LEGISLATURE OF NEBRASKA

ONE HUNDRED NINTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 370

Introduced by Hunt, 8.

Read first time January 16, 2025

Committee:

- 1 A BILL FOR AN ACT relating to the Nebraska Student-Athlete Name, Image, 2 or Likeness Rights Act; to amend sections 48-3601, 48-3602, 48-3603, 3 48-3604, 48-3605, 48-3606, and 48-3608, Revised Statutes Cumulative 4 Supplement, 2024; to define and redefine terms; to change provisions relating to contracts or agreements for compensation for the use a 5 6 student-athlete's name, image, or likeness rights or athletic 7 reputation; to provide requirements for athlete agents and agency 8 agreements; to change provisions relating to civil actions permitted 9 under the act; to harmonize provisions; to provide severability; and to repeal the original sections. 10
- 11 Be it enacted by the people of the State of Nebraska,

- **Section 1.** Section 48-3601, Revised Statutes Cumulative Supplement,
- 2 2024, is amended to read:
- 3 48-3601 Sections 48-3601 to 48-3609 <u>and sections 7 to 10 of this act</u>
- 4 shall be known and may be cited as the Nebraska Student-Athlete Name,
- 5 Image, or Likeness Rights Act.
- 6 Sec. 2. Section 48-3602, Revised Statutes Cumulative Supplement,
- 7 2024, is amended to read:
- 8 48-3602 For purposes of the Nebraska Student-Athlete Name, Image, or
- 9 Likeness Rights Act:
- 10 (1) Agency agreement means an agreement or contract between an
- 11 <u>athlete agent holding a certificate of registration under the Nebraska</u>
- 12 <u>Uniform Athlete Agents Act and a student-athlete for the athlete agent to</u>
- 13 represent the student-athlete in the business of such student-athlete's
- 14 name, image, or likeness activity;
- 15 (2) (1) Athletic grant-in-aid means the money given to a student-
- 16 athlete by a postsecondary institution for tuition, fees, room, board,
- 17 and textbooks as consideration for the student-athlete's participation in
- 18 an intercollegiate sport for such postsecondary institution and does not
- 19 include compensation for the use of the student-athlete's name, image, or
- 20 likeness <u>property</u> rights or athletic reputation;
- 21 <u>(3) (2) Collegiate athletic association means any athletic</u>
- 22 association, conference, or other group or organization with authority
- 23 over the governance or rules enforcement of intercollegiate sports;
- (4) (3) Compensation for the use of a student-athlete's name, image,
- 25 or likeness property rights or athletic reputation includes, but is not
- 26 limited to, consideration received in exchange for providing
- 27 constitutionally protected speech or pursuant to an endorsement contract
- 28 as defined in section 48-2602;
- 29 (5) (4) Intercollegiate sport has the same meaning as in section
- 30 48-2602;
- 31 (6) Name, image, or likeness collective means a group of two or more

- 1 individuals or entities that collaborate (a) to arrange or enter into a
- 2 <u>name, image, or likeness property rights or athletic reputation contract</u>
- 3 or agreement with a student-athlete at a particular postsecondary
- 4 institution or (b) pay compensation for the use of a student-athlete's
- 5 name, image, or likeness property rights or athletic reputation to a
- 6 student-athlete with the stipulation that such student-athlete attends a
- 7 particular postsecondary institution;
- 8 (7) (5) Name, image, or likeness activity means an activity that
- 9 involves the use of an individual's name, image, or likeness for
- 10 commercial or promotional purposes;
- 11 (8) Parties means legal signatories to an agency agreement that
- 12 <u>includes an athlete agent and the legal signatory or signatories of a</u>
- 13 <u>student-athlete who the athlete agent will represent;</u>
- 14 (9) (6) Postsecondary institution has the same meaning as in section
- 15 85-2403;
- 16 (10) (7) Professional representation includes, but is not limited
- 17 to, representation provided by an athlete agent holding a certificate of
- 18 registration under the Nebraska Uniform Athlete Agents Act, a financial
- 19 advisor registered under the Securities Act of Nebraska, or an attorney
- 20 admitted to the bar by order of the Supreme Court of this state;
- 21 <u>(11)</u> (8) Sponsor means an individual or organization that pays money
- 22 or provides goods or services in exchange for advertising rights;
- 23 <u>(12)</u> (9) Student-athlete has the same meaning as in section 48-2602;
- 24 and
- 25 (13) (10) Team contract means a contract between a postsecondary
- 26 institution or a postsecondary institution's athletic department and a
- 27 sponsor<u>; and</u> -
- 28 <u>(14) Third party means a person or entity that is not a</u>
- 29 postsecondary institution, a conference, or a collegiate athletic
- 30 association and that pays compensation for the use of a student-athlete's
- 31 name, image, or likeness property rights or athletic reputation.

