

## Sundberg, Christopher

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**From:** Sundberg, Christopher  
**Sent:** Tuesday, March 01, 2005 3:37 PM  
**To:** Whitesel, Russ  
**Subject:** LRB-0647/6

Here's my list of changes:

(from 3/1/05 mtg w/Rep. Krusick)

- ✓1. Move to ch. 100.
- ✓2. Add prohibition on failure to honor a valid gift obligation.
- ✓3. Crib the Penalties and Remedies section from 2003 LRB-3533/1.
- ✓4. Change effective date delay to 6 months.
- ✓5. Require merchant to disclose, upon presentation of a gift obligation: (1) date of sale; (2) expiration date; (3) remaining balance
- ✓6. Remove Internet exceptions.
- ✓7. Substitute "organization exempt from federal income taxation under section 501 of the Internal Revenue Code" for "charitable or nonprofit organization."
- ✓8. Remove "for consideration" from definition of "gift obligation" and modify sub. (7) to incorporate donated gift obligations.
- ✓9. Narrow exemption under sub. (7) so that requirement to honor a valid gift obligation or requirement to refund < \$5 balance applies to gift obligations that are given or sold to nonprofit or for the benefit of a nonprofit.

Have I missed anything?

Christopher Sundberg  
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## Sundberg, Christopher

---

**From:** Sundberg, Christopher  
**Sent:** Tuesday, March 01, 2005 3:47 PM  
**To:** Whitesel, Russ  
**Subject:** LRB-0647/6: forgot one

Also, change sub. (3) prohibition on penalties for nonuse to prohibition on reducing value of a gift obligation, except that a seller may reduce the value of a gift obligation by the sale price of goods or services provided to a person who presents a gift obligation for redemption.

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State of Wisconsin  
2005 - 2006 LEGISLATURE

16  
LRB-064714 RmNR

CTS:lmk/cjs/kjf:pg

soon

Keep

2005 BILL

lw: 3/10/05

D-note

regen

except for the sale price of goods or services provided to the bearer

1 AN ACT to create 134.75 of the statutes; relating to: terms and conditions of gift  
2 certificates, gift cards, and other gift obligations and providing a penalty.

and 3)

**Analysis by the Legislative Reference Bureau**

the following: 1) failing to honor a valid gift obligation; 2)

This bill regulates the sale and redemption of gift certificates, gift cards, and similar items (gift obligations). The bill prohibits ~~the sale of a gift obligation~~ that is subject to an expiration date, unless the expiration date is at least five years after the date of the sale; ~~The bill prohibits reducing the value of a gift obligation as a penalty for nonuse.~~ ~~The bill also prohibits the sale of a gift obligation unless the date of the sale is written on the face of the gift obligation.~~ When a person redeems a gift obligation and the resulting balance of the the gift obligation is less than \$5, the bill requires the person redeeming the gift obligation to refund the balance in cash, upon the request of the person redeeming the gift obligation. ~~The provisions of the bill do not apply to any of the following: 1) a gift obligation sold for less than the amount of the obligation; to a charitable or nonprofit organization or to a person who transfers the gift obligation to another primarily for the benefit of a charitable or nonprofit organization; 2) a sale or redemption of a gift obligation transacted through the Internet; or 3) a gift obligation that must be redeemed through an Internet transaction.~~

Furthermore

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

**The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**

INS  
A

BILL

SECTION 1

SECTION 1. ~~134.75~~ of the statutes is created to read:

~~134.75~~ Gift obligations. (1) In this section, "gift obligation" means a gift

certificate, gift card, or other document that is evidence of an obligation arising from

a transaction between a seller and a purchaser under which the seller, for

consideration, agrees to provide goods or services, up to a specified amount, to the

bearer of the gift certificate, gift card, or other document at a later date

(2) No person may sell a gift obligation unless the face of the gift obligation

clearly indicates the date on which the gift obligation was sold.

(3) No person may reduce the value of a gift obligation as a penalty for nonuse.

(4) No person may sell a gift obligation that is subject to an expiration date,

unless the expiration date is at least 5 years after the date on which the gift obligation

is sold. An expiration date that purports to apply to a gift obligation and that is less

than 5 years after the date on which the gift obligation is sold shall be void and

unenforceable.

