



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**  
**HB4614**

Introduced 02/04/04, by Kathleen A. Ryg

**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 the value of a gift certificate that is not redeemed within 3 years is presumed abandoned. Provides that any person who sells a gift certificate shall obtain the address of the owner of the gift certificate and maintain a record of such address. 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 18710 RXD 44439 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) The value of a gift certificate that is not redeemed 3  
19 years after the later of (1) the date of purchase or issuance  
20 of a gift certificate, or (2) the date of the last transaction  
21 by the owner that increased or decreased the value of the gift  
22 certificate is presumed abandoned.

23 (d) Any person who sells or issues a gift certificate shall  
24 obtain the address of the owner of such gift certificate and  
25 maintain a record of such address. In the absence of a record  
26 of the address of the owner of the gift certificate, the  
27 address of the owner, shall be presumed to be the address of  
28 the State of Illinois Treasurer.

29 (e) Nothing in this Section shall be construed to prevent a  
30 holder from honoring a gift certificate, the unredeemed value  
31 of which has been reported to the Treasurer, and thereafter  
32 seeking reimbursement from the Treasurer.

1       (f) Any person who violates this Section commits an  
2 unlawful practice within the meaning of this Act and is guilty  
3 of a petty offense and may be fined not more than \$500 per  
4 occurrence.

5       (g) "Gift certificate" means a tangible record evidencing a  
6 promise, made for consideration, by the seller or issuer of the  
7 record that goods or services will be provided to the owner of  
8 the record to the value shown in the record and includes, but  
9 is not limited to, a record that contains a microprocessor  
10 chip, magnetic stripe or other means for the storage of  
11 information that is prefunded and for which the value is  
12 decremented upon each use of a gift card, an electronic gift  
13 card, stored-value card or certificate, a store card, or a  
14 similar record or card. "Gift certificate" does not include  
15 prepaid calling cards or prepaid commercial mobile radio  
16 services.