

BY: Finance Committee

AMENDMENTS TO SENATE BILL NO. 8

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Certificates” insert “and Gift Cards”; in the same line, strike “Service”; in line 3, strike “Prohibition” and substitute “Restrictions and Prohibitions”; in lines 4 and 6, in each instance, strike “contains” and substitute “is subject to”; in lines 5 and 8, in each instance, strike “an”; in the same lines, in each instance, strike “date”; in line 6, strike “service” and substitute “postsale”; in line 7, strike the second “shall” and substitute “may”; in line 8, after “or” insert “a”; in the same line, after “fee;” insert “prohibiting a gift certificate issued as a store credit from being subject to expiration or a service fee; authorizing a certain gift card to be subject to expiration or a postsale fee if certain disclosures are printed on the gift card in a certain manner; establishing certain disclosure requirements for certain gift cards sold by electronic means and by telephonic means; providing that a violation of this Act is an unfair or deceptive trade practice under the Maryland Consumer Protection Act and is subject to certain enforcement and penalty provisions;”; in line 10, strike “service”; after line 10, insert:

“BY repealing and reenacting, with amendments,

Article - Commercial Law

Section 13-301(14)(xx)

Annotated Code of Maryland

(2000 Replacement Volume and 2004 Supplement)”;

and in line 13, after “Section” insert “13-301(14)(xxii) and”.

On page 2, in line 20, after “certificate” insert “or gift card sold or”.

AMENDMENT NO. 2

On page 1, after line 18, insert:

(Over)

“13-301.

Unfair or deceptive trade practices include any:

(14) Violation of a provision of:

(xx) Title 14, Subtitle 31 of this article, the Maryland Household Goods Movers Act; [or]

(XXII) SECTION 14-1319 OF THIS ARTICLE; OR”.

AMENDMENT NO. 3

On page 1, in line 20, after “(1)” insert “(I)”; in the same line, strike “SECTION” and substitute “SUBSECTION”; and in lines 22, 24, and 25, strike “(I)”, “(II)”, and “(2)”, respectively, and substitute “1.”, “2.”, and “(II)”, respectively.

On page 2, in lines 1, 2, 3, 4, 5, 8, 10, 12, and 15, strike “(I)”, “(II)”, “(III)”, “(IV)”, “(V)”, “(B)”, “(I)”, “(II)”, and “(C)”, respectively, and substitute “1.”, “2.”, “3.”, “4.”, “5.”, “(2)”, “1.”, “2.”, and “(3)”, respectively.

AMENDMENT NO. 4

On page 2, in line 4, strike the second “OR”; in line 5, strike “A CONSUMER” and substitute “AN INDIVIDUAL”; in line 7, after “CERTIFICATE” insert “; OR

6. A GIFT CARD THAT IS PROCESSED THROUGH A NATIONAL CREDIT OR DEBIT CARD SERVICE AND THAT MAY BE USED TO PURCHASE GOODS OR SERVICES FROM MULTIPLE SELLERS OF GOODS OR SERVICES”;

in line 8, strike “CONTAINS” and substitute “IS SUBJECT TO”; in line 9, strike “(1)” and substitute “(I)”; in the same line, strike “AN”; in the same line, strike the first “DATE”; in line 13, strike “FONT” and substitute “TYPE”; in line 14, strike “(2)” and substitute “(II)”; in the same line, strike the first “SERVICE” and substitute “POSTSALE”; in the same line, strike “FOR DORMANCY” and substitute “, DORMANCY FEE, ACCOUNT MAINTENANCE FEE, CASH-OUT FEE, GIFT CERTIFICATE REPLACEMENT FEE, ACTIVATION FEE, OR REACTIVATION FEE”; in line 15, strike “SUBSECTION (B)” and substitute “PARAGRAPH (2)”; in line 16, strike “SECTION” and substitute “SUBSECTION”; in the same line, strike “AN”; in line 17, strike “DATE”; and in the same line, after “OR” insert “A”.

AMENDMENT NO. 5

On page 2, after line 17, insert:

“(4) A GIFT CERTIFICATE ISSUED AS A STORE CREDIT MAY NOT BE SUBJECT TO EXPIRATION OR A SERVICE FEE.

(B) (1) THIS SUBSECTION APPLIES TO A GIFT CARD THAT IS PROCESSED THROUGH A NATIONAL CREDIT OR DEBIT CARD SERVICE.

(2) 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:

(I) WITH RESPECT TO THE EXPIRATION DATE, THE DATE ON WHICH THE GIFT CARD EXPIRES; AND

(II) WITH RESPECT TO A POSTSALE FEE:

1. THE AMOUNT OF THE FEE;
2. THE CIRCUMSTANCES UNDER WHICH THE FEE WILL BE IMPOSED;
3. THE FREQUENCY WITH WHICH THE FEE WILL BE IMPOSED; AND
4. WHETHER THE FEE IS TRIGGERED BY INACTIVITY.

(3) IF THE DISCLOSURES REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION ARE HIDDEN BY THE PACKAGING OF THE GIFT CARD, THE SELLER SHALL GIVE THE PURCHASER A WRITTEN STATEMENT OF THE DISCLOSURES BEFORE THE GIFT CARD IS SOLD.

(Over)

(4) IN ADDITION TO PRINTING THE INFORMATION REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION ON A GIFT CARD:

(I) IF A GIFT CARD IS SOLD BY ELECTRONIC MEANS, THE SELLER SHALL INCLUDE A CONSPICUOUS WRITTEN STATEMENT OF THE INFORMATION IN THE ELECTRONIC MESSAGE OFFERING THE GIFT CARD; AND

(II) IF A GIFT CARD IS SOLD BY TELEPHONIC MEANS, THE SELLER, BEFORE THE GIFT CARD IS SOLD, SHALL STATE THE INFORMATION TO THE PURCHASER.

(C) 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 THE PROVISIONS OF § 13-411 OF THIS ARTICLE.”.