

AMENDMENTS TO LB 261

(Amendments to E & R amendments, ER8137)

Introduced by Rogert, 16.

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 a state
8 identification card for their statutorily authorized purposes.

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

18 (3) (a) For purposes of compliance with and enforcement
19 of restrictions on the purchase of alcohol, lottery tickets,
20 and tobacco products, a retailer who sells any of such items
21 pursuant to a license issued or a contract under the applicable
22 statutory provision may scan machine-readable information encoded

1 on an operator's license or a state identification card presented
2 for the purpose of such a sale. The retailer may store only the
3 following information obtained from the license or card: Age and
4 license or card identification number. The retailer shall post a
5 sign at the point of sale of any of such items stating that the
6 license or card will be scanned and that the age and identification
7 number will be stored. The stored information may only be used
8 by a law enforcement agency for purposes of enforcement of the
9 restrictions on the purchase of alcohol, lottery tickets, and
10 tobacco products and may not be shared with any other person or
11 entity. The retailer shall utilize software that stores only the
12 information allowed by this subsection. A programmer for computer
13 software designed to store such information shall certify to the
14 retailer that the software stores only the information allowed by
15 this subsection. Intentional or grossly negligent programming by
16 the programmer which allows for the storage of more than the age
17 and identification number or wrongfully certifying the software
18 shall be a Class IV felony. A retailer who knowingly stores
19 more information than the age and identification number from the
20 operator's license or state identification card shall be guilty of
21 a Class IV felony.

22 (b) Information scanned, compiled, stored, or preserved
23 pursuant to subdivision (a) of this subsection may not be retained
24 longer than eighteen months unless required by state or federal
25 law.

26 (4) In order to approve a negotiable instrument, an
27 electronic funds transfer, or a similar method of payment, a person

1 having use of or access to machine-readable information encoded on
2 an operator's license or a state identification card may:

3 (a) Scan, compile, store, or preserve such information
4 in order to provide the information to a check services company
5 subject to and in compliance with the federal Fair Credit Reporting
6 Act, 15 U.S.C. 1681, as such act existed on January 1, 2010, for
7 the purpose of effecting, administering, or enforcing a transaction
8 requested by the holder of the license or card or preventing fraud
9 or other criminal activity; or

10 (b) Scan and store such information only as necessary to
11 protect against or prevent actual or potential fraud, unauthorized
12 transactions, claims, or other liability or to resolve a dispute or
13 inquiry by the holder of the license or card.

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

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