

FIRST REGULAR SESSION

HOUSE BILL NO. 198

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BRANDOM (Sponsor), SANDER, WALLACE,
BIVINS AND RUESTMAN (Co-sponsors).

0106L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 407, RSMo, by adding thereto one new section relating to gift certificates.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 407, RSMo, is amended by adding thereto one new section, to be
2 known as section 407.1180, to read as follows:

**407.1180. 1. For purposes of this section, the term "gift certificate" shall mean a
2 record evidencing a promise, made for consideration, by the seller or issuer of the record
3 that goods or services will be provided to the holder of the record for the value shown in
4 the record and includes, but is not limited to, a record that contains a microprocessor chip,
5 magnetic stripe or other means for the storage of information that is prefunded and for
6 which the value is decremented upon each use, a gift card, an electronic gift card,
7 stored-value card or certificate, a store card, or a similar record or card. The term "gift
8 certificate" shall not include any of the following:**

9 **(1) Prepaid telecommunications and technology cards including, but not limited to,
10 prepaid telephone calling cards, prepaid technical support cards, and prepaid Internet
11 disks that are distributed to or purchased by a consumer;**

12 **(2) Prepaid telecommunications and technology cards including, but not limited to,
13 prepaid telephone calling cards, prepaid technical support cards, and prepaid Internet
14 disks that are provided to a consumer under any award, loyalty, or promotion program
15 without any money or other thing of value being given in exchange for the card; or**

16 **(3) Any gift certificate usable with multiple sellers of goods or services.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **2. On or after August 28, 2009, no person shall sell a gift certificate that is subject**
18 **to:**

19 **(1) An expiration date earlier than five years after the date of issuance; or**

20 **(2) A post-purchase fee.**

21 **3. The face value of a gift certificate issued on or after August 28, 2009, shall not**
22 **be reduced in value and the holder of a gift certificate issued after August 28, 2009, shall**
23 **not be penalized in any way for non-use or untimely redemption of the gift certificate.**

24 **4. This section shall not apply to any of the following gift certificates:**

25 **(1) A gift certificate distributed by the issuer to a consumer under any award,**
26 **loyalty, or promotional program without any money or thing of value being given in direct**
27 **exchange or solely for the gift certificate by the consumer;**

28 **(2) A gift certificate sold below face value at a volume discount to employers or to**
29 **nonprofit and charitable organizations for fundraising purposes if the expiration date on**
30 **those gift certificates is not more than thirty days after the date of sale;**

31 **(3) A gift certificate issued for a food product.**

32 **5. Violations of this section shall be considered unfair merchandising practices**
33 **subject to the penalties in section 407.020.**

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