

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0129.01 Jane Ritter x4342

SENATE BILL 16-071

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SENATE SPONSORSHIP

Todd, Hodge, Kerr, Steadman

HOUSE SPONSORSHIP

Thurlow,

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Senate Committees

Business, Labor, & Technology

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE "REVISED UNIFORM ATHLETE AGENTS ACT  
102 (2015)".

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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://www.leg.state.co.us/billsummaries>.)*

**Colorado Commission on Uniform State Laws.** The bill enacts the "Revised Uniform Athlete Agents Act (2015)" as drafted by the national conference of commissioners on uniform state laws. The "Revised Uniform Athlete Agents Act (2015)" replaces the "Uniform Athlete Agents Act" drafted by the national conference of commissioners on uniform state laws. New provisions for registration and renewal of

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.*



1 A MATTER RELATED TO FINANCES, BUSINESS PURSUITS, OR CAREER  
2 MANAGEMENT DECISIONS, UNLESS THE INDIVIDUAL IS AN EMPLOYEE OF AN  
3 EDUCATIONAL INSTITUTION AND IS ACTING EXCLUSIVELY AS AN EMPLOYEE  
4 OF THE INSTITUTION FOR THE BENEFIT OF THE INSTITUTION; OR

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

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

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

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

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

19 (b) DOES NOT INCLUDE AN INDIVIDUAL WHO:

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

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

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

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

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

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

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

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

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

25 (7) "INTERCOLLEGIATE SPORT" MEANS A SPORT PLAYED AT THE  
26 COLLEGIATE LEVEL FOR WHICH ELIGIBILITY REQUIREMENTS FOR  
27 PARTICIPATION BY A STUDENT ATHLETE ARE ESTABLISHED BY A NATIONAL

1 ASSOCIATION THAT PROMOTES OR REGULATES COLLEGIATE ATHLETICS.

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

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

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

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

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

26 (13) "RECRUIT OR SOLICIT" MEANS TO ATTEMPT TO INFLUENCE THE  
27 CHOICE OF AN ATHLETE AGENT BY A STUDENT ATHLETE OR, IF THE

1 STUDENT ATHLETE IS A MINOR, A PARENT OR GUARDIAN OF THE ATHLETE.  
2 THE TERM DOES NOT INCLUDE GIVING ADVICE ON THE SELECTION OF A  
3 PARTICULAR ATHLETE AGENT IN A FAMILY, COACHING, OR SOCIAL  
4 SITUATION UNLESS THE INDIVIDUAL GIVING THE ADVICE DOES SO BECAUSE  
5 OF THE RECEIPT OR ANTICIPATED RECEIPT OF AN ECONOMIC BENEFIT,  
6 DIRECTLY OR INDIRECTLY, FROM THE ATHLETE AGENT.

7 (14) "REGISTRATION" MEANS REGISTRATION AS AN ATHLETE  
8 AGENT UNDER THIS PART 2.

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

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

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

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

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

25 **23-16-203. Authority - procedure.** THE PROVISIONS OF THE  
26 "STATE ADMINISTRATIVE PROCEDURE ACT", ESTABLISHED IN ARTICLE 4  
27 OF TITLE 24, C.R.S., APPLY TO THIS PART 2. THE SECRETARY OF STATE

1 MAY ADOPT RULES PURSUANT TO THE REQUIREMENTS OF THE "STATE  
2 ADMINISTRATIVE PROCEDURE ACT" TO IMPLEMENT THE PROVISIONS OF  
3 THIS PART 2.

4 **23-16-204. Athlete agent - registration required - void**  
5 **contract.** (1) EXCEPT AS OTHERWISE PROVIDED FOR IN SUBSECTION (2) OF  
6 THIS SECTION, AN INDIVIDUAL MAY NOT ACT AS AN ATHLETE AGENT IN  
7 THIS STATE WITHOUT HOLDING A VALID CERTIFICATE OF REGISTRATION  
8 UNDER THIS PART 2.

9 (2) PRIOR TO BEING ISSUED A CERTIFICATE OF REGISTRATION  
10 UNDER THIS PART 2, AN INDIVIDUAL MAY ACT AS AN ATHLETE AGENT IN  
11 THIS STATE FOR ALL PURPOSES, EXCEPT SIGNING AN AGENCY CONTRACT,  
12 IF:

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

16 (b) NOT LATER THAN SEVEN DAYS AFTER AN INITIAL ACTION THAT  
17 REQUIRES THE INDIVIDUAL TO REGISTER AS AN ATHLETE AGENT, THE  
18 INDIVIDUAL SUBMITS AN APPLICATION FOR REGISTRATION AS AN ATHLETE  
19 AGENT IN THIS STATE.

