

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 378
Committee Substitute Favorable 3/19/25
Senate Education/Higher Education Committee Substitute Adopted 6/12/25
Fourth Edition Engrossed 6/19/25

Short Title: Various Ed Law/Tax Acct/NIL Changes. (Public)

Sponsors:

Referred to:

March 13, 2025

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO EDUCATION AND HIGHER EDUCATION
3 LAWS; TO INCREASE PROTECTIONS FOR FUNDS HELD IN EDUCATION
4 SAVINGS AND INVESTMENT ACCOUNTS AND ABLE ACCOUNTS FROM CLAIMS
5 OF CREDITORS AND OTHER JUDGMENTS; TO AUTHORIZE NAME, IMAGE, AND
6 LIKENESS AGENCY CONTRACTS; AND TO EXEMPT NAME, IMAGE, AND
7 LIKENESS CONTRACTS FROM PUBLIC RECORDS REQUIREMENTS.

8 The General Assembly of North Carolina enacts:

9
10 **PART I. TECHNOLOGY COST CONSIDERATIONS AND REPORTS ON BREAK/FIX**
11 **RATES**

12 **SECTION 1.1.(a)** Part 3A of Article 8 of Chapter 115C of the General Statutes is
13 amended by adding the following new sections to read:

14 **"§ 115C-102.10. Technology costs considerations.**

15 The State Board of Education shall adopt rules requiring all public school units to evaluate
16 the following when acquiring technology, computer hardware, and software:

- 17 (1) The long-term cost of ownership, including costs of repairing the technology,
18 computer hardware, or software.
19 (2) Any flexibility for innovation during the life of the technology, computer
20 hardware, or software.
21 (3) Any anticipated resale or salvage value at the end of the target life cycle for
22 the technology, computer hardware, or software based on the average resale
23 or salvage value of similar technology, computer hardware, or software as a
24 percentage of the initial cost of purchase.

25 **"§ 115C-102.11. Break/fix rate reporting requirement.**

26 (a) Definitions. – The following definitions apply in this section:

- 27 (1) Break/fix rate. – The percentage obtained by dividing the number of school
28 technology devices reported as malfunctioning or needing repair due to
29 physical damage, hardware failure, or other breakage incidents prior to the
30 stated life cycle period, not covered by insurance or a policy plan period, by
31 the total number of school technology devices in operation during that period.
32 (2) School technology device. – Any electronic or computerized equipment
33 provided for educational purposes in a public school unit, including
34 computers, tablets, interactive whiteboards, and similar devices or anything



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1 considered a digital device for purposes of the digital learning dashboard
2 pursuant to G.S. 115C-102.9.

3 **(b)** Each governing body of a public school unit shall submit a report on the following
4 information to the State Board of Education by August 15 annually:

5 **(1)** The break/fix rate of the school technology devices in the public school unit
6 for the previous school year.

7 **(2)** The total number of school technology devices currently in operation in the
8 public school unit.

9 **(3)** The total number of school technology devices in the public school unit
10 requiring repair that (i) underwent repair or (ii) were no longer in service
11 during the previous school year.

12 **(4)** The total amount of funds spent to repair or replace school technology devices
13 during the previous school year.

14 **(c)** The State Board of Education shall report to the Joint Legislative Education Oversight
15 Committee by November 15 annually on the break/fix rate of school technology devices across
16 all public school units based on the reports submitted by the governing bodies in accordance with
17 subsection (b) of this section. This report shall include a summary of the data reported by each
18 governing body and recommendations to reduce break/fix rates in the future."

19 **SECTION 1.1.(b)** The first reports from governing bodies of public school units
20 required by G.S. 115C-102.11(b), as enacted by this section, shall be submitted no later than
21 August 15, 2026, based on data collected during the 2025-2026 school year. The first report from
22 the State Board of Education required by G.S. 115C-102.11(c), as enacted by this section, shall
23 be submitted no later than November 15, 2026.

24 **SECTION 1.1.(c)** G.S. 115C-12 is amended by adding a new subdivision to read:

25 **"(50)** To Require Evaluation of Technology Costs. – The State Board shall adopt
26 rules governing public school units evaluating technology costs in accordance
27 with G.S. 115C-102.10."

