
SENATE BILL NO. 347—SENATORS WIENER, TITUS,
RAGGIO AND TOWNSEND

MARCH 25, 2005

JOINT SPONSOR: ASSEMBLYMAN ANDERSON

Referred to Committee on Judiciary

SUMMARY—Makes various changes concerning personal identifying information. (BDR 15-15)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to personal identifying information; prohibiting the establishment or possession of a financial forgery laboratory; enhancing the penalties for crimes involving personal identifying information that are committed against older persons and vulnerable persons; requiring the issuer of a credit card to provide a notice including certain information concerning its policies regarding identity theft and the rights of cardholders before issuing a credit card to a cardholder; requiring data collectors to provide notification concerning any breach of security involving system data; making various other changes concerning personal identifying information; providing penalties; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 205 of NRS is hereby amended by adding
- 2 thereto the provisions set forth as sections 2 to 6, inclusive, of this
- 3 act.



1 **Sec. 2.** *“Artificial person” means any corporation, limited-*
2 *liability company, limited-liability partnership, limited partnership,*
3 *limited-liability limited partnership, business trust or municipal*
4 *corporation or any comparable entity which is created and*
5 *existing under the laws of this State, any other state, territory or*
6 *foreign government, or the Government of the United States and*
7 *which is doing business in this State.*

8 **Sec. 3.** *“Older person” means a person who is 60 years of*
9 *age or older.*

10 **Sec. 4.** *“Vulnerable person” means a person who has:*

11 1. *A physical or mental impairment that substantially limits*
12 *one or more of the major life activities of the person; and*

13 2. *A medical or psychological record of the impairment or is*
14 *otherwise regarded as having the impairment.*

15 ↪ *The term includes, without limitation, a person who is mentally*
16 *retarded, a person who has a severe learning disability, a person*
17 *who suffers from a severe mental or emotional illness or a person*
18 *who suffers from a terminal or catastrophic illness or injury.*

19 **Sec. 5.** *In any case in which a person is convicted of*
20 *violating any provision of NRS 205.461 to 205.4657, inclusive, and*
21 *sections 2 to 5, inclusive, of this act, the court records must clearly*
22 *reflect that the violation was committed by the person convicted of*
23 *the violation and not by the person whose personal identifying*
24 *information forms a part of the violation.*

25 **Sec. 6.** 1. *A person shall not establish or possess a financial*
26 *forgery laboratory with the intent to commit any unlawful act.*

27 2. *Unless a greater penalty is provided pursuant to specific*
28 *statute, a person who violates this section is guilty of a category B*
29 *felony and shall be punished by imprisonment in the state prison*
30 *for a minimum term of not less than 1 year and a maximum term*
31 *of not more than 20 years, and may be further punished by a fine*
32 *of not more than \$100,000.*

33 3. *For the purposes of prosecuting a violation of this section,*
34 *the prosecuting attorney may present expert testimony to provide a*
35 *prima facie case that any computer, system, program or electronic*
36 *or mechanical device, or any combination thereof, is specifically*
37 *configured for any purpose set forth in subparagraph (1) or (2) of*
38 *paragraph (b) of subsection 4.*

39 4. *As used in this section:*

40 (a) *“Computer” has the meaning ascribed to it in*
41 *NRS 205.4735.*

42 (b) *“Financial forgery laboratory” means any computer,*
43 *system, program or other electronic or mechanical device, or any*
44 *combination thereof, that is specifically configured for the*
45 *purpose of unlawfully:*



1 (1) *Obtaining personal identifying information of another*
2 *person to commit an unlawful act; or*

3 (2) *Manufacturing any forged or fraudulent financial*
4 *instrument, document or item, including, without limitation, any*
5 *negotiable instrument, check, draft, bond, credit card, debit card,*
6 *stock certificate, annuity, bank bill or note, draft, bill of exchange,*
7 *contract, promissory note, traveler's check or money order.*

8 (c) *"Personal identifying information" has the meaning*
9 *ascribed to it in NRS 205.4617.*

10 (d) *"Program" has the meaning ascribed to it in NRS 205.475.*

11 (e) *"System" has the meaning ascribed to it in NRS 205.476.*

12 **Sec. 7.** NRS 205.461 is hereby amended to read as follows:

13 205.461 As used in NRS 205.461 to 205.4657, inclusive, *and*
14 *sections 2 to 5, inclusive, of this act*, unless the context otherwise
15 requires, the words and terms defined in NRS 205.4613 to
16 205.4627, inclusive, *and sections 2, 3 and 4 of this act* have the
17 meanings ascribed to them in those sections.

