

AMENDMENTS TO LB 261

Introduced by Transportation and Telecommunications.

1 1. Strike the original sections and insert the following
2 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) ~~No~~ 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 such information. Violation of this subsection shall be Any
14 person who trades or sells such information shall be guilty of a
15 Class IV felony. Any person who compiles, stores, or preserves such
16 information except as authorized in subsection (3) or (4) of this
17 section shall be guilty of a Class IV felony.

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

1 a sale. The retailer may store the following information obtained
2 from the license or card: Age and license or card identification
3 number. The retailer shall post a sign at the point of sale
4 of any of such items stating that the license or card will be
5 scanned and that the age and identification number will be stored.
6 The stored information may be used by a law enforcement agency
7 for purposes of enforcement of the restrictions on the purchase
8 of alcohol, lottery tickets, and tobacco products. The programmer
9 for computer software designed to store such information shall
10 certify to the retailer that the software is capable of storing
11 only the information allowed by this subsection. Intentional or
12 grossly negligent programming by the programmer which allows for
13 the storage of more than the age and identification number shall be
14 a Class IV felony. A retailer who knowingly stores more information
15 than the age and identification number from the operator's license
16 or state identification card shall be guilty of a Class IV felony.

17 (4) A person having use of or access to machine-readable
18 information encoded on an operator's license or a state
19 identification card may scan, compile, store, and preserve such
20 information:

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

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

27 (c) To protect against or prevent actual or potential

1 fraud, unauthorized transactions, claims, or other liability; or
2 (d) For resolving a dispute or inquiry by the holder of
3 the license or card.
4 Sec. 2. Original section 60-4,111.01, Reissue Revised
5 Statutes of Nebraska, is repealed.