BY: Economic Matters Committee

<u>AMENDMENT TO SENATE BILL 760</u>
(Third Reading File Bill)

On page 3, in line 10, after "**THAT**" insert "**IS**"; in line 11, strike "**IS ISSUED**" and substitute "**ISSUED**"; in line 15, strike "**IS PAYMENT**" and substitute "**PAYMENT**"; in line 16, strike "**IS REDEEMABLE**" and substitute "**REDEEMABLE**"; and in line 19, strike "**IS USABLE**" and substitute "**USABLE**".

On page 4, in line 28, strike "**AND**" and substitute "**;**

(II)   EXCEPT AS PROVIDED IN ITEM (III) OF THIS ITEM,";

and in line 30, after the semicolon insert:

"**(III)   DISPLAYS AN ACTIVATION CODE, BAR CODE, OR OTHER ACTIVATION DATA ONLY IF THE PACKAGING USED IS MORE SECURE THAN IT OTHERWISE WOULD BE IF THE DATA WERE FULLY CONCEALED;**".

On page 5, in line 1, strike "**(II)**" and substitute "**(IV)**".

On page 8, in line 11, strike "**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A**" and substitute "**A**"; after line 16, insert:

"**(B)   (1)   BEFORE INITIATING AN ENFORCEMENT ACTION FOR A VIOLATION OF THIS SUBTITLE, THE DIVISION MAY ISSUE A NOTICE OF VIOLATION TO THE ALLEGED VIOLATOR IF:**

(I)   THE DIVISION DETERMINES THAT IT IS POSSIBLE TO CURE THE VIOLATION;

(II)   NO CONSUMER WAS HARMED AS A RESULT OF THE VIOLATION; AND

(III)   THE ALLEGED VIOLATOR HAS NOT PREVIOUSLY VIOLATED THIS SUBTITLE.

(2)   IF THE DIVISION ISSUES A NOTICE OF VIOLATION UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DIVISION SHALL PROVIDE THE ALLEGED VIOLATOR NOT LESS THAN 10 DAYS AFTER THE NOTICE OF VIOLATION IS ISSUED TO CURE THE VIOLATION.

(3)   IF THE ALLEGED VIOLATOR FAILS TO CURE THE VIOLATION WITHIN THE TIME PERIOD SPECIFIED BY THE DIVISION, THE DIVISION MAY INITIATE AN ENFORCEMENT ACTION FOR A VIOLATION OF THIS SUBTITLE.";

and strike in their entirety lines 17 and 18.

On page 9, in line 2, after "that" insert "is"; in line 3, strike "Is issued" and substitute "Issued"; in line 6, strike "Is payment" and substitute "Payment"; in line 7, strike "Is redeemable" and substitute "Redeemable"; and in line 9, strike "Is usable" and substitute "Usable".

On page 10, in line 4, strike "and" and substitute ";

(ii)   Except as provided in item (iii) of this item,";

in line 5, after the semicolon insert:

"(iii)   Displays an activation code, bar code, or other activation data only if the packing used is more secure than it otherwise would be if the data were fully concealed;";

in line 6, strike "(ii)" and substitute "(iv)"; in line 11, after "(I)" insert "1."; strike beginning with "IN" in line 11 down through "CONCEALS" in line 12 and substitute "CONCEALS"; in line 12, after "COVERS" insert ", IN A MANNER THAT IS NOT EASILY REMOVED OR REPLACED WITHOUT SIGNS OF TAMPERING,"; and in line 13, after the semicolon insert "OR

2.   IF MADE MORE SECURE THROUGH PARTIAL CONCEALMENT OR COVERING THAN FULL CONCEALMENT OR COVERING UNDER ITEM 1 OF THIS ITEM, PARTIALLY CONCEALS OR COVERS, IN A MANNER THAT IS NOT EASILY REMOVED OR REPLACED WITHOUT SIGNS OF TAMPERING, ALL NUMERIC CODES SPECIFIC TO REDEMPTION OF THE GIFT CARD;".