Sec. 3. Section 48-3603, Revised Statutes Cumulative Supplement,

- 2 2024, is amended to read:
- 3 48-3603 (1) A student-athlete may:
- 4 (a) Enter into an agency agreement. A student-athlete shall not be
- 5 required to pay any commission or fee to the athlete agent as part of an
- 6 agency agreement that is not written and acknowledged as required
- 7 pursuant to section 9 of this act. A student-athlete may rescind an
- 8 executed agency agreement without penalty within fifteen calendar days
- 9 after executing the agreement by sending written notification to the
- 10 athlete agent;
- 11 (b) Enter into a contract or agreement regarding the student-
- 12 athlete's name, image, or likeness property rights or athletic reputation
- 13 and receive compensation directly from a postsecondary institution, an
- 14 <u>athletic program supporter, a name, image, and likeness collective, or a</u>
- 15 third party. Any such compensation received under the contract or
- 16 agreement shall be for services actually performed. A student-athlete
- 17 <u>shall</u> <u>not be paid for a contract or agreement that extends beyond the</u>
- 18 <u>student-athlete's participation in an athletic program at a postsecondary</u>
- 19 <u>institution. Nothing in the Nebraska Student-Athlete Name, Image, or</u>
- 20 <u>Likeness Rights Act shall require a postsecondary institution, an</u>
- 21 athletic program supporter, a name, image, or likeness collective, or a
- 22 third party to pay compensation to a student-athlete;
- 23 (c) Be prohibited by a postsecondary institution from entering into
- 24 <u>a contract or agreement related to the use of the student-athlete's name,</u>
- 25 image, or likeness property rights or athletic reputation or engaging in
- 26 <u>name, image, or likeness activities for products, services, entities, or</u>
- 27 <u>activities that the postsecondary institution reasonably deemed to be</u>
- 28 inconsistent with the educational mission of the postsecondary
- 29 institution; and
- 30 (d) Obtain professional representation in relation to a contract or
- 31 agreement or other legal matter related to the use of the student-

- 1 athlete's name, image, or likeness property rights or athletic
- 2 <u>reputation</u>.
- 3 (1) No postsecondary institution shall uphold any rule, requirement,
- 4 standard, or limitation that prevents a student-athlete from fully
- 5 participating in an intercollegiate sport for such postsecondary
- 6 institution because such student-athlete earns or intends to earn
- 7 compensation for the use of such student-athlete's name, image, or
- 8 likeness rights or athletic reputation.
- 9 (2) No collegiate athletic association shall penalize a student-
- 10 athlete or prevent a student-athlete from fully participating in an
- 11 intercollegiate sport because such student-athlete earns or intends to
- 12 earn compensation for the use of such student-athlete's name, image, or
- 13 likeness rights or athletic reputation.
- 14 (3) No collegiate athletic association shall penalize a
- 15 postsecondary institution or prevent a postsecondary institution from
- 16 fully participating in an intercollegiate sport because a student-athlete
- 17 participating in an intercollegiate sport for such postsecondary
- 18 institution earns or intends to earn compensation for the use of such
- 19 student-athlete's name, image, or likeness rights or athletic reputation.
- 20 (4) No postsecondary institution shall be prohibited from:
- 21 (a) Creating, identifying, facilitating, enabling, or supporting
- 22 student-athlete name, image, or likeness activities; or
- 23 (b) Entering into agreements with a third-party entity to create,
- 24 identify, facilitate, enable, or support name, image, or likeness
- 25 activities.
- 26 (5) No third-party entity or individual shall be prohibited from:
- 27 (a) Communicating with a student-athlete to create, identify,
- 28 facilitate, enable, or support name, image, or likeness activities;
- 29 (b) Compensating a student-athlete for the use of such student-
- 30 athlete's name, image, or likeness rights or athletic reputation; or
- 31 (c) Compensating student-athletes for promoting:

