S T A T E O F N E W Y O R K

1057

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. ORTIZ, CLARK, MILLMAN, McENENY, P. RIVERA, ROBINSON, COOK, O'DONNELL, GALEF -- Multi-Sponsored by -- M. of A. CAHILL, FARRELL, GOTTFRIED, HOOPER, JACOBS, MAGEE, MAYERSOHN, PEOPLES-STOKES -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to expiration of gift certificates

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The general business law is amended by adding a new section 396-ii to read as follows:

S 396-II. GIFT CERTIFICATES. 1. IT SHALL BE UNLAWFUL FOR ANY PERSON, FIRM, PARTNERSHIP, ASSOCIATION OR CORPORATION TO SELL GIFT CERTIFICATES OR ISSUE STORE CREDITS TO A CONSUMER CONTAINING AN EXPIRATION DATE. ANY GIFT CERTIFICATE SOLD OR STORE CREDIT ISSUED AFTER THE EFFECTIVE DATE OF THIS SECTION, WHICH CONTAINS AN EXPIRATION DATE, SHALL BE REDEEMABLE IN CASH FOR ITS CASH VALUE, OR SUBJECT TO REPLACEMENT WITH A NEW GIFT CERTIFICATE AT NO COST TO THE CONSUMER.

2. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO GIFT CERTIFICATES OR STORE CREDITS DISTRIBUTED TO A CONSUMER FOR PROMOTIONAL PURPOSES WITHOUT ANY MONEY OR OTHER THING OF VALUE BEING GIVEN IN EXCHANGE FOR THE GIFT CERTIFICATE OR ISSUANCE OF STORE CREDITS BY THE CONSUMER.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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