHICH THE EDUCATIONAL
31 INSTITUTION IS AWARE THE ATHLETE AGENT IS LICENSED OR REGISTERED.

32 **12-103-113. Student athlete's right to cancel.** (1) A STUDENT
33 ATHLETE OR, IF THE STUDENT ATHLETE IS A MINOR, THE STUDENT
34 ATHLETE'S PARENT OR GUARDIAN MAY:

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

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

39 (2) IF A STUDENT ATHLETE, PARENT, OR GUARDIAN CANCELS AN
40 AGENCY CONTRACT, THE STUDENT ATHLETE, PARENT, OR GUARDIAN IS
41 NOT REQUIRED TO PAY ANY CONSIDERATION UNDER THE CONTRACT OR
42 RETURN ANY CONSIDERATION RECEIVED FROM THE ATHLETE AGENT TO
43 INFLUENCE THE STUDENT ATHLETE TO ENTER INTO THE AGENCY

1 CONTRACT.

2 **12-103-114. Required records.** (1) AN ATHLETE AGENT SHALL
3 CREATE AND RETAIN THE FOLLOWING RECORDS FOR A PERIOD OF FIVE
4 YEARS:

5 (a) THE NAME AND ADDRESS OF EACH INDIVIDUAL REPRESENTED
6 BY THE ATHLETE AGENT;

7 (b) EACH AGENCY CONTRACT ENTERED INTO BY THE ATHLETE
8 AGENT; AND

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

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

15 **12-103-115. Prohibited conduct - definition.** (1) EXCEPT AS
16 PROVIDED IN SUBSECTION (3) OF THIS SECTION, AN ATHLETE AGENT, WITH
17 THE INTENT TO INFLUENCE A STUDENT ATHLETE OR, IF THE STUDENT
18 ATHLETE IS A MINOR, THE STUDENT ATHLETE'S PARENT OR GUARDIAN TO
19 ENTER INTO AN AGENCY CONTRACT, MAY NOT TAKE ANY OF THE
20 FOLLOWING ACTIONS OR ENCOURAGE ANY OTHER INDIVIDUAL TO TAKE OR
21 ASSIST ANY OTHER INDIVIDUAL IN TAKING ANY OF THE FOLLOWING
22 ACTIONS ON BEHALF OF THE ATHLETE AGENT:

23 (a) GIVE MATERIALLY FALSE OR MISLEADING INFORMATION OR
24 MAKE A MATERIALLY FALSE PROMISE OR REPRESENTATION;

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

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

29 (2) AN ATHLETE AGENT MAY NOT INTENTIONALLY DO ANY OF THE
30 FOLLOWING ACTIONS OR ENCOURAGE ANY OTHER INDIVIDUAL TO DO ANY
31 OF THE FOLLOWING ACTIONS ON BEHALF OF THE ATHLETE AGENT:

32 (a) INITIATE CONTACT, DIRECTLY OR INDIRECTLY, WITH A STUDENT
33 ATHLETE OR, IF THE STUDENT ATHLETE IS A MINOR, THE STUDENT
34 ATHLETE'S PARENT OR GUARDIAN TO RECRUIT OR SOLICIT THE STUDENT
35 ATHLETE OR THE STUDENT ATHLETE'S PARENT OR GUARDIAN TO ENTER
36 INTO AN AGENCY CONTRACT UNLESS THE ATHLETE AGENT IS PROPERLY
37 REGISTERED PURSUANT TO THIS ARTICLE 103;

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

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

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

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

1 (f) FAIL TO NOTIFY A STUDENT ATHLETE OR, IF THE STUDENT
2 ATHLETE IS A MINOR, THE STUDENT ATHLETE'S PARENT OR GUARDIAN
3 BEFORE THE STUDENT ATHLETE OR THE STUDENT ATHLETE'S PARENT OR
4 GUARDIAN SIGNS AN AGENCY CONTRACT FOR A PARTICULAR SPORT THAT
5 THE SIGNING MAY MAKE THE STUDENT ATHLETE INELIGIBLE TO
6 PARTICIPATE AS A STUDENT ATHLETE IN THAT SPORT.

