



## **State Gift Card Consumer Protection Laws\***

*The following is a summary of state gift card laws.*

*The Credit CARD Act of 2009 prohibits gift cards (store issued or bank issued "gift cards") from expiring before 5 years from the date of purchase or when money was last loaded onto a card, and prohibits fees for the first 12 months. These consumer protections will go into effect next summer. Stronger state laws will remain valid.*

### **Arkansas:**

- No expiration date within the first two years.
- No fees for two years. Any fees after two year period must be printed clearly on front or back of card in at least 10 point font.
- Covers gift cards useable at single store or chain.
- Does not cover cards linked to bank accounts usable with multiple unaffiliated merchants or prepaid calling cards.

### **California:**

- No expiration dates and no fees, with one exception.
- Permits a \$1 per month fee only when the card has a balance of \$5 or less, the card has been unused for 24 months, and the card is reloadable.
- Covers gift cards at a single store or chain. Multiple-use gift cards are not covered.
- Any card with a cash value of \$10 or less may be redeemed for cash.

### **Connecticut:**

- No expiration dates.
- No fees.

### **Florida:**

- No expiration dates.
- No fees.
- Does not cover cards linked to bank accounts usable with multiple unaffiliated merchants.

### **Hawaii:**

- No expiration for two years.
- No fees.
- Covers any electronic card with a banked dollar value.

### **Illinois:**

- No expiration date for five years.
- No post-purchase fees.
- Does not include cards usable with multiple merchants.

**Iowa:**

- No fees unless there is a contract.

**Kansas:**

- No expiration for five years.
- No fees for one year.
- Does not cover prepaid bank cards.

**Kentucky:**

- No expiration within first year.
- No fees.
- Does not include prepaid calling cards or cards linked to bank accounts usable with multiple unaffiliated merchants or ATMs.

**Louisiana:**

- No expiration dates for five years. Any expiration date must be provided in at least 10 point font on the card in capital letters.
- No service fees, except for a one-time handling fee of \$1.
- Covers cards issued to be redeemed in goods or services provided by the card seller.

**Maine:**

- No expiration dates.
- No fees except for transaction fee for initial issuance or for adding value to existing card which must be disclosed in separate writing before purchase.
- Does not cover prefunded bank cards.
- Cards with an initial value of \$5 or less; or rewards or refund cards with \$5 or less after redemption may be redeemed in cash.

**Maryland:**

- No expiration dates for four years.
- No fees for four years.
- Any terms and conditions must be printed clearly in 10 point type on the card, on a sticker affixed to the card or in an envelope containing the card.
- Does not cover prepaid calling cards or prepaid bank cards.

**Massachusetts:**

- No expiration dates for 7 years.
- Unreloadable cards redeemed for 90% of the value may obtain the remainder in cash.
- Cards with a \$5 or less remaining value may be redeemed for cash.
- Does not include prepaid calling cards or any electronic cards usable with multiple unaffiliated merchants.

**Michigan:**

- No expiration dates for five years.
- No fees except for initial purchase fee.
- Does not include prepaid calling cards or prepaid bank cards usable at multiple unaffiliated retailers or ATMs.

**Minnesota:**

- No expiration dates.
- No fees.
- Does not include debit cards or other legal access devices used to access a deposit account, prepaid calling cards, cards linked to bank accounts usable with multiple unaffiliated merchants.

**Montana:**

- No expiration dates.
- No fees.
- If original value of gift card was more than \$5, and remaining value is less than \$5, can redeem for cash.
- Does not cover prepaid telecommunications or technology cards or gift certificates usable with multiple sellers.

**Nevada:**

- Expiration or fees allowed only if properly disclosed.
- No fees within first year and no fees that exceed \$1 per month. No dormancy fees before 3 continuous years of nonuse.
- Covers only single retailers.
- Does not cover prepaid telecommunications or technology cards.

**New Hampshire:**

- No expiration for cards of \$100 or less; for cards of \$100 or more, expiration date when escheated to state (considered abandoned under state law).
- No fees.
- No fees.

**New Jersey:**

- No expiration for two years.
- No dormancy fee for two years from date of sale or two years from most recent activity or transaction and cannot be more than \$2.
- Expiration date and/or dormancy fee must be printed on card, package or sales receipt and include a toll free number to call for information.
- Does not include prepaid calling or technology card, or prepaid bank cards.