(5) If the holder of a gift obligation partially redeems the gift obligation, and

the resulting balance of the gift obligation is less than \$5, the seller shall, at the

holder's request, refund to the holder the balance of the gift obligation in cash.

(6) A person who violates this section shall forfeit not less than \$25 nor more

than \$100 for each violation.

(7) This section does not apply to any of the following:

(a) A gift obligation sold to a purchaser for an amount that is less than the

amount of the gift obligation, if the purchaser is a charitable or nonprofit

organization or if the purchaser transfers the gift obligation to another primarily for

the benefit of a charitable or nonprofit organization.

INS  
2-7

an obligation evidenced by

object or

accept

object or

to a specified amount for a merchant's goods or services

INS  
2-9

REQUIREMENTS (a)

INS  
2-15

Subsections (2) (b) and (c) do (b) (c) do

(5) EXCEPTION: CS

value

that is exempt from Federal income tax under section 501 (a) of the internal revenue code

that is exempt from Federal income tax under section 501 (a) of the internal revenue code

**BILL**

1 (b) A sale or redemption of a gift obligation that is transacted exclusively  
2 through the Internet.

3 (c) A gift obligation that must be redeemed through an Internet transaction.

4 **SECTION 2. Initial applicability.**

5 (1) This act first applies to gift obligations, as defined in section ~~134.75(1)~~ <sup>100.55 (1)</sup>  
6 the statutes, as created by this act, that are sold on the effective date of this  
7 subsection. ✓

8 ✓ **SECTION 3. Effective date.**

9 (1) This act takes effect on first day of the ~~10th~~ <sup>6th</sup> month beginning after  
10 publication.

11 (END)

MNS  
3-4

2005-2006 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0647/6ins  
CTS:.....

LPS: Inserts out of order

1

**Insert A:**

NO #

The bill also requires a merchant, upon presentation of a gift obligation, to disclose the date when the gift obligation was issued, the date when it expires, and the remaining balance. Under the bill, the prohibitions numbered 2 and 3 above do not apply to a gift obligation given or sold for less than face value to a nonprofit organization or to a person who transfers the gift obligation to another primarily for the benefit of a nonprofit organization. <sup>The Department of Agriculture, Trade and Consumer Protection</sup> Under the bill, DATCP or the district attorney may enforce the provisions of the bill by bringing an action for a forfeiture up to \$10,000. Also, the bill creates a private right of action in which a person may recover the greater of twice the person's pecuniary loss or \$500 for each violation. Violations may also constitute unfair competition or unfair trade practices. <sub>under the bill</sub>

2

**Insert 2-7:**

3

(2) PROHIBITIONS. (a) No person may refuse to honor a valid gift obligation.

4

**Insert 2-9:**

5

except that when a holder of a gift obligation partially redeems the gift obligation as payment for goods or services, the merchant that provides the goods or services may subtract the sale price of the goods or services. ✓

8

**Insert 2-15:**

9

(b) Upon the presentation of a gift certificate, gift card, or other object or document that evidences a object gift obligation, a merchant shall disclose to the bearer all of the following:

12

1. The date on which the gift obligation was issued. ✓

13

2. The date on which the gift obligation expires. ✓

14

3. The remaining balance of the gift obligation. ✓

15

**Insert 3-4:**

16

SECTION 4. 165.25 (4) (ar) of the statutes is amended to read:

1           165.25 (4) (ar) The department of justice shall furnish all legal services  
2           required by the department of agriculture, trade and consumer protection relating  
3           to the enforcement of ss. 100.171, 100.173, 100.174, 100.175, 100.177, 100.18,  
4           100.182, 100.20, 100.205, 100.207, 100.209, 100.21, 100.28, 100.37, 100.42, 100.50,  
5           and 100.51, and 100.55 and chs. 126, 136, 344, 704, 707, and 779, together with any  
6           other services as are necessarily connected to the legal services.