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

13 (b) A CERTIFIED ATHLETE AGENT MAY PAY EXPENSES INCURRED
14 BEFORE THE SIGNING OF AN AGENCY CONTRACT BY A STUDENT ATHLETE,
15 A FAMILY MEMBER OF THE STUDENT ATHLETE, OR AN INDIVIDUAL OF A
16 CLASS OF INDIVIDUALS AUTHORIZED TO RECEIVE THE EXPENSES BY THE
17 NATIONAL ASSOCIATION THAT CERTIFIED THE AGENT IF THE EXPENSES
18 ARE:

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

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

24 (III) FOR A PURPOSE AUTHORIZED BY THE NATIONAL ASSOCIATION
25 THAT CERTIFIED THE AGENT.

26 **12-103-116. Civil remedy.** (1) AN EDUCATIONAL INSTITUTION OR
27 STUDENT ATHLETE MAY BRING AN ACTION FOR DAMAGES AGAINST AN
28 ATHLETE AGENT IF THE EDUCATIONAL INSTITUTION OR STUDENT ATHLETE
29 IS ADVERSELY AFFECTED BY AN ACT OR OMISSION OF THE ATHLETE AGENT
30 IN VIOLATION OF THIS ARTICLE 103. AN EDUCATIONAL INSTITUTION OR
31 STUDENT ATHLETE IS ADVERSELY AFFECTED BY AN ACT OR OMISSION OF
32 AN ATHLETE AGENT ONLY IF, BECAUSE OF THE ACT OR OMISSION, THE
33 EDUCATIONAL INSTITUTION OR AN INDIVIDUAL WHO WAS A STUDENT
34 ATHLETE AT THE TIME OF THE ACT OR OMISSION AND WHO WAS ALSO
35 ENROLLED IN THE EDUCATIONAL INSTITUTION:

36 (a) IS SUSPENDED OR DISQUALIFIED FROM PARTICIPATION IN AN
37 INTERSCHOLASTIC OR INTERCOLLEGIATE SPORTS EVENT BY OR UNDER THE
38 RULES OF A STATE OR NATIONAL FEDERATION OR ASSOCIATION THAT
39 PROMOTES OR REGULATES INTERSCHOLASTIC OR INTERCOLLEGIATE
40 SPORTS; OR

41 (b) SUFFERS FINANCIAL DAMAGE.

42 (2) A PLAINTIFF THAT PREVAILS IN AN ACTION UNDER THIS SECTION
43 MAY RECOVER COSTS AND REASONABLE ATTORNEY FEES. AN ATHLETE

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

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

7 **12-103-117. Unauthorized practice - penalties.** AN ATHLETE
8 AGENT WHO VIOLATES SECTION 12-103-115 IS SUBJECT TO PENALTIES
9 PURSUANT TO SECTION 12-20-407 (1)(a).

10 **12-103-118. Civil penalty.** ON MOTION OF THE ATTORNEY
11 GENERAL OR THE DISTRICT ATTORNEY, THE COURT MAY IMPOSE A CIVIL
12 PENALTY OF NOT LESS THAN TWENTY-FIVE THOUSAND DOLLARS BUT NOT
13 MORE THAN FIFTY THOUSAND DOLLARS FOR A VIOLATION OF THIS ARTICLE
14 103. MONEY COLLECTED UNDER THIS SECTION SHALL BE CREDITED TO THE
15 GENERAL FUND IN ACCORDANCE WITH SECTION 12-20-404 (6).

16 **12-103-119. Uniformity of application and construction.** IN
17 APPLYING AND CONSTRUING THIS UNIFORM ACT, CONSIDERATION MUST BE
18 GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT
19 TO ITS SUBJECT MATTER AMONG STATES THAT ENACT IT.

20 **12-103-120. Relation to electronic signatures in global and**
21 **national commerce act.** THIS ARTICLE 103 MODIFIES, LIMITS, OR
22 SUPERSEDES THE FEDERAL "ELECTRONIC SIGNATURES IN GLOBAL AND
23 NATIONAL COMMERCE ACT", 15 U.S.C. SEC. 7001 ET SEQ., BUT DOES NOT
24 MODIFY, LIMIT, OR SUPERSEDE SECTION 101 (c) OF THAT ACT, 15 U.S.C.
25 SEC. 7001 (c), OR AUTHORIZE ELECTRONIC DELIVERY OF ANY OF THE
26 NOTICES DESCRIBED IN SECTION 103 (b) OF THAT ACT, 15 U.S.C. SEC. 7003
27 (b).