18 **Sec. 8.** NRS 205.4617 is hereby amended to read as follows:

19 205.4617 ~~["Personal"]~~

20 1. *Except as otherwise provided in subsection 2, "personal*
21 *identifying information" means any information designed,*
22 *commonly used or capable of being used, alone or in conjunction*
23 *with any other information, to identify a living or deceased person,*
24 *including, without limitation:*

25 ~~1-1~~ (a) The *current or former* name, driver's license number,
26 *identification card number*, social security number, *checking*
27 *account number*, savings account number, credit card number, debit
28 card number, *financial services account number*, date of birth,
29 place of employment and maiden name of the mother of a person . ~~1-2~~
30 *and*

31 ~~2-1~~ (b) The *unique biometric data of a person, including,*
32 *without limitation, the* fingerprints, *facial scan identifiers,*
33 *voiceprint, retina image and iris image of a person.*

34 (c) *The electronic signature, unique electronic identification*
35 *number, address or routing code, telecommunication identifying*
36 *information or access device of a person.*

37 (d) *The personal identification number or password of a*
38 *person.*

39 (e) *The alien registration number, government passport*
40 *number, employer identification number, taxpayer identification*
41 *number, Medicaid account number, food stamp account number,*
42 *medical identification number or health insurance identification*
43 *number of a person.*



1 (f) *The number of any professional, occupational, recreational*
2 *or governmental license, certificate, permit or membership of a*
3 *person.*

4 (g) *The number, code or other identifying information of a*
5 *person who receives medical treatment as part of a confidential*
6 *clinical trial or study, who participates in a confidential clinical*
7 *trial or study involving the use of prescription drugs or who*
8 *participates in any other confidential medical, psychological or*
9 *behavioral experiment, study or trial.*

10 (h) *The utility account number of a person.*

11 2. *To the extent that any information listed in subsection 1 is*
12 *designed, commonly used or capable of being used, alone or in*
13 *conjunction with any other information, to identify an artificial*
14 *person, "personal identifying information" includes information*
15 *pertaining to an artificial person.*

16 **Sec. 9.** NRS 205.463 is hereby amended to read as follows:

17 205.463 1. Except as otherwise provided in ~~subsection 2,~~
18 *subsections 2 and 3*, a person who knowingly:

19 (a) Obtains any personal identifying information of another
20 person; and

21 (b) Uses the personal identifying information to harm that other
22 person or for any unlawful purpose, including, without limitation, to
23 obtain credit, a good, a service or anything of value in the name of
24 that person,

25 ↪ is guilty of a category B felony and shall be punished by
26 imprisonment in the state prison for a minimum term of not less
27 than 1 year and a maximum term of not more than 20 years, and
28 may be further punished by a fine of not more than \$100,000.

29 2. ~~A~~ *Except as otherwise provided in subsection 3*, a person
30 who knowingly:

31 (a) Obtains any personal identifying information of another
32 person; and

33 (b) Uses the personal identifying information to avoid or delay
34 being prosecuted for an unlawful act,

35 ↪ is guilty of a category ~~B~~ C felony and shall be punished as
36 provided in NRS 193.130.

37 3. *A person who violates:*

38 (a) *Subsection 1 or 2 by obtaining and using the personal*
39 *identifying information of an older person or a vulnerable person;*
40 *or*

41 (b) *Subsection 2 to avoid or delay being prosecuted for an*
42 *unlawful act that is punishable as a category A felony or category*
43 *B felony,*

44 ↪ *is guilty of a category B felony and shall be punished by*
45 *imprisonment in the state prison for a minimum term of not less*



1 *than 3 years and a maximum term of not more than 20 years, and*
2 *may be further punished by a fine of not more than \$100,000.*

3 4. In addition to any other penalty, the court shall order a
4 person convicted of violating subsection 1 to pay restitution,
5 including, without limitation, any attorney's fees and costs incurred
6 to:

7 (a) Repair the credit history or rating of the person whose
8 personal identifying information he obtained and used in violation
9 of subsection 1; and

10 (b) Satisfy a debt, lien or other obligation incurred by the person
11 whose personal identifying information he obtained and used in
12 violation of subsection 1.

