

Official Message...

from Chase Paymentech



February 20, 2013

Gift Card Laws by State – Updated 2013

Dear Valued Gift Card Customer:

Thank you for trusting Chase Paymentech to provide your company with gift card services.

It is our goal to deliver exceptional service, which includes sharing with you updates concerning existing gift card laws for the various states.

These gift card laws, **summarized below**, may or may not affect your current gift card program. And it is important to note that federal laws may override less restrictive state laws.

PLEASE NOTE: There have been no changes to these laws since we last updated you in August 2012. We are providing the complete list again as a courtesy.

Chase Paymentech presents this update for general informational purposes only, because we cannot make recommendations on laws and regulations specific to you and your business.

The information provided contains summaries of state codes, statutes and legislation, and may omit specific requirements that were, in our judgment, too detailed to fit within the intended scope of this document or too specific or narrowly tailored to be of interest to the majority of our customers. Furthermore, these codes, statutes and legislation are subject to frequent change and revision.

In every event you should not rely on these summaries alone. Please **consult with your legal counsel** and review the actual codes, statutes or legislation before making any decisions relating to your gift card program.

If, after reviewing these summaries, you have questions or need to revise your program, please call us at **888.464.9912, option 3**, or email us at pti-giftcardoperations@chasepaymentech.com.

You are a valued customer, and we truly appreciate the opportunity to service your payment processing needs.

Sincerely,

A handwritten signature in black ink that reads "Daniel J. Charron".

Daniel J. Charron
Executive Vice President, Client Services
Chase Paymentech

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Note on Federal Credit CARD Act

With the passage in 2009 of the federal Credit CARD Act (the “Act”), federal law significantly restricts the ability of merchants to impose expiration dates or inactivity (or other) fees on gift cards. The information on state laws contained in this update should be reviewed in the context of the Act. The Act allows states to impose more restrictive requirements on expiration dates and inactivity fees, but to the extent state law imposes LESS restrictive requirements, the more restrictive provisions of the Act would likely apply as a result of federal preemption.

2013 Gift Card Legislative Update State-by-State Summary

Many of the statutes define “gift card” (or “gift certificate”, defined to include gift cards) to specifically exclude general-use prepaid cards, prepaid telephone cards, cards usable at multiple, unaffiliated merchants, cards issued by banks, credit unions, financial institutions, or licensed money transmitters, cards usable at ATMs, cards issued for no consideration, cards issued below face value, etc. Because these are not the types of gift cards we typically provide to our customers, the summary below does not identify the existence of such exclusions in the summaries below. If any of these might apply to you, please check the specific state statute(s) applicable to you.

In addition, many of the statutes imposing restrictions on expiration and/or dormancy fees also contain specific exemptions for certain types of gift cards, for example, cards issued for no consideration as part of a promotional program or as loyalty awards, donated to charity for use in fundraising, given pursuant to an employee incentive program, cards issued to employees, cards usable only for goods or services provided by artistic and cultural organizations, etc. Because these exemptions would not apply to the vast majority of our customers, we have not identified the existence of such exemptions in the summaries below. Again, if any of these might apply to you, please check the specific state statute(s) applicable to you.

Alabama

We are unaware of any restrictions imposed by the state on gift card expiration dates, although a gift card that expires before use will escheat to the state (and this may apply even if the card was otherwise exempt from escheat requirements under the “retail exemption” described below). A merchant’s ability to charge an inactivity fee, dormancy fee or service fee appears to be restricted, at least with respect to gift cards after they are presumed abandoned (i.e. that are not exempt from escheat). (Ala. Code §35-12-75(b)). Gift cards or gift certificates issued by any person primarily in the business of selling tangible personal property at retail are not considered property and not subject to escheat laws. (Ala. Code §35-12-73(b)(1)). Other gift certificates (and presumably gift cards) are considered property generally subject to escheatment three years after June 30 of the year in which the certificate was sold, but if redeemable in merchandise only, the amount abandoned is deemed to be 60 percent of the certificate’s face value. (Ala. Code. §35-12-72(a)(17)). It is unclear how this last part would apply in the context of gift cards, but a literal reading would imply that the amount abandoned may be MORE than the remaining balance on the gift card.

Alaska

We are unaware of any restrictions imposed by the state on expiration dates or inactivity fees on gift cards. Under Alaska’s unclaimed property law, a gift certificate (which is defined to include gift cards, as per Alaska Stat. §34.45.760), is presumed abandoned three years after it is unclaimed by the owner, and the amount presumed abandoned is the price paid by the purchaser for the gift certificate. (Alaska Stat. §34.45.240). It is unclear how this would apply in the context of gift cards, but a literal reading would imply that the amount abandoned may be MORE than the remaining balance on the gift card.

Arizona

Any expiration date on “gift cards” (defined at Ariz. Rev. Stat. Ann. §44-7401), along with the amount of any inactivity fees or dormancy fees, and when such fees would be incurred, shall be conspicuously disclosed to the consumer before the purchase. (Ariz. Rev. Stat. Ann. §44-7402). Gift cards are not considered property subject to escheat laws. (Ariz. Rev. Stat. Ann. §44-301(15)).

Arkansas

A person shall not sell or issue a gift card that is subject to an expiration date earlier than two years from the date of issuance or sale of the gift card. (Ark. Stat. Ann. §4- 88-703(a) and (c)). Upon the expiration of the two-year “time period, a gift card may be subject to expiration if the date on which the card expires is printed clearly in a conspicuous place on the front or back of the gift card in at least 10-point type. (Ark. Stat. Ann. §4-88-703(a) and (c)). A dormancy fee, an inactivity charge or fee, or a service fee shall not be charged on a gift card before two years from the date of issuance or sale of the card. Upon the expiration of the two year time period, a gift card may be subject to a service fee, a dormancy fee, an account maintenance fee, a cash out fee, a gift card replacement fee, an activation fee, or a reactivation fee, if the following disclosures are printed clearly in a conspicuous place on the front or back of the card in at least 10-point type: (a) the amount of the fee; (b) the circumstances under which the fee will be imposed; (C) the frequency with which the fee will be imposed; and (D) whether the fee is triggered by inactivity. (Ark. Stat. Ann. §4-88-703(c)). Gift cards issued or maintained by any person primarily in the business of selling tangible personal property at retail are not considered property subject to escheat laws. (Ark. Stat. Ann. §18-28-201(13)(B)).

