

AMENDMENTS TO LB 276

1 1. Insert the following new sections:

2 "Sec. 11. (1) For purposes of sections 12 and 13 of this
3 act:

4 (a) Merchant means an owner or operator of any retail
5 mercantile establishment or any agent, employee, lessee, consignee,
6 officer, director, franchisee, or independent contractor of such
7 owner or operator. A merchant also includes a person who receives
8 from an authorized user of a payment card, or someone the person
9 believes to be an authorized user, a payment card or information
10 from a payment card, or what the person believes to be a payment
11 card or information from a payment card, as the instrument for
12 obtaining, purchasing, or receiving goods, services, money, or
13 anything else of value from the person;

14 (b) Payment card means a credit card, charge card, or
15 debit card that is issued to an authorized card user and that
16 allows the user to obtain, purchase, or receive goods, services,
17 money, or anything else of value from a merchant;

18 (c) Person means an individual, firm, partnership,
19 association, corporation, limited liability company, or other
20 business entity;

21 (d) Reencoder means an electronic device that places
22 encoded information from the magnetic strip or stripe of a payment
23 card onto the magnetic strip or stripe of a different payment card;
24 and

1 (e) Scanning device means a scanner, reader, or any other
2 electronic device that is used to access, read, scan, obtain,
3 memorize, or store, temporarily or permanently, information encoded
4 on the magnetic strip or stripe of a payment card.

5 Sec. 12. (1) A person that accepts a payment card for
6 the transaction of business shall print no more than the last five
7 digits of the payment card account number upon any receipt provided
8 to the payment card holder.

9 (2) This section applies only to receipts that are
10 electronically printed and does not apply to any transaction in
11 which the only means of recording the payment card number is by
12 handwriting or by an imprint or copy of the payment card.

13 (3) A violation of this section is a Class III
14 misdemeanor for the first offense and a Class I misdemeanor for a
15 second or subsequent offense.

16 (4) (a) This section becomes operative on January 1, 2004,
17 with respect to any cash register or other machine or device that
18 electronically prints receipts for payment card transactions and is
19 originally put into use on or after January 1, 2004.

20 (b) This section becomes operative on January 1, 2007,
21 with respect to any cash register or other machine or device that
22 electronically prints receipts for payment card transactions and is
23 originally put into use before January 1, 2004.

24 Sec. 13. (1) It is unlawful for a person to use:

25 (a) A scanning device to access, read, obtain, memorize,
26 or store, temporarily or permanently, information encoded on the
27 magnetic strip or stripe of a payment card without the permission

1 of the authorized user of the payment card and with the intent to
2 defraud the authorized user, the issuer of the authorized user's
3 payment card, or a merchant; or

4 (b) A reencoder to place information encoded on the
5 magnetic strip or stripe of a payment card onto the magnetic strip
6 or stripe of a different card without the permission of the
7 authorized user of the card from which the information is being
8 reencoded and with the intent to defraud the authorized user, the
9 issuer of the authorized user's payment card, or a merchant.

10 (2) A violation of this section is a Class IV felony for
11 the first offense and a Class IIIA felony for a second or
12 subsequent offense."

13 2. On page 7, line 4, after "8" insert "and 11 to 13".

14 3. Renumber the remaining sections accordingly.