SENATE BILL 17-023

CONCERNING THE "REVISED UNIFORM ATHLETE AGENTS ACT (2015)".

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://leg.colorado.gov.)

Colorado Commission on Uniform State Laws. Athlete agents first became regulated in Colorado through the enactment of the "Uniform Athlete Agents Act" in 2008, which, among other requirements, required athlete agents to register with the department of regulatory agencies. The general assembly repealed the registration requirement in 2010.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.
The bill enacts the "Revised Uniform Athlete Agents Act (2015)", drafted by the National Conference of Commissioners on Uniform State Laws. The revised act establishes new provisions for registration and renewal of registration for athlete agents, to be administered by the secretary of state. The revised act is subject to sunset review in 2026.

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

SECTION 1. In Colorado Revised Statutes, repeal and reenact, with amendments, part 2 of article 16 of title 23 as follows:

PART 2

REVISED UNIFORM ATHLETE AGENTS ACT (2015)


23-16-202. Definitions. As used in this part 2, 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 part 2, 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 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.

(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) "Registration" means registration as an athlete agent under this Part 2.

(15) "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.

(16) "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.

(17) "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.

23-16-203. Authority - procedure - rules. The "State
Administrative Procedure Act", article 4 of title 24, applies to
this part 2. The secretary of state may adopt rules pursuant to
the requirements of the "State Administrative Procedure Act"
to implement this part 2.

23-16-204. Athlete agent - registration required - void
contract. (1) Except as otherwise provided for in subsection (2) of
this section, effective January 1, 2018, an individual shall not
act as an athlete agent in this state without holding a valid
certificate of registration under this part 2.

(2) Before being issued a certificate of registration under
this part 2, 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, 2018, 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.

23-16-205. 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 secretary of state in a form prescribed by
THE SECRETARY OF STATE. 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 FAX 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 HIS OR HER 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 SECRETARY OF STATE.

(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 SECRETARY OF STATE:

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

(a) THE APPLICATION AND REGISTRATION REQUIREMENTS OF THE OTHER STATE ARE SUBSTANTIALLY SIMILAR TO OR MORE RESTRICTIVE THAN THOSE OF THIS PART 2; 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 SECRETARY OF STATE SHALL:

(a) COOPERATE WITH NATIONAL ORGANIZATIONS CONCERNED WITH ATHLETE AGENT ISSUES AND AGENCIES IN OTHER STATES WHICH 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 PART 2; AND

(b) Exchange information, including information related
to actions taken against registered athlete agents or their
registrations, with those organizations and agencies.

23-16-206. Certificate of registration - issuance or denial -
renewal. (1) Except as otherwise provided in subsection (2) of this
section, the secretary of state shall issue a certificate of
registration to an applicant for registration who complies with
the provisions of section 23-16-205 (1).

(2) The secretary of state may refuse to issue a
certificate of registration to an applicant for registration
under section 23-16-205 (1) if the secretary of state 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 secretary of
state 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 23-16-214;

(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 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 SECRETARY OF STATE 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 SECRETARY OF STATE. 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 23-16-205 (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 SECRETARY OF STATE COPIES OF THE APPLICATION FOR RENEWAL IN THE OTHER STATE
AND THE RENEWED REGISTRATION FROM THE OTHER STATE. THE SECRETARY OF STATE SHALL RENEW THE REGISTRATION IF THE SECRETARY OF STATE DETERMINES THAT:

(a) THE REGISTRATION REQUIREMENTS OF THE OTHER STATE ARE SUBSTANTIALLY SIMILAR TO OR MORE RESTRICTIVE THAN THOSE OF THIS PART 2; 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 PART 2 IS VALID FOR TWO YEARS.

23-16-207. Suspension, revocation, or refusal to renew registration. (1) THE SECRETARY OF STATE MAY LIMIT, SUSPEND, REVOKE, OR REFUSE TO RENEW A REGISTRATION OF AN INDIVIDUAL REGISTERED UNDER SECTION 23-16-206 (1) FOR CONDUCT THAT WOULD HAVE JUSTIFIED REFUSAL TO ISSUE A CERTIFICATE OF REGISTRATION UNDER SECTION 23-16-206 (2).

(2) THE SECRETARY OF STATE MAY SUSPEND OR REVOKE THE REGISTRATION OF AN INDIVIDUAL REGISTERED UNDER SECTION 23-16-205 (3) OR RENEWED UNDER SECTION 23-16-206 (5) FOR ANY REASON FOR WHICH THE SECRETARY OF STATE COULD HAVE REFUSED TO GRANT OR RENEW REGISTRATION OR FOR CONDUCT THAT WOULD JUSTIFY REFUSAL TO ISSUE A CERTIFICATE OF REGISTRATION UNDER SECTION 23-16-206 (2).

