

AMENDMENTS TO LB 261

Introduced by Haar, 21.

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Section 60-4,111.01, Reissue Revised Statutes
4 of Nebraska, is amended to read:

5 60-4,111.01 (1) The Department of Motor Vehicles,
6 the courts, or law enforcement agencies may store or compile
7 information acquired from an operator's license or state
8 identification card for their statutorily authorized purposes.

9 (2) The department shall develop and distribute
10 software for scanning or reading and storing the machine-readable
11 information encoded on an operator's license or a state
12 identification card. The department shall have control of and
13 provide access to a secure server which will store the information
14 scanned or read by a person using the software. The department
15 shall provide the software and access to the server to a person
16 upon entering into an agreement with the person to comply with the
17 requirements of this section to scan or read the machine-readable
18 information only for purposes authorized in this section. The
19 agreement shall specify that the information will not be stored or
20 kept in any manner by the person using the software. The department
21 shall charge a fee for the software and for access to the server.
22 The fees shall be established by the department at a rate which
23 covers the cost of developing and distributing the software and

1 acquiring, maintaining, and providing access to the server. The
2 department shall remit the fees to the State Treasurer for credit
3 to the Department of Motor Vehicles Cash Fund.

4 ~~(2)~~ Ne (3) Except as otherwise provided in subsection
5 (4) or (5) of this section, no person having use of or access to
6 machine-readable information encoded on an operator's license or a
7 state identification card shall compile, store, preserve, trade, or
8 sell such information. Violation of this subsection shall be Any
9 person who trades or sells such information shall be guilty of a
10 Class IV felony. Any person who compiles, stores, or preserves such
11 information except as authorized in subsection (4) or (5) of this
12 section shall be guilty of a Class IV felony.

13 (4)(a) For purposes of compliance with and enforcement
14 of restrictions on the purchase of alcohol, lottery tickets,
15 and tobacco products, a retailer who sells any of such items
16 pursuant to a license issued or a contract under the applicable
17 statutory provision may scan machine-readable information encoded
18 on an operator's license or a state identification card presented
19 for the purpose of such a sale. The retailer may request in its
20 agreement under subsection (2) of this section that the department
21 provide for the storage in the department's server of the following
22 information obtained from the license or card: Age and license
23 or card identification number. The retailer shall post a sign at
24 the point of sale of any of such items stating that the license
25 or card will be scanned and that the age and identification
26 number will be stored. The stored information may only be used
27 by a law enforcement agency for purposes of enforcement of the

1 restrictions on the purchase of alcohol, lottery tickets, and
2 tobacco products and may not be shared with any other person or
3 entity. A retailer who knowingly stores more information than the
4 age and identification number from the operator's license or state
5 identification card or who knowingly stores any information from
6 the operator's license or state identification card in any place
7 other than the department's server shall be guilty of a Class IV
8 felony.

9 (b) Information scanned, compiled, stored, or preserved
10 pursuant to subdivision (a) of this subsection may not be retained
11 by the department for longer than eighteen months unless required
12 by state or federal law.

13 (5) A person having use of or access to machine-readable
14 information encoded on an operator's license or a state
15 identification card may enter an agreement with the department
16 under subsection (2) of this section to scan such information and
17 compile, store, and preserve such information on the department's
18 server:

19 (a) For purposes of providing such information to a
20 consumer reporting agency subject to and in compliance with the
21 federal Fair Credit Reporting Act, 15 U.S.C. 1681, as such act
22 existed on January 1, 2009;

23 (b) As necessary to effect, administer, or enforce a
24 transaction requested by the holder of the license or card;

25 (c) To protect against or prevent actual or potential
26 fraud, unauthorized transactions, claims, or other liability; or

27 (d) For resolving a dispute or inquiry by the holder of

1 the license or card.

2 (6) Except as provided in subsection (5) of this section,
3 information scanned, compiled, stored, or preserved pursuant to
4 this section may not be traded or sold to a third party; used
5 for any marketing or sales purpose by any person, including the
6 retailer who obtained the information; or, unless pursuant to a
7 court order, reported to or shared with any third party. A person
8 who violates this subsection shall be guilty of a Class IV felony.

9 Sec. 2. Original section 60-4,111.01, Reissue Revised
10 Statutes of Nebraska, is repealed.