

As Passed by the House

126th General Assembly

Regular Session

2005-2006

Sub. S. B. No. 33

**Senators Spada, Jacobson, Amstutz, Schuler, Mumper, Armbruster, Dann,
Zurz**

**Representatives Webster, Hagan, Allen, Healy, Patton, T., Daniels,
Stewart, D., Coley, Smith, G., Book, Brown, Cassell, Chandler, Combs,
DeBose, DeGeeter, Distel, Domenick, Driehaus, Evans, C., Fende, Fessler,
Flowers, Garrison, Gilb, Harwood, Hughes, Key, Koziura, Mason,
McGregor, J., Miller, Mitchell, Oelslager, Otterman, Patton, S., Raussen,
Reidelbach, Sayre, Seaver, Setzer, Skindell, Ujvagi, Williams, Yuko**

—

A B I L L

To enact section 1349.61 of the Revised Code to 1
prohibit the sale of a gift card that has an 2
expiration date that is less than two years after 3
the date the gift card is issued and to prohibit, 4
for two years after issuance, any service charges 5
or fees having the effect of reducing the value of 6
the gift card. 7

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

Section 1. That section 1349.61 of the Revised Code be 8
enacted to read as follows: 9

Sec. 1349.61. (A)(1) Subject to division (C) of this section, 10
no person or entity shall sell a gift card to a purchaser 11
containing an expiration date that is less than two years after 12
the date the gift card is issued. 13

(2) No person or entity, within two years after a gift card is issued, shall charge service charges or fees relative to that gift card, including dormancy fees, latency fees, or administrative fees, that have the effect of reducing the total amount for which the holder of the gift card may redeem the gift card.

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

(C) Division (A) of this section does not apply to any of the following gift cards:

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

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

(3) A gift card that is sold by a nonprofit or charitable organization for fundraising purposes;

(4) A gift card that an employer gives to an employee if use of the gift card is limited to the employer's business establishment, which may include a group of merchants that are affiliated with that business establishment;

(5) A gift certificate issued in accordance with section 1533.131 of the Revised Code that may be used to obtain hunting and fishing licenses, fur taker, special deer, and special wild turkey permits, and wetlands habitat stamps;

(6) A gift card that is usable with multiple, unaffiliated sellers of goods or services;

(7) A gift card that an employer issues to an employee in 44
recognition of services performed by the employee. 45

(D) Whoever violates division (A)(2) of this section is 46
liable to the holder for any amount that the redemption value of 47
the gift card was reduced, any court costs incurred, and 48
reasonable attorney's fees. 49

(E) As used in this section: 50

(1) "Gift card" means a certificate, electronic card, or 51
other medium issued by a merchant that evidences the giving of 52
consideration in exchange for the right to redeem the certificate, 53
electronic card, or other medium for goods, food, services, 54
credit, or money of at least an equal value, including any 55
electronic card issued by a merchant with a monetary value where 56
the issuer has received payment for the full monetary value for 57
the future purchase or delivery of goods or services and any 58
certificate issued by a merchant where the issuer has received 59
payment for the full monetary face value of the certificate for 60
the future purchase or delivery of goods and services. "Gift card" 61
does not include a prepaid calling card used to make telephone 62
calls. 63

(2) "Employer" and "employee" have the same meanings as in 64
section 4121.01 of the Revised Code. 65