



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.

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

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

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

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

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

24 (4) AN AGENCY CONTRACT MUST BE ACCOMPANIED BY A  
25 SEPARATE RECORD SIGNED BY THE STUDENT ATHLETE OR, IF THE STUDENT  
26 ATHLETE IS A MINOR, 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.

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

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:

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

12 (b) ANOTHER INDIVIDUAL WITH THE INTENT OF HAVING THAT  
13 INDIVIDUAL INFLUENCE THE STUDENT ATHLETE OR, IF THE STUDENT  
14 ATHLETE IS A MINOR, 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.

28 **12-103-113. Student athlete's right to cancel.** (1) A STUDENT  
29 ATHLETE OR, IF THE STUDENT ATHLETE IS A MINOR, THE STUDENT  
30 ATHLETE'S PARENT OR GUARDIAN MAY:

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

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

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

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

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

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

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

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

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

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

41 (b) SUFFERS FINANCIAL DAMAGE.

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).

9 **12-103-117. Unauthorized practice - penalties.** AN ATHLETE  
10 AGENT WHO VIOLATES SECTION 12-103-115 IS SUBJECT TO PENALTIES  
11 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."

\*\* \*\*\* \*\* \*\*\* \*\*