**History:** 1971 c. 125 s. 522 (1); 1971 c. 215; 1973 c. 333; 1975 c. 81, 199; 1977 c. 29 s. 1656 (27); 1977 c. 187, 260, 273, 344; 1981 c. 20, 62, 96; 1983 a. 27; 1983 a. 36 s. 96 (2), (3), (4); 1983 a. 192; 1985 a. 29, 66; 1987 a. 416; 1989 a. 31, 115, 187, 206, 359; 1991 a. 25, 39, 269; 1993 a. 27, 28, 365; 1995 a. 27 ss. 4453 to 4454m, 9126 (19); 1995 a. 201; 1997 a. 27, 111; 2001 a. 16; 2003 a. 111, 235.

SENATE BILL 459

1 1. The purchaser of the gift obligation, before the purchase is completed,  
2 receives a written disclosure that states in a conspicuous manner the terms and  
3 amount of the service charge and is informed orally of those terms and amount.

4 2. The terms and amount of the service charge are written in a conspicuous  
5 manner on the gift obligation.

6 (3) RULES. (a) The department shall, by rule, define "conspicuous" for purposes  
7 of this section. The rule shall include a requirement that any expiration date be in  
8 at least 10-point type size.

9 (b) The department shall promulgate a rule stating the information that must  
10 be disclosed as terms of a service charge under sub. (2) (b).

11 (4) PENALTIES AND REMEDIES. (a) The department may exercise its authority  
12 under ss. 93.14 and 93.15 to investigate violations of this section.

13 (b) Any person who suffers pecuniary loss because of a violation of this section  
14 may commence an action for the pecuniary loss. If the person prevails, the person  
15 shall recover twice the amount of the pecuniary loss, or \$200 for each violation,  
16 whichever is greater, together with costs, including reasonable attorney fees.

17 (c) The department may commence an action in the name of the state to restrain  
18 by temporary or permanent injunction a violation of this section. Before entry of final  
19 judgment, the court may make any necessary orders to restore to any person any  
20 pecuniary loss suffered by the person because of the violation.

21 (d) The department or any district attorney may commence an action in the  
22 name of the state to recover a forfeiture to the state of not less than \$100 nor more  
23 than \$10,000 for a violation of this section.

continues...



Notwithstanding s. 814.04 (1)

SENATE BILL 459

*insert 2-18, cont'd*

SECTION 1

1 (e) A person who violates this section may be fined not less than \$25 nor more  
2 than \$5,000 or imprisoned for not more than one year in the county jail, or both, for  
3 each violation. ✓

4 (f) This section does not preempt the administration or enforcement of s. 100.18 ✓  
5 or 100.20. Practices in violation of this section may also constitute unfair methods ✓  
6 of competition or unfair trade practices under s. 100.20 or fraudulent ✓  
7 representations under s. 100.18.

8 **SECTION 2.** 165.25 (4) (ar) of the statutes is amended to read:

9 165.25 (4) (ar) The department of justice shall furnish all legal services  
10 required by the department of agriculture, trade and consumer protection relating  
11 to the enforcement of ss. 100.171, 100.172, 100.173, 100.174, 100.175, 100.177,  
12 100.18, 100.182, 100.20, 100.205, 100.207, 100.209, 100.21, 100.28, 100.37, 100.42,  
13 100.50 and 100.51 and chs. 126, 136, 344, 704, 707, and 779, together with any other  
14 services as are necessarily connected to the legal services.

15 **SECTION 3.** 814.04 (intro.) of the statutes is amended to read:

16 **814.04 Items of costs.** (intro.) Except as provided in ss. 93.20, 100.172 (4) (b),  
17 100.30 (5m), 106.50 (6) (i), and (6m) (a), 115.80 (9), 281.36 (2) (b) 1., 767.33 (4) (d),  
18 769.313, 814.025, 814.245, 895.035 (4), 895.10 (3), 895.75 (3), 895.77 (2), 895.79 (3),  
19 895.80 (3), 943.212 (2) (b), 943.245 (2) (d), and 943.51 (2) (b), when allowed costs shall  
20 be as follows:

21 **SECTION 4. Initial applicability.**

22 (1) This act first applies to gift obligations, as defined in section 100.172 (1) (b)  
23 of the statutes, as created by this act, that are sold on the effective date of this  
24 subsection.