California

It is unlawful for any person or entity to sell a gift certificate (defined to generally include gift cards, at Cal. Civil Code §1749.45) to a purchaser containing an expiration date, dormancy fee, service fee, or any other fee except for a dormancy fee of \$1 or less per month, if (i) assessed on a re-loadable gift card, (ii) having a balance of less than \$5, (iii) on which there has been no activity for at least 24 consecutive months, and (iv) on which a statement is printed on the gift card in at least 10-point font stating the amount of the fee, how often the fee will occur, that the fee is triggered by inactivity of the gift card, and at what point the fee will be charged. The statement may appear on the front or back of the gift card, but shall appear in a location where it is visible to any purchaser prior to the purchase thereof. Any gift certificate shall be redeemable in cash for its cash value, or subject to replacement with a new gift certificate at no cost to the purchaser or holder, and, effective January 1, 2008, a gift certificate having a balance of less than \$10 must be redeemable in cash. (Cal. Civil Code §1749.5). Gift certificates purchased after 1997 are not subject to escheat, except that any gift certificate that has an expiration date and that is given in exchange for money or any other thing of value will be subject to escheatment. Cal. Civ. Proc. Code §1520.5

Colorado

Gift Cards are defined in Colo. Rev. Stat. §6-1-722(1)(a). The definition contains several notable exclusions, including (i) paper gift certificates, (ii) cards issued pursuant to an awards, loyalty or promotional program for which no money or other item of value was exchanged, and (iii) cards donated or sold below face value at a volume discount to an employer or charitable organization for fundraising purposes. Colorado imposes no restriction on the expiration dates of gift cards. It is unlawful to sell to a purchaser a gift card that contains a service fee, a dormancy fee, an inactivity fee, a maintenance fee, or any other type of fee. (Colo. Rev. Stat. §6-1-722(3)). Upon request of the holder, the issuer must redeem the remaining value of a gift card for cash if the amount remaining is five dollars or less. (Colo. Rev. Stat. §6-1-722(2)). The foregoing rules restricting gift card fees and requiring cash redemption do not apply to open-loop cards usable with multiple unaffiliated sellers of goods or services (although such cards are within the definition of Gift Cards). Colo. Rev. Stat. §6-1-722(1)(b). Gift cards are generally considered intangible property subject to escheatment if unclaimed by the owner after five years. (Colo. Rev. Stat. §38-13-108.4).

Connecticut

Connecticut law prohibits anyone from selling or issuing a “gift certificate” (defined to generally include gift cards at Conn. Gen. Stat. §3-56a) that has an expiration date (or any language or related agreement

suggesting that an expiration date may apply). (Conn. Gen. Stat. §42-460). In addition, dormancy fees, inactivity fees, and other service fees relating to gift certificates are generally prohibited. (Conn. Gen. Stat. §3-65c). Gift certificates generally do not escheat to the state under Colorado law. (Conn. Gen. Stat. §3-73a).

Delaware

There appear to be no restrictions imposed by the state on expiration dates or inactivity fees on gift cards, although such mechanisms, including an expiration date that occurs prior to the five-year escheatment period, will NOT allow the issuer to avoid the escheatment requirement. (Del. Code Ann. Tit. 12, §1212). "Gift certificates" are generally escheatable if the owner dies intestate, is missing for more than five years or abandons the property. (Del. Code Ann. tit. 12, §1197 et seq.). It is unclear from the Delaware statute whether the term "gift certificate" includes gift cards. However, the State of Delaware has generally taken the position that, for purposes of unclaimed property law, it does. Gift certificates with a face value of no more than \$5 and issued by a restaurants or other eating establishments, are not escheatable. (Del. Code Ann. tit. 12, §1198(10)).

District of Columbia

We are unaware of any restrictions imposed by the state on expiration dates or inactivity fees on gift cards. Gift certificates held or owing in the ordinary course of the holder's business that have remained unclaimed by the owner for more than five years after becoming payable or distributable are presumed abandoned. If a gift certificate is redeemable for cash or merchandise, its value for purposes of this chapter shall be the amount paid by the purchaser. (D.C. Code Ann. §41-101 et seq.). It is unclear whether the term "gift certificates" would encompass gift cards. A gift certificate that expires before it is used escheats to the District. (D.C. Code Ann §42-229).

Florida

A "gift certificate" (specifically defined to include gift cards at Fla. Stat. §501.95(1)(b)) sold or issued for consideration in Florida may not have an expiration date, expiration period, with certain limited exceptions, and may not have any type of post-sale charge or fee imposed on the gift certificate, including, but not limited to, service charges, dormancy fees, account maintenance fees, or cash-out fees. (Fla. Stat. §501.95(2)(a)). An unredeemed gift certificate or credit memo as defined in §501.95 is not required to be reported as unclaimed property. (Fla. Stat. §717.1045). The consideration paid for an unredeemed gift certificate or credit memo is the property of the issuer of the unredeemed gift certificate or credit memo. An unredeemed gift certificate or credit memo is subject only to any rights of a purchaser or owner thereof and is not subject to a claim made by any state acting on behalf of a purchaser or owner.

Georgia

It is unlawful to sell or issue a gift card without: (i) including the terms of the gift card in the packaging which accompanies the card at the time of purchase, as well as making such terms available upon request; and (ii) conspicuously printing the expiration date, if applicable, on the card and conspicuously printing the amount of any dormancy or nonuse fees on the card. (Ga. Code §10-1-393(b)(33)(A)(ii)). A gift certificate issued in the ordinary course of an issuer's business that remains unclaimed by the owner for more than five years after becoming payable or distributable is presumed abandoned. The amount presumed abandoned is the price paid by the purchaser for the gift certificate. (Ga. Code §44-12-205). It is unclear whether the term "gift certificate" includes gift cards, but if so, a literal reading would mean that the amount abandoned may be MORE than the remaining balance on the gift card. Even if gift cards do not fall within the meaning of gift certificates, they are likely escheatable as general intangible property since they are not specifically excluded from the escheatment statute.

Hawaii

"Gift certificate" is defined at Hawaii Rev. Stat. §481B-13(e) to generally include gift cards, with some notable exclusions including any certificate that is (1) used solely for telephone services; (2) reloadable and not marketed or labeled as a gift card, gift certificate, or certificate; (3) a loyalty, award, or promotional gift card; (4) not marketed to the general public; or (5) redeemable solely for admission to events or venues at a particular location or group of affiliated locations, which may also include services or goods obtainable at the event or venue after admission or in

conjunction with admission to such events or venues, at specific locations affiliated with and in geographic proximity to the event or venue. An expiration date on any gift certificate must be either printed on the face of the certificate or, for an electronic gift card with a banked dollar value, clearly stated on a printed receipt provided to the purchaser, and must be greater than five years (or two years for certificates issued only in paper form). (Hawaii Rev. Stat. §481B- 13(b)). If no expiration date, gift certificates are valid in perpetuity. (Hawaii Rev. Stat. §481B-13(b)). Dormancy, inactivity and service fees are generally prohibited. (Hawaii Rev. Stat. §481B- 13(a)). Activation or issuance fees are permitted but may not exceed the lesser of 10% of the face value of the gift certificate or \$5. (Hawaii Rev. Stat. §481B- 13(a)). A gift certificate issued in the ordinary course of an issuer's business that remains unclaimed by the owner for more than five years after becoming payable or distributable is presumed abandoned. The amount presumed abandoned is the price paid by the purchaser for the gift certificate. (Hawaii Rev. Stat. §523A-14). It is unclear how this would apply in the context of a gift card (or, whether gift cards might be treated as different from gift certificates under the unclaimed property statute), but a literal reading would imply that the amount abandoned may be MORE than the remaining balance on the gift card.