23-16-208. Temporary registration. THE SECRETARY OF STATE MAY ISSUE A TEMPORARY CERTIFICATE OF REGISTRATION AS AN ATHLETE AGENT WHILE AN APPLICATION FOR REGISTRATION OR RENEWAL OF
REGISTRATION IS PENDING.

23-16-209. 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 secretary of state.

23-16-210. 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 he or she 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 who 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, HIS OR HER 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, HIS OR HER 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, HIS OR HER 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.

23-16-211. Notice to educational institution. (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 HE OR SHE 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, his or her parent or guardian, to influence the student athlete or his or her 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, his or her 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 part 2 by an athlete agent shall provide notice of the violation to the secretary of state and any professional league or players association with which the educational institution is aware the athlete agent is licensed or registered.
23-16-212. **Student athlete's right to cancel.** (1) A STUDENT ATHLETE OR, IF THE STUDENT ATHLETE IS A MINOR, HIS OR HER 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.

23-16-213. **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 Secretary of State during normal business hours.

23-16-214. **Prohibited conduct.** (1) An athlete agent, with
THE INTENT TO INFLUENCE A STUDENT ATHLETE OR, IF THE STUDENT
ATHLETE IS A MINOR, HIS OR HER 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, his or her parent or
guardian, to recruit or solicit the student athlete or his or her
parent or guardian to enter into an agency contract unless the
athlete agent is properly registered pursuant to this Part 2;
(b) Fail to create, retain, or permit inspection of the
records required to be retained by Section 23-16-213;
(c) Fail to register when required by Section 23-16-204;
(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, HIS OR HER PARENT OR GUARDIAN, BEFORE THE
STUDENT ATHLETE OR HIS OR HER 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.

23-16-215. Criminal penalties. An athlete agent who
violates section 23-16-214 commits a class 2 misdemeanor, and
shall be punished as provided in section 18-1.3-501, for a 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.

23-16-216. 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 part 2. 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 Part 2 is a deceptive trade practice pursuant to Section 6-1-105 (1)(kkk).

23-16-217. 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 Part 2. Money collected under this section shall be transmitted to the state treasurer and credited to the general fund.

23-16-218. 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.


23-16-220. Athlete agents registration fund - gifts, grants, donations - software. (1)(a) The athlete agents registration fund,
REFERRED TO IN THIS SECTION AS THE "FUND", IS HEREBY CREATED IN THE STATE TREASURY. THE SECRETARY OF STATE SHALL TRANSFER ALL FEES COLLECTED PURSUANT TO THIS PART 2 TO THE STATE TREASURER, WHO SHALL CREDIT THEM TO THE FUND. THE FUND CONSISTS OF ALL FEES CREDITED TO THE FUND PURSUANT TO THIS SECTION AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

(b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND.

(c) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE SECRETARY OF STATE MAY EXPEND MONEY FROM THE FUND TO ADMINISTER THIS PART 2.

(2) THE SECRETARY OF STATE MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS PART 2. THE SECRETARY OF STATE SHALL TRANSMIT ALL MONEY RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND.

(3) TO REDUCE THE FISCAL IMPACTS OF ADMINISTERING THIS PART 2 AND IN FURTHERANCE OF THE DUTIES SPECIFIED IN SECTION 23-16-205(4), THE SECRETARY OF STATE 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.

23-16-221. Repeal of part. This part 2 is repealed, effective September 1, 2027. Before its repeal, this part 2 is scheduled for
REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

SECTION 2. 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 for contracts with athlete agents, any agent contract entered into between an athlete agent and a student athlete shall include:

(d) In addition to the warning required to be given to the student athlete as specified in section 23-16-209 (c) 23-16-210 (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 3. In Colorado Revised Statutes, 24-34-104, add (28)
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:

(I) The registration of student athlete agents pursuant to the "Revised Uniform Athlete Agents Act (2015)" , part 2 of article 16 of title 23.

(b) This subsection (28) is repealed, effective September 1, 2029.

**SECTION 4.** 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 part 2 of article 16 of title 23.

**SECTION 5.** Act subject to petition - effective date - applicability. (1) 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 9, 2017, if adjournment sine die is on May 10, 2017); 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 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.
(2) This act applies to conduct occurring on or after the applicable effective date of this act.