13 **Sec. 10.** NRS 205.464 is hereby amended to read as follows:

14 205.464 1. ~~[A]~~ *Except as otherwise provided in subsection*
15 *2, a public officer or public employee who knowingly:*

16 (a) Obtains any personal identifying information of another
17 person from any document, file, database, source or process used by
18 a public body to collect, store, maintain, transfer, reproduce, manage
19 or administer personal identifying information; and

20 (b) Uses the personal identifying information to harm that other
21 person or for any unlawful purpose, including, without limitation, to
22 obtain credit, a good, a service or anything of value in the name of
23 that person,

24 ➤ is guilty of a category B felony and shall be punished by
25 imprisonment in the state prison for a minimum term of not less
26 than 5 years and a maximum term of not more than 20 years, and
27 may be further punished by a fine of not more than \$100,000.

28 2. *A public officer or public employee who violates subsection*
29 *1 by obtaining and using the personal identifying information of*
30 *an older person or a vulnerable person is guilty of a category B*
31 *felony and shall be punished by imprisonment in the state prison*
32 *for a minimum term of not less than 7 years and a maximum term*
33 *of not more than 20 years, and may be further punished by a fine*
34 *of not more than \$100,000.*

35 3. In addition to any other penalty, the court shall order a
36 public officer or public employee convicted of violating subsection
37 1 to pay restitution, including, without limitation, any attorney's
38 fees and costs incurred to:

39 (a) Repair the credit history or rating of the person whose
40 personal identifying information the public officer or public
41 employee obtained and used in violation of subsection 1; and

42 (b) Satisfy a debt, lien or other obligation incurred by the person
43 whose personal identifying information the public officer or public
44 employee obtained and used in violation of subsection 1.

45 ~~[3.—A]~~



1 **4. Except as otherwise provided in subsection 5, a** public
2 officer or public employee who knowingly:

3 (a) Obtains any personal identifying information of another
4 person from any document, file, database, source or process used by
5 a public body to collect, store, maintain, transfer, reproduce, manage
6 or administer personal identifying information; and

7 (b) Possesses, sells or transfers the personal identifying
8 information for the purpose of establishing a false status,
9 occupation, membership, license or identity for himself or any other
10 person,

11 ↪ is guilty of a category C felony and shall be punished as provided
12 in NRS 193.130.

13 ~~4.~~ **5. A public officer or public employee who violates**
14 **subsection 4 by obtaining and possessing, selling or transferring**
15 **the personal identifying information of an older person or a**
16 **vulnerable person is guilty of a category B felony and shall be**
17 **punished by imprisonment in the state prison for a minimum term**
18 **of not less than 1 year and a maximum term of not more than 20**
19 **years, and may be further punished by a fine of not more than**
20 **\$100,000.**

21 **6. Except as otherwise provided in subsection 7, a public**
22 **officer or public employee who** knowingly aids another public
23 officer or public employee to commit a violation of any provision of
24 this section is guilty of a category C felony and shall be punished as
25 provided in NRS 193.130.

26 ~~5.~~ **7. A public officer or public employee who violates**
27 **subsection 6 by knowingly aiding another public officer or public**
28 **employee in committing a violation of this section by obtaining the**
29 **personal identifying information of an older person or a**
30 **vulnerable person is guilty of a category B felony and shall be**
31 **punished by imprisonment in the state prison for a minimum term**
32 **of not less than 1 year and a maximum term of not more than 20**
33 **years, and may be further punished by a fine of not more than**
34 **\$100,000.**

35 **8.** The provisions of this section do not prohibit the possession
36 or use of any personal identifying information by officers of local
37 police, sheriff and metropolitan police departments and by agents of
38 the Investigation Division of the Department of Public Safety while
39 engaged in undercover investigations related to the lawful discharge
40 of their duties.

41 **Sec. 11.** NRS 205.465 is hereby amended to read as follows:

42 205.465 1. It is unlawful for a person to possess, sell or
43 transfer any document or personal identifying information for the
44 purpose of establishing a false status, occupation, membership,
45 license or identity for himself or any other person.



2. ~~[A]~~ *Except as otherwise provided in subsection 3, a person*
who:

(a) Sells or transfers any such document or personal identifying
information in violation of subsection 1; or

(b) Possesses any such document or personal identifying
information in violation of subsection 1 to commit any of the crimes
set forth in NRS 205.085 to 205.217, inclusive, 205.473 to 205.513,
inclusive, or 205.610 to 205.810, inclusive,

➔ is guilty of a category C felony and shall be punished as provided
in NRS 193.130.

