



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0369

Introduced 1/26/2007, by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

815 ILCS 505/2SS

Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that no person shall sell a gift certificate that is subject to an expiration date or a fee. Provides that, on or after January 1, 2008, no person shall sell a gift certificate that is subject to (i) an expiration date or (ii) a post-purchase fee. Provides that the face value of a gift certificate, issued on or after January 1, 2008, may not be reduced in value and the holder of a gift certificate may not be penalized in any way for non-use or untimely redemption of the gift certificate. Effective January 1, 2008.

LRB095 05251 LCT 25328 b

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 and renumbering Section
6 200, as added by Public Act 93-945, as follows:

7 (815 ILCS 505/2SS)

8 Sec. 2SS ~~200~~. Gift certificates.

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

20 (i) prepaid telecommunications and technology cards
21 including, but not limited to, prepaid telephone calling
22 cards, prepaid technical support cards, and prepaid
23 Internet disks that are distributed to or purchased by a

1 consumer;

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

9 (iii) any gift certificate usable with multiple
10 sellers of goods or services.

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

22 (c) The face value of a gift certificate issued on or after
23 January 1, 2008 may not be reduced in value and the holder of a
24 gift certificate issued after January 1, 2008 may not be
25 penalized in any way for non-use or untimely redemption of the
26 gift certificate. Any gift certificate issued prior to January

1 1, 2008 that is subject to an expiration date must contain a
2 statement clearly and conspicuously printed on the gift
3 certificate stating the expiration date. The statement may
4 appear on the front or back of the gift certificate in a
5 location where it is visible to any purchaser prior to the
6 purchase.

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

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

18 (i) Gift certificates that are distributed by the
19 issuer to a consumer pursuant to an awards, loyalty, or
20 promotional program without any money or thing of value
21 being given in direct exchange or solely for the gift
22 certificate by the consumer.

23 (ii) Gift certificates that are sold below face value
24 at a volume discount to employers or to nonprofit and
25 charitable organizations for fundraising purposes if the
26 expiration date on those gift certificates is not more than

1 30 days after the date of sale.

2 (iii) Gift certificates that are issued for a food
3 product.

4 (Source: P.A. 93-945, eff. 1-1-05; revised 11-10-04.)

5 Section 99. Effective date. This Act takes effect January
6 1, 2008.