28 **SECTION 1.1.(d)** G.S. 115C-47 is amended by adding the following new
29 subdivisions to read:

30 **"(70)** To Evaluate Technology Costs. – A local board of education shall adopt a
31 policy requiring the evaluation of technology costs considerations adopted by
32 the State Board of Education pursuant to G.S. 115C-102.10.

33 **(71)** To Report on Break/Fix Rate. – A local board of education shall report
34 annually to the State Board of Education on the break/fix rate of school
35 technology devices in accordance with G.S. 115C-102.11."

36 **SECTION 1.1.(e)** G.S. 115C-150.12C is amended by adding the following new
37 subdivisions to read:

38 **"(37)** Evaluate technology costs. – The board of trustees shall adopt a policy
39 requiring the evaluation of technology costs considerations adopted by the
40 State Board of Education pursuant to G.S. 115C-102.10.

41 **(38)** Report on break/fix rate. – The board of trustees shall report annually to the
42 State Board of Education on the break/fix rate of school technology devices
43 used in the school in accordance with G.S. 115C-102.11."

44 **SECTION 1.1.(f)** Part 2 of Article 14A of Chapter 115C of the General Statutes is
45 amended by adding a new section to read:

46 **"§ 115C-218.33. School technology.**

47 **(a)** A charter school shall adopt a policy requiring the evaluation of technology costs
48 considerations adopted by the State Board of Education pursuant to G.S. 115C-102.10.

49 **(b)** A charter school shall report annually to the State Board of Education on the break/fix
50 rate of school technology devices used in the school in accordance with G.S. 115C-102.11."

1 **SECTION 1.1.(g)** G.S. 115C-238.66 is amended by adding the following new
2 subdivisions to read:

3 "(18a) The board of directors shall adopt a policy requiring the evaluation of
4 technology costs considerations adopted by the State Board of Education
5 pursuant to G.S. 115C-102.10.

6 (18b) The board of directors shall report annually to the State Board of Education
7 on the break/fix rate of technology used in the school in accordance with
8 G.S. 115C-102.11."

9 **SECTION 1.1.(h)** G.S. 116-239.8(b) is amended by adding the following new
10 subdivisions to read:

11 "(21a) Evaluate technology costs. – The chancellor shall adopt a policy requiring the
12 evaluation of technology costs considerations adopted by the State Board of
13 Education pursuant to G.S. 115C-102.10.

14 (21b) Report on break/fix rate. – The chancellor shall report annually to the State
15 Board of Education on the break/fix rate of technology used in the school in
16 accordance with G.S. 115C-102.11."

17 **SECTION 1.1.(i)** This section is effective when it becomes law and applies
18 beginning with the 2025-2026 academic year.

19 **SECTION 1.2.(a)** Article 1 of Chapter 115D of the General Statutes is amended by
20 adding a new section to read:

21 "§ 115D-9.40. Evaluation of technology costs.

22 The State Board of Community Colleges shall adopt a policy that requires all community
23 colleges to evaluate the following when acquiring technology, computer hardware, and software:

24 (1) The long-term cost of ownership, including costs of repairing the technology,
25 computer hardware, or software.

26 (2) Any flexibility for innovation during the life of the technology, computer
27 hardware, or software.

28 (3) Any anticipated resale or salvage value at the end of the target life cycle for
29 the technology, computer hardware, or software based on the average resale
30 or salvage value of similar technology, computer hardware, or software as a
31 percentage of the initial cost of purchase."

32 **SECTION 1.2.(b)** This section is effective when it becomes law and applies
33 beginning with the 2025-2026 academic year.

34 **SECTION 1.3.(a)** G.S. 116-11 is amended by adding a new subdivision to read:

35 "(9c) The Board shall adopt a policy that requires all constituent institutions to
36 evaluate the following when acquiring technology, computer hardware, and
37 software:

38 a. The long-term cost of ownership, including costs of repairing the
39 technology, computer hardware, or software.

