

Introduced by

Senators Holmberg, Hacker, Nelson

Representatives Charging, Delzer, Owens

1 A BILL for an Act to create and enact chapter 51-29 of the North Dakota Century Code, relating
2 to gift certificate sales, expiration dates, and service or maintenance fees; to provide a penalty;
3 and to declare an emergency.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** Chapter 51-29 of the North Dakota Century Code is created and enacted
6 as follows:

7 **51-29-01. Definition.** As used in this chapter, "gift certificate" means a record
8 evidencing a promise, made for monetary consideration, by the seller or issuer of the record
9 that goods or services will be provided to the owner of the record to the value shown in the
10 record. The term includes a record that contains a microprocessor chip, magnetic strip, or
11 other means of storage of information that is prefunded and for which the value is decreased
12 upon each use; a gift card; an electronic gift card; an online gift account; a stored-value card; a
13 store card; a prepaid telephone card; or a similar record or card.

14 The term does not include a general-use prepaid card issued by a prepaid card issuer,
15 including a plastic card or other electronic payment device that is usable at multiple, unaffiliated
16 merchants or service providers or at an automatic teller machine, and purchased or loaded on
17 a prepaid basis; a general-use prepaid card issued by a prepaid card issuer and purchased by
18 a person that is not an individual; or a debit card linked to a deposit account.

19 **51-29-02. Expiration dates - Service fees.** A person may not charge additional
20 monthly or annual service or maintenance fees on a gift certificate. A person may not limit the
21 time for redemption of a gift certificate to a date before six years after the date of purchase of
22 the gift certificate, place an expiration date on a gift certificate before six years after the date of
23 purchase of the gift certificate, or include on a gift certificate any statement suggesting that an
24 expiration or redemption date, except as permitted in this section, may apply to a gift certificate.

1 This section does not apply to a gift certificate distributed to a consumer pursuant to an
2 awards, loyalty, or promotional program without any money or other thing of value being given
3 in exchange for the gift certificate by the consumer. Any restriction or limitation on such gift
4 certificate must be disclosed to the consumer, in writing, at the time the gift certificate is
5 distributed to the consumer.

6 **51-29-03. Enforcement - Powers - Remedies - Penalties.** The attorney general shall
7 enforce this chapter. In enforcing this chapter, the attorney general has all the powers provided
8 in this chapter or chapter 51-15 and may seek all remedies in this chapter or chapter 51-15. A
9 violation of this chapter constitutes a violation of chapter 51-15. The remedies, duties,
10 prohibitions, and penalties of this chapter are not exclusive and are in addition to all other
11 causes of action, remedies, and penalties as provided in chapter 51-15 and as otherwise
12 provided by law.

13 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.