

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 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:

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

28 (ii) it is the policy and practice of the issuer of the
29 gift certificate or gift card to honor the gift certificate
30 or gift card after its expiration date or the end of its
31 expiration period and it is the policy and practice of the
32 issuer of the gift certificate or gift card to eliminate

1 all post-sale charges and fees, and the issuer posts
2 written notice of the policy and practice at locations at
3 which the issuer sells gift certificates or gift cards. The
4 written notice shall be an original or a copy of a notice
5 that the State Treasurer shall produce and provide to
6 issuers free of charge.

7 (c) Nothing in this Section applies to a gift certificate
8 or gift card if the value of the gift certificate or gift card
9 was reported and remitted under this Act before the effective
10 date of this amendatory Act of the 93rd ~~92nd~~ General Assembly.

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

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

14 (815 ILCS 505/200 new)

15 Sec. 200. Gift certificates.

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

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

32 (ii) prepaid telecommunications and technology cards
33 including, but not limited to, prepaid telephone calling
34 cards, prepaid technical support cards, and prepaid

1 Internet disks that are provided to a consumer pursuant to
2 any award, loyalty, or promotion program without any money
3 or other thing of value being given in exchange for the
4 card; or

5 (iii) any gift certificate usable with multiple
6 sellers of goods or services.

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

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

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

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

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

36 (ii) Gift certificates that are sold below face value

1 at a volume discount to employers or to nonprofit and
2 charitable organizations for fundraising purposes if the
3 expiration date on those gift certificates is not more than
4 30 days after the date of sale.

5 (iii) Gift certificates that are issued for a food
6 product.