25 **SECTION 5. Effective date.**

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0647/6dn

CTS:.....

lmk

(date)

Representative Krusick:

This is a redraft of LRB-0647/5 based on instructions received at a March 1, 2005 meeting at your office. Please review it carefully to ensure it is consistent with your intent.

This version contains an exception for gift obligation<sup>s</sup> given or sold to a person for an amount that is less than the amount of the gift obligation, if the person is an organization exempt from federal income tax under section 501 (a) of the internal revenue code, or if the person transfers the gift obligation to another primarily for the benefit of such an organization. These gift obligations are exempt from 1) the prohibition on reducing the value of a gift obligation except for the price of goods or services provided to a bearer who redeems the gift obligation, and 2) the 5-year cap on expiration dates. These gift obligations remain subject to 1) the prohibition on failing to honor a valid gift obligation; 2) the \$5 cash-back requirement; and 3) the requirement to disclose, on presentation, a gift obligation's expiration date, the date on which it was issued, and the remaining balance. Is this correct?

Christopher T. Sundberg

Legislative Attorney

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**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0647/6dn  
CTS:lmk:jf

March 11, 2005

Representative Krusick:

This is a redraft of LRB-0647/5 based on instructions received at a March 1, 2005, meeting at your office. Please review it carefully to ensure it is consistent with your intent.

This version contains an exception for gift obligations given or sold to a person for an amount that is less than the amount of the gift obligation, if the person is an organization exempt from federal income tax under section 501 (a) of the Internal Revenue Code, or if the person transfers the gift obligation to another primarily for the benefit of such an organization. These gift obligations are exempt from the prohibition on reducing the value of a gift obligation except for the price of goods or services provided to a bearer who redeems the gift obligation, and the 5-year cap on expiration dates. These gift obligations remain subject to 1) the prohibition on failing to honor a valid gift obligation; 2) the \$5 cash-back requirement; and 3) the requirement to disclose, on presentation, a gift obligation's expiration date, the date on which it was issued, and the remaining balance. Is this correct?

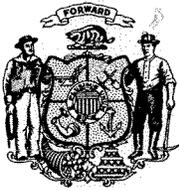
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4/7/05 Christian/Krusick

[Circ. on Tuesday?]

rdraft LRB = 0647/6

— change exp date provision from  
no less than 5 yrs → may  
not have exp date at all.



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-0647/10

7 RMNR

CTS:lmk/cjs/kjf:jf

lu: 4/8/05 stays stays

2005 BILL due: soon, please

B-note

Gen cat

1 AN ACT to amend 165.25 (4) (ar); and to create 100.55 of the statutes; relating  
2 to: terms and conditions of gift certificates, gift cards, and other gift obligations  
3 and providing a penalty.

**Analysis by the Legislative Reference Bureau**

This bill regulates the sale and redemption of gift certificates, gift cards, and similar items (gift obligations). The bill prohibits the following: 1) failing to honor a valid gift obligation; 2) selling a gift obligation that is subject to an expiration date, unless the expiration date is at least five years after the date of the sale; and 3) reducing the value of a gift obligation except for the sale price of goods or services provided to the bearer. Furthermore, when a person redeems a gift obligation and the resulting balance of the the gift obligation is less than \$5, the bill requires the person redeeming the gift obligation to refund the balance in cash, upon the request of the person redeeming the gift obligation. The bill also requires a merchant, upon presentation of a gift obligation, to disclose the date when the gift obligation was issued, the date when it expires, and the remaining balance.

indent → Under the bill, the prohibitions numbered 2 and 3, above, do not apply to a gift obligation given or sold for less than face value to a nonprofit organization or to a person who transfers the gift obligation to another primarily for the benefit of a nonprofit organization.

indent → The Department of Agriculture, Trade and Consumer Protection or the district attorney, under the bill, may enforce the provisions of the bill by bringing an action for a forfeiture up to \$10,000. Also, the bill creates a private right of action in which

**BILL**

a person may recover the greater of twice the person's pecuniary loss or \$500 for each violation. Violations may also constitute unfair competition or unfair trade practices.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 100.55 of the statutes is created to read:

2           **100.55 Gift obligations. (1) DEFINITION.** In this section, "gift obligation"  
3 means an obligation, evidenced by a gift certificate, gift card, or other object or  
4 document, to accept the gift certificate, gift card, or other object or document from the  
5 holder as payment, up to a specified amount, for a merchant's goods or services.