- 1 (i) An athletics event in which the student-athlete may participate,
- 2 if the third-party entity or individual has an agreement to promote the
- 3 athletics event; or
- 4 (ii) The postsecondary institution which the student-athlete
- 5 attends.
- 6 (6) No postsecondary institution shall allow compensation earned by
- 7 a student-athlete for the use of such student-athlete's name, image, or
- 8 likeness rights or athletic reputation to affect the duration, amount, or
- 9 eligibility for or renewal of any athletic grant-in-aid or other
- 10 institutional scholarship, except that compensation earned by a student-
- 11 athlete for the use of such student-athlete's name, image, or likeness
- 12 rights or athletic reputation may be used for the calculation of income
- 13 for determining eligibility for need-based financial aid.
- 14 (7)(a) The compensation a student-athlete earns for the use of the
- 15 student-athlete's name, image, or likeness rights or athletic reputation
- 16 must be for services actually performed. Student-athletes shall not be
- 17 paid for contracts that (i) extend beyond the student-athlete's
- 18 participation in an athletic program at a postsecondary institution, (ii)
- 19 involve the sale or exchange of awards or other items received for
- 20 athletic participation, or (iii) provide compensation for work not
- 21 performed.
- 22 (b) A postsecondary institution shall not compensate a student-
- 23 athlete for the use of the student-athlete's name, image, or likeness
- 24 rights or athletic reputation unless otherwise permitted or authorized
- 25 by:
- 26 (i) A collegiate athletic association and postsecondary institution
- 27 policy;
- 28 (ii) A court order; or
- 29 (iii) A settlement agreement.
- 30 (8) Student-athletes may be prohibited from entering into contracts
- 31 or agreements related to the use of the student-athlete's name, image, or

- 1 likeness rights or athletic reputation or engaging in name, image, or
- 2 likeness activities for products, services, entities, or activities
- 3 reasonably deemed to be inconsistent with the educational mission of the
- 4 postsecondary institution by such postsecondary institution.
- 5 (9) Nothing in the Nebraska Student-Athlete Name, Image, or Likeness
- 6 Rights Act shall limit the ability of a postsecondary institution to
- 7 establish and enforce standards, requirements, regulations, or
- 8 obligations for such postsecondary institution's students not
- 9 inconsistent with the act.
- 10 <u>(2)</u> (10) Nothing in the Nebraska Student-Athlete Name, Image, or
- 11 Likeness Rights Act grants to a student-athlete the right to use any
- 12 name, trademark, service mark, logo, symbol, or other intellectual
- 13 property that belongs to the postsecondary institution, regardless of
- 14 whether the intellectual property is registered, to further the student-
- 15 athlete's opportunities to earn compensation for the use of the student-
- 16 athlete's name, image, or likeness property rights or athletic
- 17 reputation.
- 18 (3) (11) Nothing in the Nebraska Student-Athlete Name, Image, or
- 19 Likeness Rights Act shall be construed to qualify a student-athlete as an
- 20 employee of a postsecondary institution based solely on the fact that the
- 21 student-athlete earns compensation for the use of the student-athlete's
- 22 name, image, or likeness property rights or athletic reputation, or is
- 23 engaged in name, image, or likeness activities pursuant to the act.
- 24 Sec. 4. Section 48-3604, Revised Statutes Cumulative Supplement,
- 25 2024, is amended to read:
- 26 48-3604 (1) Any student-athlete who enters into a contract or
- 27 agreement that provides compensation for the use of such student-
- 28 athlete's name, image, or likeness property rights or athletic reputation
- 29 shall disclose such contract or agreement to an official of the
- 30 postsecondary institution for which such student-athlete participates in
- 31 an intercollegiate sport. The official to which such contract or