28 **12-103-121. Gifts, grants, donations - software.** (1) THE
29 DIRECTOR MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS
30 FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS ARTICLE
31 103.

32 (2) TO REDUCE THE FISCAL IMPACTS OF ADMINISTERING THIS
33 ARTICLE 103 AND IN FURTHERANCE OF THE DUTIES SPECIFIED IN SECTION
34 12-103-106 (4), THE DIRECTOR IS AUTHORIZED AND ENCOURAGED TO
35 COORDINATE WITH THE ADMINISTRATORS OF ATHLETE AGENT
36 REGISTRATION PROGRAMS IN OTHER STATES REGARDING COST-EFFECTIVE
37 MEANS TO REGISTER ATHLETE AGENTS, INCLUDING THE SHARING OF
38 NECESSARY SOFTWARE.

39 **12-103-122. Repeal of article.** THIS ARTICLE 103 IS REPEALED,
40 EFFECTIVE SEPTEMBER 1, 2027. BEFORE THE REPEAL, THIS ARTICLE 103 IS
41 SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

42 **SECTION 6.** In Colorado Revised Statutes, 12-20-402, **amend**
43 **as relocated by House Bill 19-1172 (4)** as follows:

1 **12-20-402. Immunity.** (4) This section does not apply to articles
2 **103**, 125, 140, 150, and 250 of this title 12 concerning ATHLETE AGENTS,
3 fantasy contests, nontransplant tissue banks, passenger tramways, and
4 naturopathic doctors, respectively.

5 **SECTION 7.** In Colorado Revised Statutes, 12-20-404, **amend**
6 **as relocated by House Bill 19-1172** (1)(c)(II)(A) and (3)(c)(I); and **add**
7 (1)(c)(II)(A.5) and (3)(c)(I.5) as follows:

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

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

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

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

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

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

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

27 **SECTION 8.** In Colorado Revised Statutes, 12-20-405, **amend**
28 **as relocated by House Bill 19-1172** (6) as follows:

29 **12-20-405. Cease-and-desist orders.** (6) This section does not
30 apply to articles **103**, 125, 140, and 150 of this title 12 concerning
31 ATHLETE AGENTS, fantasy contests, nontransplant tissue banks, and
32 passenger tramways, respectively.

33 **SECTION 9.** In Colorado Revised Statutes, 12-20-406, **add as**
34 **relocated by House Bill 19-1172** (3)(a.5) as follows:

35 **12-20-406. Injunctive relief.** (3) This section does not apply to
36 the following:

37 (a.5) ARTICLE 103 OF THIS TITLE 12 CONCERNING ATHLETE
38 AGENTS;

39 **SECTION 10.** In Colorado Revised Statutes, 12-20-407, **add as**
40 **relocated by House Bill 19-1172** (1)(a)(I.5) as follows:

41 **12-20-407. Unauthorized practice of profession or occupation**
42 **- penalties - exclusions.** (1) (a) A person commits a class 2 misdemeanor
43 and shall be punished as provided in section 18-1.3-501 for the first

1 offense, and, for the second or any subsequent offense, commits a class
2 6 felony and shall be punished as provided in section 18-1.3-401, if the
3 person:

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

6 **SECTION 11.** In Colorado Revised Statutes, 12-20-408, **amend**
7 **as relocated by House Bill 19-1172** (2)(a); and **add** (2)(a.5) as follows:

8 **12-20-408. Judicial review.** (2) A district court of competent
9 jurisdiction has initial jurisdiction to review all final actions and orders
10 of a regulator that are subject to judicial review and shall conduct the
11 judicial review proceedings in accordance with section 24-4-106 (3) for
12 the following:

13 (a) Article ~~125~~ 103 of this title 12 concerning ~~fantasy contests~~
14 ATHLETE AGENTS;

15 (a.5) ARTICLE 125 OF THIS TITLE 12 CONCERNING FANTASY
16 CONTESTS;

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

28 (2) Sections 5 through 11 of this act take effect only if House Bill
29 19-1172 becomes law, in which case sections 5 through 11 take effect
30 October 1, 2019.

31 (3) This act applies to conduct occurring on or after the applicable
32 effective date of this act."

** ** ** ** **