



Filed: 4/27/2004

09300SB2901ham001

LRB093 20997 RXD 49715 a

1 AMENDMENT TO SENATE BILL 2901

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2901 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Uniform Disposition of Unclaimed Property  
5 Act is amended by changing Section 10.6 as follows:

6 (765 ILCS 1025/10.6)

7 Sec. 10.6. Gift certificates and gift cards.

8 (a) This Act applies to a gift certificate or gift card  
9 only if:

10 (i) the gift certificate or gift card contains or has  
11 language indicating there is an expiration date, ~~or~~  
12 expiration period or language indicating that there is any  
13 type of post-sale charge or fee including but not limited  
14 to service charges, dormancy fees, account maintenance  
15 fees, cash-out fees, replacement card fees, and activation  
16 or reactivation charges; and

17 (ii) none of the exceptions in this Section apply.

18 (b) This Act does not apply to a gift certificate or gift  
19 card that contains or has language indicating that there is an  
20 expiration date or expiration period, or any type of post-sale  
21 charge or fee including but not limited to service charges,  
22 dormancy fees, account maintenance fees, cash-out fees,  
23 replacement card fees, and activation or reactivation charges  
24 if:

1 (i) the gift certificate or gift card was issued before  
2 the effective date of this amendatory Act of the 93rd ~~92nd~~  
3 General Assembly; and

4 (ii) it is the policy and practice of the issuer of the  
5 gift certificate or gift card to honor the gift certificate  
6 or gift card after its expiration date or the end of its  
7 expiration period and it is the policy and practice of the  
8 issuer of the gift certificate or gift card to eliminate  
9 all post-sale charges and fees, and the issuer posts  
10 written notice of the policy and practice at locations at  
11 which the issuer sells gift certificates or gift cards. The  
12 written notice shall be an original or a copy of a notice  
13 that the State Treasurer shall produce and provide to  
14 issuers free of charge.

15 (c) Nothing in this Section applies to a gift certificate  
16 or gift card if the value of the gift certificate or gift card  
17 was reported and remitted under this Act before the effective  
18 date of this amendatory Act of the 93rd ~~92nd~~ General Assembly.  
19 (Source: P.A. 92-487, eff. 8-23-01.)

20 Section 10. The Consumer Fraud and Deceptive Business  
21 Practices Act is amended by adding Section 20Q as follows:

22 (815 ILCS 505/20Q new)

23 Sec. 20Q. Gift certificates.

24 (a) "Gift certificate" means a record evidencing a promise,  
25 made for consideration, by the seller or issuer of the record  
26 that goods or services will be provided to the holder of the  
27 record for the value shown in the record and includes, but is  
28 not limited to, a record that contains a microprocessor chip,  
29 magnetic stripe or other means for the storage of information  
30 that is prefunded and for which the value is decremented upon  
31 each use, a gift card, an electronic gift card, stored-value  
32 card or certificate, a store card or a similar record or card.

1 For purposes of this Act, the term, "gift certificate" does not  
2 include any of the following:

3 (i) prepaid telecommunications and technology cards  
4 including, but not limited to, prepaid telephone calling  
5 cards, prepaid technical support cards, and prepaid  
6 Internet disks that are distributed to or purchased by a  
7 consumer;

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

15 (iii) any gift certificate usable with multiple  
16 sellers of goods or services.

17 (b) Any gift certificate subject to a fee must contain a  
18 statement clearly and conspicuously printed on the gift  
19 certificate stating whether there is a fee, the amount of the  
20 fee, how often the fee will occur, that the fee is triggered by  
21 inactivity of the gift certificate, and at what point the fee  
22 will be charged. The statement may appear on the front or back  
23 of the gift certificate in a location where it is visible to  
24 any purchaser prior to the purchase.

25 (c) Any gift certificate subject to an expiration date must  
26 contain a statement clearly and conspicuously printed on the  
27 gift certificate stating the expiration date. The statement may  
28 appear on the front or back of the gift certificate in a  
29 location where it is visible to any purchaser prior to the  
30 purchase.

31 (d) Subsection (c) does not apply to any gift certificate  
32 that contain a toll free phone number and a statement clearly  
33 and conspicuously printed on the gift certificate stating that  
34 holders can call the toll free number to find out the balance

1 on the gift certificate, if applicable, and the expiration  
2 date. The toll free number and statement may appear on the  
3 front or back of the gift certificate in a location where it is  
4 visible to any purchaser prior to the purchase.

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

7 (i) Gift certificates that are distributed by the  
8 issuer to a consumer pursuant to an awards, loyalty, or  
9 promotional program without any money or thing of value  
10 being given in exchange for the gift certificate by the  
11 consumer.

12 (ii) Gift certificates that are sold below face value  
13 at a volume discount to employers or to nonprofit and  
14 charitable organizations for fundraising purposes if the  
15 expiration date on those gift certificates is not more than  
16 30 days after the date of sale.

17 (iii) Gift certificates that are issued for a food  
18 product."