

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

157P0567

HOUSE BILL NO. 1258

Introduced by: Representatives Gassman, Ahlers, Bradford, Brunner, Burg, Carson, DeVries, Elliott, Engels, Feinstein, Gosch, Halverson, Hills, Hunt, Jerke, Kirkeby, Koistinen, Lucas, Moore, Nelson, Noem, Nygaard, Olson (Betty), Olson (Ryan), Pederson (Gordon), Rausch, Rounds, Sigdestad, Steele, Thompson, and Van Etten and Senators Bartling, Abdallah, Albers, Garnos, Greenfield, Hanson (Gary), Jerstad, Katus, Maher, McCracken, McNenny, Peterson (Jim), Smidt (Orville), Sutton, and Turbak Berry

1 FOR AN ACT ENTITLED, An Act to require that certain gift certificates conspicuously
2 disclose information regarding fees and expiration dates.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. For the purposes of this Act, a gift certificate is a tangible record evidencing a
5 promise, made for consideration, by the seller or issuer of the record that goods or services will
6 be provided to the owner of the record to the value shown in the record and includes a gift card,
7 stored-value card, store card, or a similar record or card that contains a microprocessor chip,
8 magnetic stripe, or other means for the storage of information, and for which the value is
9 decreased upon each use.

10 Section 2. Any gift certificate subject to a fee shall contain a statement clearly and
11 conspicuously printed on the gift certificate or on a separate form stating there is a fee, the
12 amount of the fee, how often the fee will occur, how the fee is triggered, and when the fee will



1 be assessed. If the statement is on the gift certificate, the statement shall appear on the front in
2 a location that is visible to a purchaser prior to the purchase.

3 Section 3. Any gift certificate subject to an expiration date shall contain a statement clearly
4 and conspicuously printed on the gift certificate or on a separate form stating the expiration date.
5 If the statement is on the gift certificate, the statement shall appear on the front in a location that
6 is visible to a purchaser prior to the purchase.