40 b. Any flexibility for innovation during the life of the technology,
41 computer hardware, or software.

42 c. Any anticipated resale or salvage value at the end of the target life
43 cycle for the technology, computer hardware, or software based on the
44 average resale or salvage value of similar technology, computer
45 hardware, or software as a percentage of the initial cost of purchase."

46 **SECTION 1.3.(b)** This section is effective when it becomes law and applies
47 beginning with the 2025-2026 academic year. If Senate Bill 449, 2025 Regular Session, becomes
48 law, this section is repealed.

49
50 **PART II. LEON'S LAW**

51 **SECTION 2.(a)** This section shall be known and may be cited as "Leon's Law."

1 **SECTION 2.(b)** Article 1 of Chapter 115D of the General Statutes is amended by
2 adding a new section to read:

3 **"§ 115D-10.80. Education records of minor students.**

4 (a) Definitions. – The following definitions apply in this section:

5 (1) Dependent. – As defined in section 152 of the federal Internal Revenue Code
6 of 1986.

7 (2) Education records. – As defined in 34 C.F.R. § 99.3.

8 (3) FERPA. – Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

9 (4) Minor student. – A student who is under the age of 18 and a dependent of his
10 or her parent.

11 (5) Parent. – The parent, guardian, or an individual acting as a parent in the
12 absence of a parent or guardian of the minor student.

13 (b) The State Board of Community Colleges shall direct each community college to adopt
14 a policy that requires a minor student to complete a form, prior to registration in any course at
15 the community college, acknowledging the following:

16 (1) To the extent allowed under FERPA, the education records of the minor
17 student shall be provided to the student's parent as long as the parent has not
18 opted out of receiving the education records.

19 (2) To the extent allowed under FERPA, the education records of the minor
20 student shall be provided to the school administrators and school counselors
21 at the school in which the student is dually enrolled."

22 **SECTION 2.(c)** This section is effective when it becomes law and applies beginning
23 with the 2025-2026 academic year.

24
25 **PART III. EXPAND ACADEMIC TRANSITION PATHWAYS FOR SOPHOMORE**
26 **HIGH SCHOOL STUDENTS**

27 **SECTION 3.(a)** G.S. 115D-20(4)a. reads as rewritten:

28 "a. Subject to the approval of the State Board of Community Colleges,
29 local community colleges may collaborate with public school units
30 and nonpublic schools to offer courses through the following
31 programs:

32 1. Repealed by Session Laws 2022-71, s. 3.2, effective July 8,
33 2022.

34 2. Academic transition pathways for qualified ~~junior and~~
35 sophomore, junior, and senior high school students that lead to
36 a career technical education certificate, diploma, or State or
37 industry-recognized credential and academic transition
38 pathways for qualified freshmen ~~and sophomore~~ high school
39 students that lead to a career technical education certificate or
40 diploma in (i) industrial and engineering technologies, (ii)
41 agriculture and natural resources, (iii) transportation
42 technology, (iv) construction, or (v) business technologies.

43 3. College transfer pathways requiring the successful completion
44 of 30 semester credit hours of transfer courses, including
45 English and mathematics, for the following students:

46 I. Qualified junior and senior high school students.

47 II. Qualified freshman and sophomore high school
48 students, if all of the following requirements are met:

49 A. The student is determined to be academically
50 gifted, have a demonstrated readiness for the
51 course material, and have the maturity to justify

1 admission to the community college by (i) the
 2 community college president, (ii) the student's
 3 high school principal or equivalent
 4 administrator, and (iii) the academically gifted
 5 coordinator, if one is employed by the high
 6 school or local school administrative unit.

7 B. The student participates in academic advising
 8 focused on the implications of being admitted
 9 to college early with representatives from the
 10 high school and the community college.

11 C. The student's parent or guardian has given
 12 consent for the student to participate."

13 **SECTION 3.(b)** This section is effective when it becomes law and applies beginning
 14 with the 2025-2026 school year. If Senate Bill 125, 2025 Regular Session, becomes law, this
 15 section is repealed.

