

Amendment No. 851

Senate Amendment to Assembly Bill No. 600 First Reprint (BDR 19-774)

Proposed by: Senate Committee on Transportation and Homeland Security**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold*** is newly added transitory language.

EGO



Date: 5/21/2007

A.B. No. 600—Revises provisions concerning the protection of certain personal identifying information. (BDR 19-774)



ASSEMBLY BILL NO. 600—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 26, 2007

Referred to Committee on Government Affairs

SUMMARY—Revises provisions concerning the protection of certain personal identifying information. (BDR 19-774)

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 privacy; revising provisions concerning the protection of certain personal identifying information; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, documents submitted to governmental agencies must not include the social security number of a person except in certain circumstances. (NRS 239B.030) Existing law also prohibits public bodies from disclosing on their websites personal information about a person, except in certain circumstances. Personal information is defined to mean the person's name in combination with his social security number, driver's license number or certain other account numbers. (NRS 239B.050, 603A.040) **Sections 2 and 3** of this bill make consistent the information that is protected from disclosure by public entities on documents submitted to the entity or on the entity's website. **Section 2** also authorizes a person to request ~~the redaction of~~ **a governmental agency to redact or maintain in a confidential manner his** personal information ~~from~~ **in** documents submitted to ~~the~~ **the** governmental agency before January 1, 2007 ~~and~~ **, and prescribes the requirements for such a request. Section 8** of this bill provides that the last 4 digits of a social security number are not personal information for the purposes of these provisions.

Section 1 of this bill provides certain immunity to officers, employees and members of a governmental agency or public body relating to the disclosure of personal information pursuant to **section 2 or 3** of this bill.

Section 4 of this bill authorizes the use of the last four digits of a social security number in judgments, and **sections 5 and 7** of this bill remove the requirement of the inclusion of a social security number on certificates of marriage and forms for the reporting of divorces and annulments. (NRS 122.160, 440.135) **Section 6** of this bill authorizes the county recorder to allow the inspection and copying of certain records by family members, guardians and personal representatives. (NRS 247.090)

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

Section 1. Chapter 239B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An officer, employee or member of a governmental agency or public body is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in carrying out the provisions of NRS 239B.030 or 239B.050.

2. As used in this section:

(a) "Governmental agency" means an officer, board, commission, department, division, bureau, district or any other unit of government of the State or a local government.

(b) "Public body" has the meaning ascribed to it in NRS 205.462.

Sec. 2. NRS 239B.030 is hereby amended to read as follows:

239B.030. 1. Except as otherwise provided in ~~subsection 2~~ subsections 2, 4 and 6, a person shall not include and a governmental agency shall not require a person to include ~~the social-security number of~~ any personal information about a person on any document that is recorded, filed or otherwise submitted to the governmental agency on or after January 1, 2007.

2. If ~~the social-security number of~~ personal information about a person is required to be included in a document that is recorded, filed or otherwise submitted to a governmental agency on or after January 1, 2007, pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant, a governmental agency shall ensure that the ~~social-security number~~ personal information is maintained in a confidential manner ~~for obliterated or otherwise removed by any method, including, without limitation, through the use of computer software,~~ and may only disclose the ~~social-security number~~ personal information as required:

(a) To carry out a specific state or federal law; or

(b) For the administration of a public program or an application for a federal or state grant.

Any action taken by a governmental agency pursuant to this subsection must not be construed as affecting the legality of the document.

3. A governmental agency shall take necessary measures to ensure that notice of the provisions of this section is provided to persons with whom it conducts business. Such notice may include, without limitation, posting notice in a conspicuous place in each of its offices.

4. A governmental agency may require a person who records, files or otherwise submits any document to the governmental agency to provide an affirmation that the document does not contain ~~the social-security number of~~ personal information about any person ~~or, if the document contains any such personal information, identification of the specific law, public program or grant that requires the inclusion of the personal information.~~ A governmental agency may refuse to record, file or otherwise accept a document which does not contain such an affirmation when required ~~and~~ or any document which contains ~~the social-security number of~~ personal information about a person ~~that is not required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant.~~

5. On or before January 1, 2017, each governmental agency shall ensure that any ~~social-security number~~ personal information contained in a document that

has been recorded, filed or otherwise submitted to the governmental agency before January 1, 2007, which the governmental agency continues to hold is ~~maintained~~ :

(a) Maintained in a confidential manner if the personal information is required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant; or is obliterated

(b) Obliterated or otherwise removed from the document ~~if~~, by any method, including, without limitation, through the use of computer software ~~if~~, if the personal information is not required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant.

Any action taken by a governmental agency pursuant to this subsection must not be construed as affecting the legality of the document.

6. A person may request that a governmental agency obliterate or otherwise remove from any document submitted by the person to the governmental agency before January 1, 2007, any personal information about the person contained in the document ~~if~~ that is not required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant or, if the personal information is so required to be included in the document, the person may request that the governmental agency maintain the personal information in a confidential manner. If any documents that have been recorded, filed or otherwise submitted to a governmental agency:

(a) Are maintained in an electronic format that allows the governmental agency to retrieve components of personal information through the use of computer software, a request pursuant to this subsection must identify the components of personal information to be retrieved. The provisions of this paragraph do not require a governmental agency to purchase computer software to perform the service requested pursuant to this subsection.

(b) Are not maintained in an electronic format or not maintained in an electronic format in the manner described in paragraph (a), a request pursuant to this subsection must describe the document with sufficient specificity to enable the governmental agency to identify the document.

