

ASSEMBLY BILL NO. 114—ASSEMBLYMEN PIERCE, CONKLIN, PARKS, ALLEN, ANDERSON, ARBERRY, ATKINSON, BOBZIEN, BUCKLEY, CLABORN, DENIS, GANSERT, GERHARDT, HOGAN, HORNE, KIHUEN, KIRKPATRICK, LESLIE, MABEY, MANENDO, MUNFORD, OCEGUERA, OHRENSCHALL, PARNELL, SEGERBLUM, SMITH, STEWART AND WOMACK

FEBRUARY 15, 2007

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes concerning the protection of personal identifying information. (BDR 8-406)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: No.

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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; requiring solicitors to verify addresses on applications for credit when offering credit cards by mail; providing for a civil action for crimes involving the theft of personal identifying information; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Section 1** of this bill requires solicitors that make firm offers of credit by mail,
2 and subsequently receive an acceptance to an offer listing an address for the person
3 that is different from the address to which the offer was sent, to verify that the
4 person replying to the offer is the same person to whom the offer was made.
5 **Section 1** enumerates the different methods a solicitor may use to verify that the
6 person accepting the offer is the same person to whom the offer was made. **Section**
7 **2** of this bill expands existing law related to crimes involving theft and misuse of
8 personal identifying information to allow a victim of identity theft to bring a civil
9 suit seeking recovery of damages and costs related to the theft of personal
10 identifying information by a public officer or employee and the possession and sale
11 of personal identifying information. (NRS 41.1345)



* A B 1 1 4 R 1 *

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

Section 1. Chapter 97A of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a solicitor makes a firm offer of credit for a credit card to a person by mail and receives an acceptance of that offer which has a substantially different address listed for the person than the address to which the solicitor sent the offer, the solicitor shall verify that the person accepting the offer is the same person to whom the offer was made before sending the person the credit card.

2. A solicitor shall be deemed to have verified the address of a person pursuant to subsection 1 if the solicitor:

(a) Telephones the person at a telephone number appearing in a publicly available directory or database as the telephone number of the person to whom the solicitation was made and the person acknowledges his acceptance of the solicitation;

(b) Receives from the person accepting the offer of credit proof of identity in the form of an identification document, including, without limitation, a driver's license or passport, which confirms that the person accepting the solicitation is the person to whom the solicitation was made; or

(c) Uses any other commercially reasonable means to confirm that the person accepting the solicitation is the person to whom the solicitation was made, including, without limitation, any means adopted in federal regulations.

3. For the purposes of this section:

(a) "Firm offer of credit" has the meaning ascribed to it in 15 U.S.C. § 1681a(l).

(b) "Solicitor" means a person who makes a firm offer of credit for a credit card by mail solicitation, but does not include an issuer or other creditor when that issuer or creditor relies on an independent third party to provide the solicitation services.

Sec. 2. NRS 41.1345 is hereby amended to read as follows:

41.1345 1. A person who has suffered injury as the proximate result of a violation of the provisions of NRS 205.463 , 205.464 or 205.465 may commence an action for the recovery of his actual damages, costs and reasonable attorney's fees and for any punitive damages that the facts may warrant.

2. An action described in subsection 1 must be commenced not later than 2 years after the person who suffered the injury discovers the facts constituting the violation of the provisions of NRS 205.463 H, 205.464 or 205.465.



1 **Sec. 3.** NRS 598B.115 is hereby amended to read as follows:
2 598B.115 If a creditor *other than a creditor subject to the*
3 *provisions of section 1 of this act* mails a solicitation for the
4 extension of credit to a person and the person applies for such credit,
5 the creditor shall mail the extension of credit to the person to the
6 same address as the solicitation, unless the creditor verifies any
7 change of address of the person using a reliable method.