- 1 agreement shall be disclosed shall be designated by each postsecondary
- 2 institution, and the designation shall be communicated in writing to each
- 3 student-athlete participating in an intercollegiate sport for such
- 4 postsecondary institution. Except as provided in subsection (2) of this
- 5 section, or unless otherwise required by law, each postsecondary
- 6 institution shall be prohibited from disclosing any information written,
- 7 produced, collected, assembled, or maintained by such postsecondary
- 8 institution that includes or reveals any term of a contract or agreement
- 9 or proposed contract or agreement for the use of a student-athlete's
- 10 name, image, or likeness property rights or athletic reputation.
- 11 (2) If any contract or agreement is entered into by an entity
- 12 subject to sections 84-712 to 84-712.09 for the use of a student-
- 13 athlete's name, image, or likeness property rights or athletic
- 14 reputation, such contract or agreement shall be considered a public
- 15 record subject to sections 84-712 to 84-712.09.
- 16 Sec. 5. Section 48-3605, Revised Statutes Cumulative Supplement,
- 17 2024, is amended to read:
- 18 48-3605 (1) No student-athlete shall enter into a contract or
- 19 agreement with a sponsor that provides compensation to the student-
- 20 athlete for use of the student-athlete's name, image, and likeness
- 21 <u>property</u> rights or athletic reputation if (a) such contract or agreement
- 22 requires such student-athlete to display such sponsor's apparel or to
- 23 otherwise advertise for the sponsor during official team activities and
- 24 (b) compliance with such contract or agreement requirement would conflict
- 25 with a team contract. Any postsecondary institution asserting such
- 26 conflict shall disclose to the student-athlete and the student-athlete's
- 27 professional representation, if applicable, the full team contract that
- 28 is asserted to be in conflict. The student-athlete and the student-
- 29 athlete's professional representation, if applicable, shall be prohibited
- 30 from disclosing any terms of a team contract that the postsecondary
- 31 institution deems to be a trade secret or otherwise nondisclosable.

- 1 (2) No team contract shall prevent a student-athlete from receiving
- 2 compensation for the use of such student-athlete's name, image, and
- 3 likeness property rights or athletic reputation when the student-athlete
- 4 is not engaged in official team activities.
- 5 Sec. 6. Section 48-3606, Revised Statutes Cumulative Supplement,
- 6 2024, is amended to read:
- 7 48-3606 (1) A postsecondary institution may:
- 8 (a) Create, identify, facilitate, enable, or support student-athlete
- 9 <u>name</u>, <u>image</u>, <u>or likeness activities</u>, <u>but shall not collect a commission</u>
- 10 for such assistance;
- 11 (b) Enter into contracts or agreements with a third party to create,
- 12 <u>identify</u>, <u>facilitate</u>, <u>enable</u>, <u>or support name</u>, <u>image</u>, <u>or likeness</u>
- 13 <u>activities;</u>
- 14 (c) Offer education and training to student-athletes to aid them in
- 15 <u>understanding the opportunities that may become available to them for the</u>
- 16 use of their name, image, or likeness property rights or athletic
- 17 <u>reputation, including education in the areas of networking and</u>
- 18 <u>communication</u>, <u>brand-building</u> and <u>management</u>, <u>financial literacy</u>, <u>and</u>
- 19 <u>compliance; and</u>
- 20 <u>(d) Obtain professional representation in relation to a contract or</u>
- 21 agreement or other legal matter related to the use of the student-
- 22 athlete's name, image, or likeness property rights or athletic
- 23 <u>reputation</u>.
- 24 (2) A postsecondary institution shall not:
- 25 (a) Impose or comply with any contract, regulation, standard,
- 26 <u>requirement</u>, or rule, including any rule of a collegiate athletic
- 27 association, that:
- 28 (i) Restricts or prohibits a student-athlete from earning
- 29 compensation for name, image, or likeness activities conducted in
- 30 compliance with the Nebraska Student-Athlete Name, Image, or Likeness
- 31 Rights Act;