6           **(2) PROHIBITIONS.** (a) No person may refuse to honor a valid gift obligation.

7           (b) No person may reduce the value of a gift obligation, except that when a  
8 holder of a gift obligation partially redeems the gift obligation as payment for goods  
9 or services, the merchant that provides the goods or services may subtract the sale  
10 price of the goods or services.

11           (c) No person may sell a gift obligation that is subject to an expiration date,  
12 ~~unless the expiration date is at least 5 years after the date on which the gift obligation~~  
13 ~~is sold.~~ An expiration date that purports to apply to a gift obligation and that is less  
14 ~~than 5 years after the date on which the gift obligation is sold shall be void and~~  
15 unenforceable. 15

16           **(3) REQUIREMENTS.** (a) If the holder of a gift obligation partially redeems the  
17 gift obligation, and the resulting balance of the gift obligation is less than \$5, the  
18 seller shall, at the holder's request, refund to the holder the balance of the gift  
19 obligation in cash.

## BILL

1 (b) Upon the presentation of a gift certificate, gift card, or other object or  
2 document that evidences a gift obligation, a merchant shall disclose to the bearer all  
3 of the following:

4 1. The date on which the gift obligation was issued.

5 ~~2. The date on which the gift obligation expires.~~

6 ~~3. The remaining balance of the gift obligation.~~

7 (4) PENALTIES AND REMEDIES. (a) The department may exercise its authority  
8 under ss. 93.14 and 93.15 to investigate violations of this section.

9 (b) Any person who suffers pecuniary loss because of a violation of this section  
10 may commence an action for the pecuniary loss. If the person prevails, the person  
11 shall recover twice the amount of the pecuniary loss, or \$200 for each violation,  
12 whichever is greater, together with costs, including reasonable attorney fees,  
13 notwithstanding s. 814.04 (1).

14 (c) The department may commence an action in the name of the state to restrain  
15 by temporary or permanent injunction a violation of this section. Before entry of final  
16 judgment, the court may make any necessary orders to restore to any person any  
17 pecuniary loss suffered by the person because of the violation.

18 (d) The department or any district attorney may commence an action in the  
19 name of the state to recover a forfeiture to the state of not less than \$100 nor more  
20 than \$10,000 for a violation of this section.

21 (e) A person who violates this section may be fined not less than \$25 nor more  
22 than \$5,000 or imprisoned for not more than one year in the county jail, or both, for  
23 each violation.

24 (f) This section does not preempt the administration or enforcement of s. 100.18  
25 or 100.20. Practices in violation of this section may also constitute unfair methods

**BILL****SECTION 1**

1 of competition or unfair trade practices under s. 100.20 or fraudulent  
2 representations under s. 100.18.

3 (5) EXCEPTION. Subsection (2) (b) and (c) do not apply to a gift obligation given  
4 or sold to a person for an amount that is less than the value of the gift obligation, if  
5 the person is an organization that is exempt from federal income tax under section  
6 501 (a) of the Internal Revenue Code or if the person transfers the gift obligation to  
7 another primarily for the benefit of an organization that is exempt from federal  
8 income tax under section 501 (a) of the Internal Revenue Code.

9 **SECTION 2.** 165.25 (4) (ar) of the statutes is amended to read:

10 165.25 (4) (ar) The department of justice shall furnish all legal services  
11 required by the department of agriculture, trade and consumer protection relating  
12 to the enforcement of ss. 100.171, 100.173, 100.174, 100.175, 100.177, 100.18,  
13 100.182, 100.20, 100.205, 100.207, 100.209, 100.21, 100.28, 100.37, 100.42, 100.50,  
14 and 100.51, and 100.55 and chs. 126, 136, 344, 704, 707, and 779, together with any  
15 other services as are necessarily connected to the legal services.

