

SENATE COMMITTEE OF REFERENCE REPORT

February 19, 2019

Chair of Committee

Date

Committee on Finance.

After consideration on the merits, the Committee recommends the following:

SB19-099 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

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3 **repealed and reenacted by House Bill 19-1172** article 103 as follows:

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.

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

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

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

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

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

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

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

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

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

24 (b) DOES NOT INCLUDE AN INDIVIDUAL WHO:

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

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

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

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

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

40 (3) "ATHLETIC DIRECTOR" MEANS THE INDIVIDUAL RESPONSIBLE
41 FOR ADMINISTERING THE OVERALL ATHLETIC PROGRAM OF AN

1 EDUCATIONAL INSTITUTION OR, IF AN EDUCATIONAL INSTITUTION HAS
2 SEPARATELY ADMINISTERED ATHLETIC PROGRAMS FOR MALE STUDENTS
3 AND FEMALE STUDENTS, THE ATHLETIC PROGRAM FOR MALES OR THE
4 ATHLETIC PROGRAM FOR FEMALES, AS APPROPRIATE.

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

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

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

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

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

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

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

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

41 (12) "RECORD" MEANS INFORMATION THAT IS INSCRIBED ON A

1 TANGIBLE MEDIUM OR THAT IS STORED IN AN ELECTRONIC OR OTHER
2 MEDIUM AND IS RETRIEVABLE IN PERCEIVABLE FORM.

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

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

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

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

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

27 **12-103-104. Procedure - rules.** THE "STATE ADMINISTRATIVE
28 PROCEDURE ACT", ARTICLE 4 OF TITLE 24, APPLIES TO THIS ARTICLE 103.
29 THE DIRECTOR MAY ADOPT RULES PURSUANT TO THE "STATE
30 ADMINISTRATIVE PROCEDURE ACT" AND SECTION 12-20-204 TO
31 IMPLEMENT THIS ARTICLE 103.

32 **12-103-105. Athlete agent - registration required - void
33 contract.** (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF
34 THIS SECTION, EFFECTIVE JANUARY 1, 2020, AN INDIVIDUAL SHALL NOT
35 ACT AS AN ATHLETE AGENT IN THIS STATE WITHOUT HOLDING A VALID
36 REGISTRATION UNDER THIS ARTICLE 103.

37 (2) BEFORE BEING ISSUED A REGISTRATION UNDER THIS ARTICLE
38 103, AN INDIVIDUAL MAY ACT AS AN ATHLETE AGENT IN THIS STATE FOR
39 ALL PURPOSES, EXCEPT SIGNING AN AGENCY CONTRACT, IF:

40 (a) A STUDENT ATHLETE OR ANOTHER PERSON ACTING ON BEHALF
41 OF THE STUDENT ATHLETE INITIATES COMMUNICATION WITH THE

1 INDIVIDUAL; AND

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

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

10 **12-103-106. Registration as athlete agent - application -**
11 **requirements - reciprocal registration.** (1) AN APPLICANT FOR
12 REGISTRATION AS AN ATHLETE AGENT MUST SUBMIT AN APPLICATION FOR
13 REGISTRATION TO THE DIRECTOR IN A FORM PRESCRIBED BY THE
14 DIRECTOR. THE APPLICANT MUST BE AN INDIVIDUAL, AND THE APPLICANT
15 SHALL SIGN THE APPLICATION UNDER PENALTY OF PERJURY. THE
16 APPLICATION MUST CONTAIN AT LEAST THE FOLLOWING INFORMATION:

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

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

21 (II) WORK AND MOBILE TELEPHONE NUMBERS; AND

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

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

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

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

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

37 (I) FORMAL TRAINING AS AN ATHLETE AGENT;