16
 17 **PART IV. NONDISCRIMINATORY ADMISSIONS EVALUATIONS AND MILITARY**
 18 **DEFERMENT**

19 **SECTION 4.(a)** Article 1 of Chapter 116 of the General Statutes is amended by
 20 adding a new Part to read:

21 "Part 8A. Military Admissions and Deferment.

22 "**§ 116-44.9A. Definitions.**

23 For purposes of this Part, the following definitions shall apply:

24 (1) Applicant. – An individual who has applied for admission to a constituent
 25 institution of The University of North Carolina.

26 (2) Armed Forces. – The United States Air Force, Army, Coast Guard, Marine
 27 Corps, Navy, Space Force, and North Carolina National Guard.

28 (3) Constituent institution of The University of North Carolina. – A constituent
 29 institution of higher education of The University of North Carolina, as defined
 30 in G.S. 116-2(4), excluding the constituent high school, the North Carolina
 31 School of Science and Mathematics.

32 (4) Reserve Armed Forces. – The reserve components of any of the Armed
 33 Forces.

34 (5) Uniformed service. – Any of the following:

35 a. Armed Forces.

36 b. Reserve Armed Forces.

37 c. The Merchant Marine.

38 "**§ 116-44.9B. Nondiscriminatory evaluations of applications.**

39 A constituent institution of The University of North Carolina shall not deny admission to any
 40 applicant solely on the basis of the applicant's indication that the applicant is serving in the
 41 uniformed service or that the applicant intends to serve in the uniformed service.

42 "**§ 116-44.9C. Deferment.**

43 (a) Deferment Requests. – The Board of Governors of The University of North Carolina
 44 shall adopt a policy requiring constituent institutions to provide for enrollment deferment for
 45 members of the uniformed services and spouses of members of the uniformed services if the
 46 deferment is requested at least 30 days prior to enrollment in a constituent institution.

47 (b) Deferment Periods. – Members and spouses of members of the reserve Armed Forces
 48 shall be granted deferments of at least two years after entry into the reserve Armed Forces. All
 49 other members and spouses of members of the uniformed services shall be granted deferments
 50 of at least five years after entry into the uniformed services."

1 **SECTION 4.(b)** This section is effective when it becomes law and applies beginning
 2 with the 2025-2026 academic year.

3
 4 **PART V. UNC SELF-LIQUIDATING CAPITAL PROJECTS**

5 **SECTION 5.(a)** The purpose of this section is to authorize the financing of the
 6 capital improvement projects listed in this section for the respective institutions of The University
 7 of North Carolina with funds available to the institutions from gifts, grants, receipts,
 8 self-liquidating indebtedness, Medicare reimbursements for education costs, hospital receipts
 9 from patient care, or other funds, or any combination of these funds, but not including funds
 10 received for tuition or appropriated from the General Fund or State Capital and Infrastructure
 11 Fund of the State unless previously authorized by General Statute.

12 **SECTION 5.(b)** The capital improvement projects, and their respective costs,
 13 authorized by this section to be financed as provided in subsection (a) of this section, including
 14 by revenue bonds, by special obligation bonds as authorized in subsection (d) of this section, or
 15 by both, are as follows:

16
 17 **University of North Carolina at Chapel Hill**

18 Electrical Distribution System/Substations & Switchgear Upgrade	\$14,581,920
19 Fetzer Hall Addition/Campus Recreation	\$90,000,000

20
 21 **University of North Carolina at Wilmington**

22 Parking Deck III	\$12,000,000
23 Student Housing Village – Phase III	\$71,002,458

24
 25 **SECTION 5.(c)** At the request of the Board of Governors of The University of North
 26 Carolina and upon determining that it is in the best interest of the State to do so, the Director of
 27 the Budget may authorize an increase or decrease in the cost of, or a change in the method of,
 28 funding the projects listed in this section. In determining whether to authorize a change in cost
 29 or funding, the Director of the Budget may consult with the Joint Legislative Commission on
 30 Governmental Operations.