Idaho

We are unaware of any restrictions imposed by the state on expiration dates or inactivity fees for gift cards. A "gift certificate" without an expiration date prominently displayed on its face that remains unclaimed by the owner for more than five years after becoming payable or distributable is presumed abandoned. The amount presumed abandoned is the price paid by the purchaser for the gift certificate. (Idaho Code §14-514). Gift certificates with an expiration date prominently displayed on their face do not constitute abandoned property. (Idaho Code §14-502(2)(b)). It is unclear whether the term "gift certificate" in this statute would include gift cards. If so, a literal reading would imply that the amount abandoned may be MORE than the remaining balance on the gift card.

Illinois

"Gift certificate" is defined to generally include gift cards. (Ill. Rev. Stat. Ch. 815, §505/2SS(a)). On or after January 1, 2008, no person shall sell a gift certificate that is subject to an expiration date earlier than five years after the date of issuance. (Ill. Rev. Stat. Ch. 815, §505/2SS(b)). On or after January 1, 2008, no person shall sell a gift certificate that is subject to a post-purchase fee, including a dormancy or inactivity fee. (Ill. Rev. Stat. Ch. 815, §505/2SS(b)). A gift certificate issued prior to January 1, 2008 that is subject to a fee must contain a statement clearly and conspicuously printed on the gift certificate stating whether there is a fee, the amount of the fee, how often the fee will occur, that the fee is triggered by inactivity of the gift certificate, and at what point the fee will be charged. The statement may appear on the front or back of the gift certificate in a location where it is visible to any purchaser prior to the purchase. (Ill. Rev. Stat. Ch. 815, §505/2SS(b)). Any gift certificate issued prior to January 1, 2008 that is subject to an expiration date must contain a statement clearly and conspicuously printed on the gift certificate (where it is visible to the purchaser prior to the purchase) stating the expiration date. Does not apply to any gift certificate issued prior to January 1, 2008 that contains a toll free phone number and a statement clearly and conspicuously printed on the gift certificate stating that holders can call the toll free number to find out the balance on the gift certificate, if applicable, and the expiration date. (Ill. Rev. Stat. Ch. 815, §505/2SS(c)). The foregoing restrictions do not apply to certain exempt gift certificates (and cards), including gift certificates (and cards) redeemable for food products, or issued for no consideration as part of a loyalty program. State escheat laws only apply to gift certificates (or gift cards) that expire or that have dormancy or other fees. Escheat laws do not apply to certificates that have an expiration date, but the issuer has a written and posted policy of honoring expired certificates. After property is abandoned for five years, it reverts to the state. (Ill. Rev. Stat. Ch. 765, §1025/10.6).

Indiana

We are unaware of any restrictions imposed by the state on expiration dates or dormancy or other fees on gift cards. Gift certificates and gift cards are exempted from unclaimed property act. Ind. Code §32-34-1-1.

Iowa

We are unaware of any restrictions imposed by the state on expiration dates on gift cards. However, no dormancy, inactivity or other fee may be charged with respect to a "gift certificate" (defined to generally

include gift cards at Iowa Code §556.9(2)) unless there is a valid written contract between the issuer and the owner. (Iowa Code §556.9(1)). Gift certificates (and gift cards) unclaimed by the owner three years after issuance are abandoned and escheat to the state. (Iowa Code §556.1 et seq.). While to some extent unclear, it appears that a gift certificate that expires before it is used escheats to the state. (Iowa Code §556.16).

Kansas

On and after January 1, 2007, no person, firm, partnership, association or corporation shall sell a gift card to a purchaser containing an expiration date that is less than five years from the date of purchase. A gift card sold without an expiration date is valid until redeemed or replaced. (Kan. Stat. Ann. §50-6108). A merchant shall not be required to redeem a gift card for cash. (Kan. Stat. Ann. §50-6108). No fees may be charged against the balance of a gift card within twelve months from the date of issuance of the card. (Kan. Stat. Ann. §50-6108). A provision specifically providing for the escheatment of "gift certificates and credit memos" was removed from the Kansas unclaimed property law in 1999. (Former Kansas Stat. Ann. 58-3947). It is unclear whether this removal means that gift certificates are NOT escheatable as general intangible property (or a "credit balance", which is escheatable) (Kan. Stat. Ann. §58-3934), and even if so, whether this applies to gift cards. However, the general consensus among commentators appears to be that gift cards are not subject to escheatment.

Kentucky

A gift card expiration date shall not be less than one year from the date of issuance. (Ky. Rev. Stat. §367.890). This restriction does not apply to certain gift cards distributed by an issuer as an award, loyalty or promotional program. (Ky. Rev. Stat. §367.890). If no expiration date is printed on the front or back of the card, it is presumed valid until it is redeemed or replaced. (Ky. Rev. Stat. §367.890). No person or entity shall charge service charges or fees relative to that gift card, including dormancy fees, latency fees, or administrative fees that have the effect of reducing the total amount for which the holder of the gift card may redeem the gift card until the expiration date on the card has expired. (Ky. Rev. Stat. §367.890(3)). Gift certificates are not specifically included as escheatable property. (Ky. Rev. Stat. §393.010). However, intangible property generally escheats to the state after seven years. (Ky. Rev. Stat. Ann. §393.090).

Louisiana

An expiration date on any gift certificate (defined to generally include gift cards at La. Rev. Stat. Ann. §51:1423(A)) must be stated on its face in capital letters in at least 10-point font, and cannot be less than five years. A gift certificate sold without an expiration date shall be valid until redeemed or replaced. (La. Rev. Stat. Ann. §51:1423(B)(1)). Dormancy and other service fees are not permitted, except for a one-time handling fee that cannot exceed \$1 per gift certificate. La. (Rev. Stat. Ann. §51:1423(B)(2)). A gift certificate is presumed abandoned and escheats three years after December 31st of the year it was sold. (La. Rev. Stat. Ann. §9:154(A)(6)). A gift certificate that expires before it is used escheats to the state. (La. Rev. Stat. Ann. §9:171).

Maine

Maine prohibits expiration dates and dormancy fees on a "gift obligation" or "stored-value card" (both of which are defined at Me. Rev. Stat. Ann. tit. 33, §1952 broadly enough to include gift cards). (Me. Rev. Stat. Ann. tit. 33, §1953(1)(G)) This prohibition trumps the general rule allowing dormancy fees on abandoned property where an agreement or such fees exists (as set forth in Me. Rev. Stat. Ann. Tit. 33, §1956). (Me. Rev. Stat. Ann. tit. 33, §1953(1)(G)) However, Maine allows a transactional fee for the initial issuance of a gift card and for each time value is added to the card, if such fees are disclosed in writing prior to the initial issuance or referenced on the gift card. (Me. Rev. Stat. Ann. tit. 33, §1953(1)(G)). Beginning November 1, 2008, if a gift card (other than one having an initial value of \$5 or less, or that was not purchased but provided as a promotion or as a refund for merchandise returned without a receipt), is redeemed in person and a balance of less than \$5 remains following redemption, at the consumer's request the merchant redeeming the gift card must refund the balance in cash to the consumer. A gift card is presumed abandoned two years after December 31st of the year in which (a) the card was initially sold, (b) any additional value was subsequently added to the card, or (c) the card was used, whichever is later. The amount unclaimed is 60 percent of the gift obligation's or stored-value card's face value. (Me. Rev. Stat. Ann. tit. 33, §1953(1)(G)). All issuers must obtain the address of the purchaser of a gift card or

Maine will presume the purchaser to have the address of the Treasurer of State of Maine. A gift card that expires before it is used escheats to the state. Me. Rev. Stat. Ann. tit. 33, § 1970(1).