- 1 (ii) Upholds any rule, requirement, standard, or limitation that
- 2 prevents a student-athlete from fully participating in an intercollegiate
- 3 sport for such postsecondary institution because such student-athlete
- 4 earns or intends to earn compensation for the use of such student-
- 5 <u>athlete's name, image, or likeness property rights or athletic</u>
- 6 <u>reputation; or</u>
- 7 (iii) Restricts or prohibits the institution, an athletic program
- 8 <u>supporter</u>, a name, image, or likeness collective, or third party from:
- 9 (A) Entering into a contract or agreement with a student-athlete for
- 10 compensation for the use of a student-athlete's name, image, or likeness
- 11 property rights or athletic reputation;
- 12 <u>(B) Paying a student-athlete for the use of the student-athlete's</u>
- 13 <u>name, image, or likeness property rights or athletic reputation; or</u>
- 14 (C) Stipulating in a contract or agreement for the use of a student-
- 15 <u>athlete's name, image, or likeness property rights or athletic reputation</u>
- 16 that a student-athlete attends a particular institution or be a member of
- 17 a particular intercollegiate athletics sports team;
- 18 (b) Penalize, threaten, or retaliate against a student-athlete, an
- 19 athlete agent, a name, image, or likeness collective, or a third party
- 20 for activities authorized by the act;
- 21 (c) Comply with any investigation, regulation, or rule of a
- 22 collegiate athletic association related to agency agreements, name,
- 23 image, or likeness activities, or the compensation for the use of a
- 24 <u>student-athlete's name, image, or likeness property rights or athletic</u>
- 25 reputation that conflict with the Nebraska Student-Athlete Name, Image,
- 26 or Likeness Rights Act;
- 27 (d) Allow compensation earned by a student-athlete for the use of
- 28 such student-athlete's name, image, or likeness property rights or
- 29 athletic reputation to affect the duration, amount, or eligibility for or
- 30 renewal of any athletic grant-in-aid or other institutional scholarship,
- 31 except that compensation earned by a student-athlete for the use of such

1 student-athlete's name, image, or likeness property rights or athletic

- 2 reputation may be used for the calculation of income for determining
- 3 <u>eligibility for need-based financial aid; or</u>
- 4 (e) Restrict or prohibit a student-athlete from entering into an
- 5 <u>agency agreement.</u>
- 6 (3) Nothing in the Nebraska Student-Athlete Name, Image, or Likeness
- 7 Rights Act shall limit the ability of a postsecondary institution to
- 8 establish and enforce standards, requirements, regulations, or
- 9 <u>obligations</u> for such postsecondary institution's student-athlete's not
- 10 inconsistent with the act.
- 11 (1) No postsecondary institution or collegiate athletic association
- 12 shall penalize a student-athlete or prevent a student-athlete from fully
- 13 participating in an intercollegiate sport because such student-athlete
- 14 obtains professional representation in relation to a contract or legal
- 15 matter related to the use of the student-athlete's name, image, or
- 16 likeness rights or athletic reputation.
- 17 (2) No collegiate athletic association shall penalize a
- 18 postsecondary institution or prevent a postsecondary institution from
- 19 fully participating in an intercollegiate sport because a student-athlete
- 20 participating in an intercollegiate sport for such postsecondary
- 21 institution obtains professional representation in relation to a contract
- 22 or legal matter related to the use of the student-athlete's name, image,
- 23 or likeness rights or athletic reputation.
- 24 (3) A postsecondary institution may offer education and training to
- 25 student-athletes to aid them in understanding the opportunities that may
- 26 become available to them for the use of their name, image, or likeness
- 27 rights or athletic reputation, including education in the areas of
- 28 networking and communication, brand-building and management, financial
- 29 literacy, and compliance.
- 30 **Sec. 7.** A collegiate athletic association shall not:
- 31 (1) Authorize, cause, or require a postsecondary institution to take

