

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 261

FINAL READING

Introduced by Rogert, 16; McGill, 26.

Read first time January 14, 2009

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the Motor Vehicle Operator's License Act;
2 to amend section 60-4,111.01, Reissue Revised Statutes
3 of Nebraska; to provide for use of machine-readable
4 information encoded on an operator's license or a state
5 identification card; to provide penalties; and to repeal
6 the original section.

7 Be it enacted by the people of the State of Nebraska,

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

3 60-4,111.01 (1) The Department of Motor Vehicles,
4 the courts, or law enforcement agencies may store or compile
5 information acquired from an operator's license or a state
6 identification card for their statutorily authorized purposes.

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

16 (3)(a) For purposes of compliance with and enforcement
17 of restrictions on the purchase of alcohol, lottery tickets,
18 and tobacco products, a retailer who sells any of such items
19 pursuant to a license issued or a contract under the applicable
20 statutory provision may scan machine-readable information encoded
21 on an operator's license or a state identification card presented
22 for the purpose of such a sale. The retailer may store only the
23 following information obtained from the license or card: Age and
24 license or card identification number. The retailer shall post a
25 sign at the point of sale of any of such items stating that the

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

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

21 (4) In order to approve a negotiable instrument, an
22 electronic funds transfer, or a similar method of payment, a person
23 having use of or access to machine-readable information encoded on
24 an operator's license or a state identification card may:

25 (a) Scan, compile, store, or preserve such information

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

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

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

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