

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 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
25 General Assembly; and

26 (ii) it is the policy and practice of the issuer of the
27 gift certificate or gift card to honor the gift certificate
28 or gift card after its expiration date or the end of its
29 expiration period or after any type of post-sale charge or
30 fee is assessed and the issuer posts written notice of the
31 policy and practice at locations at which the issuer sells
32 gift certificates or gift cards. The written notice shall

1 be an original or a copy of a notice that the State
2 Treasurer shall produce and provide to issuers free of
3 charge.

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

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

9 Section 10. The Consumer Fraud and Deceptive Business
10 Practices Act is amended by adding Section 2QQ as follows:

11 (815 ILCS 505/2QQ new)

12 Sec. 2QQ. Gift certificates.

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

24 (i) prepaid telecommunications and technology cards
25 including, but not limited to, prepaid telephone calling
26 cards, prepaid technical support cards, and prepaid
27 Internet disks that are distributed to or purchased by a
28 consumer;

29 (ii) prepaid telecommunications and technology cards
30 including, but not limited to, prepaid telephone calling
31 cards, prepaid technical support cards, and prepaid
32 Internet disks that are provided to a consumer pursuant to
33 any award, loyalty, or promotion program without any money
34 or other thing of value being given in exchange for the

1 card; or

2 (iii) any gift card usable with multiple sellers of
3 goods or services.

4 (b) Any gift certificate subject to a fee must contain a
5 statement clearly and conspicuously printed on the gift card
6 stating whether there is a fee, the amount of the fee, how
7 often the fee will occur, that the fee is triggered by
8 inactivity of the gift card, and at what point the fee will be
9 charged. The statement may appear on the front or back of the
10 gift card in a location where it is visible to any purchaser
11 prior to the purchase.

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

17 (d) Subsection (c) does not apply to any gift cards that
18 contain a toll free phone number and a statement clearly and
19 conspicuously printed on the gift card stating that holders can
20 call the toll free number to find out the balance on the gift
21 card, if applicable, and the expiration date. The toll free
22 number and statement may appear on the front or back of the
23 gift card in a location where it is visible to any purchaser
24 prior to the purchase.

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

27 (i) Gift certificates that are distributed by the
28 issuer to a consumer pursuant to an awards, loyalty, or
29 promotional program without any money or thing of value
30 being given in exchange for the gift certificate by the
31 consumer.

32 (ii) Gift certificates that are sold below face value
33 at a volume discount to employers or to nonprofit and
34 charitable organizations for fundraising purposes if the
35 expiration date on those gift certificates is not more than
36 30 days after the date of sale.

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