Maryland

A person may not sell or issue a gift certificate (defined broadly to include gift cards at Md. Commercial Code Ann. §14- 1319(a)(1)) that, within four years after the date of purchase, is subject to expiration or a fee or charge of any kind. (Md. Commercial Code Ann. §14-1319(b)). Expiration dates and fees that take effect after four years must be disclosed in at least 10-point font in a visible place on the card, on a sticker permanently affixed to the card, or on an envelope that contains the card. (Md. Commercial Code Ann. §14-1319(c)). Gift certificates are exempted from Maryland's unclaimed property act. (Md. Commercial Code Ann. §17-101(m)).

Massachusetts

The expiration date of a gift certificate (defined broadly to generally include gift cards, see Mass. Gen. Laws Ann. Ch. 255D, §1) cannot be less than seven years after issuance and must be conspicuously displayed on the certificate/card along with the date of issuance of the card. (Mass. Gen. Laws Ann. Ch. 200A, §5D). A gift certificate not clearly marked with an expiration date or for which the expiration date is not otherwise made available as provided in this section shall be redeemable in perpetuity. (Mass. Gen. Laws Ann. Ch. 200A, §5D, as amended by Acts of 2008, Chapter 58). Whoever sells or offers to sell a gift certificate which imposes dormancy fees, latency fees, administrative fees, periodic fees, service fees or other fees that have the effect of reducing the total value amount for which the holder may redeem such gift certificate, shall be punished by a fine of not more than \$300 per violation. (Mass. Gen. Laws Ann. Ch. 266, §75D, as amended by Acts of 2008, Chapter 58). Whoever sells or offers to sell a gift certificate, which imposes any fees or charges including, but not limited to, purchase fees, activation fees, renewal fees or cancellation fees, shall provide to consumers notice of any such fees, in writing, on the gift certificate, on the packaging of the gift certificate, or on both. Failure to print such notice shall be punished by a fine of not more than \$300 per violation. (Mass. Gen. Laws Ann. Ch. 266, §75E, as amended by Acts of 2008, Chapter 58). Whoever redeems a gift certificate and deducts a gratuity there from, without the consent of the holder of the gift certificate shall be punished by a fine of not more than \$300 per violation. (Mass. Gen. Laws Ann. Ch. 266, §75F, as amended by Acts of 2008, Chapter 58). A purchaser or holder of a gift certificate that, by its terms, prohibits the purchaser or holder from adding value thereto and which has been redeemed for at least 90 per cent of its face value shall be entitled to make an election to receive the balance in cash or continue using the gift certificate. A purchaser or holder of a gift certificate which, by its terms, authorizes the purchaser or holder to add value thereto and which has been redeemed in part, such that the value remaining is \$5.00 or less, shall make an election to receive the balance in cash or continue using the gift certificate. (Mass. Gen. Laws Ann. Ch. 200A, §5D, as amended by Acts of 2008, Chapter 58). Gift certificates that have expired are not subject to escheat. (Mass. Gen. Laws Ann. Ch. 200A, §5D, as amended by Acts of 2008, Chapter 58). It would appear by implication that the normal three-year abandonment rule for intangible property wouldn't apply to outstanding and unexpired gift certificates (since the law exempts an expired card, after having remained outstanding and unescheated for seven years, from escheat).

Michigan

A person engaged in the retail sale of goods or services may not: 1) sell a gift certificate (defined broadly to include gift cards) that expires within a period of less than five years, 2) refuse to accept a gift certificate, except after an expiration date that is at least five years after the gift certificate's purchase date; 3) restrict the holder of a gift certificate from using it in a manner consistent with its terms and conditions; 4) alter terms or conditions of a gift certificate after it has been issued; 5) fail to disclose any terms and conditions that apply to a gift certificate; 6) refuse to accept a gift certificate (and apply the balance to a purchase) if its value is less than the purchase price; or 7) charge an inactivity fee or other service fee for the possession or use of a gift certificate. A gift certificate or gift card is be presumed abandoned if not used within five years after issuance or, if partially used, within five years of its most recent use. (Mich. Comp. Laws §567.235). The amount presumed abandoned is the price paid by the purchaser for the gift certificate. (Mich. Comp. Laws §567.235).

Minnesota

It is unlawful for any person or entity to sell a gift certificate (defined to generally include gift cards at Minn. Stat. §325G.53) that is subject to an expiration date or a service fee of any kind including, but not limited to, a service fee for dormancy. (Minn. Stat. §325G.53). Gift certificates and gift cards are specifically exempted from definition of intangible property subject to escheat. (Minn. Stat. §345.39).

Mississippi

We are unaware of any restrictions imposed by the state on expiration dates or dormancy or other fees on gift cards. Gift certificates unclaimed by the owner for five years are abandoned. (Miss. Code Ann. §89-12-14.) Although not 100% clear, it appears likely that a gift certificate expiring before abandonment would still escheat to the state. (See, e.g., Miss. Code Ann. §89-12-35.)

Missouri

We are unaware of any restrictions imposed by the state on expiration dates or dormancy or other fees on gift cards. Gift certificates escheat as intangible property if unclaimed for five years. (Mo. Rev. Stat. §§ 447.505(5), 447.535, 536) Gift certificates, credit memos and credit balances that are redeemable in merchandise only, shall be reportable at a rate equal to 60 percent of their respective face value (although the state treasurer will reimburse the owner the full face value). (Mo. Rev. Stat. §447.505(5)). It seems likely these provisions would apply to gift cards as well, although the terms "gift certificates", "credit memos" and "credit balances" are undefined. Missouri law appears unsettled regarding whether an expired gift certificate or gift card would escheat to the state.