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

24 **23-16-205. Registration as athlete agent - application -**  
25 **requirements - reciprocal registration.** (1) AN APPLICANT FOR  
26 REGISTRATION AS AN ATHLETE AGENT SHALL SUBMIT AN APPLICATION FOR  
27 REGISTRATION TO THE SECRETARY OF STATE IN A FORM PRESCRIBED BY

1 THE SECRETARY OF STATE. THE APPLICANT MUST BE AN INDIVIDUAL, AND  
2 THE APPLICANT SHALL SIGN THE APPLICATION UNDER PENALTY OF  
3 PERJURY. THE APPLICATION MUST CONTAIN AT LEAST THE FOLLOWING  
4 INFORMATION:

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

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

9 (II) WORK AND MOBILE TELEPHONE NUMBERS; AND

10 (III) ANY MEANS OF COMMUNICATING ELECTRONICALLY,  
11 INCLUDING A FACSIMILE NUMBER, ELECTRONIC-MAIL ADDRESS, AND  
12 PERSONAL AND BUSINESS OR EMPLOYER WEB SITES;

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

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

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

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

25 (I) FORMAL TRAINING AS AN ATHLETE AGENT;

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

27 (III) EDUCATIONAL BACKGROUND RELATING TO THE APPLICANT'S



1       ACTIVITIES AS AN ATHLETE AGENT;

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

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

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

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

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

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

27              (I) THE CRIME;

1 (II) THE LAW ENFORCEMENT AGENCY INVOLVED; AND

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

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

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

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

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

23 (n) EACH INSTANCE IN WHICH CONDUCT OF THE APPLICANT, OR  
24 ANY PERSON NAMED PURSUANT TO PARAGRAPH (g) OF THIS SUBSECTION  
25 (1), RESULTED IN THE IMPOSITION OF A SANCTION, SUSPENSION, OR  
26 DECLARATION OF INELIGIBILITY TO PARTICIPATE IN AN INTERSCHOLASTIC,  
27 INTERCOLLEGIATE, OR PROFESSIONAL ATHLETIC EVENT ON A STUDENT

1 ATHLETE OR A SANCTION ON AN EDUCATIONAL INSTITUTION;

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

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

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

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

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

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

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

24 (s) ANY ADDITIONAL INFORMATION REQUIRED BY THE SECRETARY  
25 OF STATE.

26 (2) INSTEAD OF PROCEEDING AS PROVIDED IN SUBSECTION (1) OF  
27 THIS SECTION, AN INDIVIDUAL REGISTERED AS AN ATHLETE AGENT IN

1 ANOTHER STATE MAY APPLY FOR REGISTRATION AS AN ATHLETE AGENT IN  
2 THIS STATE BY SUBMITTING THE FOLLOWING INFORMATION TO THE  
3 SECRETARY OF STATE:

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

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

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

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

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

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

23 (4) FOR PURPOSES OF IMPLEMENTING SUBSECTION (3) OF THIS  
24 SECTION, THE SECRETARY OF STATE SHALL:

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

1 AND DETERMINE WHICH STATES HAVE LAWS THAT ARE SUBSTANTIALLY  
2 SIMILAR TO OR MORE RESTRICTIVE THAN THOSE OF THIS PART 2; AND

3 (b) EXCHANGE INFORMATION, INCLUDING INFORMATION RELATED  
4 TO ACTIONS TAKEN AGAINST REGISTERED ATHLETE AGENTS OR THEIR  
5 REGISTRATIONS, WITH THOSE ORGANIZATIONS AND AGENCIES.

6 **23-16-206. Certificate of registration - issuance or denial -**  
7 **renewal.** (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS  
8 SECTION, THE SECRETARY OF STATE SHALL ISSUE A CERTIFICATE OF  
9 REGISTRATION TO AN APPLICANT FOR REGISTRATION WHO COMPLIES WITH  
10 THE PROVISIONS OF SECTION 23-16-205 (1).