31 **SECTION 5.(d)** Pursuant to G.S. 116D-26, the Board of Governors may issue,
 32 subject to the approval of the Director of the Budget, at one time or from time to time, special
 33 obligation bonds of the Board of Governors for the purpose of paying all or any part of the cost
 34 of acquiring, constructing, or providing for the projects listed in subsection (b) of this section.
 35 The maximum principal amount of bonds to be issued shall not exceed the specified amounts in
 36 subsection (b) of this section plus five percent (5%) of such amount to pay issuance expenses,
 37 fund reserve funds, pay capitalized interest, and pay other related additional costs plus any
 38 increase in the specific project costs authorized by the Director of the Budget pursuant to
 39 subsection (c) of this section. The amounts specified in subsection (b) of this section are not
 40 inclusive of other amounts that may have been authorized by an act of the General Assembly for
 41 the projects listed.

42 **SECTION 5.(e)** This section is effective when it becomes law.

43
 44 **PART VI. PROTECT CERTAIN TAX-ADVANTAGED ACCOUNTS**

45 **SECTION 6.(a)** Article 16 of Chapter 1C of the General Statutes is amended by
 46 adding the following new section to read:

47 **"§ 1C-1601.5. Certain tax-advantaged accounts exempt.**

48 (a) For purposes of this section, the following definitions shall apply:

49 (1) Qualifying account. – Any of the following:

50 a. An education savings and investment plan account qualified under
 51 section 529 of the Internal Revenue Code.

- 1 b. An ABLÉ account qualified under section 529A of the Internal
2 Revenue Code.
- 3 (2) Qualifying purpose. – Any of the following:
- 4 a. For education savings and investment plan accounts, any purpose
5 permitted under section 529 of the Internal Revenue Code.
- 6 b. For ABLÉ accounts, any purpose permitted under section 529A of the
7 Internal Revenue Code.
- 8 (b) Notwithstanding any other provision of law, including G.S. 1C-1601(e), funds
9 located in a qualifying account or withdrawn from the account and used for a qualifying purpose
10 shall not be subject to liens, attachment, garnishment, levy, seizure, any involuntary sale or
11 assignment by operation or execution of law, or the enforcement of any other judgment or claim
12 to pay any debt or liability of any account owner, beneficiary, or contributor to an account.
- 13 (c) Nothing in this section shall be construed to do any of the following:
- 14 (1) Prohibit the distribution of funds from an ABLÉ account following the death
15 of the account owner under G.S. 147-86.73(e) or section 529A of the Internal
16 Revenue Code.
- 17 (2) Limit the enforcement of judgments or claims on funds that meet any of the
18 following criteria:
- 19 a. Were not used for a qualifying purpose.
- 20 b. Were deposited into a qualifying account as a result of fraud,
21 intentional wrongdoing, or other violation of law."

22 **SECTION 6.(b)** G.S. 1C-1601(a)(10) is repealed.

23 **SECTION 6.(c)** This section becomes effective September 1, 2025, and applies to
24 actions filed on or after that date.

25

26 **PART VII. AUTHORIZATION FOR NAME, IMAGE, AND LIKENESS AGENCY**

27 **CONTRACTS**

28 **SECTION 7.(a)** Article 9 of Chapter 78C of the General Statutes reads as rewritten:

29 "Article 9.

30 "Uniform Athlete Agents Act.

31 **"§ 78C-85. Title.**

32 This Article may be cited as the "Uniform Athlete Agents Act".

33 **"§ 78C-86. Definitions.**

34 The following definitions apply in this Article:

- 35 (1) Agency contract. – An agreement in which a student-athlete authorizes a
36 person to negotiate or solicit on behalf of the student-athlete ~~a~~ either of the
37 following:
- 38 a. A professional-sports-services ~~contract or an endorsement~~ contract.
- 39 b. An NIL contract.
- 40 (2) Athlete agent. – An individual who enters into an agency contract with a
41 student-athlete or, directly or indirectly, recruits or solicits a student-athlete to
42 enter into an agency contract. The term includes an individual who represents
43 to the public that the individual is an athlete agent. The term does not include
44 a spouse, parent, sibling, or guardian of the student-athlete or an individual
45 acting solely on behalf of a professional sports team or professional sports
46 organization.
- 47 (3) Athletic director. – An individual responsible for administering the overall
48 athletic program of an educational institution or, if an educational institution
49 has separately administered athletic programs for male students and female
50 students, the athletic program for males or the athletic program for females,
51 as appropriate.

