
A BILL FOR AN ACT

RELATING TO GIFT CERTIFICATES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 481B-13, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "**§481B-13 Gift certificates.** (a) Any restaurant or
4 person engaged in the business of offering services or goods for
5 sale at retail may allow customers to purchase gift
6 certificates; provided that the certificate issuer shall honor
7 the certificate for a period of at least two years from the date
8 of issuance. A certificate issuer shall not charge a service
9 fee, including but not limited to a service fee for dormancy or
10 inactivity.
11 (b) The date of issuance and the expiration date shall be
12 clearly identified on the face of the gift certificate, or, if
13 an electronic card with a banked dollar value, clearly printed
14 upon a sales receipt transferred to the purchaser of the
15 electronic card upon the completed transaction. The expiration
16 date shall be not less than two years after the date of
17 issuance. If the gift certificate does not have an expiration
18 date, it shall be valid in perpetuity.



1 (c) [~~Gift certificates that are~~] This section shall not
2 apply to:

3 (1) Gift certificates that are issued as part of an
4 awards, loyalty, incentive, rebate, or promotional
5 program, or to a not-for-profit charity organization,
6 where no money or anything of value is given to the
7 issuer by the consumer in exchange for the gift
8 certificate[~~, are exempt from this section~~]; provided
9 that the expiration date, if any, appears on the gift
10 certificate or accompanying printed receipt[-];

11 (2) A debit card or other legal device used to access a
12 deposit account and that is subject to the Electronic
13 Fund Transfer Act (15 U.S.C. Section 1693 et seq.);

14 (3) A payroll card issued by an employer to an employee;

15 (4) A prepaid calling card used to make wireline and
16 wireless calls;

17 (5) An insurance claim card used to pay an insurance
18 claim;

19 (6) A government benefit card, including a gift
20 certificate used to pay government benefits to a
21 person;

22 (7) A transportation card;



- 1 (8) An electronic travel card; or
- 2 (9) A meal card used to purchase any food or beverage at a
- 3 restaurant or cafeteria, including restaurants or
- 4 cafeterias located at a school as defined in section
- 5 302A-901, or a college or university.

6 (d) Any violation of this section shall constitute an
7 unfair and deceptive act or practice in the conduct of trade or
8 commerce within the meaning of section 480-2.

9 (e) As used in this section, unless the context requires
10 otherwise:

11 "Certificate issuer" or "issuer" means a restaurant or a
12 person engaged in the business of offering services or goods for
13 sale at retail who sells gift certificates to customers.

14 "Gift certificate" or "certificate" includes any electronic
15 card with a banked dollar value where the issuer has received
16 payment for the full banked dollar value for the future purchase
17 or delivery of goods or services, any certificate where the
18 issuer has received payment for the full face value of the
19 certificate for future purchases or delivery of goods or
20 services, and any other medium that evidences the giving of
21 consideration in exchange for the right to redeem the



1 certificate, electronic card, or other medium for goods, food,
2 or services of at least an equal value."

3 SECTION 2. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 3. This Act shall take effect on July 1, 2050.



Report Title:

Gift cards; Gift certificates

Description:

Clarifies exemptions to the law governing gift certificates.
(HB2591 HD1)