11 (2) THE SECRETARY OF STATE MAY REFUSE TO ISSUE A  
12 CERTIFICATE OF REGISTRATION TO AN APPLICANT FOR REGISTRATION  
13 UNDER SECTION 23-16-205 (1) IF THE SECRETARY OF STATE DETERMINES  
14 THAT THE APPLICANT HAS ENGAGED IN CONDUCT THAT SIGNIFICANTLY  
15 ADVERSELY REFLECTS ON THE APPLICANT'S FITNESS TO ACT AS AN  
16 ATHLETE AGENT. IN MAKING THE DETERMINATION, THE SECRETARY OF  
17 STATE MAY CONSIDER WHETHER THE APPLICANT HAS:

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

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

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

26 (d) ENGAGED IN CONDUCT PROHIBITED BY SECTION 23-16-214;

27 (e) HAD A REGISTRATION AS AN ATHLETE AGENT SUSPENDED,

1 REVOKED, OR DENIED IN ANY STATE;

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

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

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

11 (3) IN MAKING A DETERMINATION PURSUANT TO SUBSECTION (2)  
12 OF THIS SECTION, THE SECRETARY OF STATE SHALL CONSIDER:

13 (a) HOW RECENTLY THE CONDUCT OCCURRED;

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

16 (c) OTHER RELEVANT CONDUCT OF THE APPLICANT.

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

23 (5) AN ATHLETE AGENT REGISTERED PURSUANT TO SECTION  
24 23-16-205 (3) MAY RENEW THE REGISTRATION BY PROCEEDING PURSUANT  
25 TO SUBSECTION (4) OF THIS SECTION OR, IF THE REGISTRATION IN THE  
26 OTHER STATE HAS BEEN RENEWED, BY SUBMITTING TO THE SECRETARY OF  
27 STATE COPIES OF THE APPLICATION FOR RENEWAL IN THE OTHER STATE

1 AND THE RENEWED REGISTRATION FROM THE OTHER STATE. THE  
2 SECRETARY OF STATE SHALL RENEW THE REGISTRATION IF THE SECRETARY  
3 OF STATE DETERMINES:

4 (a) THE REGISTRATION REQUIREMENTS OF THE OTHER STATE ARE  
5 SUBSTANTIALLY SIMILAR TO OR MORE RESTRICTIVE THAN THOSE OF THIS  
6 PART 2; AND

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

11 (6) A CERTIFICATE OF REGISTRATION OR RENEWAL OF  
12 REGISTRATION UNDER THIS PART 2 IS VALID FOR TWO YEARS.

13 **23-16-207. Suspension, revocation, or refusal to renew**  
14 **registration.** (1) THE SECRETARY OF STATE MAY LIMIT, SUSPEND,  
15 REVOKE, OR REFUSE TO RENEW A REGISTRATION OF AN INDIVIDUAL  
16 REGISTERED UNDER SECTION 23-16-206 (1) FOR CONDUCT THAT WOULD  
17 HAVE JUSTIFIED REFUSAL TO ISSUE A CERTIFICATE OF REGISTRATION  
18 UNDER SECTION 23-16-206 (2).

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

25 **23-16-208. Temporary registration.** THE SECRETARY OF STATE  
26 MAY ISSUE A TEMPORARY CERTIFICATE OF REGISTRATION AS AN ATHLETE  
27 AGENT WHILE AN APPLICATION FOR REGISTRATION OR RENEWAL OF

1 REGISTRATION IS PENDING.

2 **23-16-209. Registration and renewal fees.** AN APPLICATION FOR  
3 REGISTRATION OR RENEWAL OF REGISTRATION AS AN ATHLETE AGENT  
4 MUST BE ACCOMPANIED BY A FEE IN THE AMOUNT DETERMINED BY RULE  
5 OF THE SECRETARY OF STATE.

6 **23-16-210. Required form of agency contract.** (1) AN AGENCY  
7 CONTRACT MUST BE IN A RECORD SIGNED BY THE PARTIES.

8 (2) AN AGENCY CONTRACT MUST CONTAIN:

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

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

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

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

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

26 (f) THE DURATION OF THE CONTRACT; AND

27 (g) THE DATE OF EXECUTION.



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

4                           **WARNING TO STUDENT ATHLETE**

5                           **IF YOU SIGN THIS CONTRACT:**

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

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

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

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

25           (5) A STUDENT ATHLETE OR, IF THE STUDENT ATHLETE IS A MINOR,  
26 HIS OR HER PARENT OR GUARDIAN, MAY VOID AN AGENCY CONTRACT THAT  
27 DOES NOT CONFORM TO THIS SECTION. IF THE CONTRACT IS VOIDED, THE

1 STUDENT ATHLETE IS NOT REQUIRED TO RETURN ANY CONSIDERATION  
2 RECEIVED FROM THE ATHLETE AGENT UNDER THE CONTRACT TO INDUCE  
3 ENTERING INTO THE CONTRACT.

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

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

13 **23-16-211. Notice to educational institution.** (1) AS USED IN  
14 THIS SECTION, "COMMUNICATING OR ATTEMPTING TO COMMUNICATE"  
15 MEANS CONTACTING OR ATTEMPTING TO CONTACT BY AN IN-PERSON  
16 MEETING, A RECORD, OR ANY OTHER METHOD THAT CONVEYS OR  
17 ATTEMPTS TO CONVEY A MESSAGE.

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

26 (3) WITHIN SEVENTY-TWO HOURS AFTER ENTERING INTO AN  
27 AGENCY CONTRACT OR BEFORE THE NEXT SCHEDULED ATHLETIC EVENT IN

1 WHICH THE STUDENT ATHLETE MAY PARTICIPATE, WHICHEVER OCCURS  
2 FIRST, THE STUDENT ATHLETE SHALL INFORM THE ATHLETIC DIRECTOR OF  
3 THE EDUCATIONAL INSTITUTION AT WHICH THE ATHLETE IS ENROLLED  
4 THAT HE OR SHE HAS ENTERED INTO AN AGENCY CONTRACT AND THE  
5 NAME AND CONTACT INFORMATION OF THE ATHLETE AGENT.

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

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

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

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

27 (6) AN ATHLETE AGENT SHALL GIVE NOTICE IN A RECORD TO THE

1 ATHLETIC DIRECTOR OF ANY EDUCATIONAL INSTITUTION AT WHICH A  
2 STUDENT ATHLETE IS ENROLLED BEFORE THE ATHLETE AGENT  
3 COMMUNICATES OR ATTEMPTS TO COMMUNICATE WITH:

4 (a) THE STUDENT ATHLETE OR, IF THE STUDENT ATHLETE IS A  
5 MINOR, HIS OR HER PARENT OR GUARDIAN, TO INFLUENCE THE STUDENT  
6 ATHLETE OR HIS OR HER PARENT OR GUARDIAN TO ENTER INTO AN AGENCY  
7 CONTRACT; OR

8 (b) ANOTHER INDIVIDUAL WITH THE INTENT OF HAVING THAT  
9 INDIVIDUAL INFLUENCE THE STUDENT ATHLETE OR, IF THE STUDENT  
10 ATHLETE IS A MINOR, HIS OR HER PARENT OR GUARDIAN, TO ENTER INTO  
11 AN AGENCY CONTRACT.

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

19 (8) AN EDUCATIONAL INSTITUTION THAT BECOMES AWARE OF A  
20 VIOLATION OF THIS PART 2 BY AN ATHLETE AGENT SHALL PROVIDE NOTICE  
21 OF THE VIOLATION TO THE SECRETARY OF STATE AND ANY PROFESSIONAL  
22 LEAGUE OR PLAYERS ASSOCIATION WITH WHICH THE EDUCATIONAL  
23 INSTITUTION IS AWARE THE ATHLETE AGENT IS LICENSED OR REGISTERED.

24 **23-16-212. Student athlete's right to cancel.** (1) A STUDENT  
25 ATHLETE OR, IF THE STUDENT ATHLETE IS A MINOR, HIS OR HER PARENT OR  
26 GUARDIAN, MAY:

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

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

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

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

10 **23-16-213. Required records.** (1) AN ATHLETE AGENT SHALL  
11 CREATE AND RETAIN THE FOLLOWING RECORDS FOR A PERIOD OF FIVE  
12 YEARS:

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

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

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

20 (2) THE RECORDS DESCRIBED IN SUBSECTION (1) OF THIS SECTION  
21 ARE OPEN TO INSPECTION BY THE SECRETARY OF STATE DURING NORMAL  
22 BUSINESS HOURS.

23 **23-16-214. Prohibited conduct.** (1) AN ATHLETE AGENT, WITH  
24 THE INTENT TO INFLUENCE A STUDENT ATHLETE OR, IF THE STUDENT  
25 ATHLETE IS A MINOR, HIS OR HER PARENT OR GUARDIAN, TO ENTER INTO  
26 AN AGENCY CONTRACT, MAY NOT TAKE ANY OF THE FOLLOWING ACTIONS  
27 OR ENCOURAGE ANY OTHER INDIVIDUAL TO TAKE OR ASSIST ANY OTHER

1 INDIVIDUAL IN TAKING ANY OF THE FOLLOWING ACTIONS ON BEHALF OF  
2 THE ATHLETE AGENT:

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

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

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

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

12 (a) INITIATE CONTACT, DIRECTLY OR INDIRECTLY, WITH A STUDENT  
13 ATHLETE OR, IF THE STUDENT ATHLETE IS A MINOR, HIS OR HER PARENT OR  
14 GUARDIAN, TO RECRUIT OR SOLICIT THE STUDENT ATHLETE OR HIS OR HER  
15 PARENT OR GUARDIAN TO ENTER INTO AN AGENCY CONTRACT UNLESS THE  
16 ATHLETE AGENT IS PROPERLY REGISTERED PURSUANT TO THIS PART 2;

17 (b) FAIL TO CREATE, RETAIN, OR PERMIT INSPECTION OF THE  
18 RECORDS REQUIRED TO BE RETAINED BY SECTION 23-16-213;

19 (c) FAIL TO REGISTER WHEN REQUIRED BY SECTION 23-16-204;

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

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

23 (f) FAIL TO NOTIFY A STUDENT ATHLETE OR, IF THE STUDENT  
24 ATHLETE IS A MINOR, HIS OR HER PARENT OR GUARDIAN, BEFORE THE  
25 STUDENT ATHLETE OR HIS OR HER PARENT OR GUARDIAN SIGNS AN  
26 AGENCY CONTRACT FOR A PARTICULAR SPORT THAT THE SIGNING MAY  
27 MAKE THE STUDENT ATHLETE INELIGIBLE TO PARTICIPATE AS A STUDENT

1 ATHLETE IN THAT SPORT.

2 **23-16-215. Criminal penalties.** AN ATHLETE AGENT WHO  
3 VIOLATES SECTION 23-16-214 IS GUILTY OF A CLASS 2 MISDEMEANOR, AS  
4 PROVIDED IN SECTION 18-1.3-501, C.R.S., FOR A FIRST OFFENSE AND IS  
5 GUILTY OF A CLASS 6 FELONY, AS PROVIDED IN SECTION 18-1.3-401,  
6 C.R.S., FOR A SECOND OR SUBSEQUENT OFFENSE.

7 **23-16-216. Civil remedy.** (1) AN EDUCATIONAL INSTITUTION OR  
8 STUDENT ATHLETE MAY BRING AN ACTION FOR DAMAGES AGAINST AN  
9 ATHLETE AGENT IF THE EDUCATIONAL INSTITUTION OR STUDENT ATHLETE  
10 IS ADVERSELY AFFECTED BY AN ACT OR OMISSION OF THE ATHLETE AGENT  
11 IN VIOLATION OF THIS PART 2. AN EDUCATIONAL INSTITUTION OR STUDENT  
12 ATHLETE IS ADVERSELY AFFECTED BY AN ACT OR OMISSION OF AN  
13 ATHLETE AGENT ONLY IF, BECAUSE OF THE ACT OR OMISSION, THE  
14 EDUCATIONAL INSTITUTION OR AN INDIVIDUAL WHO WAS A STUDENT  
15 ATHLETE AT THE TIME OF THE ACT OR OMISSION AND WHO WAS ALSO  
16 ENROLLED IN THE EDUCATIONAL INSTITUTION:

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

22 (b) SUFFERS FINANCIAL DAMAGE.

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

1 ATHLETE AGENT BY OR ON BEHALF OF THE STUDENT ATHLETE.

2 (3) A VIOLATION OF THIS PART 2 IS AN UNFAIR TRADE OR  
3 DECEPTIVE PRACTICE PURSUANT TO THE LAWS OF THIS STATE.

4 **23-16-217. Civil penalty.** ON MOTION OF THE ATTORNEY  
5 GENERAL OR THE DISTRICT ATTORNEY, THE COURT MAY IMPOSE A CIVIL  
6 PENALTY OF NOT LESS THAN TWENTY-FIVE THOUSAND DOLLARS BUT NOT  
7 MORE THAN FIFTY THOUSAND DOLLARS FOR A VIOLATION OF THIS PART 2.  
8 MONEYS COLLECTED UNDER THIS SECTION SHALL BE TRANSMITTED TO THE  
9 STATE TREASURER AND CREDITED TO THE GENERAL FUND.

10 **23-16-218. Uniformity of application and construction.** IN  
11 APPLYING AND CONSTRUING THIS UNIFORM ACT, CONSIDERATION MUST BE  
12 GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT  
13 TO ITS SUBJECT MATTER AMONG STATES THAT ENACT IT.

14 **23-16-219. Relation to electronic signatures in global and**  
15 **national commerce act.** THIS PART 2 MODIFIES, LIMITS, OR SUPERSEDES  
16 THE "ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE  
17 ACT", 15 U.S.C. SEC. 7001 ET SEQ., BUT DOES NOT MODIFY, LIMIT, OR  
18 SUPERSEDE SECTION 101 (c) OF THAT ACT, 15 U.S.C. SEC. 7001 (c), OR  
19 AUTHORIZE ELECTRONIC DELIVERY OF ANY OF THE NOTICES DESCRIBED IN  
20 SECTION 103 (b) OF THAT ACT, 15 U.S.C. SEC. 7003 (b).

21 **23-16-220. Severability.** IF ANY PROVISION OF THIS PART 2 OR ITS  
22 APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE  
23 INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF  
24 THIS PART 2, WHICH CAN BE GIVEN EFFECT WITHOUT THE INVALID  
25 PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS  
26 PART 2 ARE SEVERABLE.

27 **SECTION 2.** In Colorado Revised Statutes, **amend** 23-16-104 as



1 follows:

2 **23-16-104. Agent contracts - contents - notice - termination.**

3 (1) In addition to the requirements specified in ~~section 23-16-209~~  
4 SECTION 23-16-210 for contracts with athlete agents, any agent contract  
5 entered into between an athlete agent and a student athlete shall also  
6 include:

7 (a) and (b) (Deleted by amendment, L. 2008, p. 1015, § 4,  
8 effective July 1, 2008.)

9 (c) Any guarantees provided by the athlete agent to the student  
10 athlete;

11 (d) In addition to the warning required to be given to the student  
12 athlete as specified in ~~section 23-16-209 (c)~~ SECTION 23-16-210 (3), the  
13 following statement in at least ten-point type that is bold-faced,  
14 capitalized, underlined, or otherwise conspicuously set out from  
15 surrounding written material:

16 **WARNING TO STUDENT ATHLETE:**  
17 **DO NOT SIGN THIS CONTRACT UNTIL YOU HAVE READ IT**  
18 **OR IF IT CONTAINS BLANK SPACES. DO NOT SIGN THIS**  
19 **CONTRACT IF IT DOES NOT SPECIFY ALL OF THE**  
20 **GUARANTEES MADE TO YOU BY THE ATHLETE AGENT. IF**  
21 **YOU DECIDE THAT YOU DO NOT WISH TO PURCHASE THE**  
22 **SERVICES OF THE ATHLETE AGENT, YOU MAY CANCEL**  
23 **THIS CONTRACT BY NOTIFYING THE ATHLETE AGENT IN**  
24 **WRITING OF YOUR DESIRE TO CANCEL THE CONTRACT**  
25 **WITHIN FOURTEEN DAYS AFTER THE DATE ON WHICH**  
26 **YOU SIGN THIS CONTRACT.**

27 (2) to (4) (Deleted by amendment, L. 2008, p. 1015, § 4, effective

1 July 1, 2008.)

2           **SECTION 3. Inclusion of official comments.** The revisor shall  
3 include in the publication of the "Revised Uniform Athlete Agents Act  
4 (2015)", as nonstatutory matter, following each section of the part, the  
5 full text of the official comments to that section contained in the official  
6 volume containing the 2015 official text of the "Revised Uniform Athlete  
7 Agents Act (2015)" issued by the uniform law commission, with any  
8 changes in the official comments or Colorado comments to correspond to  
9 Colorado changes in the uniform act. The revisor of statutes shall prepare  
10 the comments for approval by the committee on legal services for  
11 publication.

12           **SECTION 4. Act subject to petition - effective date.** This act  
13 takes effect at 12:01 a.m. on the day following the expiration of the  
14 ninety-day period after final adjournment of the general assembly (August  
15 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a  
16 referendum petition is filed pursuant to section 1 (3) of article V of the  
17 state constitution against this act or an item, section, or part of this act  
18 within such period, then the act, item, section, or part will not take effect  
19 unless approved by the people at the general election to be held in  
20 November 2016 and, in such case, will take effect on the date of the  
21 official declaration of the vote thereon by the governor.