

## Article - Commercial Law

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§14–1320.

(a) This section applies to a gift card that:

(1) Is processed through a national credit or debit card service; and

(2) May be used to purchase goods or services from multiple unaffiliated sellers of goods and services.

(b) A gift card may be subject to expiration or a postsale fee, including a service fee, dormancy fee, account maintenance fee, cash-out fee, gift card replacement fee, activation fee, or reactivation fee, if the following disclosures are printed clearly in a visible place on the front or back of the gift card in at least 10 point type:

(1) With respect to the expiration date, the date on which the gift card expires; and

(2) With respect to a postsale fee:

(i) The amount of the fee;

(ii) The circumstances under which the fee will be imposed;

(iii) The frequency with which the fee will be imposed; and

(iv) Whether the fee is triggered by inactivity.

(c) If the disclosures required under subsection (b) of this section are hidden by the packaging of the gift card, the seller or issuer shall give the purchaser a written statement of the disclosures before the gift card is sold or issued.

(d) In addition to printing the information required under subsection (b) of this section on a gift card:

(1) If a gift card is sold or issued by electronic means, the seller or issuer shall include a conspicuous written statement of the information in the electronic message offering the gift card; and

(2) If a gift card is sold or issued by telephonic means, the seller or issuer, before the gift card is sold, shall state the information to the purchaser.

(e) Unless the change benefits the consumer, a term or condition disclosed under subsection (b) of this section may not be changed after the date of purchase or issuance.

(f) A violation of any provision of this section:

(1) Is an unfair or deceptive trade practice within the meaning of Title 13 of this article; and

(2) Is subject to the enforcement and penalty provisions contained in Title 13 of this article, except § 13-411 of this article.

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