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

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

41 (f) THE NAME OF EACH STUDENT ATHLETE FOR WHOM THE

1 APPLICANT ACTED AS AN ATHLETE AGENT WITHIN THE FIVE YEARS PRIOR
2 TO THE DATE OF THE APPLICATION OR, IF THE STUDENT ATHLETE IS A
3 MINOR, THE NAME OF THE STUDENT ATHLETE'S PARENT OR GUARDIAN,
4 TOGETHER WITH THE STUDENT ATHLETE'S SPORT AND LAST-KNOWN TEAM;
5 (g) THE NAME AND ADDRESS OF EACH PERSON WHO:
6 (I) IS A PARTNER, MEMBER, OFFICER, MANAGER, ASSOCIATE, OR
7 PROFIT SHARER OR DIRECTLY OR INDIRECTLY HOLDS AN EQUITY INTEREST
8 OF FIVE PERCENT OR GREATER OF THE ATHLETE AGENT'S BUSINESS IF IT IS
9 NOT A CORPORATION; AND
10 (II) IS AN OFFICER OR DIRECTOR OF A CORPORATION EMPLOYING
11 THE ATHLETE AGENT OR A SHAREHOLDER HAVING AN INTEREST OF FIVE
12 PERCENT OR GREATER IN THE CORPORATION;
13 (h) A DESCRIPTION OF THE STATUS OF ANY APPLICATION BY THE
14 APPLICANT, OR ANY PERSON NAMED PURSUANT TO SUBSECTION (1)(g) OF
15 THIS SECTION, FOR A STATE OR FEDERAL BUSINESS, PROFESSIONAL, OR
16 OCCUPATIONAL LICENSE, OTHER THAN AS AN ATHLETE AGENT, FROM A
17 STATE OR FEDERAL AGENCY, INCLUDING ANY DENIAL, REFUSAL TO RENEW,
18 SUSPENSION, WITHDRAWAL, OR TERMINATION OF THE LICENSE AND ANY
19 REPRIMAND OR CENSURE RELATED TO THE LICENSE;
20 (i) WHETHER THE APPLICANT, OR ANY PERSON NAMED PURSUANT
21 TO SUBSECTION (1)(g) OF THIS SECTION, HAS PLEADED GUILTY OR NO
22 CONTEST TO, HAS BEEN CONVICTED OF, OR HAS CHARGES PENDING FOR, A
23 CRIME THAT WOULD INVOLVE MORAL TURPITUDE OR BE A FELONY IF
24 COMMITTED IN THIS STATE AND, IF SO, IDENTIFICATION OF:
25 (I) THE CRIME;
26 (II) THE LAW ENFORCEMENT AGENCY INVOLVED; AND
27 (III) IF APPLICABLE, THE DATE OF THE CONVICTION AND THE FINE
28 OR PENALTY IMPOSED;
29 (j) WHETHER, WITHIN FIFTEEN YEARS BEFORE THE DATE OF
30 APPLICATION, THE APPLICANT, OR ANY PERSON NAMED PURSUANT TO
31 SUBSECTION (1)(g) OF THIS SECTION, HAS BEEN A DEFENDANT OR
32 RESPONDENT IN A CIVIL PROCEEDING, INCLUDING A PROCEEDING SEEKING
33 AN ADJUDICATION AND, IF SO, THE DATE AND A FULL EXPLANATION OF
34 EACH PROCEEDING;
35 (k) WHETHER THE APPLICANT, OR ANY PERSON NAMED PURSUANT
36 TO SUBSECTION (1)(g) OF THIS SECTION, HAS AN UNSATISFIED JUDGMENT
37 OR A JUDGMENT OF CONTINUING EFFECT, INCLUDING SPOUSAL
38 MAINTENANCE OR A DOMESTIC ORDER IN THE NATURE OF CHILD SUPPORT,
39 WHICH IS NOT CURRENT AT THE DATE OF THE APPLICATION;
40 (l) WHETHER, WITHIN TEN YEARS BEFORE THE DATE OF
41 APPLICATION, THE APPLICANT, OR ANY PERSON NAMED PURSUANT TO

1 SUBSECTION (1)(g) OF THIS SECTION, WAS ADJUDICATED BANKRUPT OR
2 WAS AN OWNER OF A BUSINESS THAT WAS ADJUDICATED BANKRUPT;

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

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

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

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

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

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

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

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

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

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

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

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

1 STATE;

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

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

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

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

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

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

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

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

28 **12-103-107. Registration - issuance or denial - renewal.**

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

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

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

41 (b) MADE A MATERIALLY FALSE, MISLEADING, DECEPTIVE, OR

1 FRAUDULENT REPRESENTATION IN THE APPLICATION OR AS AN ATHLETE
2 AGENT;

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

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

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

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

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

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

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

20 (a) HOW RECENTLY THE CONDUCT OCCURRED;

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

23 (c) OTHER RELEVANT CONDUCT OF THE APPLICANT.