Montana

A gift certificate (defined to include gift cards at Mont. Code Ann. §30-14-102) is valid until redemption and cannot expire or terminate. (Mont. Code Ann. §30-14-108(1)). A gift certificate may not be reduced in value by any fee, including a dormancy fee. (Mont. Code Ann. §30-14-108(3)). If the original value of the gift certificate was more than \$5 and the remaining value is less than \$5, and the possessor requests cash for the remainder, the issuer or seller shall redeem the gift certificate for cash. (Mont. Code Ann. §30-14-108(4)). A gift certificate is presumed abandoned three years after December 31 of the year in which the certificate was sold, but if redeemable in merchandise only, the amount abandoned is considered to be 60 percent of the certificate's face value. A gift certificate is not presumed abandoned if the gift certificate was sold by a person who in the past fiscal year sold no more than \$200,000 in gift certificates, which amount must be adjusted by November of each year by the "inflation factor" defined in Mont. Code Ann. §15-30-101 (defined as a number determined for each tax year by dividing the consumer price index for June of the tax year by the consumer price index for June 2005). The amount considered abandoned for a person who sells more than such triggering amount is the value of gift certificates greater than that trigger. (Mont. Code Ann. §70-9-803(g)). It appears likely that a gift certificate that expires before it is used still escheats to the state. (Mont. Code Ann. §70-9-819).

Nebraska

Any expiration date, and the amount, frequency and trigger for any dormancy or other fees assessed on a gift card, must be shown clearly and conspicuously on the card in a place visible to the purchaser prior to purchase. (Neb. Rev. Stat. §69-1305.03, as amended by 2008 L.B. 668). Nebraska exempts from escheat (a) any gift certificate or gift card issued after November 2, 2006, that is not assessed any fees and does not have an expiration date, and (b) any gift certificate or gift card issued prior to November 2, 2006, which contains an expiration date or is assessed a dormancy or other post-sale fee, and has not been redeemed, if the issuer's policy and practice as of July 1, 2006, is to waive all post-sale charges or fees and to honor such gift certificate or gift card, at no additional cost to the holder at full face value or the value remaining after any applicable purchases, expiration date notwithstanding, provided the issuer conspicuously posted a written notice of such policy and practice by July 1, 2006, in not smaller than 10-point type, at each site in all Nebraska locations at which the issuer distributes or redeems a gift certificate or gift card. (Neb. Rev. Stat. §69-1305.03, as amended by 2008 L.B. 668). A gift certificate or gift card which contains an expiration date or requires any type of post sale finance charge or fee and which is unredeemed for a period of three years from the date of issuance shall be presumed abandoned and subject to escheat. (Neb. Rev. Stat. §69-1305.03, as amended by 2008 L.B. 668). In the case of a gift certificate or gift card, the amount presumed abandoned is the face amount of the certificate or card

itself, less the total amount of any applicable purchases and fees. (Neb. Rev. Stat. §69-1305.03, as amended by 2008 L.B. 668).

Nevada

A “gift certificate” (defined to include gift cards at Nev. Rev. Stat. §598.0921(3)) may contain an expiration date only if either of the following is printed plainly on the front or back of the certificate in 10 point font and in a position readily visible to the buyer prior to purchase: (i) the expiration date of the certificate, or (ii) a toll-free telephone number accompanied by a statement setting forth that the buyer or holder of the gift certificate may call the telephone number to obtain the balance of the gift certificate and the expiration date of the gift certificate. (Nev. Rev. Stat. §598.0921(1)(a)). A gift certificate may contain a service fee only if each of the following is printed plainly on the front or back of the certificate in 10 point font and in a position readily visible to the buyer prior to purchase: (1) the amount of the service fee; (2) the event or events that will cause the service fee to be imposed; (3) the frequency with which the service fee will be imposed; and (4) if the service fee will be imposed on the basis of inactivity, the duration of inactivity, which must not be less than three continuous years of nonuse, that will cause the service fee to be imposed. (Nev. Rev. Stat. §598.0921(1)(b)). Regardless of the notice provided, (1) a service fee or a combination of service fees cannot exceed a total of \$1 per month; and (2) a service fee cannot commence or be imposed within the first 12 months after the issuance of the gift certificate. (Nev. Rev. Stat. §598.0921(1)(c)). Sixty percent of the unredeemed or uncharged value remaining on a gift certificate which is issued or sold in this state and which has an expiration date is presumed abandoned and subject to the provisions of the state’s unclaimed property law on the expiration date. (Nev. Rev. Stat. §120A.520). This rule (enacted in 2007), along with legislature’s simultaneous the removal of a provision specifying that gift certificates, whether expiring or not, were intangible property subject to escheatment after three years) at least implies that any gift certificates which do not have an expiration date are not subject to escheat. If a gift certificate is issued or sold in this state and the seller or issuer does not obtain and maintain in his records the name and address of the owner of the gift certificate, the address of the owner of the gift certificate shall be deemed to be the address of the office of the state treasurer in Carson City. (Nev. Rev. Stat. §120A.520).

New Hampshire

The term “gift certificate” is defined as “a written promise given in exchange for payment to provide the bearer, upon presentation, goods or services in a specified amount.” (N.H. Rev. Stat. Ann. 358-A: 1). Arguably, this definition doesn’t cover gift cards, and the following provisions (both restrictions on expiration dates and dormancy fees, and the exemption of gift certificates for \$100 and less from escheat) do not apply to gift cards. Gift certificates valued at \$100 or less may not have expiration dates. (N.H. Rev. Stat. Ann. §358-A: 2). Gift certificates may not have dormancy or service fees. (N.H. Rev. Stat. Ann. §358-A: 2). Gift certificates having a face value in excess of \$100 shall expire when escheated to the state as abandoned property pursuant to RSA 471-C. (N.H. Rev. Stat. Ann. §358-A: 2). Gift certificates of \$100 or less and store credits that were issued for store merchandise are not subject to escheat. N.H. Rev. Stat. Ann. §471-C: 16. Intangible property unclaimed by the owner for five years is abandoned. (N.H. Rev. Stat. Ann. §471-C: 2).

New Jersey

Passed on June 25, 2012, and signed into law on June 29, 2012, New Jersey Senate Bill 1928 (SB1928) amended New Jersey’s unclaimed property law and affects stored value cards generally. The law is effective immediately, although certain provisions (as noted below) contain delayed effective dates. Under the new law, expiration of the “funds” underlying any gift cards sold on or after December 1, 2012, is prohibited. However, the card itself (or other tangible medium through which funds underlying a card may be accessed) can contain an expiration date (requiring the card to be reissued or replaced before funds can be accessed), but only to the extent permitted by federal law. Gift cards sold before December 1, 2012, would be subject to the prior restriction prohibiting expiration of gift cards and their underlying funds within 24 months of the date of sale. As of December 1, 2012, no fees or charges may be imposed on a stored value card other than (1) an activation, issuance, purchase or similar fee that is related to the issuance and purchase of a card and for each occurrence of adding value to an existing card; and (2) a replacement card fee with respect to lost, stolen or damaged cards, provided that these fees are disclosed in writing prior to card issuance or are referenced in the card or its packaging. Prior to

December 1, 2012, (a) New Jersey prohibits dormancy or any other fees that reduce a gift card's value during the 24 months following the date of sale or within 24 months of the most recent activity or transaction using the gift card, and any dormancy fees cannot exceed \$2/month. (N.J. Rev. Stat. § 56:8-110(a)), and (b) all terms and conditions regarding expiration dates and dormancy fees must be disclosed to the buyer at the time of purchase by written notice of both (i) the expiration date and/or dormancy fees, and (ii) a telephone number which the consumer may call for information concerning any expiration date or dormancy fee, each written in at least 10 point font, on the gift card, or the sales receipt for the card, or the package for the card. (N.J. Rev. Stat. §56:8-110(b)).

