

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  
24 consumer;

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

32 (iii) any gift certificate usable with multiple

1 sellers of goods or services.

2 (b) On or after January 1, 2007, no person shall sell a  
3 gift certificate that is subject to: (1) an expiration date; or  
4 (2) a post-purchase fee. Any gift certificate issued prior to  
5 January 1, 2007 that is subject to a fee must contain a  
6 statement clearly and conspicuously printed on the gift  
7 certificate stating whether there is a fee, the amount of the  
8 fee, how often the fee will occur, that the fee is triggered by  
9 inactivity of the gift certificate, and at what point the fee  
10 will be charged. The statement may appear on the front or back  
11 of the gift certificate in a location where it is visible to  
12 any purchaser prior to the purchase.

13 (c) The face value of a gift certificate issued on or after  
14 January 1, 2007 may not be reduced in value and the holder of a  
15 gift certificate issued after January 1, 2007 may not be  
16 penalized in any way for non-use or untimely redemption of the  
17 gift certificate. Any gift certificate issued prior to January  
18 1, 2007 that is subject to an expiration date must contain a  
19 statement clearly and conspicuously printed on the gift  
20 certificate stating the expiration date. The statement may  
21 appear on the front or back of the gift certificate in a  
22 location where it is visible to any purchaser prior to the  
23 purchase.

24 (d) Subsection (c) does not apply to any gift certificate  
25 issued prior to January 1, 2007 that contains a toll free phone  
26 number and a statement clearly and conspicuously printed on the  
27 gift certificate stating that holders can call the toll free  
28 number to find out the balance on the gift certificate, if  
29 applicable, and the expiration date. The toll free number and  
30 statement may appear on the front or back of the gift  
31 certificate in a location where it is visible to any purchaser  
32 prior to the purchase.

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

35 (i) Gift certificates that are distributed by the  
36 issuer to a consumer pursuant to an awards, loyalty, or

1 promotional program without any money or thing of value  
2 being given in direct exchange or solely for the gift  
3 certificate by the consumer.

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

9 (iii) Gift certificates that are issued for a food  
10 product.

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