- 1 (4) Contact. – A communication, direct or indirect, between an athlete agent and
 2 a student-athlete to recruit or solicit the student-athlete to enter into an agency
 3 contract.
- 4 ~~(5) Endorsement contract. — An agreement under which a student-athlete is~~
 5 ~~employed or receives consideration to use on behalf of the other party any~~
 6 ~~value that the student-athlete may have because of publicity, reputation,~~
 7 ~~following, or fame obtained because of athletic ability or performance.~~
- 8 (6) Intercollegiate sport. – A sport played at the collegiate level for which
 9 eligibility requirements for participation by a student-athlete are established
 10 by a national association for the promotion or regulation of collegiate
 11 athletics.
- 12 (6a) Name, image, and likeness (NIL) agency contract. – An agreement in which
 13 a student-athlete authorizes a person to negotiate or solicit an NIL contract on
 14 behalf of the student-athlete.
- 15 (6b) Name, image, and likeness (NIL) contract. – A contract between a
 16 student-athlete and any entity in which the student-athlete receives
 17 consideration in exchange for the license or use of the student-athlete's name,
 18 image, or likeness.
- 19 (7) Person. – An individual, company, corporation, partnership, association, or
 20 any other legal or commercial entity.
- 21 (7a) Professional-sports-services agency contract. – An agreement in which a
 22 student-athlete authorizes a person to negotiate or solicit a
 23 professional-sports-services contract on behalf of the student-athlete.
- 24 (8) Professional-sports-services contract. – An agreement under which an
 25 individual is employed or agrees to render services as a player on a
 26 professional sports team, with a professional sports organization, or as a
 27 professional athlete.
- 28 (9) Record. – Information that is inscribed on a tangible medium or that is stored
 29 in an electronic or other medium and is retrievable in perceivable form.
- 30 (10) Registration. – A certificate issued by the Secretary of State evidencing that a
 31 person has satisfied the requirements of an athlete agent pursuant to this
 32 Article.
- 33 (11) Student-athlete. – An individual who engages in, is eligible to engage in, or
 34 may be eligible in the future to engage in any intercollegiate sport. If an
 35 individual is permanently ineligible to participate in a particular
 36 intercollegiate sport, the individual is not a student-athlete for purposes of that
 37 sport.

38 ...

39 **"§ 78C-88. Athlete agents; registration required; exceptions; void contracts.**

40 (a) Except as otherwise provided in this section, an individual may not act as an athlete
 41 agent in this State without holding a certificate of registration under G.S. 78C-90 or G.S. 78C-92.

42 (b) Before being issued a certificate of registration, an individual may act as an athlete
 43 agent in this State for all purposes except signing an agency contract if: (i) a student-athlete or
 44 another person acting on behalf of the student-athlete initiates communication with the
 45 individual; and (ii) within seven days after an initial act as an athlete agent, the individual submits
 46 an application for registration as an athlete agent in this State.

47 ~~(c) A~~Except as prohibited in G.S. 78C-98(c), a North Carolina licensed and resident
 48 attorney may act as an athlete agent in this State for all purposes without registering pursuant to
 49 this section if the attorney neither advertises directly for, nor solicits, any student-athlete by
 50 representing to any person that the attorney has special experience or qualifications with regard
 51 to representing student-athletes and represents no more than two student-athletes.

(d) 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.

...
"§ 78C-94. 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 the following:

- (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.

