

**As Introduced**

**126th General Assembly  
Regular Session  
2005-2006**

**S. B. No. 33**

**Senators Spada, Jacobson, Amstutz, Schuler, Mumper**

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**A BILL**

To enact section 1349.19 of the Revised Code to 1  
prohibit the sale of a gift certificate that has 2  
an expiration date that is less than two years 3  
after the date the gift certificate is issued and 4  
to prohibit service charges or fees having the 5  
effect of reducing the value of the gift 6  
certificate. 7

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 1349.19 of the Revised Code be 8  
enacted to read as follows: 9

Sec. 1349.19. (A)(1) Subject to division (C) of this section, 10  
no person or entity shall sell a gift certificate to a purchaser 11  
containing an expiration date that is less than two years after 12  
the date the gift certificate is issued. Any gift certificate sold 13  
after December 31, 2004, is subject to replacement with a new gift 14  
certificate at no cost to the purchaser or holder. 15

(2) No person or entity, in connection with a gift 17  
certificate, shall charge service charges or fees, including 18  
dormancy fees, latency fees, or administrative fees, that have the 19  
effect of reducing the total amount for which the holder of the 20  
gift certificate may redeem the gift certificate. 21

(B) A gift certificate sold without an expiration date is 22  
valid until redeemed or replaced with a new gift certificate. 23

(C) Division (A)(1) of this section does not apply to any of 24  
the following gift certificates issued on or after January 1, 25  
2005, provided that the expiration date appears in capital letters 26  
in at least ten-point boldface type on the front of the gift 27  
certificate: 28

(1) A gift certificate that is distributed by the issuer to a 29  
consumer pursuant to an awards, loyalty, or promotional program 30  
without any money or anything of value being given in exchange for 31  
the gift certificate by the consumer; 32

(2) A gift certificate that is sold below face value at a 33  
volume discount to employers or to nonprofit and charitable 34  
organizations for fundraising purposes, if the expiration date on 35  
that gift certificate is not more than thirty days after the date 36  
of sale; 37

(3) A gift certificate that is issued for a food product. 38

(D) Whoever violates division (A)(2) of this section is 39  
liable to the holder for any amount that the redemption value of 40  
the gift certificate was reduced, any court costs incurred, and 41  
reasonable attorney's fees. 42