

An Act

SENATE BILL 19-099

BY SENATOR(S) Todd, Ginal;
also REPRESENTATIVE(S) Tipper, Buentello, Gray, Hansen, Kraft-Tharp,
Valdez A.

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

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

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

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

ARTICLE 4.5 **Revised Uniform Athlete Agents Act (2015)**

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

12-4.5-102. Definitions. AS USED IN THIS ARTICLE 4.5, UNLESS THE

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

CONTEXT OTHERWISE REQUIRES:

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

(2) "ATHLETE AGENT":

(a) MEANS AN INDIVIDUAL, WHETHER OR NOT REGISTERED UNDER THIS ARTICLE 4.5, WHO:

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

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

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

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

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

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

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

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

(b) DOES NOT INCLUDE AN INDIVIDUAL WHO:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AND IS RETRIEVABLE IN PERCEIVABLE FORM.

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

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

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

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

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

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

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

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

12-4.5-104. Athlete agent - registration required - void contract.

(1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION, EFFECTIVE JANUARY 1, 2020, AN INDIVIDUAL SHALL NOT ACT AS AN ATHLETE AGENT IN THIS STATE WITHOUT HOLDING A VALID CERTIFICATE OF REGISTRATION UNDER THIS ARTICLE 4.5.

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

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

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

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

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

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

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

(II) WORK AND MOBILE TELEPHONE NUMBERS; AND

(III) ANY MEANS OF COMMUNICATING ELECTRONICALLY, INCLUDING

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

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

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

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

(e) A DESCRIPTION OF THE APPLICANT'S:

(I) FORMAL TRAINING AS AN ATHLETE AGENT;

(II) PRACTICAL EXPERIENCE AS AN ATHLETE AGENT; AND

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

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

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

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

(II) IS AN OFFICER OR DIRECTOR OF A CORPORATION EMPLOYING THE

ATHLETE AGENT OR A SHAREHOLDER HAVING AN INTEREST OF FIVE PERCENT OR GREATER IN THE CORPORATION;

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

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

(I) THE CRIME;

(II) THE LAW ENFORCEMENT AGENCY INVOLVED; AND

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

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

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

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

BUSINESS THAT WAS ADJUDICATED BANKRUPT;

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

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

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

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

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

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

(I) THE NAME OF THE LEAGUE OR ASSOCIATION;

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

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

REPRIMAND OR CENSURE RELATED TO THE CERTIFICATION OR REGISTRATION;
AND

(s) ANY ADDITIONAL INFORMATION REQUIRED BY THE DIRECTOR.

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

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

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

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

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

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

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

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

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

DETERMINE WHICH STATES HAVE LAWS THAT ARE SUBSTANTIALLY SIMILAR TO OR MORE RESTRICTIVE THAN THOSE OF THIS ARTICLE 4.5; AND

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

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

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

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

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

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

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

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

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

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

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

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

(a) HOW RECENTLY THE CONDUCT OCCURRED;

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

(c) OTHER RELEVANT CONDUCT OF THE APPLICANT.

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

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

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

(b) THE RENEWED REGISTRATION HAS NOT BEEN SUSPENDED OR REVOKED AND NO ACTION INVOLVING THE INDIVIDUAL'S CONDUCT AS AN

ATHLETE AGENT IS PENDING AGAINST THE INDIVIDUAL OR THE INDIVIDUAL'S REGISTRATION IN ANY STATE.

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

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

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

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

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

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

(2) AN AGENCY CONTRACT MUST CONTAIN:

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

(b) THE AMOUNT AND METHOD OF CALCULATING THE CONSIDERATION TO BE PAID BY THE STUDENT ATHLETE FOR SERVICES TO BE

PROVIDED BY THE ATHLETE AGENT UNDER THE CONTRACT AND ANY OTHER CONSIDERATION THE ATHLETE AGENT HAS RECEIVED OR WILL RECEIVE FROM ANY OTHER SOURCE FOR ENTERING INTO THE CONTRACT OR FOR PROVIDING THE SERVICES;

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

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

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

(f) THE DURATION OF THE CONTRACT; AND

(g) THE DATE OF EXECUTION.