A stored value card for which there has been no activity for five years is presumed abandoned for all cards issued on or after July 1, 2010. (For cards issued prior to that date, funds were presumed abandoned after two years pursuant to N.J. Rev. Stat. §46:30B-42.1. The proceeds of a stored value card presumed abandoned shall be 60 percent of the value of the card, in money, on the date the stored value card is presumed abandoned. These escheat/abandonment provisions do not apply to a stored value card issued by any issuer that in the past year sold stored value cards with a combined face value of \$250,000 or less. (N.J. Rev. Stat. §46:30B-42.1). For purposes of this calculation, sales of stored value cards by businesses that operate either (1) under the same trade name as or under common ownership or control with another business or businesses in the state, or (2) as franchised outlets of a parent business, shall be considered sales by a single issuer. (N.J. Rev. Stat. §46:30B-42.1). These escheat/abandonment provisions also do not apply to (a) a stored value card that is distributed by the issuer to a person under a promotional, incentive, rewards or customer loyalty program or a charitable program for which no monetary or other consideration has been tendered by the owner, (b) cards that are donated or sold below face value to a nonprofit or charitable organization or an educational organization, and (c) certain cards that are redeemable for event/venue admission and/or goods or services in conjunction with admission to such events/venues.

Effective July 1, 2016, stored value card issuers are required to obtain the name and address of the purchaser or owner of each stored value card issued or sold, and maintain at a minimum the purchaser or owner's ZIP code,

Beginning Sept. 1, 2012, if \$5 or less remains on a card after redemption, the merchant (or other entity redeeming the card) must refund the balance in cash at the card owner's request. In certain instances, cards that are donated or sold below face value to a nonprofit or charitable organization or an educational organization, and certain stored value cards that are redeemable for event/venue admission and/or goods or services in conjunction with admission to such events/venues are not subject to this cash redemption requirement.

New Mexico

A gift certificate (defined to generally include gift cards at N.M. Stat. Ann. §57-12-26(A)) shall not have an expiration date less than 60 months from the date of issuance. (N.M. Stat. Ann. §57-12-26(B)). If an expiration date is not conspicuously stated on a gift certificate, that gift certificate shall be presumed to have no expiration date and shall be valid until redeemed or replaced. (N.M. Stat. Ann. §57-12-26(B)). An issuer of a gift certificate shall not charge a fee of any kind in relation to the sale, redemption or replacement of a gift certificate other than an initial charge not exceeding the face value of the gift certificate, nor may a gift certificate be reduced in value by any fee, including a dormancy fee or service fee. (N.M. Stat. Ann. §57-12-26(C)). A gift certificate is presumed abandoned if unredeemed three years after December 31st of the year it was sold. If redeemable in merchandise only, amount abandoned is 60 percent of the certificate's face value. (N.M. Stat. Ann. §7-8A-1 et seq.) It is unclear how these provisions would apply to a gift card (e.g. whether abandonment would be measured from date of sale or last use, and whether the amount abandoned would be based on 60% of the current balance).

New York

"Gift certificates" are defined broadly to include gift cards. (N.Y. General Business Law §396-i(1)). The terms and conditions of a gift certificate, including the expiration date, whether any fees are assessed against the balance, and whether a fee will be charged for replacement of a lost, stolen or destroyed card, must be disclosed to the purchaser either (i) on a sign conspicuously posted or (ii) in an offer made by

mail, conspicuously stated in the offer, in each case along with the statement: "TERMS AND CONDITIONS ARE APPLIED TO GIFT CERTIFICATES/GIFT CARDS". (N.Y. General Business Law §396-i(2-a)). For purchases via electronic, computer, or telephonic means, the same statement shall be stated prior to the customer's purchase of the gift certificate or conspicuously written within the electronic message offering a gift certificate for purchase. (N.Y. General Business Law §396-i(2-a)). All advertisements or promotions for gift certificates shall include the same or a similar statement. (N.Y. General Business Law §396-i(2-a)). In addition to the foregoing, the terms and conditions of a gift certificate, including the expiration date, whether any fees are assessed against the balance, and whether a fee will be charged for replacement of a lost, stolen or destroyed certificate, shall be clearly and conspicuously stated on the gift certificate. These requirements don't apply to a gift certificate that has no terms and conditions. Additional terms and conditions including, but not be limited to, policies related to refunds, warranties, changes in terms and conditions, assignment and waiver shall be conspicuously printed: (a) on the gift certificate; or (b) on an envelope or packaging containing the gift certificate or an accompanying printed document, provided that a toll free telephone number to access the additional terms and conditions is printed on the gift certificate. (N.Y. General Business Law §396-i(3)). No retroactive fees may be assessed against a gift certificate. No monthly service fees or dormancy fees may be assessed against the balance of a gift certificate prior to the 13th month of dormancy. Gift certificates are considered abandoned and subject to escheat after five years. The face value of the certificate shall be the amount deemed abandoned, and owing to the state. N.Y. Abandoned Property Law §1315. A gift certificate that expires before it is used still escheats to the state. (N.Y. General Business Law §396-i(3-c))

North Carolina

The seller or issuer of a gift card (defined at N.C. Gen. Stat. §66-67.5) must conspicuously disclose any maintenance fee (defined as any inactivity fee, service fee, or other fee that the owner of the gift card is subject to when the card is redeemed) at the time of purchase. The disclosure must be visible on the gift card itself. (N.C. Gen. Stat. §66-67.5). No person, firm, or corporation engaged in commerce shall charge any maintenance fee on a gift card for one calendar year following the date of the purchase of the gift card. (N.C. Gen. Stat. §66-67.5). Any gift certificate or electronic gift card bearing an expiration date and remaining unredeemed or dormant for more than three years after the gift certificate or electronic gift card was sold is deemed abandoned. The amount abandoned is deemed to be 60 percent of the unredeemed portion of the face value of the gift certificate or the electronic gift card. (N.C. Gen. Stat. §116B-53(c)(8)). A gift certificate or electronic gift card is not abandoned property when the gift certificate or electronic gift card: (1) conspicuously states that the gift certificate or electronic gift card does not expire; (2) bears no expiration date; or (3) states that a date of expiration printed on the gift certificate or electronic gift card is not applicable in North Carolina. (N.C. Gen. Stat. §116B-54(b))

North Dakota

An expiration date on a gift certificate (defined to generally include gift cards at N.D. Cent. Code §51-29-01) must be more than six years after the date of purchase. (N.D. Cent. Code §51-29-02). The state prohibits dormancy fees, and any other fees that reduce a gift certificate's value. (N.D. Cent. Code §51-29-02). Gift certificates are no longer specifically included in the detailed list of intangible property subject to escheat, and presumably are not subject to escheat. (N.D. Cent. Code §47-30.1-01 et seq.).