(c) ~~An~~ A professional-sports-services 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 SHALL 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;**
- (3) YOU WAIVE YOUR ATTORNEY-CLIENT PRIVILEGE WITH RESPECT TO THIS CONTRACT AND CERTAIN INFORMATION RELATED TO IT; AND**
- (4) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. CANCELLATION OF THIS CONTRACT SHALL NOT REINSTATE YOUR ELIGIBILITY.**

(c1) An NIL 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

ENTERING INTO AN NIL CONTRACT THAT CONFLICTS WITH STATE LAW OR YOUR INSTITUTION'S POLICIES MAY HAVE NEGATIVE CONSEQUENCES, SUCH AS LOSS OF ATHLETIC ELIGIBILITY. YOU MAY CANCEL THIS NIL AGENCY CONTRACT WITHIN 14 DAYS AFTER SIGNING IT.

(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.

(f) The waiver of attorney-client privilege does not affect those privileges between client and attorney when the attorney is not an athlete agent.

"§ 78C-95. Notice to educational institution.

1 (a) Within 72 hours after entering into ~~an~~ a professional-sports-services agency contract
 2 or before the next scheduled athletic event in which the student-athlete may participate,
 3 whichever occurs first, the athlete agent shall give notice in a record of the existence of the
 4 professional-sports-services agency contract to the athletic director of the educational institution
 5 at which the student-athlete is enrolled or the athlete agent has reasonable grounds to believe the
 6 student-athlete intends to enroll.

7 (b) Within 72 hours after entering into ~~an~~ a professional-sports-services agency contract
 8 or before the next athletic event in which the student-athlete may participate, whichever occurs
 9 first, the student-athlete shall inform the athletic director of the educational institution at which
 10 the student-athlete is enrolled that he or she has entered into ~~an~~ a professional-sports-services
 11 agency contract.

12 ...

13 **"§ 78C-98. Prohibited conduct.**

14 (a) An athlete agent, with the intent to induce a student-athlete to enter into an agency
 15 contract, shall not:

- 16 (1) Give any materially false or misleading information or make a materially false
 17 promise or representation.
- 18 (2) Furnish anything of value to a student-athlete before the student-athlete enters
 19 into the agency contract.
- 20 (3) Furnish anything of value to any individual other than the student-athlete or
 21 another registered athlete agent.

22 (b) An athlete agent shall not intentionally:

- 23 (1) Initiate contact with a student-athlete unless the athlete agent is registered
 24 under this Article.
- 25 (2) Refuse or fail to retain or permit inspection of the records required to be
 26 retained by G.S. 78C-97.
- 27 (3) Fail to register as required by G.S. 78C-88.
- 28 (4) Provide materially false or misleading information in an application for
 29 registration or renewal of registration.
- 30 (5) Predate or postdate an agency contract.
- 31 (6) Fail to notify a student-athlete before the student-athlete signs or otherwise
 32 authenticates an agency contract for a particular sport that the signing or
 33 authentication shall make the student-athlete ineligible to participate as a
 34 student-athlete in that sport.

35 (c) If an athlete agent is currently or was within the prior two years employed or in a
 36 contractual relationship with an educational institution, the following shall apply:

- 37 (1) The athlete agent shall not enter into an NIL agency contract with a
 38 student-athlete who is enrolled in that educational institution.
- 39 (2) An NIL agency contract is void if, following entry into an NIL agency
 40 contract, a student-athlete enrolls in that educational institution.

41"

42 **SECTION 7.(b)** This section is effective when it becomes law and applies to NIL
 43 agency contracts entered into on or after that date.

44
 45 **PART VIII. PUBLIC RECORDS EXEMPTION FOR CERTAIN NAME, IMAGE, AND**
 46 **LIKENESS CONTRACTS**

47 **SECTION 8.(a)** G.S. 132-1.2 reads as rewritten:

48 **"§ 132-1.2. Confidential information.**

49 Nothing in this Chapter shall be construed to require or authorize a public agency or its
 50 subdivision to disclose any information that:

51 ...

1 (11) Reveals records related to a student-athlete's name, image, and likeness
2 contract, as defined by G.S. 78C-86(6b)."

3 **SECTION 8.(b)** This section is effective when it becomes law and applies
4 retroactively to all records related to a student-athlete's name, image, and likeness contract ever
5 in the possession of the institution of higher education.

6

7 **PART IX. EFFECTIVE DATE**

8 **SECTION 9.** Except as otherwise provided, this act is effective when it becomes
9 law.