

4771

2015-2016 Regular Sessions

I N S E N A T E

April 15, 2015

Introduced by Sen. FUNKE -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to prohibiting fees on gift cards and gift certificates

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

1 Section 1. Subdivisions 3 and 5 of section 396-i of the general busi-  
2 ness law, as amended by chapter 507 of the laws of 2004, are amended to  
3 read as follows:

4 3. The terms and conditions of a gift certificate store credit shall  
5 be clearly and conspicuously stated thereon. Terms and conditions shall  
6 include the expiration date, [whether any fees are assessed against the  
7 balance of the gift certificate, and whether a fee will be charged for]  
8 AND PROCEDURE FOR the replacement of a gift certificate that is lost,  
9 stolen, or destroyed. Additional terms and conditions including, but not  
10 be limited to, policies related to refunds, warranties, changes in terms  
11 and conditions, assignment and waiver shall be conspicuously printed:  
12 (a) on the gift certificate; or (b) on an envelope or packaging contain-  
13 ing the gift certificate, provided that a toll free telephone number to  
14 access the additional terms and conditions is printed on the gift  
15 certificate; or (c) on an accompanying printed document, provided that a  
16 toll free telephone number to access the additional terms and conditions  
17 is printed on the gift certificate.

18 5. (a) No [retroactive] fees shall be assessed against a gift certif-  
19 icate.

20 (b) No monthly service fees may be assessed against the balance of a  
21 gift certificate [prior to the thirteenth month of dormancy].

22 (c) For the purposes of this subdivision, "dormancy" shall mean non-  
23 use of a gift certificate. Use of a gift certificate shall include, but  
24 not be limited to, adding value, or purchases.

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

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

LBD10404-01-5