Ohio

Gift cards (defined at Ohio Rev. Code Ann. §1349.61) may not have expiration dates that are less than two years from the date of issuance. Ohio Rev. Code Ann. §1349.61(A)(1). Dormancy or other fees that reduce the value of a gift card may not be imposed until at least two years from the date of issuance. (Ohio Rev. Code Ann. §1349.61(A)(2)). A gift card sold without an expiration date is valid until redeemed or replaced with new card. (Ohio Rev. Code Ann. §1349.61(B)). Gift cards are specifically exempted from unclaimed funds subject to escheat. (Ohio Rev. Code Ann. §169.01(B)(2)(d).)

Oklahoma

Oklahoma prohibits gift cards (defined at Okla. Stat. tit. 15, §796) from expiring before 60 months from the date of purchase. Okla. Stat. tit. 15, § 797. A gift certificate/card sold without an expiration date is valid until redeemed or replaced. (Okla. Stat. tit. 15, §797). Service fees are prohibited, unless (i) the

remaining value on the card/certificate is \$5 or less each time the fee is assessed; (ii) the fee does not exceed \$1 per month; (iii) there has been no activity for 24 consecutive months including, but not limited to, purchases, the adding of value, or balance inquiries; (iv) the holder may reload or add value to the card/ certificate; and (v) the fee is disclosed on the gift card where visible prior to purchase, in at least ten-point font stating the amount of the fee, how often the fee will occur, that the fee is triggered by inactivity of the gift card, and at what point the fee will be charged. (Okla. Stat. tit. 15, § 797). Any gift card must be redeemable in cash for its cash value, or subject to replacement with a new gift certificate at no cost to the purchaser or holder. (Okla. Stat. tit. 15, § 797). Gift certificates are not specifically included as property subject to escheat, but may escheat after five years as “credit memos”. (Okla. Stat. tit. 60, §651 et seq.).

Oregon

Except as provided below, a person may not sell a gift card (defined at Or. Rev. Stat. §646A.274) that has an expiration date. (Or. Rev. Stat. §646A.276). A person may only sell a gift card that has an expiration date if: (1) the gift card bears, in at least 10-point type, the words ‘EXPIRES ON’ or ‘EXPIRATION DATE’ followed by the date on which the card expires; (2) the person sells the gift card at a cost below the face value of the card; and (3) the gift card does not expire until at least 30 days after the date of sale. (Or. Rev. Stat. §646A.278). A person may not sell a gift card that has a face value that declines as a result of the passage of time or the lack of use of the card; or that has a fee related to the card, including, but not limited to, an inactivity fee, a maintenance fee or a service fee. (Or. Rev. Stat. §646A.276). Gift certificates are not specifically included in the list of property subject to escheat. (Or. Rev. Stat. §98.302(8)).

Pennsylvania

Gift certificates unredeemed for two years after expiration, or five years from the date of issuance if they contain no expiration date, are presumed abandoned and escheat to the state. (Pa. Stat. Ann. Tit. 72§1301.6(1)). However, the provisions of this clause do not apply to a “qualified gift certificate”, defined to include a gift card without any expiration date or dormancy fee or other post-sale fees (including a replacement card fee or activation fee). (Pa. Cons. Stat. tit. 72, §1301).

Rhode Island

Gift certificates (defined generally to include gift cards at R.I. Gen. Laws §6-13-12) cannot contain expiration dates or have any maintenance or service fees (including dormancy fees, etc.). (R.I. Gen. Laws §6-13- 12). Due to the unlimited redemption period, the division of taxation shall not escheat the funds paid for those unredeemed gift certificates. (R.I. Gen.Laws §6-13-12). Pursuant to § 6-13-12, gift certificates shall not be presumed to be abandoned. (R.I. Gen. Laws §33-21.1-1 et seq.)

South Carolina

Gift certificates (defined to include gift cards for the sale of goods or services at retail at S.C. Code Ann. §39-1-55(A)) cannot expire before the first anniversary of the date the certificate was sold or issued, unless the expiration date is disclosed on the front of the certificate in capital letters in at least 10-point font. (S.C. Code Ann. § 39-1-55(B)). Any condition that provides that the gift certificate decreases in value over a period of time or that any fee is charged against the balance after a certain period of time must be stated clearly on the certificate, the envelope, or covering of the certificate, or the receipt given to the purchaser of the certificate. (S.C. Code Ann. § 39-1-55(C)). Gift certificates are not specifically included in the detailed list of intangible property subject to escheat. (S.C. Code Ann. §27-18-10 et seq.)

South Dakota

A gift certificate (which term is not specifically defined) issued in the ordinary course of an issuer’s business that remains unclaimed by the owner for more than five years after becoming payable or distributable is presumed abandoned. The amount presumed abandoned is the price paid by the purchaser for the gift certificate. (S.D. Codified Laws Ann. §43-41B-15). A gift certificate that expires before it is used escheats to the state. (S.D. Codified Laws Ann. § 43-41B-30). The escheatment provisions of § 43-41B do NOT apply to reward cards or open-loop prepaid cards for which the underlying funds do not expire and the records of the underlying financial institution do not disclose the identity of the actual owner. (S.D. Codified Laws Ann. §43-41B-40). (NOTE: The clear implication of this provision

exempting certain specific “cards” is that gift cards generally would fall within the definition of gift certificate).

Tennessee

“Gift certificates” (a term which is not specifically defined in the code) may not contain an expiration date that is less than two years after issuance. (Tenn. Code Ann. §47-18-127). If sold without an expiration date, a gift certificate is valid until redeemed or replaced with a new card. (Tenn. Code Ann. §47-18-127). A fee may not be charged to issue a gift certificate. (Tenn. Code Ann. §47-18-127). Dormancy, latency and administrative fees may not be charged for at least two years after issuance. (Tenn. Code Ann. §47-18-127). It is unclear whether the term “gift certificate” would include gift cards, since the term is not defined in the code. A gift certificate issued in the ordinary course of an issuer’s business is presumed abandoned if it remains unclaimed by the owner upon the earlier of: (1) the expiration date of the certificate; or (2) two years from the date the certificate was issued. The amount presumed abandoned is the price paid by the purchaser for the gift certificate. If a gift certificate issued after December 31, 1996, is redeemable for merchandise only, then the amount presumed abandoned is 60 percent of the price paid by the purchaser for the certificate. A gift certificate issued after December 31, 1998, shall not be abandoned property and shall not be subject to this part if the issuer of the certificate does not impose a dormancy charge and the gift certificate: (1) conspicuously states that the gift certificate does not expire; (2) bears no expiration date; or (3) states that a date of expiration printed on the gift certificate is not applicable in Tennessee. (Tenn. Code Ann. § 66-29-135(c)). Property described above, without regard to any activity or inactivity within the past five years, shall also be presumed abandoned if the owner thereof is known to the holder to have died and left no one to take such property by will and no one to take such property by intestate succession. (Tenn. Code Ann. §66-29-135). Again, it seems likely but is unclear whether these provisions would apply directly to gift cards.

