

## Amendment No. 403

Senate Amendment to Senate Bill No. 347

(BDR 15-15)

**Proposed by:** Committee on Judiciary**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
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Amend sec. 14, page 8, line 25, by deleting “***Before***” and inserting “***When***”.

Amend sec. 14, page 8, by deleting lines 32 through 40 and inserting:

***“written notice must:***

***(a) Include, without limitation, the following information:***

***(1) The policies and procedures adopted by the issuer to protect the personal identifying information and credit information of the cardholder from any unlawful use by another person; and***

***(2) The legal rights and responsibilities of the cardholder if another person unlawfully uses the personal identifying information and credit information of the cardholder; and***

***(b) Be printed in a separate box created by bold lines that includes:***

BAW

Date: 4/18/2005

S.B. No. 347—Makes various changes concerning personal identifying information.



*(1) A heading indicating the general subject matter of the notice that is printed in at least 12-point type; and*

*(2) The text of the notice that is printed in at least 10-point type.”.*

Amend the bill as a whole by deleting sections 16 and 17, renumbering sections 18 through 22 as sections 17 through 21 and adding a new section designated sec. 16, following sec. 15, to read as follows:

“**Sec. 16.** Chapter 239B of NRS is hereby amended by adding thereto a new section to read as follows:

*1. If a public body maintains a website on the Internet, the public body shall not disclose on that website personal information unless the disclosure is required by a federal or state statute or regulation.*

*2. If it appears that a public body has engaged in or is about to engage in any act or practice which violates subsection 1, the Attorney General or the appropriate district attorney may file an action in any court of competent jurisdiction for an injunction to prevent the occurrence or continuance of that act or practice.*

*3. An injunction:*

*(a) May be issued without proof of actual damage sustained by any person.*

*(b) Does not preclude the criminal prosecution and punishment of an act or practice that may otherwise be prohibited by law.*

*4. As used in this section:*

*(a) “Personal information” has the meaning ascribed to it in section 21 of this act.*

*(b) “Public body” has the meaning ascribed to it in NRS 205.462.”.*

Amend sec. 18, page 12, lines 29 and 30, by deleting:

“19 to 25,” and inserting:

“18 to 26,”.

Amend sec. 18, page 12, line 32, by deleting:

“20, 21 and 22” and inserting:

“19, 20 and 21”.

Amend sec. 20, page 12, line 35, before “*compromises*” by inserting “*materially*”.

Amend sec. 22, page 13, by deleting lines 6 through 8 and inserting:

*“one or more of the following data elements, when the name and data elements are not encrypted:*

*1. Social security number or employer identification number.”.*

Amend sec. 22, page 13, line 16, by deleting “*records.*” and inserting:

*“records or from widely distributed media.”.*

Amend the bill as a whole by renumbering sections 23 through 26 as sections 24 through 27 and adding new sections designated sections 22 and 23, following sec. 22, to read as follows:

*“Sec. 22. 1. A business that maintains records which contain personal information concerning the customers of the business shall take reasonable measures to ensure the destruction of those records when the business decides that it will no longer maintain the records.*

*2. As used in this section:*

*(a) “Business” means a proprietorship, corporation, partnership, association, trust, unincorporated organization or other enterprise doing business in this State.*

*(b) “Reasonable measures to ensure the destruction” means any method that modifies the records containing the personal information in such a way as to render the personal information contained in the records unreadable or undecipherable, including, without limitation:*

*(1) Shredding of the record containing the personal information; or*

*(2) Erasing of the personal information from the records.*

*Sec. 23. 1. A data collector that maintains records which contain personal information of a resident of this State shall implement and maintain reasonable security measures to protect those records from unauthorized access, acquisition, destruction, use, modification or disclosure.*

*2. A contract for the disclosure of the personal information of a resident of this State which is maintained by a data collector must include a provision requiring the person to whom the information is disclosed to implement and maintain reasonable security measures to protect those records from unauthorized access, acquisition, destruction, use, modification or disclosure.*

*3. If a state or federal law requires a data collector to provide greater protection to records that contain personal information of a resident of this State which are maintained by the data collector and the data collector is in compliance with the provisions of that state or federal law, the data collector shall be deemed to be in compliance with the provisions of this section.”.*

Amend sec. 23, page 14, line 15, by deleting “*which maintains*” and inserting:

“*which:*

*(a) Maintains”.*

Amend sec. 23, page 14, between lines 22 and 23, by inserting:

*“(b) Is subject to and complies with the privacy and security provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801, et seq., shall be deemed to be in compliance with the notification requirements of this section.*

*6. If a data collector determines that notification is required to be given pursuant to the provisions of this section to more than 1,000 persons at any one time, the data collector shall also notify, without unreasonable delay, any consumer reporting agency, as that term is defined in 15 U.S.C. § 1681a, that compiles and maintains files on consumers on a nationwide basis, of the time the notification is distributed and the content of the notification.”.*

Amend sec. 25, page 14, by deleting lines 25 through 35 and inserting:

*“Sec. 26. If the Attorney General or a district attorney of any county has reason to believe that any person is violating, proposes to violate or has violated the provisions of this chapter, he may bring an action against that person to obtain a temporary or permanent injunction against the violation.”.*

Amend sec. 26, page 14, line 39, by deleting “*identifying*”.

Amend sec. 26, page 15, by deleting lines 1 and 2 and inserting:

*“(b) “Personal information” has the meaning ascribed to it in section 21 of this act.”.*

Amend the bill as a whole by deleting sections 27 and 28 and adding a new section designated sec. 28, following sec. 26, to read as follows:

*“Sec. 28. 1. This section and sections 1 to 13, inclusive, of this act become effective on October 1, 2005.*

*2. Sections 14 to 27, inclusive, of this act become effective on January 1, 2006.”.*

Amend the title of the bill, eighth line, by deleting “before” and inserting “when”.