1 an action prohibited by the Nebraska Student-Athlete Name, Image, or

- 2 Likeness Rights Act;
- 3 (2) Accept a complaint, open an investigation, threaten a penalty,
- 4 impose a penalty, or take any other adverse action against a student-
- 5 <u>athlete</u>, an athlete agent, a postsecondary institution, an athletic
- 6 program supporter, a name, image, or likeness collective, or a third
- 7 party as a result of activities protected by the act;
- 8 (3) Prohibit, restrict, or interfere with the freedom of a student-
- 9 athlete, an athlete agent, a postsecondary institution, an athletic
- 10 program supporter, a name, image, or likeness collective, or a third
- 11 party to engage in activities protected by the act; or
- 12 (4) Require a student-athlete, an athlete agent, a postsecondary
- 13 <u>institution, an athletic program supporter, a name, image, or likeness</u>
- 14 <u>collective</u>, or a third party to report any information about a contract
- or agreement for the use of a student-athlete's name, image, or likeness
- 16 rights or athletic reputation.
- 17 **Sec. 8.** A name, image, or likeness collective, a postsecondary
- 18 institution, or a third party that anticipates payment to a student-
- 19 athlete of at least five thousand dollars for the use of such student-
- 20 <u>athlete's name, image, or likeness property rights or athletic reputation</u>
- 21 in a calendar year shall first enter into a written contract or agreement
- 22 that includes all of the following:
- 23 (1) The legal name, physical address, and phone number of the
- 24 individual or entity that is legally responsible for paying the
- 25 compensation;
- 26 (2) The total amount of all compensation for the use of the student-
- 27 <u>athlete's name, image, or likeness property rights or athletic reputation</u>
- 28 that will be paid to the student-athlete, including monetary payments and
- 29 any other benefits;
- 30 (3) When and how each payment will be made to the student-athlete;
- 31 (4) All obligations and requirements of the student-athlete that

- 1 must be met in order to receive the compensation for the use of the
- 2 <u>student-athlete's name, image, or likeness property rights or athletic</u>
- 3 <u>reputation;</u>
- 4 (5) The beginning and end dates of the contract or agreement;
- 5 (6) Any options parties have for revising, extending, or terminating
- 6 the contract or agreement; and
- 7 (7) Any terms of the contract or agreement that would allow the
- 8 name, image, or likeness collective, postsecondary institution, or third
- 9 party to not pay the athlete any portion of the compensation for the use
- 10 <u>of the student-athlete's name, image, or likeness property rights or</u>
- 11 <u>athletic reputation.</u>
- 12 Sec. 9. (1) Except as provided in section 48-3604, an agency
- 13 <u>agreement is not a public record.</u>
- 14 (2) An athlete agent shall not enter into an agency agreement if:
- 15 (a) The athlete agent has a pending charge or is listed as a
- 16 defendant in a case, excluding divorce, in state or federal civil court
- 17 judgments at the time parties execute the agency agreement, or has been
- 18 convicted in any state or federal court of:
- 19 (i) A felony;
- 20 <u>(ii) A misdemeanor that involves physical contact with another</u>
- 21 person or another person's property, elements of deception, or gambling
- 22 <u>or sports wagering;</u>
- 23 (iii) More than one violation of any alcohol or drug statute; or
- 24 (iv) More than one violation resulting in a sentence for a
- 25 misdemeanor; or
- 26 <u>(b) The athlete agent provides payment, including a loan or</u>
- 27 <u>recoupable payment, to the student-athlete, or to the athlete's relative,</u>
- 28 <u>in exchange for the student-athlete entering into the agency agreement.</u>
- 29 <u>(3) An athlete agent shall secure a written acknowledgement from the</u>
- 30 student-athlete, prior to execution of an agency agreement, of all of the
- 31 <u>following:</u>