3. *A person who violates subsection 2 by selling or
transferring the personal identifying information of an older
person or a vulnerable person is guilty of a category B felony and
shall be punished by imprisonment in the state prison for a
minimum term of not less than 1 year and a maximum term of not
more than 20 years, and may be further punished by a fine of not
more than \$100,000.*

4. Except as otherwise provided in this subsection and
~~[subsection 2.]~~ *subsections 2 and 3*, a person who possesses any
such document or personal identifying information in violation of
subsection 1 is guilty of a category E felony and shall be punished
as provided in NRS 193.130. If a person possesses any such
document or personal identifying information in violation of
subsection 1 for the sole purpose of establishing false proof of age,
including, without limitation, establishing false proof of age to
game, purchase alcoholic beverages or purchase cigarettes or other
tobacco products, the person is guilty of a misdemeanor.

~~[4.]~~ 5. Subsection 1 does not:

(a) Preclude the adoption by a city or county of an ordinance
prohibiting the possession of any such document or personal
identifying information; or

(b) Prohibit the possession or use of any such document or
personal identifying information by officers of local police, sheriff
and metropolitan police departments and by agents of the
Investigation Division of the Department of Public Safety while
engaged in undercover investigations related to the lawful discharge
of their duties.

Sec. 12. NRS 205.4653 is hereby amended to read as follows:

205.4653 A person who violates any provision of NRS
205.461 to 205.4657, inclusive, *and sections 2 to 5, inclusive, of
this act* may be prosecuted for the violation whether or not the
person whose personal identifying information forms a part of the
violation ~~[is]~~:

1. *Is* living or deceased during the course of the violation or the
prosecution.



2. *Is an artificial person.*

3. *Suffers financial loss or injury as the result of the violation.*

Sec. 13. NRS 205.4657 is hereby amended to read as follows:

205.4657 *1. In any prosecution for a violation of any provision of NRS 205.461 to 205.4657, inclusive, and sections 2 to 5, inclusive, of this act, the State is not required to establish and it is no defense that:*

~~(1)~~ *(a) An accessory has not been convicted, apprehended or identified; or*

~~(2)~~ *(b) Some of the acts constituting elements of the crime did not occur in this State or that where such acts did occur they were not a crime or elements of a crime.*

2. In any prosecution for a violation of any provision of NRS 205.461 to 205.4657, inclusive, and sections 2 to 5, inclusive, of this act, the violation shall be deemed to have been committed and may be prosecuted in any jurisdiction in this State in which:

(a) The person whose personal identifying information forms a part of the violation currently resides or is found; or

(b) Any act constituting an element of the crime occurred, regardless of whether the defendant was ever physically present in that jurisdiction.

Sec. 14. Chapter 97A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Before issuing a credit card to a cardholder in this State, an issuer shall provide the cardholder with the written notice in the form prescribed by the Commissioner of Financial Institutions pursuant to this section.

2. The Commissioner of Financial Institutions shall adopt regulations prescribing the form of the written notice required pursuant to this section. The regulations must provide that the written notice must include, without limitation, the following information:

(a) 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

(b) The legal rights and responsibilities of the cardholder if another person unlawfully uses the personal identifying information and credit information of the cardholder.

3. As used in this section:

(a) "Credit information" means any information that is related to credit and derived from a consumer credit report, found on a consumer credit report or provided on an application for a credit card.



1 (b) *“Personal identifying information” has the meaning*
2 *ascribed to it in NRS 205.4617.*

3 **Sec. 15.** NRS 97A.140 is hereby amended to read as follows:

4 97A.140 1. An issuer located in this State shall not issue a
5 credit card to a cardholder unless ~~he first receives~~ *the issuer first:*

6 (a) *Provides the written notice required pursuant to section 14*
7 *of this act to the cardholder; and*

8 (b) *Receives* a written or oral request from the cardholder for the
9 issuance of the credit card.

10 2. An issuer shall provide the cardholder with the terms and
11 conditions that govern the use of the credit card, in writing, before
12 or at the time of the receipt of the credit card. A cardholder shall be
13 deemed to have accepted the written terms and conditions provided
14 by the issuer upon subsequent actual use of the credit card.

15 3. The rate of interest charged, and any other fees or charges
16 imposed for the use of the credit card, must be in an amount agreed
17 upon by the issuer and cardholder.