**New Mexico:**

- No expiration for five years.
- No fees except for initial charge.
- Covers cards with single retailer or affiliated merchants.
- Does not cover prepaid calling cards or cards associated with a deposit, checking, savings or similar account at a bank for debiting such account.

**New York:**

- Expiration or fees, or other terms and conditions to be clearly and conspicuously stated on the card, package, or accompanying printed document with toll free number.
- No dormancy fee before 13<sup>th</sup> month of inactivity.
- Covers cards with single retailer or affiliated merchants.
- Does not cover prepaid calling cards, flexible spending cards, and cards linked to bank accounts

**North Carolina:**

- Fees to be conspicuously disclosed on card at time of purchase.
- No fees for first year.
- Covers prepaid calling cards.
- Does not cover bank cards usable at multiple unaffiliated merchants.

**North Dakota:**

- No expiration for six years.
- No fees.
- Covers prepaid calling cards.
- Does not cover cards useable at multiple, unaffiliated merchants or cards linked to bank accounts.

**Ohio:**

- No expiration for two years
- No fees for two years.
- Does not cover prepaid calling cards or cards usable with multiple unaffiliated merchants.

**Oklahoma:**

- No expiration and no fees for five years, with one exception.
- Permits a \$1 per month fee only when the card has a balance of \$5 or less, the card has been unused for 24 months, the card is reloadable and the fee is properly disclosed.
- Covers cards with single retailer or affiliated merchants.
- Does not cover prepaid calling cards or any prepaid service.

**Oregon:**

- No expiration dates.
- No fees with one exception—if card is sold below face value and does not expire until 30 days after the date of sale and card has printed “expires on” or “expiration date” with the date of expiration.
- Does not include prepaid calling cards, prepaid commercial mobile radio services, or cards usable with multiple merchants.

**Rhode Island:**

- No expiration dates.
- No fees.
- Covers prepaid long distance telephone service cards.
- Does not cover prepaid wireless telephone service cards.

**Tennessee:**

- No expiration dates for two years.
- No fees for two years.
- Does not cover prepaid calling cards or cards usable with multiple, unaffiliated merchants.

**Texas:**

- No dormancy fees for first year.
- Expiration or fees and other terms must be clearly and conspicuously disclosed at time of purchase. The expiration date and fees must be legibly printed on the card.
- Does not cover prepaid calling cards or stored value cards issued by a federally insured financial institution.

**Utah:**

- No expiration date if not printed or information is not included.
- No fees if not printed or information is not included.
- Expiration and fees must be printed in readable manner on instrument, packaging or record.

**Vermont:**

- No expiration for three years.
- No fees, except a licensed money transmitter, financial institution or credit union may charge a one-time issuance fee of either \$10 or 10%, whichever is smaller.
- If remaining value is \$1.00 or less, may redeem remainder for cash.
- Consumer may redeem unused portion after expiration date if requested.
- Does not cover access device such as a debit card or other access means to a consumer's account regularly maintained at a bank to access funds or to initiate an electronic funds transfer from the account.

**Washington:**

- Permits a \$1 per month fee only when the card has a balance of \$5 or less, the card has been unused for 24 months, the card is reloadable, and is disclosed on card in at least 6 point font.
- Covers gift cards at a single store or chain.
- Does not cover multiple-use gift cards, or cards usable with multiple unaffiliated merchants.

## **Disclosures Only:**

### **Arizona:**

- Expiration and fees allowed only if they are made clearly visible to consumer before purchase.
- Covers all cards except prepaid calling cards, debit cards linked to bank accounts or electronic funds transfer cards.

### **Georgia:**

- Expiration and fees allowed only if they are conspicuously printed on the card or have a sticker affixed to the card at the time of purchase.
- Covers general use gift cards, gift certificates or store gift cards.

### **Nebraska:**

- Expiration or fees allowed only when statement appears on front or back of card or in location visible to purchaser at the time of purchase.

### **South Carolina:**

- No expiration dates for first year, unless expiration date is on front of card in capitalized letters in 10 point font.
- Fees permitted but must be disclosed on certificate, envelope, covering or receipt.

### **Virginia:**

- Expiration or fees must be clearly and permanently imprinted on card with a telephone number or Internet address to obtain information.

*\*This is a summary of key features of many state gift card laws. Consumers Union does not give legal advice. Please consult the laws of your state for more information.*

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