The governmental agency shall not charge any fee to perform ~~such a~~ the service ~~if~~ requested pursuant to this subsection.

7. As used in this section ~~["governmental"]~~ :

(a) "Governmental agency" means an officer, board, commission, department, division, bureau, district or any other unit of government of the State or a local government.

(b) "Personal information" has the meaning ascribed to it in NRS 603A.040.

Sec. 3. NRS 239B.050 is hereby amended to read as follows:

239B.050 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~~ law or for the administration of a public program or an application for a federal or state grant.

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 NRS 603A.040.

(b) "Public body" has the meaning ascribed to it in NRS 205.462.

Sec. 4. NRS 17.150 is hereby amended to read as follows:

17.150 1. Immediately after filing a judgment roll the clerk shall make the proper entries of the judgment, under appropriate heads, in the docket kept by him, noting thereon the hour and minutes of the day of such entries.

2. A transcript of the original docket or an abstract or copy of any judgment or decree of a district court of the State of Nevada or the District Court or other court of the United States in and for the District of Nevada, the enforcement of which has not been stayed on appeal, certified by the clerk of the court where the judgment or decree was rendered, may be recorded in the office of the county recorder in any county, and when so recorded it becomes a lien upon all the real property of the judgment debtor not exempt from execution in that county, owned by him at the time, or which he may afterward acquire, until the lien expires. The lien continues for 6 years after the date the judgment or decree was docketed, and is continued each time the judgment or decree is renewed, unless:

(a) The enforcement of the judgment or decree is stayed on appeal by the execution of a sufficient undertaking as provided in the Nevada Rules of Appellate Procedure or by the Statutes of the United States, in which case the lien of the judgment or decree and any lien by virtue of an attachment that has been issued and levied in the actions ceases;

(b) The judgment is for arrearages in the payment of child support, in which case the lien continues until the judgment is satisfied;

(c) The judgment is satisfied; or

(d) The lien is otherwise discharged.

➤ The time during which the execution of the judgment is suspended by appeal, action of the court or defendant must not be counted in computing the time of expiration.

3. The abstract described in subsection 2 must contain the:

(a) Title of the court and the title and number of the action;

(b) Date of entry of the judgment or decree;

(c) Names of the judgment debtor and judgment creditor;

(d) Amount of the judgment or decree; and

(e) Location where the judgment or decree is entered in the minutes or judgment docket.

4. A judgment creditor who records a judgment or decree shall record at that time an affidavit stating:

(a) The name and address of the judgment debtor;

(b) The judgment debtor's driver's license number and state of issuance or the **last four digits of the** judgment debtor's social security number; and

(c) The judgment debtor's date of birth,

➤ if known to the judgment creditor. If any of the information is not known, the affidavit must include a statement of that fact.

Sec. 5. NRS 122.160 is hereby amended to read as follows:

122.160 1. Marriages between Indians performed in accordance with tribal customs within closed Indian reservations and Indian colonies have the same validity as marriages performed in any other manner provided for by the laws of this State, if there is recorded in the county in which the marriage takes place, within 30 days after the performance of the tribal marriage, a certificate declaring the marriage to have been performed.

2. The certificate of declaration required to be recorded by subsection 1 must include the names of the persons married, their ages, ~~{social security numbers,}~~

1 tribe, and place and date of marriage. The certificate must be signed by an official
2 of the tribe, reservation or colony.

3 3. The certificate must be recorded with the recorder of the county in which
4 the marriage was performed and recorded by him without charge.

5 **Sec. 6.** NRS 247.090 is hereby amended to read as follows:

6 247.090 ~~{AHH}~~

7 **1. Except as otherwise provided in subsection 2 and NRS 239B.030, all**
8 documents on file in the office of the county recorder, must, during office hours, be
9 open for inspection by any person without charge. The county recorder must
10 arrange the books of record and indexes in his office in such suitable places as to
11 facilitate their inspection.

12 **2. A county recorder may allow inspection and copying of records**
13 **containing personal information about a deceased or incapacitated person by a**
14 **spouse, widow or widower, parent, sibling, child, guardian or personal**
15 **representative of the person. As used in this subsection, "personal information"**
16 **has the meaning ascribed to in NRS 603A.040.**

17 **Sec. 7.** NRS 440.135 is hereby amended to read as follows:

18 440.135 1. The Board shall prescribe, and the State Registrar shall furnish
19 in sufficient numbers to each county clerk for distribution, a form for the reporting
20 of divorces and annulments of marriage.

21 2. The information required by such form must be limited to:

- 22 (a) The names ~~{and social security numbers}~~ of the parties;
23 (b) The court and county in which the decree is granted; and
24 (c) The date of the decree.

25 **Sec. 8.** NRS 603A.040 is hereby amended to read as follows:

26 603A.040 "Personal information" means a natural person's first name or first
27 initial and last name in combination with any one or more of the following data
28 elements, when the name and data elements are not encrypted:

29 1. Social security number.

30 2. Driver's license number or identification card number.

31 3. Account number, credit card number or debit card number, in combination
32 with any required security code, access code or password that would permit access
33 to the person's financial account.

34 ➤ The term does not include **the last four digits of a social security number or**
35 publicly available information that is lawfully made available to the general public.

36 **Sec. 9.** 1. This section, section 1 and sections 3 to 8, inclusive, of this act
37 become effective upon passage and approval.

38 2. Section 2 of this act becomes effective on January 1, 2008.