AN ACT relating to Internet privacy; revising the definitions of the terms “consumer” and “operator” for the purposes of requiring certain operators of Internet websites or online services which are owned or operated for the purposes of a public awareness campaign conducted by or on behalf of a governmental entity to comply with certain requirements and restrictions concerning the collection and sale of certain personally identifiable information about a consumer; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law imposes certain requirements and restrictions on an “operator,”
2 which existing law defines to mean, in general, a person who owns or operates an
3 Internet website or online service for commercial purposes and who collects and
4 maintains certain items of personally identifiable information about consumers who
5 reside in this State and use or visit the Internet website or online service. (NRS
6 603A.320, 603A.330) Existing law defines “consumer” to mean, in general, a
person who seeks or acquires any good, service, money or credit for personal, family or household purposes from the Internet website or online service of an operator. (NRS 603A.310)

Existing law requires an operator to make available a notice containing certain information relating to the privacy of covered information collected by the operator. (NRS 603A.340) Existing law further requires an operator to establish a designated address through which a consumer may submit a verified request directing the operator not to make any sale of covered information collected about the consumer. An operator that receives such a request is prohibited from making any sale of any covered information collected about the consumer. (NRS 603A.345)

Sections 1 and 2 of this bill revise the definitions of “consumer” and “operator,” respectively, for the purposes of requiring a person who owns or operates an Internet website or online service for the purposes of a public awareness campaign conducted by or on behalf of a governmental entity to comply with the same requirements and restrictions regarding the collection and sale of covered information about a consumer collected through the Internet website or online service that existing law imposes on an operator of an Internet website or online service which is owned or operated for commercial purposes.

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

Section 1. NRS 603A.310 is hereby amended to read as follows:

603A.310 “Consumer” means a person who seeks:

1. Seeks or acquires, by purchase or lease, any good, service, money or credit for personal, family or household purposes from the Internet website or online service of an operator; or

2. Uses or visits the Internet website or online service of an operator which is owned or operated for the purposes of a public awareness campaign conducted by or on behalf of a governmental entity.

Sec. 2. NRS 603A.330 is hereby amended to read as follows:

603A.330 1. “Operator” means a person who:

(a) Owns or operates an Internet website or online service for commercial purposes or for the purposes of a public awareness campaign conducted by or on behalf of a governmental entity;

(b) Collects and maintains covered information from consumers who reside in this State and use or visit the Internet website or online service; and

(c) Purposefully directs its activities toward this State, consummates some transaction with this State or a resident thereof, purposefully avails itself of the privilege of conducting activities in this State or otherwise engages in any activity that constitutes sufficient nexus with this State to satisfy the requirements of the United States Constitution.

2. The term does not include:
(a) A third party that operates, hosts or manages an Internet website or online service on behalf of its owner, except a third party that operates an Internet website or online service for the purposes of a public awareness campaign on behalf of a governmental entity;

(b) A third party that processes information on behalf of the owner of an Internet website or online service;

(c) A financial institution or an affiliate of a financial institution that is subject to the provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., and the regulations adopted pursuant thereto;

(d) An entity that is subject to the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended, and the regulations adopted pursuant thereto; or

(e) A manufacturer of a motor vehicle or a person who repairs or services a motor vehicle who collects, generates, records or stores covered information that is:

(1) Retrieved from a motor vehicle in connection with a technology or service related to the motor vehicle; or

(2) Provided by a consumer in connection with a subscription or registration for a technology or service related to the motor vehicle.

Sec. 3. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee, other than the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance, may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after March 22, 2021.

Sec. 4. This act becomes effective on July 1, 2021.