18 4. An issuer may unilaterally change any term or condition for
19 the use of a credit card without prior written notice to the cardholder
20 unless the change will adversely affect or increase the costs to the
21 cardholder for the use of the credit card. If the change will increase
22 such costs, the issuer shall provide notice to the cardholder of the
23 change at least 30 days before the change becomes effective.

24 5. Unless otherwise stated as a term or condition, the law of
25 this State governs all transactions relating to the use of a credit card
26 if an issuer, or the service provider of an issuer, is located in this
27 State.

28 **Sec. 16.** NRS 483.290 is hereby amended to read as follows:

29 483.290 1. Every application for an instruction permit or for
30 a driver's license must:

31 (a) Be made upon a form furnished by the Department.

32 (b) Be verified by the applicant before a person authorized to
33 administer oaths. Officers and employees of the Department may
34 administer those oaths without charge.

35 (c) Be accompanied by the required fee.

36 (d) State the name, date of birth, sex and residence address of
37 the applicant and briefly describe the applicant.

38 (e) State whether the applicant has theretofore been licensed as a
39 driver, and, if so, when and by what state or country, and whether
40 any such license has ever been suspended or revoked, or whether an
41 application has ever been refused, and, if so, the date of and reason
42 for the suspension, revocation or refusal.

43 (f) Include such other information as the Department may
44 require to determine the competency and eligibility of the applicant.



(g) *Be accompanied by the fingerprint of the right thumb of the applicant. If the applicant does not have a right thumb, the fingerprint of the right index finger of the applicant must be taken. If the applicant does not have a right thumb or right index finger, the fingerprint of another finger of the applicant must be taken. A fingerprint obtained by the Department pursuant to this paragraph:*

- (1) Is confidential;*
- (2) May be inspected only by a peace officer; and*
- (3) May be inspected for the sole purpose of determining whether a person has unlawfully obtained the personal identifying information of another person.*

2. Except as otherwise provided in subsections 5, 6 and 7, every applicant must furnish proof of his name and age by displaying an original or certified copy of at least one of the following documents:

(a) If the applicant was born in the United States, including, without limitation, the District of Columbia or any territory of the United States:

(1) A birth certificate issued by a state, a political subdivision of a state, the District of Columbia or any territory of the United States;

(2) A driver's license issued by another state, the District of Columbia or any territory of the United States;

(3) A passport issued by the United States Government;

(4) A military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States;

(5) For persons who served in any branch of the Armed Forces of the United States, a report of separation;

(6) A Certificate of Degree of Indian Blood issued by the United States Government; or

(7) Such other documentation as specified by the Department by regulation; or

(b) If the applicant was born outside the United States:

(1) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card or Temporary Resident Card issued by the Bureau of Citizenship and Immigration Services;

(2) A Consular Report of Birth Abroad issued by the Department of State;

(3) A driver's license issued by another state, the District of Columbia or any territory of the United States;

(4) A passport issued by the United States Government; or

(5) Any other proof acceptable to the Department other than a passport issued by a foreign government.



1 3. At the time of applying for a driver's license, an applicant
2 may, if eligible, register to vote pursuant to NRS 293.524.

3 4. Every applicant who has been assigned a social security
4 number must furnish proof of his social security number by
5 displaying:

6 (a) An original card issued to the applicant by the Social
7 Security Administration bearing the social security number of the
8 applicant; or

9 (b) Other proof acceptable to the Department, including, without
10 limitation, records of employment or federal income tax returns.

11 5. The Department may refuse to accept a driver's license
12 issued by another state, the District of Columbia or any territory of
13 the United States if the Department determines that the other state,
14 the District of Columbia or the territory of the United States has less
15 stringent standards than the State of Nevada for the issuance of a
16 driver's license.

17 6. With respect to any document described in paragraph (b) of
18 subsection 2, the Department may:

19 (a) If the document has expired, refuse to accept the document
20 or refuse to issue a driver's license to the person presenting the
21 document, or both; and

22 (b) If the document specifies a date by which the person
23 presenting the document must depart from the United States, issue
24 to the person presenting the document a driver's license that expires
25 on the date on which the person is required to depart from the
26 United States.

27 7. The Director shall adopt regulations setting forth criteria
28 pursuant to which the Department will issue or refuse to issue a
29 driver's license in accordance with this section to a person who is a
30 citizen of a foreign country. The criteria must be based upon the
31 purpose for which that person is present within the United States.

32 8. Notwithstanding any other provision of this section, the
33 Department shall not accept a consular identification card as proof
34 of the age or identity of an applicant for an instruction permit or for
35 a driver's license. As used in this subsection, "consular
36 identification card" has the meaning ascribed to it in NRS 232.006.

37 **Sec. 17.** NRS 483.850 is hereby amended to read as follows:

38 483.850 1. Every application for an identification card must
39 be made upon a form provided by the Department and include:

40 (a) The applicant's name.

41 (b) His social security number, if any.

42 (c) His date of birth.

43 (d) His state of legal residence.

44 (e) His current address in this State, unless the applicant is on
45 active duty in the military service of the United States.



(f) A statement from:

(1) A resident stating that he does not hold a valid driver's license or identification card from any state or jurisdiction; or

(2) A seasonal resident stating that he does not hold a valid Nevada driver's license.

(g) The fingerprint of the right thumb of the applicant. If the applicant does not have a right thumb, the fingerprint of the right index finger of the applicant must be taken. If the applicant does not have a right thumb or right index finger, the fingerprint of another finger of the applicant must be taken. A fingerprint obtained by the Department pursuant to this paragraph:

(1) Is confidential;

(2) May be inspected only by a peace officer; and

(3) May be inspected for the sole purpose of determining whether a person has unlawfully obtained the personal identifying information of another person.

2. When the form is completed, the applicant must sign the form and verify the contents before a person authorized to administer oaths.

3. At the time of applying for an identification card, an applicant may, if eligible, register to vote pursuant to NRS 293.524.

4. A person who possesses a driver's license or identification card issued by another state or jurisdiction who wishes to apply for an identification card pursuant to this section shall surrender to the Department the driver's license or identification card issued by the other state or jurisdiction at the time he applies for an identification card pursuant to this section.

Sec. 18. Title 52 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 19 to 25, inclusive, of this act.

Sec. 19. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 20, 21 and 22 of this act have the meanings ascribed to them in those sections.*

Sec. 20. *"Breach of the security of the system data" means unauthorized acquisition of computerized data that compromises the security, confidentiality or integrity of personal information maintained by the data collector. The term does not include the good faith acquisition of personal information by an employee or agent of the data collector for a legitimate purpose of the data collector, so long as the personal information is not used for a purpose unrelated to the data collector or subject to further unauthorized disclosure.*

Sec. 21. *"Data collector" means any governmental agency, institution of higher education, corporation, financial institution or retail operator or any other type of business entity or*



1 *association that, for any purpose, whether by automated collection*
2 *or otherwise, handles, collects, disseminates or otherwise deals*
3 *with nonpublic personal information.*

4 **Sec. 22.** *“Personal information” means a natural person’s*
5 *first name or first initial and last name in combination with any*
6 *one or more of the following data elements, when either the name*
7 *or the data elements are not encrypted:*

8 1. *Social security number.*

9 2. *Driver’s license number or identification card number.*

10 3. *Account number, credit card number or debit card*
11 *number, in combination with any required security code, access*
12 *code or password that would permit access to the person’s*
13 *financial account.*

14 *↪ The term does not include publicly available information that is*
15 *lawfully made available to the general public from federal, state or*
16 *local governmental records.*

17 **Sec. 23.** 1. *Any data collector that owns or licenses*
18 *computerized data which includes personal information shall*
19 *disclose any breach of the security of the system data following*
20 *discovery or notification of the breach to any resident of this State*
21 *whose unencrypted personal information was, or is reasonably*
22 *believed to have been, acquired by an unauthorized person. The*
23 *disclosure must be made in the most expedient time possible and*
24 *without unreasonable delay, consistent with the legitimate needs*
25 *of law enforcement, as provided in subsection 3, or any measures*
26 *necessary to determine the scope of the breach and restore the*
27 *reasonable integrity of the system data.*

28 2. *Any data collector that maintains computerized data which*
29 *includes personal information that the data collector does not own*
30 *shall notify the owner or licensee of the information of any breach*
31 *of the security of the system data immediately following discovery*
32 *if the personal information was, or is reasonably believed to have*
33 *been, acquired by an unauthorized person.*

34 3. *The notification required by this section may be delayed if*
35 *a law enforcement agency determines that the notification will*
36 *impede a criminal investigation. The notification required by this*
37 *section must be made after the law enforcement agency*
38 *determines that the notification will not compromise the*
39 *investigation.*