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

30 (5) AN ATHLETE AGENT REGISTERED PURSUANT TO SECTION
31 12-103-106 (3) MAY RENEW THE REGISTRATION BY PROCEEDING
32 PURSUANT TO SUBSECTION (4) OF THIS SECTION OR, IF THE REGISTRATION
33 IN THE OTHER STATE HAS BEEN RENEWED, BY SUBMITTING TO THE
34 DIRECTOR COPIES OF THE APPLICATION FOR RENEWAL IN THE OTHER STATE
35 AND THE RENEWED REGISTRATION FROM THE OTHER STATE. THE DIRECTOR
36 SHALL RENEW THE REGISTRATION IF THE DIRECTOR DETERMINES THAT:

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

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

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

3 **12-103-108. Disciplinary procedures and authority.** THE
4 DIRECTOR MAY TAKE DISCIPLINARY OR OTHER ACTION AS AUTHORIZED BY
5 SECTION 12-20-404 FOR ANY REASON FOR WHICH THE DIRECTOR COULD
6 HAVE REFUSED TO GRANT OR RENEW A REGISTRATION OR FOR CONDUCT
7 THAT WOULD JUSTIFY REFUSAL TO ISSUE A REGISTRATION UNDER SECTION
8 12-103-107 (2). ACTIONS UNDER THIS SECTION ARE GOVERNED BY
9 SECTION 12-20-403.

10 **12-103-109. Temporary registration.** THE DIRECTOR MAY ISSUE
11 A TEMPORARY REGISTRATION AS AN ATHLETE AGENT WHILE AN
12 APPLICATION FOR REGISTRATION OR RENEWAL OF REGISTRATION IS
13 PENDING.

14 **12-103-110. Fees - penalties.** ALL REGISTRATIONS ISSUED
15 PURSUANT TO THIS ARTICLE 103 ARE SUBJECT TO THE RENEWAL,
16 EXPIRATION, REINSTATEMENT, AND DELINQUENCY FEE PROVISIONS
17 SPECIFIED IN SECTION 12-20-202 (1) AND (2). A PERSON WHOSE
18 REGISTRATION HAS EXPIRED IS SUBJECT TO THE PENALTIES PROVIDED IN
19 THIS ARTICLE 103 OR SECTION 12-20-202 (1).

20 **12-103-111. Required form of agency contract.** (1) AN AGENCY
21 CONTRACT MUST BE IN A RECORD SIGNED BY THE PARTIES.

22 (2) AN AGENCY CONTRACT MUST CONTAIN:

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

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

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

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

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

40 (f) THE DURATION OF THE CONTRACT; AND

41 (g) THE DATE OF EXECUTION.

WARNING TO STUDENT ATHLETE IF YOU SIGN THIS CONTRACT:

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

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

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

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

41 (7) IF A STUDENT ATHLETE IS A MINOR, AN AGENCY CONTRACT

1 MUST BE SIGNED BY THE STUDENT ATHLETE'S PARENT OR GUARDIAN AND
2 THE NOTICE REQUIRED BY SUBSECTION (3) OF THIS SECTION MUST BE
3 REVISED ACCORDINGLY.

