

State of Arizona  
Senate  
Forty-seventh Legislature  
First Regular Session  
2005

CHAPTER 315

# SENATE BILL 1299

AN ACT

AMENDING TITLE 44, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 29; RELATING TO GIFT CARDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 44, Arizona Revised Statutes, is amended by adding  
3 chapter 29, to read:

4 CHAPTER 29

5 GIFT CARDS

6 ARTICLE 1. GENERAL PROVISIONS

7 44-7201. Definitions

8 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "FEE" MEANS ANY AMOUNT OR VALUE AUTOMATICALLY DEDUCTED FROM THE  
10 AMOUNT OF THE GIFT CARD DUE TO A PERIOD OF NONUSE OR INACTIVITY.

11 2. "GIFT CARD" MEANS ANY GIFT CERTIFICATE, GIFT CARD OR ELECTRONIC  
12 GIFT CARD OR ANY OTHER MEDIUM ISSUED OR SOLD AFTER OCTOBER 31, 2005 FOR WHICH  
13 THE ISSUER HAS RECEIVED PAYMENT FOR THE FULL FACE VALUE OR FULL BANKED DOLLAR  
14 VALUE OF THE CARD FOR THE FUTURE PURCHASE OR DELIVERY OF GOODS OR SERVICES.

15 44-7202. Gift card fees; expiration date; disclosure; exceptions;  
16 civil penalty

17 A. ANY GIFT CARD SUBJECT TO AN EXPIRATION DATE OR A FEE, OR BOTH,  
18 SHALL CLEARLY AND CONSPICUOUSLY DISCLOSE THE FOLLOWING:

19 1. THE EXPIRATION DATE.

20 2. THE AMOUNT OF THE FEE AND WHEN THE FEE IS INCURRED.

21 B. THE DISCLOSURE REQUIRED IN SUBSECTION A OF THIS SECTION SHALL BE  
22 CLEARLY VISIBLE TO A CONSUMER BEFORE THE PURCHASE IS MADE. IN THE CASE OF A  
23 PAPER GIFT CERTIFICATE, THE INFORMATION IN SUBSECTION A OF THIS SECTION SHALL  
24 BE DISCLOSED ON THE FRONT OF THE GIFT CERTIFICATE.

25 C. FOR A GIFT CARD PURCHASE VIA ELECTRONIC OR COMPUTER MEANS, THE  
26 EXISTENCE OF AN EXPIRATION DATE AND THE AMOUNT OF THE FEE AND WHEN THE FEE IS  
27 INCURRED SHALL BE CONSPICUOUSLY DISCLOSED TO THE CONSUMER BEFORE THE PURCHASE  
28 VIA THE MEANS USED TO PURCHASE THE GIFT CARD. FOR A GIFT CARD PURCHASE VIA  
29 TELEPHONIC MEANS, THE EXISTENCE OF AN EXPIRATION DATE AND THE AMOUNT OF THE  
30 FEE AND WHEN THE FEE IS INCURRED SHALL BE DISCLOSED VERBALLY TO THE CONSUMER  
31 BEFORE THE PURCHASE.

32 D. THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

33 1. A GIFT CARD DISTRIBUTED TO A CONSUMER PURSUANT TO AN AWARDS,  
34 LOYALTY OR PROMOTIONAL PROGRAM WHEN NO MONEY OR OTHER THING OF VALUE HAS BEEN  
35 GIVEN BY THE CONSUMER IN EXCHANGE FOR THE GIFT CARD.

36 2. A GIFT CARD THAT IS SOLD BELOW FACE VALUE TO A NONPROFIT OR  
37 CHARITABLE ORGANIZATION OR DONATED TO A NONPROFIT OR CHARITABLE ORGANIZATION  
38 FOR FUND RAISING PURPOSES.

39 3. A CARD FOR PREPAID TELECOMMUNICATION SERVICES; A DEBIT CARD  
40 CONNECTED TO A PERSON'S BANK ACCOUNT OR AN ELECTRONIC FUNDS TRANSFER CARD.

41 E. NOTWITHSTANDING TITLE 44, CHAPTER 10, ARTICLE 7, THE SOLE PENALTY  
42 FOR A VIOLATION OF THIS SECTION SHALL BE A CIVIL PENALTY OF NOT MORE THAN  
43 FIVE HUNDRED DOLLARS PER CARD VIOLATION.

44 Sec. 2. Effective date

45 This act is effective from and after October 31, 2005.

Passed the House May 2, 2005

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

Passed the Senate February 23, 2005

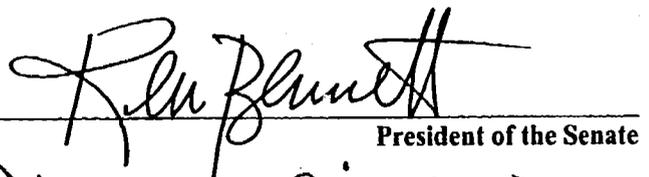
by the following vote: 26 Ayes,

4 Nays, 0 Not Voting

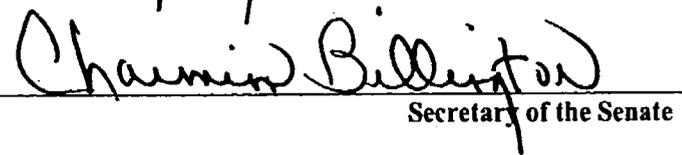


Speaker of the House  
*Pro Tempore*

  
Chief Clerk of the House



President of the Senate

  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

           day of           , 20  ,

at            o'clock            M.

            
Secretary to the Governor

Approved this            day of

          , 20  ,

at            o'clock            M.

            
Governor of Arizona

S.B. 1299

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this            day of           , 20  ,

at            o'clock            M.

            
Secretary of State

SENATE CONCURS IN HOUSE AMENDMENTS  
AND FINAL PASSAGE

Passed the Senate May 9, 2005,

by the following vote: 26 Ayes,

2 Nays, 2 Not Voting

Kelu Bennett  
President of the Senate  
Charmine Billested  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

10th day of May, 2005.

at 9:20 o'clock A. M.

Jennifer Harra  
Secretary to the Governor

Approved this 20 day of

May, 2005,

at 9:00 o'clock A. M.

J. N. ...  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 20 day of May, 2005.

at 3:03 o'clock P. M.

Janice K. Brewer  
Secretary of State

S.B. 1299