

1 AMENDMENT TO HOUSE BILL 70

2 AMENDMENT NO. _____. Amend House Bill 70 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Consumer Fraud and Deceptive Business
5 Practices Act is amended by adding Section 2MM as follows:

6 (815 ILCS 505/2MM new)

7 Sec. 2MM. Gift certificates.

8 (a) This Section applies to gift certificates and gift
9 cards issued on or after July 1, 2004.

10 (b) It is an unlawful practice within the meaning of
11 this Act for a person to knowingly engage in a persistent
12 pattern and practice of issuing to a consumer a gift
13 certificate or gift card containing an expiration date or
14 period. A gift certificate or a gift card issued without an
15 expiration date is valid until redeemed.

16 (c) The issuer of a gift certificate or gift card may
17 charge the holder a service fee for a certificate not
18 redeemed within 24 months after issuance as follows:

19 (1) For a gift certificate or gift card redeemed
20 more than 24 months after issuance but not more than 36
21 months after issuance, the service fee shall be 15% of
22 the original value of the gift certificate or gift card.

1 (2) For a gift certificate or gift card redeemed
2 more than 36 months after issuance but not more than 48
3 months after issuance, the service fee shall be 25% of
4 the original value of the gift certificate or gift card.

5 (3) For a gift certificate or gift card redeemed
6 more than 48 months after issuance, the service fee shall
7 be 50% of the original value of the gift certificate or
8 gift card.

9 (d) Whenever the Attorney General or a State's Attorney
10 has reason to believe that a person has violated this
11 Section, he or she may bring an action in the name of the
12 People of the State of Illinois against the person to
13 restrain the conduct by preliminary or permanent injunction.
14 The provisions of Section 7 and Section 10a do not apply to a
15 violation of this Section.

16 (e) Gift certificates or gift cards that are issued to
17 not-for-profit organizations for fundraising purposes are
18 exempt from this Section."