Texas

The expiration date of a “stored value card” (defined to specifically include gift cards at Tex. Business & Commerce Code §35.42) must be disclosed as specified. (Tex. Business & Commerce Code Ann. §35.42). Dormancy and similar fees are permitted if they are reasonable, not imposed until after one year after the card is issued or sold, and are conspicuously disclosed at the time the card is issued or sold. (Tex. Bus. & Com. Code Ann. § 35.42(e)). An expiration date and fees that may reduce the card’s value must be legibly printed on it. (Tex. Bus. & Com. Code Ann. § 35.42(f)). Generally, gift certificates escheat after three years. Tex. Prop. Code Ann. § 72.101(a). However, if the existence and location of the owner of a stored value card is unknown to the issuer, the stored value card is presumed abandoned to the extent of its unredeemed value on the earlier of (i) the card’s expiration date, (2) the third anniversary of the date the card was issued, if the card is not used after it is issued, or the date the card was last used or value was last added to the card; or (3) the first anniversary of the date the card was issued, if the card is not used after it is issued. If the person who sells or issues a stored value card in this state does not obtain the name and address of the apparent owner of the card and maintain a record of the owner’s name and address and the identification number of the card, the address of the apparent owner is considered to be the Austin, Texas, address of the comptroller. (Tex. Property Code Ann. § 72.1016(b)).

Utah

It is a violation of the Utah Consumer Sales Practices Act to issue “a gift certificate, instrument or other record in exchange for payment to provide the bearer, upon presentation, goods or services in a specified amount” without printing in a readable manner on the gift certificate, instrument, packaging, or record any expiration date or information concerning a fee to be charged and deducted from the balance of the gift certificate, instrument, or other record. (Utah Code Ann. §13-11-4(2)(v)). In addition, such a gift certificate, instrument, or other record that does not print an expiration date does not expire. (Utah Code Ann. §13-11-4(4)(a)). A gift certificate, instrument, or other record that does not include printed information concerning a fee to be charged and deducted from the balance of the gift certificate, instrument, or other record is not subject to the charging and deduction of the fee. (Utah Code Ann. §13-11- 4(4)(b)). Gift certificates and gift cards are not considered abandoned property and not subject to escheatment under the Utah Unclaimed Property Act. **Utah Code Ann. §67-4a-211.**

Vermont

A “gift certificate” (defined to generally include gift cards at Vt. Stat. Ann. tit. 8, §2701) sold or offered to be sold shall be valid and not expire for at least three years after its date of issuance. (Vt. Stat. Ann. tit. 8, §2702). A gift certificate not clearly marked with an expiration date or for which the expiration date is not otherwise made available as provided in this section shall be deemed to have no expiration date. (Vt. Stat. Ann. tit. 8, §2702). Dormancy fees, latency fees, issuance fees, redemption fees, or any other administrative fees or service charges in connection with a gift certificate are prohibited. (Vt. Stat. Ann. tit. 8, §2703). If the remaining value on a gift certificate is less than \$1.00, the certificate or card is redeemable in cash upon demand. (Vt. Stat. Ann. tit. 8, § 2704). At the holder’s request, the issuer must provide the amount of the unused balance left on the card and its expiration date. (Vt. Stat. Ann. tit. 8, § 2705). Gift certificates are not specifically included in the list of intangible property subject to escheat. (Vt. Stat. Ann. tit. 27, §1208 et seq.).

Virginia

Each gift certificate (defined to generally include gift cards at Va. Code §59.1-530) issued by a merchant in Virginia that has an expiration date shall include either (i) a statement of the expiration date of the certificate or (ii) a telephone number or Internet address where the holder of the certificate may obtain information regarding the expiration date of the certificate. (Va. Code §59.1-531). Each gift certificate issued by a merchant in the Commonwealth that diminishes in value over time shall include a telephone number or Internet address where the holder of the certificate may obtain information regarding the diminution in the value of the certificate over time. (Va. Code §59.1-531). A gift certificate or credit balance issued in the ordinary course of the issuer’s business that has remained unclaimed by the owner for more than five years after becoming payable is presumed abandoned, unless redeemable in merchandise, in services, or through future purchases. (Va. Code §55-210.8:1)

Washington

A gift certificate (defined to include gift cards at Wash. Rev. Code §19.240.010) may not have an expiration date (with certain very limited exceptions). (Wash. Rev. Code §19.240.020(1)(a) and §19.240.030). A dormancy or inactivity fee may be assessed only if: (1) the remaining value of the gift card is \$5 or less each time the charge is assessed; (2) the charge does not exceed \$1 per month; (3) the charge can only be assessed when there has been no activity on the gift card for 24 consecutive months, including but not limited to, purchases, the adding of value, or balance inquiries; (4) the bearer may reload or add value to the gift card; (5) the card contains a statement in at least 6-point type stating the amount and frequency of the fee, that the fee is triggered by inactivity, and at what point the fee will be charged; and (6) after a dormancy or inactivity charge is assessed, the remaining value of the gift card is redeemable in cash on demand. (Wash. Rev. Code §19.240.040). Gift certificates that comply with the foregoing are no longer subject to escheat, including those that may contain expiration dates and dormancy fees as specifically permitted by Wash. Rev. Code §§ 19.240.030 through 19.240.060. (Wash. Rev. Code § 63.29.020(6)). Otherwise, gift certificates issued in the ordinary course of business escheat after three years. (Wash. Rev. Code § 63.29.140). The amount presumed abandoned is the price paid by the purchaser for the gift certificate. (Wash. Rev. Code §63.29.140).

West Virginia

Gift certificates are generally considered abandoned three years after December 31st of the year in which the certificate was sold, but if redeemable in merchandise only, the amount abandoned is deemed to be 60 percent of the certificate’s face value. (W. Va. Code §36-8-2(a)(7)). Because the term “gift certificate” is undefined, it is not clear whether this would apply to gift cards as well.

Wisconsin

Gift certificates are not specifically included in the definition of property subject to escheat. (Wis. Stat. §177.01 et seq.). Because gift certificates were previously specifically included in the definition, and were subsequently removed from the list by the legislature, it seems likely that they are no longer subject to escheat. However, it is not clear whether the term “gift certificates” would include gift cards, since neither term is defined

Wyoming

“Gift certificates and credit memos” are specifically included in the definition of intangible property subject to escheat. (Wyo. Stat. §34-24-102). A gift certificate or credit memo in an amount greater than \$100 that remains unredeemed for more than three years after issuance deemed abandoned. (Wyo. Stat. §34-24-114). The amount deemed abandoned is the price paid for the certificate or shown on the credit memo. (Wyo. Stat. §34-24-114). This seems to imply that gift certificates under \$100 are not subject to escheat. Because neither gift certificate nor credit memo are defined it is not entirely clear whether these provisions apply to gift cards.