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

**WARNING TO STUDENT ATHLETE
IF YOU SIGN THIS CONTRACT:**

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

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

(3) YOU MAY CANCEL THIS CONTRACT

**WITHIN 14 DAYS AFTER SIGNING IT.
CANCELLATION OF THIS CONTRACT MAY NOT
REINSTATE YOUR ELIGIBILITY AS A STUDENT
ATHLETE IN YOUR SPORT.**

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

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

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

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

12-4.5-111. Notice to educational institution - definition. (1) AS USED IN THIS SECTION, "COMMUNICATING OR ATTEMPTING TO COMMUNICATE" MEANS CONTACTING OR ATTEMPTING TO CONTACT BY AN IN-PERSON MEETING, A RECORD, OR ANY OTHER METHOD THAT CONVEYS OR ATTEMPTS TO CONVEY A MESSAGE.

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

INSTITUTION AT WHICH THE STUDENT ATHLETE IS ENROLLED OR AT WHICH THE ATHLETE AGENT HAS REASONABLE GROUNDS TO BELIEVE THE ATHLETE INTENDS TO ENROLL.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) INITIATE CONTACT, DIRECTLY OR INDIRECTLY, WITH A STUDENT

ATHLETE OR, IF THE STUDENT ATHLETE IS A MINOR, THE STUDENT ATHLETE'S PARENT OR GUARDIAN TO RECRUIT OR SOLICIT THE STUDENT ATHLETE OR THE STUDENT ATHLETE'S PARENT OR GUARDIAN TO ENTER INTO AN AGENCY CONTRACT UNLESS THE ATHLETE AGENT IS PROPERLY REGISTERED PURSUANT TO THIS ARTICLE 4.5;

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

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

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

(e) PREDATE OR POSTDATE AN AGENCY CONTRACT; OR

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

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

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

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

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

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

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

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

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

(b) SUFFERS FINANCIAL DAMAGE.

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

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

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

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

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

12-4.5-120. Fees - gifts, grants, donations - software. (1) (a) THE DIRECTOR SHALL TRANSFER ALL FEES COLLECTED PURSUANT TO THIS ARTICLE 4.5 TO THE STATE TREASURER, WHO SHALL CREDIT THEM TO THE DIVISION OF PROFESSIONS AND OCCUPATIONS CASH FUND, CREATED IN SECTION 24-34-105 (2)(b)(I), REFERRED TO IN THIS SECTION AS THE "FUND".

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

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

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

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

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

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

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

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

WARNING TO STUDENT ATHLETE:

DO NOT SIGN THIS CONTRACT UNTIL YOU HAVE READ IT OR IF IT CONTAINS BLANK SPACES. DO NOT SIGN THIS CONTRACT IF IT DOES NOT SPECIFY ALL OF THE GUARANTEES MADE TO YOU BY THE ATHLETE AGENT. IF YOU DECIDE THAT YOU DO NOT WISH TO PURCHASE THE SERVICES OF THE ATHLETE AGENT, YOU MAY CANCEL THIS CONTRACT BY NOTIFYING THE ATHLETE AGENT IN WRITING OF YOUR DESIRE TO CANCEL THE CONTRACT WITHIN FOURTEEN DAYS AFTER THE DATE ON WHICH YOU SIGN THIS CONTRACT.

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

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

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

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

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

(kkk) VIOLATES ARTICLE 4.5 OF TITLE 12.

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

ARTICLE 103

Revised Uniform Athlete Agents Act (2015)

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

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

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

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

(2) "ATHLETE AGENT":

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

(I) DIRECTLY OR INDIRECTLY RECRUITS OR SOLICITS A STUDENT

ATHLETE TO ENTER INTO AN AGENCY CONTRACT OR, FOR COMPENSATION, PROCURES EMPLOYMENT OR OFFERS, PROMISES, ATTEMPTS, OR NEGOTIATES TO OBTAIN EMPLOYMENT FOR A STUDENT ATHLETE AS A PROFESSIONAL ATHLETE OR MEMBER OF A PROFESSIONAL SPORTS TEAM OR ORGANIZATION;

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

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

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

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

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

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

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

(b) DOES NOT INCLUDE AN INDIVIDUAL WHO:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12-103-105. Athlete agent - registration required - void contract.

(1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION, EFFECTIVE JANUARY 1, 2020, AN INDIVIDUAL SHALL NOT ACT AS AN ATHLETE AGENT IN THIS STATE WITHOUT HOLDING A VALID REGISTRATION UNDER THIS ARTICLE 103.

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

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

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

(3) AN AGENCY CONTRACT THAT RESULTS FROM CONDUCT IN VIOLATION OF THIS SECTION IS VOID, AND THE ATHLETE AGENT OR

INDIVIDUAL SHALL RETURN ANY CONSIDERATION RECEIVED UNDER THE CONTRACT.

