



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/6/2004, by Susan Garrett

SYNOPSIS AS INTRODUCED:

815 ILCS 505/200 new

Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that no person shall sell or issue a gift certificate that is subject to an expiration date. Provides that no gift certificate or any agreement with respect to the gift certificate may contain language suggesting that an expiration date may apply. Provides that fees and penalties shall not be imposed for inactivity with respect to a gift certificate. Provides that any person who sells a gift certificate subject to an expiration date shall be fined not more than \$500 per occurrence. Defines gift certificate.

LRB093 20997 RXD 47002 b

1 AN ACT concerning business transactions.

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 adding Section 200 as follows:

6 (815 ILCS 505/200 new)

7 Sec. 200. Gift certificates.

8 (a) No person shall sell or issue a gift certificate that
9 is subject to an expiration date. No gift certificate or any
10 agreement with respect to such gift certificate may contain
11 language suggesting that an expiration date may apply to the
12 gift certificate.

13 (b) No person shall impose a dormancy charge or fee,
14 abandoned property charge or fee, unclaimed property charge or
15 fee, escheat charge or fee, inactivity charge or fee, or any
16 similar charge, fee or penalty for inactivity with respect to a
17 gift certificate.

18 (c) Nothing in this Section shall be construed to prevent a
19 holder from honoring a gift certificate, the unredeemed value
20 of which has been reported to the Treasurer, and thereafter
21 seeking reimbursement from the Treasurer.

22 (d) Any person who violates this Section commits an
23 unlawful practice within the meaning of this Act and is guilty
24 of a petty offense and may be fined not more than \$500 per
25 occurrence.

26 (e) "Gift certificate" means a tangible record evidencing a
27 promise, made for consideration, by the seller or issuer of the
28 record that goods or services will be provided to the owner of
29 the record to the value shown in the record and includes, but
30 is not limited to, a record that contains a microprocessor
31 chip, magnetic stripe or other means for the storage of
32 information that is prefunded and for which the value is

1 decremented upon each use of a gift card, an electronic gift
2 card, stored-value card or certificate, a store card, or a
3 similar record or card. "Gift certificate" does not include
4 prepaid calling cards, prepaid commercial mobile radio
5 services or any gift card usable with multiple sellers of goods
6 or services.