4 **12-103-112. Notice to educational institution - definition.**

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

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

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

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

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

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

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

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

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

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

23 (8) AN EDUCATIONAL INSTITUTION THAT BECOMES AWARE OF A
24 VIOLATION OF THIS ARTICLE 103 BY AN ATHLETE AGENT SHALL PROVIDE
25 NOTICE OF THE VIOLATION TO THE DIRECTOR AND ANY PROFESSIONAL
26 LEAGUE OR PLAYERS ASSOCIATION WITH WHICH THE EDUCATIONAL
27 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:

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

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

41 **12-103-114. Required records.** (1) AN ATHLETE AGENT SHALL

1 CREATE AND RETAIN THE FOLLOWING RECORDS FOR A PERIOD OF FIVE
2 YEARS:

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

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

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

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

13 **12-103-115. Prohibited conduct - definition.** (1) EXCEPT AS
14 PROVIDED IN SUBSECTION (3) OF THIS SECTION, AN ATHLETE AGENT, WITH
15 THE INTENT TO INFLUENCE A STUDENT ATHLETE OR, IF THE STUDENT
16 ATHLETE IS A MINOR, THE STUDENT ATHLETE'S PARENT OR GUARDIAN TO
17 ENTER INTO AN AGENCY CONTRACT, MAY NOT TAKE ANY OF THE
18 FOLLOWING ACTIONS OR ENCOURAGE ANY OTHER INDIVIDUAL TO TAKE OR
19 ASSIST ANY OTHER INDIVIDUAL IN TAKING ANY OF THE FOLLOWING
20 ACTIONS ON BEHALF OF THE ATHLETE AGENT:

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

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

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

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

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

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

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

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

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

(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.

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.

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

7 (3) A VIOLATION OF THIS ARTICLE 103 IS A DECEPTIVE TRADE
8 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 **12-103-118. Civil penalty.** ON MOTION OF THE ATTORNEY
13 GENERAL OR THE DISTRICT ATTORNEY, THE COURT MAY IMPOSE A CIVIL
14 PENALTY OF NOT LESS THAN TWENTY-FIVE THOUSAND DOLLARS BUT NOT
15 MORE THAN FIFTY THOUSAND DOLLARS FOR A VIOLATION OF THIS ARTICLE
16 103. MONEY COLLECTED UNDER THIS SECTION SHALL BE CREDITED TO THE
17 GENERAL FUND IN ACCORDANCE WITH SECTION 12-20-404 (6).

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

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

30 **12-103-121. Gifts, grants, donations - software.** (1) THE
31 DIRECTOR MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS
32 FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS ARTICLE
33 103.

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

41 **12-103-122. Repeal of article. THIS ARTICLE 103 IS REPEALED,**

1 EFFECTIVE SEPTEMBER 1, 2027. BEFORE THE REPEAL, THIS ARTICLE 103 IS
2 SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

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

5 **12-20-402. Immunity.** (4) This section does not apply to articles
6 **103**, 125, 140, 150, and 250 of this title 12 concerning ATHLETE AGENTS,
7 fantasy contests, nontransplant tissue banks, passenger tramways, and
8 naturopathic doctors, respectively.

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

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

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

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

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

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

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

29 (I.5) ARTICLE 110 OF THIS TITLE 12 CONCERNING COMBATIVE
30 SPORTS;

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

33 **12-20-405. Cease-and-desist orders.** (6) This section does not
34 apply to articles **103**, 125, 140, and 150 of this title 12 concerning
35 ATHLETE AGENTS, fantasy contests, nontransplant tissue banks, and
36 passenger tramways, respectively.

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

39 **12-20-406. Injunctive relief.** (3) This section does not apply to
40 the following:

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

1 AGENTS;

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

4 **12-20-407. Unauthorized practice of profession or occupation**
5 **- penalties - exclusions.** (1)(a) A person commits a class 2 misdemeanor
6 and shall be punished as provided in section 18-1.3-501 for the first
7 offense, and, for the second or any subsequent offense, commits a class
8 6 felony and shall be punished as provided in section 18-1.3-401, if the
9 person:

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

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

14 **12-20-408. Judicial review.** (2) A district court of competent
15 jurisdiction has initial jurisdiction to review all final actions and orders
16 of a regulator that are subject to judicial review and shall conduct the
17 judicial review proceedings in accordance with section 24-4-106 (3) for
18 the following:

19 (a) Article 125 103 of this title 12 concerning **fantasy contests**
20 ATHLETE AGENTS;

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

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

34 (2) Sections 5 through 11 of this act take effect only if House Bill
35 19-1172 becomes law, in which case sections 5 through 11 take effect
36 October 1, 2019.

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

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