

Amendment No. 603

Senate Amendment to Assembly Bill No. 389 First Reprint (BDR 52-772)

Proposed by: Senate Committee on Judiciary**Amends:** Summary: No Title: Yes 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 dashed underlining*** is newly added transitory language.

BAW



Date: 5/2/2009

A.B. No. 389—Revises provisions governing the protection of personal identifying information. (BDR 52-772)



ASSEMBLY BILL NO. 389—ASSEMBLYMEN PARNELL, HORNE, ANDERSON, KIHUEN, KOIVISTO; CARPENTER, CONKLIN, DONDERO LOOP, GRADY, GUSTAVSON, HAMBRICK, MANENDO, MCARTHUR, MORTENSON, OCEGUERA, OHRENSCHALL AND SEGERBLOM

MARCH 16, 2009

JOINT SPONSOR: SENATOR AMODEI

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing the protection of personal identifying information. (BDR 52-772)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
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; prohibiting a ~~person~~ ***business*** from printing certain information concerning a credit card or debit card on any copy of a receipt retained by the ~~person~~ ***business***; prohibiting a person from providing machines that do not allow a ~~person~~ ***business*** to comply with the prohibition against printing certain information; providing civil and criminal penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing state and federal laws prohibit a person who accepts credit cards or debit cards for the transaction of business from printing the expiration date of the card or more than the last five digits of the account number of the card on any receipt provided to the cardholder. (NRS 597.945; 15 U.S.C. § 1681c(g)) **Section 2** of this bill prohibits ~~each~~ a ~~person~~ ***business*** from printing more than the last five digits of the account number of the card on any copy of the receipt that is retained by the ~~person who~~ ***business that*** accepted the card. Additionally, **section 2** prescribes a civil penalty of \$500 for a ~~person who~~ ***business that*** violates these provisions and an additional penalty of \$1,000 per week for a ~~person who~~ ***business that*** does not correct the violation. The aggregate amount of civil penalties imposed on a ~~person~~ ***business*** for violations of these provisions which occur on the same premises must not exceed \$4,500. Finally, **section 2** authorizes the Attorney General or a district attorney to: (1) recover the civil penalties in a civil action; and (2) bring an action to enjoin any violation of the provisions of **section 2**. A ~~person who~~ ***business that*** violates any order or injunction issued to enjoin a violation of the provisions of **section 2** is guilty of a gross misdemeanor.

Section 3 of this bill exempts from the applicability of **section 2**, from July 1, 2009, to December 31, 2009, a ~~{person who}~~ **business that** does not have the ability to control or adjust the manner in which a receipt is electronically printed.

Section 1 of this bill prohibits a manufacturer or a supplier from providing, selling or leasing a cash register or other machine or device that does not allow a ~~{person}~~ **business** to comply with the provisions of **section 2**. **Section 1** also authorizes the Attorney General or a district attorney to bring an action to enjoin any violation of the provisions of **section 1**. A person who violates any order or injunction issued to enjoin a violation of the provisions of **section 1** is guilty of a gross misdemeanor.

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

Section 1. Chapter 597 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. A manufacturer or supplier of a cash register or other machine or device that prints receipts for transactions in which a credit card or debit card is used shall not provide, lease or sell for the transaction of business any equipment that does not allow a ~~{person}~~ **business** to comply with the provisions of subsection 1 of NRS 597.945.*

2. The Attorney General or the district attorney may bring an action in any court of competent jurisdiction in the name of the State of Nevada against any person to restrain and prevent any violation of this section. The court may issue an injunction for those purposes without proof of actual damage sustained by any person.

3. A person who violates any order or injunction issued pursuant to this section is guilty of a gross misdemeanor.

4. As used in this section:

(a) "Credit card" has the meaning ascribed to it in NRS 597.945.

(b) "Debit card" has the meaning ascribed to it in NRS 597.945.

(c) "Supplier" means a person engaged in the business of providing, leasing or selling cash registers or other machines or devices that are used to print receipts in the transaction of business.

Sec. 2. NRS 597.945 is hereby amended to read as follows:

597.945 1. Except as otherwise provided in this section, if a ~~{person}~~ **business** accepts credit cards or debit cards for the transaction of business, the ~~{person}~~ **business** shall not : ~~{do any of the following:}~~

(a) Print the expiration date of the credit card or debit card on any receipt provided to the cardholder ; ~~{;}~~

(b) Print more than the last five digits of the account number of the credit card or debit card on any receipt provided to the cardholder ~~{;}~~ ; or

*(c) Print more than the last five digits of the account number of the credit card or debit card on any copy of a receipt retained by the ~~{person}~~ **business**.*

2. This section:

(a) Applies only to receipts that are electronically printed.

(b) Does not apply to transactions in which the only means of recording the credit card or debit card number is:

(1) By handwriting the credit card or debit card number; or

(2) By imprinting or copying the credit card or debit card.

3. ~~{If any cash register or other machine or device that electronically prints receipts for credit card or debit card transactions was first put into use before October 1, 2003, the provisions of this section do not apply to any transaction that}~~

occurs with regard to that cash register or other machine or device before January 1, 2008. A ~~person who~~ business that violates any provision of this section is liable for a civil penalty in the amount of \$500. The ~~person~~ business must be given notice of the violation and 2 weeks to correct the violation. A ~~person who~~ business that does not correct the violation within 2 weeks after receiving notice of the violation is liable for an additional civil penalty in the amount of \$1,000 per week until the ~~person~~ business corrects the violation, except that the aggregate amount of civil penalties imposed on a ~~person~~ business for violations which occur on the same premises must not exceed \$4,500.

4. A civil penalty imposed pursuant to subsection 3 must be recovered in a civil action brought in the name of the State of Nevada by the Attorney General or by any district attorney in a court of competent jurisdiction. Any penalty collected pursuant to this section must be paid to the State Treasurer for credit to the State General Fund.

5. The Attorney General or the district attorney may bring an action in any court of competent jurisdiction in the name of the State of Nevada against any ~~person~~ business to restrain and prevent any violation of this section. The court may issue an injunction for those purposes without proof of actual damage sustained by any person.

6. A ~~person who~~ business that violates any order or injunction issued pursuant to this section is guilty of a gross misdemeanor.

7. As used in this section:

(a) "Credit card" means any instrument or device, whether known as a credit card, credit plate or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining money, property, goods, services or anything else of value on credit.

(b) "Debit card" means any instrument or device, whether known as a debit card or by any other name, that is issued with or without a fee by an issuer for the use of the cardholder in obtaining money, property, goods, services or anything else of value, subject to the issuer removing money from the checking account or savings account of the cardholder.

Sec. 3. 1. From July 1, 2009, to December 31, 2009, inclusive, the prohibitions set forth in subsection 1 of NRS 597.945 are applicable only to a ~~person who~~ business that has the control or ability to adjust the manner in which a receipt is electronically printed for transactions in which a credit card or debit card is used.

2. As used in this section:

(a) "Credit card" has the meaning ascribed to it in NRS 597.945.

(b) "Debit card" has the meaning ascribed to it in NRS 597.945.

Sec. 4. 1. This section and sections 2 and 3 of this act become effective on July 1, 2009.

2. Section 1 of this act becomes effective on October 1, 2009.