

E AND R AMENDMENTS TO LB 261

Introduced by Enrollment and Review Committee: Nordquist, 7,
Chairperson

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) ~~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)(a) For purposes of compliance with and enforcement
19 of 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 or a contract under the applicable statutory
22 provision may scan machine-readable information encoded on an
23 operator's license or a state identification card presented for

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

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

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

27 (a) For purposes of providing such information to a

1 consumer reporting agency subject to and in compliance with the
2 federal Fair Credit Reporting Act, 15 U.S.C. 1681, as such act
3 existed on January 1, 2009;

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

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

8 (d) For resolving a dispute or inquiry by the holder of
9 the license or card.

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

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