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

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

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

(II) WORK AND MOBILE TELEPHONE NUMBERS; AND

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

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

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

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

(e) A DESCRIPTION OF THE APPLICANT'S:

(I) FORMAL TRAINING AS AN ATHLETE AGENT;

(II) PRACTICAL EXPERIENCE AS AN ATHLETE AGENT; AND

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

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

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

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

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

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

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

(I) THE CRIME;

(II) THE LAW ENFORCEMENT AGENCY INVOLVED; AND

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

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

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

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

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

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

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

(p) WHETHER THERE HAS BEEN A DENIAL OF AN APPLICATION FOR, SUSPENSION OR REVOCATION OF, REFUSAL TO RENEW, OR ABANDONMENT OF,

THE REGISTRATION OF THE APPLICANT, OR ANY PERSON NAMED PURSUANT TO SUBSECTION (1)(g) OF THIS SECTION, AS AN ATHLETE AGENT IN ANY STATE;

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

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

(I) THE NAME OF THE LEAGUE OR ASSOCIATION;

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

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

(s) ANY ADDITIONAL INFORMATION REQUIRED BY THE DIRECTOR.

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

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

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

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

(3) THE DIRECTOR SHALL ISSUE A REGISTRATION TO AN INDIVIDUAL

WHO APPLIES FOR REGISTRATION PURSUANT TO SUBSECTION (2) OF THIS SECTION IF THE DIRECTOR DETERMINES THAT:

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

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

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

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

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

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

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

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

(a) PLEADED GUILTY OR NO CONTEST TO, HAS BEEN CONVICTED OF, OR HAS CHARGES PENDING FOR, A CRIME THAT WOULD INVOLVE MORAL

TURPITUDE OR BE A FELONY IF COMMITTED IN THIS STATE;

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

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

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

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

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

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

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

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

(a) HOW RECENTLY THE CONDUCT OCCURRED;

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

(c) OTHER RELEVANT CONDUCT OF THE APPLICANT.

(4) AN ATHLETE AGENT REGISTERED UNDER SUBSECTION (1) OF THIS SECTION MAY APPLY TO RENEW THE REGISTRATION BY SUBMITTING AN APPLICATION FOR RENEWAL IN A FORM PRESCRIBED BY THE DIRECTOR. THE

APPLICANT SHALL SIGN THE APPLICATION FOR RENEWAL UNDER PENALTY OF PERJURY AND INCLUDE CURRENT INFORMATION ON ALL MATTERS REQUIRED IN AN ORIGINAL APPLICATION FOR REGISTRATION.

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

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

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

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

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

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

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

(2) AN AGENCY CONTRACT MUST CONTAIN:

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

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

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

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

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

(f) THE DURATION OF THE CONTRACT; AND

(g) THE DATE OF EXECUTION.

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

**WARNING TO STUDENT ATHLETE
IF YOU SIGN THIS CONTRACT:**

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

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

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

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

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

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

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

12-103-112. Notice to educational institution - definition. (1) AS USED IN THIS SECTION, "COMMUNICATING OR ATTEMPTING TO COMMUNICATE" MEANS CONTACTING OR ATTEMPTING TO CONTACT BY AN IN-PERSON MEETING, A RECORD, OR ANY OTHER METHOD THAT CONVEYS OR ATTEMPTS TO CONVEY A MESSAGE.

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

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

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

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

(a) THE RELATIONSHIP WAS MOTIVATED IN WHOLE OR IN PART BY THE INTENTION OF THE ATHLETE AGENT TO RECRUIT OR SOLICIT THE STUDENT

ATHLETE TO ENTER INTO AN AGENCY CONTRACT IN THE FUTURE; OR

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

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

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

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

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

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

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

(a) CANCEL AN AGENCY CONTRACT BY GIVING NOTICE IN A RECORD

OF CANCELLATION TO THE ATHLETE AGENT WITHIN FOURTEEN DAYS AFTER THE CONTRACT IS SIGNED; AND

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) PREDATE OR POSTDATE AN AGENCY CONTRACT; OR

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

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

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

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

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

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

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

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

(b) SUFFERS FINANCIAL DAMAGE.

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

AGENT BY OR ON BEHALF OF THE STUDENT ATHLETE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(I.5) ARTICLE 110 OF THIS TITLE 12 CONCERNING COMBATIVE

SPORTS;

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

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

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

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

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

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

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

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

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

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

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

ATHLETE AGENTS;

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

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

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

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

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

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


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



Leroy M. Garcia
PRESIDENT OF
THE SENATE



KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE



Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Disapproved & vetoed

~~APPROVED~~

May 31, 2019 3:40 pm

(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO