

CHAPTER 268

EDUCATION - UNIVERSITIES AND COLLEGES

HOUSE BILL 08-1058

BY REPRESENTATIVE(S) McGihon;
also SENATOR(S) Gordon, Groff, Shaffer, and Tupa.

AN ACT

CONCERNING THE ENACTMENT OF THE "UNIFORM ATHLETE AGENTS ACT", AND, IN CONNECTION THEREWITH, CONFORMING EXISTING STATUTES GOVERNING THE CONDUCT OF ATHLETE AGENTS, AND MAKING AN APPROPRIATION.

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

SECTION 1. Article 16 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

**PART 2
UNIFORM ATHLETE AGENTS ACT**

23-16-201. Short title. THIS PART 2 MAY BE CITED AS THE "UNIFORM ATHLETE AGENTS ACT".

23-16-202. Definitions. IN THIS PART 2:

(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" MEANS AN INDIVIDUAL WHO ENTERS INTO AN AGENCY CONTRACT WITH A STUDENT ATHLETE OR, DIRECTLY OR INDIRECTLY, RECRUITS OR SOLICITS A STUDENT ATHLETE TO ENTER INTO AN AGENCY CONTRACT. THE TERM INCLUDES AN INDIVIDUAL WHO REPRESENTS TO THE PUBLIC THAT THE INDIVIDUAL IS AN ATHLETE AGENT. THE TERM DOES NOT INCLUDE A SPOUSE, PARENT, SIBLING, GRANDPARENT, OR GUARDIAN OF THE STUDENT ATHLETE OR AN INDIVIDUAL ACTING SOLELY ON BEHALF OF A PROFESSIONAL SPORTS TEAM OR PROFESSIONAL SPORTS

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

ORGANIZATION.

(3) "ATHLETIC DIRECTOR" MEANS AN 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) "CONTACT" MEANS A COMMUNICATION, DIRECT OR INDIRECT, BETWEEN AN ATHLETE AGENT AND A STUDENT ATHLETE, TO RECRUIT OR SOLICIT THE STUDENT ATHLETE TO ENTER INTO AN AGENCY CONTRACT.

(5) "DIVISION" MEANS THE DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES.

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

(7) "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 FOR THE PROMOTION OR REGULATION OF COLLEGIATE ATHLETICS.

(8) "PERSON" MEANS AN INDIVIDUAL, CORPORATION, BUSINESS TRUST, ESTATE, TRUST, PARTNERSHIP, LIMITED LIABILITY COMPANY, ASSOCIATION, JOINT VENTURE, OR GOVERNMENT; A GOVERNMENTAL SUBDIVISION, AGENCY, OR INSTRUMENTALITY; A PUBLIC CORPORATION; OR ANY OTHER LEGAL OR COMMERCIAL ENTITY.

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

(10) "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.

(11) "REGISTRATION" MEANS REGISTRATION AS AN ATHLETE AGENT PURSUANT TO THIS PART 2.

(12) "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.

(13) "STUDENT ATHLETE" MEANS AN INDIVIDUAL WHO ENGAGES IN, IS ELIGIBLE TO ENGAGE IN, OR MAY BE ELIGIBLE IN THE FUTURE TO ENGAGE IN, ANY INTERCOLLEGIATE SPORT. IF AN INDIVIDUAL IS PERMANENTLY INELIGIBLE TO PARTICIPATE IN A PARTICULAR INTERCOLLEGIATE SPORT, THE INDIVIDUAL IS NOT A

STUDENT ATHLETE FOR PURPOSES OF THAT SPORT.

23-16-203. Service of process - subpoenas. (a) AT ALL TIMES WHILE ACTING AS AN ATHLETE AGENT IN THIS STATE, A NONRESIDENT INDIVIDUAL SHALL CONTINUOUSLY MAINTAIN IN THIS STATE A REGISTERED AGENT. THE REGISTERED AGENT SHALL BE:

- (1) AN INDIVIDUAL WHO IS EIGHTEEN YEARS OF AGE OR OLDER AND WHOSE PRIMARY RESIDENCE OR USUAL PLACE OF BUSINESS IS IN THIS STATE;
- (2) A DOMESTIC ENTITY HAVING A USUAL PLACE OF BUSINESS IN THIS STATE; OR
- (3) A FOREIGN ENTITY AUTHORIZED TO TRANSACT BUSINESS OR CONDUCT ACTIVITIES IN THIS STATE THAT HAS A USUAL PLACE OF BUSINESS IN THIS STATE.

(b) THE REGISTERED AGENT OF THE NONRESIDENT INDIVIDUAL IS AN AGENT OF THE INDIVIDUAL AUTHORIZED TO RECEIVE SERVICE OF ANY PROCESS, NOTICE, OR DEMAND REQUIRED OR PERMITTED BY LAW TO BE SERVED ON THE INDIVIDUAL IN ANY CIVIL ACTION IN THIS STATE RELATED TO AN INDIVIDUAL ACTING AS AN ATHLETE AGENT.

(c) IF A NONRESIDENT INDIVIDUAL ACTING AS AN ATHLETE AGENT IN THIS STATE WHO IS REQUIRED TO MAINTAIN A REGISTERED AGENT PURSUANT TO THIS PART 2 HAS NO REGISTERED AGENT, OR IF THE REGISTERED AGENT IS NOT LOCATED UNDER ITS REGISTERED AGENT NAME AT ITS REGISTERED AGENT ADDRESS, OR IF THE REGISTERED AGENT CANNOT WITH REASONABLE DILIGENCE BE SERVED, THE NONRESIDENT INDIVIDUAL ACTING AS AN ATHLETE AGENT IN THIS STATE MAY BE SERVED BY REGISTERED MAIL OR BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, ADDRESSED TO THE NONRESIDENT ATHLETE AGENT AT HIS OR HER PRINCIPAL OFFICE ADDRESS. SERVICE IS PERFECTED UNDER THIS SUBSECTION (c) AT THE EARLIEST OF:

- (1) THE DATE THE NONRESIDENT ATHLETE AGENT RECEIVES THE PROCESS, NOTICE, OR DEMAND;
 - (2) THE DATE SHOWN ON THE RETURN RECEIPT, IF SIGNED ON BEHALF OF THE NONRESIDENT ATHLETE AGENT; OR
 - (3) FIVE DAYS AFTER MAILING.
- (d) THIS SECTION DOES NOT PRESCRIBE THE ONLY MEANS, OR NECESSARILY THE REQUIRED MEANS, OF SERVING A NONRESIDENT ATHLETE AGENT IN THIS STATE.

23-16-204. Athlete agents - registration required - void contracts. (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (b) OF THIS SECTION, ON OR AFTER JANUARY 1, 2009, AN INDIVIDUAL MAY NOT ACT AS AN ATHLETE AGENT IN THIS STATE WITHOUT HOLDING A CERTIFICATE OF REGISTRATION UNDER SECTION 23-16-206.

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

(1) THE INDIVIDUAL IS REGISTERED OR LICENSED AS AN ATHLETE AGENT IN GOOD STANDING BY ANOTHER STATE AND THE INDIVIDUAL NOTIFIES THE DIVISION, IN WRITING ON A FORM APPROVED BY THE DIVISION, AT LEAST FIVE BUSINESS DAYS PRIOR TO ACTING AS AN ATHLETE AGENT IN THIS STATE;

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

(3) WITHIN SEVEN DAYS AFTER AN INITIAL ACT AS AN ATHLETE AGENT, THE INDIVIDUAL SUBMITS AN APPLICATION FOR REGISTRATION AS AN ATHLETE AGENT IN THIS STATE.

(c) AN AGENCY CONTRACT RESULTING FROM CONDUCT IN VIOLATION OF THIS SECTION IS VOID, AND THE ATHLETE AGENT SHALL RETURN ANY CONSIDERATION RECEIVED UNDER THE CONTRACT.

23-16-205. Registration as athlete agent - form - requirements. (a) AN APPLICANT FOR REGISTRATION SHALL SUBMIT AN APPLICATION FOR REGISTRATION TO THE DIVISION IN A FORM PRESCRIBED BY THE DIVISION. AN APPLICATION FILED UNDER THIS SECTION IS A PUBLIC RECORD. THE APPLICATION MUST BE IN THE NAME OF AN INDIVIDUAL AND SIGNED OR OTHERWISE AUTHENTICATED BY THE APPLICANT UNDER PENALTY OF PERJURY AND STATE OR CONTAIN:

(1) THE NAME OF THE APPLICANT AND THE ADDRESS OF THE APPLICANT'S PRINCIPAL PLACE OF BUSINESS;

(2) THE NAME OF THE APPLICANT'S BUSINESS OR EMPLOYER, IF APPLICABLE;

(3) ANY BUSINESS OR OCCUPATION ENGAGED IN BY THE APPLICANT FOR THE FIVE YEARS NEXT PRECEDING THE DATE OF SUBMISSION OF THE APPLICATION;

(4) A DESCRIPTION OF THE APPLICANT'S:

(A) FORMAL TRAINING AS AN ATHLETE AGENT;

(B) PRACTICAL EXPERIENCE AS AN ATHLETE AGENT; AND

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

(5) THE NAMES AND ADDRESSES OF THREE INDIVIDUALS NOT RELATED TO THE APPLICANT WHO ARE WILLING TO SERVE AS REFERENCES;

(6) THE NAME, SPORT, AND LAST KNOWN TEAM FOR EACH INDIVIDUAL FOR WHOM THE APPLICANT ACTED AS AN ATHLETE AGENT DURING THE FIVE YEARS NEXT PRECEDING THE DATE OF SUBMISSION OF THE APPLICATION;

(7) THE NAMES AND ADDRESSES OF ALL PERSONS WHO ARE:

(A) WITH RESPECT TO THE ATHLETE AGENT'S BUSINESS IF IT IS NOT A CORPORATION, THE PARTNERS, MEMBERS, OFFICERS, MANAGERS, ASSOCIATES, OR

PROFIT-SHARERS OF THE BUSINESS; AND

(B) WITH RESPECT TO A CORPORATION EMPLOYING THE ATHLETE AGENT, THE OFFICERS, DIRECTORS, AND ANY SHAREHOLDER OF THE CORPORATION HAVING AN INTEREST OF FIVE PERCENT OR GREATER;

(8) WHETHER THE APPLICANT OR ANY PERSON NAMED PURSUANT TO PARAGRAPH (7) OF THIS SUBSECTION (a) HAS BEEN CONVICTED OF A CRIME THAT, IF COMMITTED IN THIS STATE, WOULD BE A CRIME INVOLVING MORAL TURPITUDE OR A FELONY, AND IDENTIFY THE CRIME;

(9) WHETHER THERE HAS BEEN ANY ADMINISTRATIVE OR JUDICIAL DETERMINATION THAT THE APPLICANT OR ANY PERSON NAMED PURSUANT TO PARAGRAPH (7) OF THIS SUBSECTION (a) HAS MADE A FALSE, MISLEADING, DECEPTIVE, OR FRAUDULENT REPRESENTATION;

(10) ANY INSTANCE IN WHICH THE CONDUCT OF THE APPLICANT OR ANY PERSON NAMED PURSUANT TO PARAGRAPH (7) OF THIS SUBSECTION (a) RESULTED IN THE IMPOSITION OF A SANCTION, SUSPENSION, OR DECLARATION OF INELIGIBILITY TO PARTICIPATE IN AN INTERSCHOLASTIC OR INTERCOLLEGIATE ATHLETIC EVENT ON A STUDENT ATHLETE OR EDUCATIONAL INSTITUTION;

(11) ANY SANCTION, SUSPENSION, OR DISCIPLINARY ACTION TAKEN AGAINST THE APPLICANT OR ANY PERSON NAMED PURSUANT TO PARAGRAPH (7) OF THIS SUBSECTION (a) ARISING OUT OF OCCUPATIONAL OR PROFESSIONAL CONDUCT; AND

(12) WHETHER THERE HAS BEEN ANY DENIAL OF AN APPLICATION FOR, SUSPENSION OR REVOCATION OF, OR REFUSAL TO RENEW, THE REGISTRATION OR LICENSURE OF THE APPLICANT OR ANY PERSON NAMED PURSUANT TO PARAGRAPH (7) OF THIS SUBSECTION (a) AS AN ATHLETE AGENT IN ANY STATE.

23-16-206. Certificate of registration - issuance or denial - renewal.

(a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (b) OF THIS SECTION, THE DIVISION SHALL ISSUE A CERTIFICATE OF REGISTRATION TO AN INDIVIDUAL WHO COMPLIES WITH SECTION 23-16-205 (a) OR 23-16-204 (b).

(b) THE DIVISION MAY REFUSE TO ISSUE A CERTIFICATE OF REGISTRATION IF THE DIVISION DETERMINES THAT THE APPLICANT HAS ENGAGED IN CONDUCT THAT HAS A SIGNIFICANT ADVERSE EFFECT ON THE APPLICANT'S FITNESS TO ACT AS AN ATHLETE AGENT. IN MAKING THE DETERMINATION, THE DIVISION MAY CONSIDER WHETHER THE APPLICANT HAS:

(1) BEEN CONVICTED OF A CRIME THAT, IF COMMITTED IN THIS STATE, WOULD BE A CRIME INVOLVING MORAL TURPITUDE OR A FELONY;

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

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

(4) ENGAGED IN CONDUCT PROHIBITED BY SECTION 23-16-213;

(5) HAD A REGISTRATION OR LICENSURE AS AN ATHLETE AGENT SUSPENDED, REVOKED, OR DENIED OR BEEN REFUSED RENEWAL OF REGISTRATION OR LICENSURE AS AN ATHLETE AGENT IN ANY STATE;

(6) ENGAGED IN CONDUCT THE CONSEQUENCE OF WHICH WAS THAT A SANCTION, SUSPENSION, OR DECLARATION OF INELIGIBILITY TO PARTICIPATE IN AN INTERSCHOLASTIC OR INTERCOLLEGIATE ATHLETIC EVENT WAS IMPOSED ON A STUDENT ATHLETE OR EDUCATIONAL INSTITUTION; OR

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

(c) IN MAKING A DETERMINATION UNDER SUBSECTION (b) OF THIS SECTION, THE DIVISION SHALL CONSIDER:

(1) HOW RECENTLY THE CONDUCT OCCURRED;

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

(3) ANY OTHER RELEVANT CONDUCT OF THE APPLICANT.

(d) AN ATHLETE AGENT MAY APPLY TO RENEW A REGISTRATION BY SUBMITTING AN APPLICATION FOR RENEWAL IN A FORM PRESCRIBED BY THE DIVISION. AN APPLICATION FILED UNDER THIS SECTION IS A PUBLIC RECORD. THE APPLICATION FOR RENEWAL MUST BE SIGNED BY THE APPLICANT UNDER PENALTY OF PERJURY AND MUST CONTAIN CURRENT INFORMATION ON ALL MATTERS REQUIRED IN AN ORIGINAL REGISTRATION.

23-16-207. Suspension, revocation, or refusal to renew registration - disciplinary action against registration - cease-and-desist orders - immunity.

(a) THE DIVISION MAY SUSPEND, REVOKE, OR REFUSE TO RENEW A REGISTRATION FOR CONDUCT THAT WOULD HAVE JUSTIFIED DENIAL OF REGISTRATION UNDER SECTION 23-16-206 (b).

(b) THE DIVISION MAY DENY, SUSPEND, REVOKE, OR REFUSE TO RENEW A CERTIFICATE OF REGISTRATION ONLY AFTER PROPER NOTICE AND AN OPPORTUNITY FOR A HEARING. THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., APPLIES TO THIS PART 2.

(c) THE DIRECTOR OF THE DIVISION UPON DIRECTION MAY, AND UPON THE RECEIPT OF A SIGNED COMPLAINT IN WRITING FROM ANY PERSON SHALL, INVESTIGATE THE ACTIVITIES OF ANY ATHLETE AGENT WHO PRESENTS GROUNDS FOR DISCIPLINARY ACTION AS SPECIFIED IN THIS PART 2. IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., AND THIS PART 2, THE DIRECTOR IS AUTHORIZED TO INVESTIGATE, HOLD HEARINGS, AND GATHER EVIDENCE IN ALL MATTERS RELATED TO THE EXERCISE AND PERFORMANCE OF THE POWERS AND DUTIES OF THE DIRECTOR.

(d) IN ORDER TO AID THE DIRECTOR OF THE DIVISION IN ANY HEARING INSTITUTED

PURSUANT TO THIS PART 2, THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE APPOINTED PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., IS AUTHORIZED TO ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS COMPELLING THE ATTENDANCE OF THE WITNESSES AND THE PRODUCTION OF ALL RELEVANT RECORDS, PAPERS, BOOKS, DOCUMENTARY EVIDENCE, AND MATERIAL IN ANY HEARING, INVESTIGATION, OR OTHER MATTER COMING BEFORE THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE.

(e) UPON FAILURE OF ANY WITNESS OR ATHLETE AGENT TO COMPLY WITH A SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH THE SUBPOENAED WITNESS OR ATHLETE AGENT RESIDES OR CONDUCTS BUSINESS, UPON APPLICATION BY THE DIRECTOR OF THE DIVISION WITH NOTICE TO THE SUBPOENAED WITNESS OR ATHLETE AGENT, MAY ISSUE TO THE WITNESS OR ATHLETE AGENT AN ORDER REQUIRING THAT WITNESS OR ATHLETE AGENT TO APPEAR BEFORE THE DIRECTOR TO PRODUCE THE RELEVANT RECORDS, PAPERS, BOOKS, DOCUMENTARY EVIDENCE, OR MATERIAL.

(f) (1) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR OF THE DIVISION, DOES NOT WARRANT FORMAL ACTION BY THE DIRECTOR BUT THAT SHOULD NOT BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY BE ISSUED AND SENT TO THE REGISTRANT BY CERTIFIED MAIL.

(2) WHEN A LETTER OF ADMONITION IS SENT BY THE DIRECTOR OF THE DIVISION TO A REGISTRANT, THE REGISTRANT SHALL BE ADVISED THAT HE OR SHE HAS THE RIGHT TO REQUEST THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS BASED. THE REGISTRANT SHALL MAKE THE REQUEST IN WRITING WITHIN TWENTY DAYS AFTER RECEIPT OF THE LETTER.

(3) IF THE REQUEST FOR ADJUDICATION IS TIMELY MADE, THE LETTER OF ADMONITION SHALL BE DEEMED VACATED AND THE MATTER SHALL BE PROCESSED BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

(g) (1) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL ACTION BY THE DIRECTOR OF THE DIVISION AND, IN THE OPINION OF THE DIRECTOR THE COMPLAINT SHOULD BE DISMISSED, BUT THE DIRECTOR HAS NOTICED INDICATIONS OF POSSIBLE ERRANT CONDUCT BY THE REGISTRANT THAT COULD LEAD TO SERIOUS CONSEQUENCES IF NOT CORRECTED, A CONFIDENTIAL LETTER OF CONCERN MAY BE ISSUED AND SENT TO THE REGISTRANT.

(2) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR OF THE DIVISION, WARRANTS FORMAL ACTION, THE COMPLAINT SHALL NOT BE RESOLVED BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR PROSECUTION.

(h) (1) IF IT APPEARS TO THE DIRECTOR OF THE DIVISION, BASED UPON CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT A PERSON HAS VIOLATED ANY OTHER PORTION OF THIS PART 2, THEN, IN ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS PART 2, THE DIRECTOR MAY ISSUE TO

SUCH PERSON AN ORDER TO SHOW CAUSE AS TO WHY THE DIRECTOR SHOULD NOT ISSUE A FINAL ORDER DIRECTING SUCH PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR UNREGISTERED PRACTICE.

(2) A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (1) OF THIS SUBSECTION (h) SHALL BE PROMPTLY NOTIFIED BY THE DIRECTOR OF THE DIVISION OF THE ISSUANCE OF THE ORDER, ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR THE ORDER, AND THE DATE SET BY THE DIRECTOR FOR A HEARING ON THE ORDER. SUCH NOTICE MAY BE SERVED BY PERSONAL SERVICE, BY FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID, OR AS MAY BE PRACTICABLE UPON ANY PERSON AGAINST WHOM SUCH ORDER IS ISSUED. PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS SUBSECTION (h) SHALL CONSTITUTE NOTICE THEREOF TO THE PERSON.

(3) (A) THE HEARING ON AN ORDER TO SHOW CAUSE SHALL BE COMMENCED NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION BY THE DIRECTOR OF THE DIVISION AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION (h). THE HEARING MAY BE CONTINUED BY AGREEMENT OF ALL PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT SHALL THE HEARING COMMENCE LATER THAN SIXTY CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION.

(B) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO PARAGRAPH (1) OF THIS SUBSECTION (h) DOES NOT APPEAR AT THE HEARING, THE DIRECTOR OF THE DIVISION MAY PRESENT EVIDENCE THAT NOTIFICATION WAS PROPERLY SENT OR SERVED UPON SUCH PERSON PURSUANT TO PARAGRAPH (2) OF THIS SUBSECTION (h) AND SUCH OTHER EVIDENCE RELATED TO THE MATTER AS THE DIRECTOR DEEMS APPROPRIATE. THE DIRECTOR SHALL ISSUE THE ORDER WITHIN TEN DAYS AFTER THE DIRECTOR'S DETERMINATION RELATED TO REASONABLE ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER SHALL BECOME FINAL AS TO THAT PERSON BY OPERATION OF LAW. SUCH HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

(C) IF THE DIRECTOR OF THE DIVISION REASONABLY FINDS THAT THE PERSON AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR HAS ACTED WITHOUT THE REQUIRED REGISTRATION OR HAS OR IS ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS PART 2, A FINAL CEASE-AND-DESIST ORDER MAY BE ISSUED DIRECTING SUCH PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR UNREGISTERED PRACTICES.

(D) THE DIRECTOR OF THE DIVISION SHALL PROVIDE NOTICE, IN THE MANNER SET FORTH IN PARAGRAPH (2) OF THIS SUBSECTION (h), OF THE FINAL CEASE-AND-DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (3) TO EACH PERSON AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER ISSUED PURSUANT TO SUBPARAGRAPH (C) OF THIS PARAGRAPH (3) SHALL BE EFFECTIVE WHEN ISSUED AND SHALL BE A FINAL ORDER FOR PURPOSES OF JUDICIAL REVIEW.

(i) IN ANY PROCEEDING HELD UNDER THIS SECTION, THE DIRECTOR OF THE DIVISION MAY ACCEPT AS PRIMA FACIE EVIDENCE OF GROUNDS FOR DISCIPLINARY ACTION ANY DISCIPLINARY ACTION TAKEN AGAINST A REGISTRANT IN ANOTHER JURISDICTION IF THE VIOLATION THAT PROMPTED THE DISCIPLINARY ACTION IN THE OTHER JURISDICTION WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THIS PART 2.

(j) THE DIRECTOR OF THE DIVISION, THE DIRECTOR'S STAFF, ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE DIRECTOR, ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS PART 2, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS PART 2 SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS DIRECTOR, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF SUCH INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS WARRANTED BY THE FACTS.

23-16-208. Registration and renewal fees. (a) THE DIVISION SHALL ESTABLISH FEES FOR THE REGISTRATION. AN APPLICATION FOR REGISTRATION MUST BE ACCOMPANIED BY THE FEE AS SET BY THE DIVISION.

(b) ALL REGISTRATIONS SHALL EXPIRE PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIVISION AND SHALL BE RENEWED ACCORDING TO A SCHEDULE OF RENEWAL DATES ESTABLISHED BY THE DIVISION. THE DIVISION MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S., AND AN APPLICATION FOR RENEWAL OF REGISTRATION MUST BE ACCOMPANIED BY SUCH FEES. IF AN ATHLETE AGENT FAILS TO RENEW HIS OR HER REGISTRATION PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIVISION, THE REGISTRATION SHALL EXPIRE.

(c) NO ATHLETE AGENT WHOSE REGISTRATION HAS BEEN REVOKED SHALL BE ALLOWED TO REAPPLY FOR REGISTRATION EARLIER THAN TWO YEARS AFTER THE EFFECTIVE DATE OF THE REVOCATION.

(d) ALL FEES COLLECTED UNDER THIS SECTION SHALL BE DETERMINED, COLLECTED, AND APPROPRIATED IN THE SAME MANNER AS SET FORTH IN SECTION 24-34-105, C.R.S., AND PERIODICALLY ADJUSTED IN ACCORDANCE WITH SECTION 24-75-402, C.R.S.

(e) THE MONEYS COLLECTED UNDER THIS SECTION SHALL BE TRANSMITTED TO THE STATE TREASURER AND CREDITED TO THE DIVISION OF REGISTRATIONS CASH FUND CREATED IN SECTION 24-34-105, C.R.S.

23-16-209. Required form of contract. (a) AN AGENCY CONTRACT MUST BE IN A RECORD, SIGNED OR OTHERWISE AUTHENTICATED BY THE PARTIES.

(b) AN AGENCY CONTRACT MUST STATE OR CONTAIN:

(1) 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;

(2) THE NAME OF ANY PERSON NOT LISTED IN THE APPLICATION FOR REGISTRATION OR RENEWAL OF REGISTRATION WHO WILL BE COMPENSATED BECAUSE THE STUDENT ATHLETE SIGNED THE AGENCY CONTRACT;

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

(4) A DESCRIPTION OF THE SERVICES TO BE PROVIDED TO THE STUDENT ATHLETE;

(5) THE DURATION OF THE CONTRACT;

(6) THE DATE OF EXECUTION; AND

(7) THE REQUIREMENTS FOR CONTRACTS WITH STUDENT ATHLETES AS SPECIFIED IN SECTION 23-16-104.

(c) AN AGENCY CONTRACT MUST CONTAIN, IN CLOSE PROXIMITY TO THE SIGNATURE OF THE STUDENT ATHLETE, A CONSPICUOUS NOTICE IN BOLDFACE TYPE IN CAPITAL LETTERS STATING:

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 ENTERING INTO THIS CONTRACT, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR; AND

(3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY.

(d) AN AGENCY CONTRACT THAT DOES NOT CONFORM TO THIS SECTION IS VOIDABLE BY THE STUDENT ATHLETE. IF A STUDENT ATHLETE VOIDS AN AGENCY CONTRACT, THE STUDENT ATHLETE IS NOT REQUIRED TO PAY ANY CONSIDERATION UNDER THE CONTRACT OR TO RETURN ANY CONSIDERATION RECEIVED FROM THE ATHLETE AGENT TO INDUCE THE STUDENT ATHLETE TO ENTER INTO THE CONTRACT.

(e) THE ATHLETE AGENT SHALL GIVE A RECORD OF THE SIGNED OR OTHERWISE AUTHENTICATED AGENCY CONTRACT TO THE STUDENT ATHLETE AT THE TIME OF EXECUTION.

23-16-210. Notice to educational institution. (a) 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 THE ATHLETE AGENT HAS REASONABLE GROUNDS TO BELIEVE THE STUDENT ATHLETE INTENDS TO ENROLL.

(b) WITHIN SEVENTY-TWO HOURS AFTER ENTERING INTO AN AGENCY CONTRACT OR BEFORE THE NEXT 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 STUDENT ATHLETE IS ENROLLED THAT HE OR SHE HAS ENTERED INTO AN AGENCY CONTRACT.

23-16-211. Student athlete's right to cancel. (a) A STUDENT ATHLETE MAY CANCEL AN AGENCY CONTRACT BY GIVING NOTICE OF THE CANCELLATION TO THE ATHLETE AGENT IN A RECORD WITHIN FOURTEEN DAYS AFTER THE CONTRACT IS SIGNED.

(b) A STUDENT ATHLETE MAY NOT WAIVE THE RIGHT TO CANCEL AN AGENCY CONTRACT.

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

23-16-212. Required records. (a) AN ATHLETE AGENT SHALL RETAIN THE FOLLOWING RECORDS FOR A PERIOD OF FIVE YEARS:

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

(2) ANY AGENCY CONTRACT ENTERED INTO BY THE ATHLETE AGENT; AND

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

(b) RECORDS REQUIRED BY SUBSECTION (a) OF THIS SECTION TO BE RETAINED ARE OPEN TO INSPECTION BY THE DIRECTOR OF THE DIVISION OR HIS OR HER DESIGNEE DURING NORMAL BUSINESS HOURS.

23-16-213. Prohibited conduct. (a) AN ATHLETE AGENT, WITH THE INTENT TO INDUCE A STUDENT ATHLETE TO ENTER INTO AN AGENCY CONTRACT, MAY NOT:

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

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

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

(b) AN ATHLETE AGENT MAY NOT INTENTIONALLY:

(1) INITIATE CONTACT WITH A STUDENT ATHLETE UNLESS REGISTERED UNDER THIS PART 2;

(2) REFUSE OR FAIL TO RETAIN OR PERMIT INSPECTION OF THE RECORDS REQUIRED TO BE RETAINED BY SECTION 23-16-212;

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

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

(5) PREDATE OR POSTDATE AN AGENCY CONTRACT; OR

(6) FAIL TO NOTIFY A STUDENT ATHLETE BEFORE THE STUDENT ATHLETE SIGNS OR OTHERWISE AUTHENTICATES AN AGENCY CONTRACT FOR A PARTICULAR SPORT THAT THE SIGNING OR AUTHENTICATION MAY MAKE THE STUDENT ATHLETE INELIGIBLE TO PARTICIPATE AS A STUDENT ATHLETE IN THAT SPORT.

23-16-214. Criminal penalties. AN ATHLETE AGENT WHO VIOLATES SECTION 23-16-213 IS GUILTY OF A CLASS 2 MISDEMEANOR, AS PROVIDED IN SECTION 18-1.3-501, C.R.S., FOR A FIRST OFFENSE AND IS GUILTY OF A CLASS 6 FELONY, AS PROVIDED IN SECTION 18-1.3-401, C.R.S., FOR A SECOND OR SUBSEQUENT OFFENSE.

23-16-215. Civil remedies - temporary restraining orders - injunctions.

(a) AN EDUCATIONAL INSTITUTION HAS A RIGHT OF ACTION AGAINST AN ATHLETE AGENT OR A FORMER STUDENT ATHLETE FOR DAMAGES CAUSED BY A VIOLATION OF THIS PART 2. IN AN ACTION UNDER THIS SECTION, THE COURT MAY AWARD TO THE PREVAILING PARTY COSTS AND REASONABLE ATTORNEY FEES.

(b) DAMAGES OF AN EDUCATIONAL INSTITUTION UNDER SUBSECTION (a) OF THIS SECTION INCLUDE LOSSES AND EXPENSES INCURRED BECAUSE, AS A RESULT OF THE CONDUCT OF AN ATHLETE AGENT OR FORMER STUDENT ATHLETE, THE EDUCATIONAL INSTITUTION WAS INJURED BY A VIOLATION OF THIS PART 2 OR WAS PENALIZED, DISQUALIFIED, OR SUSPENDED FROM PARTICIPATION IN ATHLETICS BY A NATIONAL ASSOCIATION FOR THE PROMOTION AND REGULATION OF ATHLETICS, BY AN ATHLETIC CONFERENCE, OR BY REASONABLE SELF-IMPOSED DISCIPLINARY ACTION TAKEN TO MITIGATE SANCTIONS LIKELY TO BE IMPOSED BY SUCH AN ORGANIZATION.

(c) A RIGHT OF ACTION UNDER THIS SECTION DOES NOT ACCRUE UNTIL THE EDUCATIONAL INSTITUTION DISCOVERS OR BY THE EXERCISE OF REASONABLE DILIGENCE WOULD HAVE DISCOVERED THE VIOLATION BY THE ATHLETE AGENT OR FORMER STUDENT ATHLETE.

(d) ANY LIABILITY OF THE ATHLETE AGENT OR THE FORMER STUDENT ATHLETE UNDER THIS SECTION IS SEVERAL AND NOT JOINT.

(e) THIS PART 2 DOES NOT RESTRICT RIGHTS, REMEDIES, OR DEFENSES OF ANY PERSON UNDER LAW OR EQUITY.

(f) THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY OF THE JUDICIAL DISTRICT IN WHICH THE EDUCATIONAL INSTITUTION IS LOCATED, ON RECEIPT OF A COMPLAINT OR ON HIS OR HER INITIATIVE, MAY INVESTIGATE ANY ALLEGED VIOLATION OF THIS PART 2. FOLLOWING AN INVESTIGATION, IF THE ATTORNEY GENERAL OR DISTRICT ATTORNEY HAS REASONABLE CAUSE TO BELIEVE THAT ANY INDIVIDUAL HAS VIOLATED OR IS VIOLATING ANY PROVISION OF THIS PART 2, THE ATTORNEY GENERAL OR DISTRICT ATTORNEY MAY BRING AN ACTION TO OBTAIN A TEMPORARY RESTRAINING ORDER, PRELIMINARY INJUNCTION, OR PERMANENT INJUNCTION TO RESTRAIN OR PREVENT THE VIOLATION. IF THE ATTORNEY GENERAL OR DISTRICT ATTORNEY SHOWS, BY A PREPONDERANCE OF THE EVIDENCE, THAT AN INDIVIDUAL HAS VIOLATED OR IS VIOLATING ANY PROVISION OF THIS PART 2, THE COURT MAY ISSUE A TEMPORARY RESTRAINING ORDER, PRELIMINARY INJUNCTION, OR PERMANENT INJUNCTION TO RESTRAIN OR PREVENT THE VIOLATION. NO ACTION MAY BE BROUGHT BY THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY UNDER THIS SECTION MORE THAN FOUR YEARS AFTER THE OCCURRENCE OF THE VIOLATION.

23-16-216. Civil penalty. ON MOTION OF THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY, THE COURT MAY IMPOSE A CIVIL PENALTY OF NOT MORE THAN TWENTY-FIVE THOUSAND DOLLARS FOR A VIOLATION OF THIS PART 2. MONEYS COLLECTED UNDER THIS SECTION SHALL BE TRANSMITTED TO THE STATE TREASURER AND CREDITED TO THE GENERAL FUND.

23-16-217. 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.

23-16-218. Electronic signatures in global and national commerce act. THE PROVISIONS OF THIS PART 2 GOVERNING THE LEGAL EFFECT, VALIDITY, OR ENFORCEABILITY OF ELECTRONIC RECORDS OR SIGNATURES, AND OF CONTRACTS FORMED OR PERFORMED WITH THE USE OF SUCH RECORDS OR SIGNATURES, CONFORM TO THE REQUIREMENTS OF SECTION 102 OF THE "ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT", PUB.L. 106-229, 114 STAT. 464 (2000), AND SUPERSEDE, MODIFY, AND LIMIT THE "ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT".

23-16-219. Severability. IF ANY PROVISION OF THIS PART 2 OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS PART 2 THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END, THE PROVISIONS OF THIS PART 2 ARE SEVERABLE.

23-16-220. Rules. THE DIRECTOR OF THE DIVISION IS AUTHORIZED TO PROMULGATE RULES THAT ARE NECESSARY FOR THE ADMINISTRATION OF THIS PART 2.

23-16-221. Repeal of part. THIS PART 2 IS REPEALED, EFFECTIVE JULY 1, 2014, AND THE POWERS, DUTIES, AND FUNCTIONS OF THE DIRECTOR OF THE DIVISION

SPECIFIED IN THIS PART 2 ARE REPEALED ON SAID DATE. PRIOR TO SUCH REPEAL, SUCH POWERS, DUTIES, AND FUNCTIONS SHALL BE REVIEWED AS PROVIDED IN SECTION 24-34-104, C.R.S.

SECTION 2. The introductory portion to 23-16-102, Colorado Revised Statutes, is amended to read:

23-16-102. Definitions. As used in this ~~article~~ PART 1, unless the context otherwise requires:

SECTION 3. Repeal. 23-16-103, Colorado Revised Statutes, is repealed as follows:

23-16-103. Contact with student athletes prohibited. ~~(1) Except as otherwise provided in this article, an athlete agent shall not:~~

~~(a) Enter into any agreement, written or oral, by which the athlete agent offers anything of value to an employee of an institution in return for the referral of any student athletes to the athlete agent by the employee;~~

~~(b) Offer anything of monetary value to the student athlete or a member of the student athlete's immediate family to induce the student athlete, either at the time of offering or at some future time, to enter into an agent contract or any other agreement, written or oral, by which the athlete agent will represent the student athlete.~~

~~(2) No person, whether or not for compensation, shall assist, aid, or abet an athlete agent in committing any of the actions specified in subsection (1) of this section.~~

SECTION 4. 23-16-104, Colorado Revised Statutes, is amended to read:

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 ~~at a minimum~~ ALSO include:

~~(a) The amount of the fees and expenses and the percentages to be paid by the student athlete to the athlete agent;~~

~~(b) A description of the professional services that the athlete agent will render to the student athlete in return for each fee, expense, or percentage;~~

~~(c) Any guarantees provided by the ATHLETE agent to the STUDENT athlete;~~

~~(d) IN ADDITION TO THE WARNING REQUIRED TO BE GIVEN TO THE STUDENT ATHLETE AS SPECIFIED IN SECTION 23-16-209 (c), the following statement in at least ten-point type that is ~~boldface~~ BOLD-FACED, capitalized, underlined, or otherwise conspicuously set out from surrounding written material:~~

WARNING TO STUDENT ATHLETE:

~~WHEN YOU SIGN THIS CONTRACT, IT IS LIKELY YOU WILL IMMEDIATELY LOSE YOUR ELIGIBILITY TO COMPETE IN INTERCOLLEGIATE ATHLETICS. YOU MUST GIVE WRITTEN NOTICE THAT YOU HAVE ENTERED INTO THIS CONTRACT TO THE ATHLETIC DIRECTOR OF YOUR COLLEGE OR UNIVERSITY WITHIN 72 HOURS AFTER ENTERING INTO THIS CONTRACT OR PRIOR TO PARTICIPATING IN YOUR NEXT INTERCOLLEGIATE ATHLETIC EVENT, WHICHEVER COMES FIRST.~~

~~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 NOT LATER THAN 15 DAYS WITHIN FOURTEEN DAYS AFTER THE DATE ON WHICH YOU SIGN THIS CONTRACT.~~

~~(2) Within seventy-two hours after entering into an agent contract, the student athlete shall notify the athletic director of the institution at which the student athlete is enrolled and provide a copy of the signed agent contract. If a student athlete enters into an agent contract prior to enrolling at an institution, the student athlete, within seventy-two hours after enrollment, shall notify the athletic director of the institution at which the student enrolls and provide a copy of the signed agent contract.~~

~~(3) The student athlete may rescind any agent contract within fifteen consecutive business days after entering into the agent contract by providing written notice to the athlete agent. The student athlete shall also provide notice of termination of the agent contract to the athletic director of the institution at which the student athlete is enrolled. Failure to provide notice to the athletic director shall not affect termination of the agent contract. The student athlete may not under any circumstances waive the student athlete's right to rescind the agent contract.~~

~~(4) The student athlete may rescind any agent contract that does not include the warning specified in subsection (1) of this section at any time after entering into the agent contract by providing written notice to the athlete agent.~~

SECTION 5. Repeal. 23-16-105, Colorado Revised Statutes, is repealed as follows:

23-16-105. Exceptions - written materials - student-initiated contacts.

~~(1) The provisions of this article shall not prohibit an athlete agent from:~~

~~(a) Sending written materials to a student athlete so long as the athlete agent previously sent or simultaneously sends an identical copy of said written materials to the athletic director of the institution at which the student athlete is enrolled;~~

~~(b) Otherwise contacting a student athlete, so long as the contact is only for providing information to the student athlete and the athlete agent does not provide~~

~~anything of monetary value to the student athlete.~~

SECTION 6. 23-16-107 (1), Colorado Revised Statutes, is amended to read:

23-16-107. Compliance coordinator - duties. (1) Each institution or governing board shall designate an individual to serve as compliance coordinator for the institution or for each institution under the governing board's management. The compliance coordinator shall ensure the compliance of the institution and its athletes and students with the provisions of this ~~article~~ PART 1 and the rules adopted by the governing board or institution.

SECTION 7. Repeal. 23-16-108, Colorado Revised Statutes, is repealed as follows:

23-16-108. Violations - penalties - civil suit. ~~(1)(a) Any agent contract that does not meet the requirements of section 23-16-104 or for which the athlete agent or student athlete fails to provide notice as required in section 23-16-104 is voidable and unenforceable at the student athlete's election.~~

~~(b) A postdated agent contract is voidable and unenforceable at the student athlete's election.~~

~~(c) An agent contract that purports to take or takes effect at a future time after the student athlete is no longer eligible to participate in intercollegiate athletics is voidable and unenforceable at the student athlete's election.~~

~~(d) If an agent contract is voided pursuant to paragraph (a), (b), or (c) of this subsection (1), the athlete agent that was party to the agent contract may not recover any monetary or other form of consideration paid to the student athlete or to a member of the student athlete's immediate family pursuant to the agent contract or as an inducement to the student athlete to enter into the agent contract.~~

~~(2)(a) The attorney general or the district attorney of the judicial district in which the institution is located, on receipt of a complaint or on his or her initiative, may investigate any alleged violations of sections 23-16-103 to 23-16-105. Following an investigation, if the attorney general or district attorney has reasonable cause to believe that any individual has violated or is violating any provision of sections 23-16-103 to 23-16-105, the attorney general or district attorney may bring an action to obtain a temporary restraining order, preliminary injunction, or permanent injunction to restrain or prevent the violation. If the attorney general or district attorney, by a preponderance of the evidence, shows that an individual has violated or is violating any provision of sections 23-16-103 to 23-16-105, the court may issue a temporary restraining order, preliminary injunction, or permanent injunction to restrain or prevent the violation.~~

~~(b) On motion of the attorney general or the district attorney, or on its own motion, the court may impose a civil penalty of not more than ten thousand dollars against any individual, other than the student athlete, who violates any provision of sections 23-16-103 to 23-16-105. The civil penalty ordered pursuant to this section shall be paid to the state treasurer for deposit into the state general fund.~~

~~(c) No action may be brought by the attorney general or the district attorney under this section more than four years after the occurrence of the violation.~~

~~(3)(a) An institution may bring an action for damages, as provided in paragraph (b) of this subsection (3), against any individual, other than the student athlete, who violates any provision of sections 23-16-103 to 23-16-105. An institution may seek equitable relief to prevent or minimize harm arising from acts or omissions that are or would be a violation of sections 23-16-103 to 23-16-105.~~

~~(b) For purposes of this subsection (3), an institution is damaged if, because of the individual's activities in violation of sections 23-16-103 to 23-16-105, the institution is penalized or is disqualified or suspended from participating in intercollegiate athletics by a national association for the promotion and regulation of intercollegiate athletics or by an intercollegiate athletic conference and, because of the penalty, disqualification, or suspension, the institution:~~

- ~~(I) Loses revenue from media coverage of a sports contest;~~
- ~~(II) Loses the right to grant an athletic scholarship;~~
- ~~(III) Loses the right to recruit an athlete;~~
- ~~(IV) Is prohibited from participating in postseason athletic competition;~~
- ~~(V) Forfeits an athletic contest, or~~
- ~~(VI) Otherwise suffers an adverse financial impact.~~

~~(c) An institution that prevails in a suit brought under this subsection (3) may recover:~~

- ~~(I) Actual damages;~~
- ~~(II) Punitive damages;~~
- ~~(III) Court costs; and~~
- ~~(IV) Reasonable attorney fees.~~

SECTION 8. 24-34-102, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-34-102. Division of registrations - creation - duties of division and department heads - definitions - license, registration, or certification renewal and reinstatement. (2.5) THE DIVISION OF REGISTRATIONS SHALL HAVE SUPERVISION OF THE REGISTRATION OF ATHLETE AGENTS AS SET FORTH IN THE "UNIFORM ATHLETE AGENTS ACT", PART 2 OF ARTICLE 16 OF TITLE 23, C.R.S.

SECTION 9. 24-34-104 (45), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (45) The following agencies, functions, or both, shall terminate on July 1, 2014:

(f) THE REGISTRATION OF ATHLETE AGENTS BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS IN ACCORDANCE WITH PART 2 OF ARTICLE 16 OF TITLE 23, C.R.S.

SECTION 10. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund created in section 24-34-105, Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the division of registrations, for the fiscal year beginning July 1, 2008, the sum of fifty-six thousand seven hundred forty-nine dollars (\$56,749) cash funds and 0.6 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2008, the sum of seven thousand five hundred sixty-four dollars (\$7,564), or so much thereof as may be necessary, for the provision of legal services to the department of regulatory agencies related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of regulatory agencies out of the appropriation made in subsection (1) of this section.

SECTION 11. Effective date - applicability. This act shall take effect July 1, 2008, and shall apply to offenses committed on or after January 1, 2009.

SECTION 12. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 21, 2008