

HB3785



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3785

Introduced 2/17/2023, by Rep. Michael T. Marron

SYNOPSIS AS INTRODUCED:

815 ILCS 505/2SS

Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that when a gift certificate is redeemed by a consumer, the seller shall return the remaining balance on the gift certificate in the form of cash or store credit.

LRB103 25025 SPS 51359 b

A BILL FOR

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Consumer Fraud and Deceptive Business
5 Practices Act is amended by changing Section 2SS as follows:

6 (815 ILCS 505/2SS)

7 Sec. 2SS. Gift certificates.

8 (a) "Gift certificate" means a record evidencing a
9 promise, made for consideration, by the seller or issuer of
10 the record that goods or services will be provided to the
11 holder of the record for the value shown in the record and
12 includes, but is not limited to, a record that contains a
13 microprocessor chip, magnetic stripe or other means for the
14 storage of information that is prefunded and for which the
15 value is decremented upon each use, a gift card, an electronic
16 gift card, stored-value card or certificate, a store card or a
17 similar record or card. "Gift certificate" also includes a
18 credit slip issued by a store to a consumer who returns goods
19 that enables the consumer to receive other goods of similar
20 value in exchange for the returned goods. For purposes of this
21 Act, the term "gift certificate" does not include any of the
22 following:

23 (i) prepaid telecommunications and technology cards

1 including, but not limited to, prepaid telephone calling
2 cards, prepaid technical support cards, and prepaid
3 Internet disks that are distributed to or purchased by a
4 consumer;

5 (ii) prepaid telecommunications and technology cards
6 including, but not limited to, prepaid telephone calling
7 cards, prepaid technical support cards, and prepaid
8 Internet disks that are provided to a consumer pursuant to
9 any award, loyalty, or promotion program without any money
10 or other thing of value being given in exchange for the
11 card; or

12 (iii) any gift certificate usable with multiple
13 sellers of goods or services.

14 (b) On or after January 1, 2008, no person shall sell a
15 gift certificate that is subject to: (1) an expiration date
16 earlier than 5 years after the date of issuance; or (2) a
17 post-purchase fee. Any gift certificate issued prior to
18 January 1, 2008 that is subject to a fee must contain a
19 statement clearly and conspicuously printed on the gift
20 certificate stating whether there is a fee, the amount of the
21 fee, how often the fee will occur, that the fee is triggered by
22 inactivity of the gift certificate, and at what point the fee
23 will be charged. The statement may appear on the front or back
24 of the gift certificate in a location where it is visible to
25 any purchaser prior to the purchase.

26 (c) The face value of a gift certificate issued on or after

1 January 1, 2008 may not be reduced in value and the holder of a
2 gift certificate issued after January 1, 2008 may not be
3 penalized in any way for non-use or untimely redemption of the
4 gift certificate. Any gift certificate issued prior to January
5 1, 2008 that is subject to an expiration date must contain a
6 statement clearly and conspicuously printed on the gift
7 certificate stating the expiration date. The statement may
8 appear on the front or back of the gift certificate in a
9 location where it is visible to any purchaser prior to the
10 purchase.

11 (d) Subsection (c) does not apply to any gift certificate
12 issued prior to January 1, 2008 that contains a toll free phone
13 number and a statement clearly and conspicuously printed on
14 the gift certificate stating that holders can call the toll
15 free number to find out the balance on the gift certificate, if
16 applicable, and the expiration date. The toll free number and
17 statement may appear on the front or back of the gift
18 certificate in a location where it is visible to any purchaser
19 prior to the purchase.

20 (d-5) After a gift certificate issued on or after the
21 effective date of this amendatory Act of the 103rd General
22 Assembly is redeemed by a consumer, the seller shall return
23 the remaining balance on the gift certificate in the form of
24 cash or store credit.

25 (e) This Section does not apply to any of the following
26 gift certificates:

1 (i) Gift certificates that are distributed by the
2 issuer to a consumer pursuant to an awards, loyalty, or
3 promotional program without any money or thing of value
4 being given in direct exchange or solely for the gift
5 certificate by the consumer.

6 (ii) Gift certificates that are sold below face value
7 at a volume discount to employers or to nonprofit and
8 charitable organizations for fundraising purposes if the
9 expiration date on those gift certificates is not more
10 than 30 days after the date of sale.

11 (iii) Gift certificates that are issued for a food
12 product.

13 (Source: P.A. 97-954, eff. 1-1-13.)