



Sen. Susan Garrett

Filed: 3/22/2004

09300SB2901sam001

LRB093 20997 RXD 48788 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 an  
11 expiration date, ~~or~~ expiration period or any type of  
12 post-sale charge or fee including but not limited to  
13 service charges, dormancy fees, account maintenance fees,  
14 cash-out fees, replacement card fees, and activation or  
15 reactivation charges; and

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

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

23 (i) the gift certificate or gift card was issued before  
24 the effective date of this amendatory Act of the 92nd

1 General Assembly; and

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

12 (c) Nothing in this Section applies to a gift certificate  
13 or gift card if the value of the gift certificate or gift card  
14 was reported and remitted under this Act before the effective  
15 date of this amendatory Act of the 92nd General Assembly.

16 (Source: P.A. 92-487, eff. 8-23-01.)

17 Section 10. The Consumer Fraud and Deceptive Business  
18 Practices Act is amended by adding Section 200 as follows:

19 (815 ILCS 505/200 new)

20 Sec. 200. Gift certificates.

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

32 (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 card usable with multiple sellers of  
13 goods or services.

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

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

27 (d) Subsection (c) does not apply to any gift cards that  
28 contain a toll free phone number and a statement clearly and  
29 conspicuously printed on the gift card stating that holders can  
30 call the toll free number to find out the balance on the gift  
31 card, if applicable, and the expiration date. The toll free  
32 number and statement may appear on the front or back of the  
33 gift card in a location where it is visible to any purchaser  
34 prior to the purchase.

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

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

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

13           (iii) Gift certificates that are issued for a food  
14 product."