- 1 (a) The athlete agent's written attestation that the agent meets all
- 2 <u>requirements and conditions for operating as an athlete agent in the</u>
- 3 state at the time the agency agreement is executed by the parties;
- 4 (b) The athlete agent's written attestation listing all other
- 5 states, if any, in which the agent meets all requirements and conditions
- 6 for operating as an athlete agent;
- 7 (c) The athlete agent's legal name, current address, and telephone
- 8 number;
- 9 (d) A schedule of fees or commissions to be charged to and collected
- 10 from the student-athlete in the conduct of the athlete agent's business;
- 11 and
- 12 (e) The signature of the minor student-athlete's parent or legal
- 13 guardian, if applicable.
- 14 (4) If an athlete agent no longer meets all requirements and
- 15 conditions for operating as an athlete agent in this state, the athlete
- 16 agent shall notify all student-athlete clients within five calendar days
- 17 of such athlete agent no longer meeting such requirement or condition.
- 18 <u>(5) An agency agreement shall not establish any requirements or</u>
- 19 <u>obligations for the student-athlete's spouse, parent, legal guardian,</u>
- 20 <u>sibling</u>, or <u>grandparent</u> in <u>order to assist the student-athlete in</u>
- 21 <u>negotiating the agreement.</u>
- 22 (6) Any agency agreement which does not meet the requirements of the
- 23 Nebraska Student-Athlete Name, Image, or Likeness Rights Act is void and
- 24 unenforceable.
- 25 **Sec. 10.** A contract or agreement, including an agency agreement,
- 26 shall not offer or provide a prospective college athlete, a college
- 27 <u>athlete, or an athlete's parent or legal guardian an upfront payment or</u>
- 28 <u>benefit in exchange for any future name, image, or likeness property</u>
- 29 rights or athletic representation or professional sports earnings. Any
- 30 <u>such contract or agreement is void and unenforceable.</u>
- 31 **Sec. 11.** Section 48-3608, Revised Statutes Cumulative Supplement,

- 1 2024, is amended to read:
- 2 48-3608 (1) A student-athlete, or a postsecondary institution, any
- 3 nonprofit foundation established to support a postsecondary institution,
- 4 or an entity acting on behalf of a postsecondary institution, an athletic
- 5 program supporter, a name, image, or likeness collective, or a third
- 6 party aggrieved by a violation of the Nebraska Student-Athlete Name,
- 7 Image, or Likeness Rights Act may bring a civil action against the
- 8 postsecondary institution or collegiate athletic association committing
- 9 such violation.
- 10 (2) A plaintiff who prevails in an action under the Nebraska
- 11 Student-Athlete Name, Image, or Likeness Rights Act shall be entitled to:
- 12 (a) Actual damages;
- 13 (b) Such preliminary and other equitable or declaratory relief as
- 14 may be appropriate; and
- 15 (c) Reasonable attorney's fees and other litigation costs reasonably
- 16 incurred.
- 17 (3) A public postsecondary institution may be sued upon claims
- 18 arising under the Nebraska Student-Athlete Name, Image, or Likeness
- 19 Rights Act only to the extent allowed under the State Tort Claims Act,
- 20 the State Contract Claims Act, or the State Miscellaneous Claims Act,
- 21 except that a civil action for a violation of the Nebraska Student-
- 22 Athlete Name, Image, or Likeness Rights Act may only be brought within
- 23 one year after the cause of action has accrued.
- 24 Sec. 12. If any section in this act or any part of any section is
- 25 declared invalid or unconstitutional, the declaration shall not affect
- 26 the validity or constitutionality of the remaining portions.
- 27 **Sec. 13.** Original sections 48-3601, 48-3602, 48-3603, 48-3604,
- 28 48-3605, 48-3606, and 48-3608, Revised Statutes Cumulative Supplement,
- 29 2024, are repealed.