16 **SECTION 3. Initial applicability.**

17 (1) This act first applies to gift obligations, as defined in section 100.55 (1) of  
18 the statutes, as created by this act, that are sold on the effective date of this  
19 subsection.

20 **SECTION 4. Effective date.**

21 (1) This act takes effect on first day of the 6th month beginning after  
22 publication.

23

(END)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0647/7dn

CTS:.....

*cjs*

Representative Krusick:

This is a redraft of LRB-0647/6. Please review it carefully to ensure it is consistent with your intent.

Christopher T. Sundberg  
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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0647/7dn  
CTS:cjs:pg

April 11, 2005

Representative Krusick:

This is a redraft of LRB-0647/6. Please review it carefully to ensure it is consistent with your intent.

Christopher T. Sundberg  
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**Northrop, Lori**

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**From:** Moran, Christian  
**Sent:** Tuesday, July 12, 2005 4:27 PM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 05-064777 Topic: Refunds for unused gift cards or certificates

It has been requested by <Moran, Christian> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-064777 Topic: Refunds for unused gift cards or certificates

08-D3-05

CORRECTED COPY

2005 - 2006 LEGISLATURE

LRB-0647/7  
CTS:lmk&cjs:pg

## 2005 ASSEMBLY BILL 583

July 27, 2005 - Introduced by Representatives KRUSICK, JESKEWITZ, AINSWORTH, BALLWEG, BENEDICT, BERCEAU, BIES, BLACK, BOYLE, FIELDS, FREESE, GIELOW, GRIGSBY, GRONEMUS, HAHN, HINES, HUBLER, KERKMAN, KLEEFISCH, KREIBICH, KREUSER, F. LASEE, LEHMAN, LOEFFELHOLZ, LOTHIAN, MOLEPSKE, MONTGOMERY, MURSAU, NELSON, PARISI, PETROWSKI, PETTIS, POCAN, POPE-ROBERTS, PRIDEMORE, RICHARDS, SCHNEIDER, SHERIDAN, SHERMAN, SHILLING, SINICKI, STASKUNAS, STEINBRINK, STONE, SUDER, TOLES, TOWNSEND, TRAVIS, TURNER, UNDERHEIM, VAN AKKEREN, VAN ROY, VOS, VRUWINK, WASSERMAN, A. WILLIAMS, WOOD, YOUNG and ZEPNICK, cosponsored by Senators HARSDORF, BRESKE, BROWN, CARPENTER, COGGS, DARLING, DECKER, ELLIS, ERPENBACH, HANSEN, JAUCH, KANAVAS, KAPANKE, A. LASEE, LASSA, OLSEN, PLALE, RISSER, ROBSON, ROESSLER, TAYLOR and WIRCH. Referred to Committee on Small Business.

- 1 AN ACT *to amend* 165.25 (4) (ar); and *to create* 100.55 of the statutes; **relating**
- 2 **to:** terms and conditions of gift certificates, gift cards, and other gift obligations
- 3 and providing a penalty.

### *Analysis by the Legislative Reference Bureau*

This bill regulates the sale and redemption of gift certificates, gift cards, and similar items (gift obligations). The bill prohibits the following: 1) failing to honor a valid gift obligation; 2) selling a gift obligation that is subject to an expiration date; and 3) reducing the value of a gift obligation except for the sale price of goods or services provided to the bearer. Furthermore, when a person redeems a gift obligation and the resulting balance of the the gift obligation is less than \$5, the bill requires the person redeeming the gift obligation to refund the balance in cash, upon the request of the person redeeming the gift obligation. The bill also requires a merchant, upon presentation of a gift obligation, to disclose the date when the gift obligation was issued and the remaining balance.

Under the bill, the prohibitions numbered 2 and 3, above, do not apply to a gift obligation given or sold for less than face value to a nonprofit organization or to a person who transfers the gift obligation to another primarily for the benefit of a nonprofit organization.

The Department of Agriculture, Trade and Consumer Protection or the district attorney, under the bill, may enforce the provisions of the bill by bringing an action for a forfeiture up to \$10,000. Also, the bill creates a private right of action in which a person may recover the greater of twice the person's pecuniary loss or \$500 for each

\$200