40 4. *For purposes of this section, except as otherwise provided*
41 *in subsection 5, the notification required by this section may be*
42 *provided by one of the following methods:*

43 (a) *Written notification.*



1 (b) *Electronic notification, if the notification provided is*
2 *consistent with the provisions of the Electronic Signatures in*
3 *Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq.*

4 (c) *Substitute notification, if the data collector demonstrates*
5 *that the cost of providing notification would exceed \$250,000, the*
6 *affected class of subject persons to be notified exceeds 500,000 or*
7 *the data collector does not have sufficient contact information.*
8 *Substitute notification must consist of all the following:*

9 (1) *Notification by electronic mail when the data collector*
10 *has electronic mail addresses for the subject persons.*

11 (2) *Conspicuous posting of the notification on the Internet*
12 *website of the data collector, if the data collector maintains an*
13 *Internet website.*

14 (3) *Notification to major statewide media.*

15 5. *A data collector which maintains its own notification*
16 *policies and procedures as part of an information security policy*
17 *for the treatment of personal information that is otherwise*
18 *consistent with the timing requirements of this section shall be*
19 *deemed to be in compliance with the notification requirements of*
20 *this section if the data collector notifies subject persons in*
21 *accordance with its policies and procedures in the event of a*
22 *breach of the security of the system data.*

23 **Sec. 24.** *Any waiver of the provisions of this chapter is*
24 *contrary to public policy, void and unenforceable.*

25 **Sec. 25.** 1. *Any person who is injured by a violation of this*
26 *chapter may bring a civil action to recover actual damages and*
27 *reasonable attorney's fees.*

28 2. *If the Attorney General or a district attorney of any county*
29 *has reason to believe that any person is violating, proposes to*
30 *violate or has violated the provisions of this chapter, he may bring*
31 *an action against that person to obtain a temporary or permanent*
32 *injunction against the violation.*

33 3. *The rights and remedies available under this section are*
34 *cumulative to each other and to any other rights and remedies*
35 *available under law.*

36 **Sec. 26.** Chapter 597 of NRS is hereby amended by adding
37 thereto a new section to read as follows:

38 1. *A business in this State shall not electronically transmit*
39 *any personal identifying information of a customer to any other*
40 *person within or outside this State, unless the business uses*
41 *encryption to ensure the security of the electronic transmission.*

42 2. *As used in this section:*

43 (a) *"Encryption" has the meaning ascribed to it in*
44 *NRS 205.4742.*



1 ***(b) "Personal identifying information" has the meaning***
2 ***ascribed to it in NRS 205.4617.***

3 **Sec. 27.** NRS 598C.110 is hereby amended to read as follows:
4 598C.110 A reporting agency:

5 1. Shall include with any written disclosure to a consumer a
6 summary of his rights under this chapter.

7 2. Shall not include medical information in its files.

8 3. Shall include in any consumer report information concerning
9 a consumer's delinquency in paying support for a child, to the extent
10 that this information is provided in a format acceptable to the
11 reporting agency by the Welfare Division of the Department of
12 Human Resources or from the district attorney of the county in
13 which the consumer resides or resided when the delinquency
14 occurred.

15 ***4. Shall, at the request of a consumer, establish and maintain***
16 ***confidentially a personal identification number which must be***
17 ***used to identify the consumer and which must be provided to the***
18 ***reporting agency by the consumer before the reporting agency***
19 ***discloses any information to the consumer pursuant to***
20 ***NRS 598C.130.***

21 **Sec. 28.** NRS 598C.130 is hereby amended to read as follows:

22 598C.130 Upon request and ***upon being provided with***
23 information sufficient to identify a consumer, ***including the***
24 ***personal identification number of the consumer, if required***
25 ***pursuant to NRS 598C.110,*** a reporting agency shall:

26 1. Clearly and accurately disclose to the consumer the nature
27 and substance of the consumer report in its files which relates to him
28 at the time of the request, and disclose the names of the institutional
29 sources of information. If the consumer requests, the reporting
30 agency shall provide a readable copy of the consumer report.

31 2. Disclose the name of each person who has received from the
32 reporting agency information concerning him:

33 (a) Within the preceding 2 years for purposes of employment,
34 promotion, reassignment or retention as an employee; or

35 (b) Within the preceding 6 months for any other purpose.



