



SPONSOR: Rep. Wagner & Sen. DeLuca;
Rep. Maier

HOUSE OF REPRESENTATIVES
144th GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 52

AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO GIFT CERTIFICATES AND GIFT CARDS.

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

Section 1. Amend Title 6 of the Delaware Code by enacting as a new § 2709 the following:

“§ 2709. Gift Certificates and Gift Cards, Definitions, Expiration Dates.

(1) Definitions: For the purposes of this Section:

(a) ‘Gift Certificate’ shall mean a written promise which is:

1. issued in a specified amount, indicated on its face and cannot be increased in value;
2. useable to purchase goods and/or services only at a single merchant or a group of merchants that are affiliated through common corporate ownership or control; and
3. purchased by a consumer on a prepaid basis in exchange for payment.

(b) ‘Store gift card’ shall mean a plastic card or other electronic payment device which is:

1. issued in a pre-denominated amount or in an amount requested by the consumer;
2. useable to purchase goods/and or services only at a single merchant or a group of merchants that are affiliated through common corporate ownership or control; and
3. purchased by a consumer on a prepaid basis in exchange for payment.

‘Gift certificates’ and ‘gift cards’ shall have the expiration date in large font on the face of the card. Any fees charged against the value of the card or certificate for inactivity or other reasons shall only be permitted upon a signed agreement by the purchaser and the merchant. ‘Gift certificates’ and ‘gift cards’ as defined in this Section shall not include (i) any certificate or card useable with multiple unaffiliated sellers or good or services, provided the expiration date, if any, is printed on the certificate or card; or (ii) prepaid calling cards or devices used to make wireline or wireless calls. The definitions appearing in this Section shall only apply to this Chapter and shall not be applicable to any other Title of the Delaware Code.

22 (c) If a gift certificate or gift card is given by the merchant or supplier or is a prize, subsection (a)
23 shall not apply and the expiration date shall be as designated by the merchant and any monthly
24 inactivity charges may apply.”.

SYNOPSIS

This Bill defines gift cards and gift certificates, requires that an expiration date appear on the front of the cards and prohibits fees against the value of the card or certificate for inactivity without a signed agreement by the merchant and purchaser. Certain certificates or cards including but not limited to those which are given at no cost are exempt from the provisions of this Act.