**1727 AMS FIET S3287.1 - NOT FOR FLOOR USE**

**HB 1727** - S COMM AMD

By Committee on Financial Institutions, Economic Development & Trade

**ADOPTED 04/11/2019**

Strike everything after the enacting clause and insert the following:

"**Sec.**  RCW 19.240.010 and 2011 c 213 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) ((~~"Artistic and cultural organization" has the same meaning as in RCW 82.04.4328.~~

~~(2) "Charitable organization" means an organization exempt from tax under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)).~~

~~(3) "Fund-raising activity" has the same meaning as in RCW 82.04.3651.~~

~~(4)~~)) (a) "Gift card" means a record as described in subsection (5) of this section in the form of a card, or a stored value card or other physical medium, containing stored value primarily intended to be exchanged for consumer goods and services.

(b) "Gift card" does not include prepaid telephone calling cards or prepaid commercial mobile radio services as defined in 47 C.F.R. 20.3.

((~~(5)~~)) (2)(a) "Gift certificate" means an instrument evidencing a promise by the seller or issuer of the record that consumer goods or services will be provided to the bearer of the record to the value or credit shown in the record and includes gift cards.

(b) "Gift certificate" does not include prepaid telephone calling cards or prepaid commercial mobile radio services as defined in 47 C.F.R. 20.3.

((~~(6)~~)) (3) "Bearer" means a person with a right to receive consumer goods and services under the terms of a gift certificate, without regard to any fee, expiration date, or dormancy or inactivity charge.

((~~(7)~~)) (4) "Issue" means to sell or otherwise provide a gift certificate to any person, and includes reloading or adding value to an existing gift certificate.

((~~(8)~~)) (5) "Stored value" has the same meaning as the term "closed loop ((~~stored value device~~)) prepaid access" defined in RCW 19.230.010.

**Sec.**  RCW 19.240.020 and 2004 c 168 s 3 are each amended to read as follows:

(1) Except as provided in RCW 19.240.030 ((~~through 19.240.070~~)), it is unlawful for any person or entity to issue, or to enforce against a bearer, a gift certificate that contains:

(a) An expiration date;

(b) Any fee, including a service fee; or

(c) A dormancy or inactivity charge.

(2) If a gift certificate is issued with the sale of tangible personal property or services, the gift certificate is subject to subsection (1) of this section.

(3) If a purchase is made with a gift certificate for an amount that is less than the value of the gift certificate, the issuer must make the remaining value available to the bearer in cash or as a gift certificate at the option of the issuer. If after the purchase the remaining value of the gift certificate is less than five dollars, the gift certificate must be redeemable in cash for its remaining value on demand of the bearer. A gift certificate is valid until redeemed or replaced.

(4) This section does not require, unless otherwise required by law, the issuer of a gift certificate to replace a lost or stolen gift certificate.

**Sec.**  RCW 19.240.030 and 2004 c 168 s 4 are each amended to read as follows:

(1) It is lawful to issue, and to enforce against the bearer, a gift certificate containing an expiration date if:

(a) The gift certificate is issued pursuant to an awards or loyalty program ((~~or in other instances where no money or other thing of value is given in exchange~~)) for the gift certificate.

(b) The gift certificate is donated to a charitable organization without any money or other thing of value being given in exchange for the gift certificate if the gift certificate is used by a charitable organization solely to provide charitable services.

(2) The expiration date must be disclosed clearly and legibly on any gift certificate described in subsection (1) of this section.

NEW SECTION. **Sec.**  The following acts or parts of acts are each repealed:

(1)RCW 19.240.040 (Dormancy or inactivity charge allowed, when) and 2004 c 168 s 5;

(2)RCW 19.240.050 (Expiration date allowed—Donation to charitable organization) and 2004 c 168 s 6;

(3)RCW 19.240.060 (Expiration date—Artistic and cultural organizations) and 2004 c 168 s 7; and

(4)RCW 19.240.070 (Format of statement or expiration date) and 2004 c 168 s 8.

NEW SECTION. **Sec.**  This act takes effect July 1, 2020."

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On page 1, line of the title, after "cards;" strike the remainder of the title and insert "amending RCW 19.240.010, 19.240.020, and 19.240,030; repealing RCW 19.240.040, 19.240.050, 19.240.060, and 19.240.070; and providing an effective date."

EFFECT: Retains section of law concerning circumstances under which expiration dates are allowed. The section is amended to remove language that allows expiration dates in instances where no money or other thing of value is given in exchange.