

**HOUSE BILL NO. 310**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FOURTH LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVES GARDNER, Weyhrauch**

**Introduced: 5/10/05**

**Referred: Labor and Commerce, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to gift or credit certificates and making violations of certain gift or**  
2 **credit certificate requirements unlawful trade practices; and relating to unclaimed**  
3 **property."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 **\* Section 1.** AS 34.45.240 is amended by adding a new subsection to read:

6 (c) This section does not apply to a gift or credit certificate that is subject to  
7 AS 45.45.940 and is issued on or after the effective date of this Act.

8 **\* Sec. 2.** AS 45.45 is amended by adding a new section to read:

9 **Sec. 45.45.940. Gift and credit certificates.** (a) A gift or credit certificate is  
10 valid for the purchase of the goods or services to which the gift or credit certificate  
11 applies, regardless of whether the gift or credit certificate has expired under an  
12 expiration date established for the gift or credit certificate.

13 (b) A person to whom a gift or credit certificate is tendered as payment for the  
14 purchase of goods or services shall apply the gift or credit certificate towards the

1 purchase of goods or services to which the gift or credit certificate applies even if the  
 2 gift or credit certificate has expired under an expiration date established for the gift or  
 3 credit certificate.

4 (c) A person may not deduct or impose a fee before or when a gift or credit  
 5 certificate is applied as payment to the purchase of goods or services.

6 (d) This section does not apply to a gift or credit certificate that

7 (1) is distributed by the issuer of the gift or credit certificate under an  
 8 awards, loyalty, or promotional program if the recipient does not give the issuer  
 9 money or another thing of value in exchange for the gift or credit certificate;

10 (2) is sold at a price that is less than the value of the gift or credit  
 11 certificate indicated on the face of the gift or credit certificate;

12 (3) is donated to a nonprofit organization or a charitable organization  
 13 for fundraising purposes; or

14 (4) can be used to purchase goods or services from more than one  
 15 seller of goods or services.

16 (e) In this section,

17 (1) "device" includes a certificate and an electronic card with a banked  
 18 dollar value;

19 (2) "gift or credit certificate" means

20 (A) a device that

21 (i) is identified on the device as a gift certificate, gift  
 22 card, credit certificate, or credit memo;

23 (ii) is purchased with cash or another thing of value;

24 (iii) is not redeemable in cash; and

25 (iv) can be used to the extent of the amount written on  
 26 the face of the device in place of cash to obtain goods or services  
 27 supplied by the person selling the gift or credit certificate.

28 \* **Sec. 3.** AS 45.50.471(b) is amended by adding a new paragraph to read:

29 (51) violating AS 45.45.940 (gift and credit certificates).

30 \* **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to  
 31 read:

1           APPLICABILITY.   AS 45.45.940, enacted by sec. 2 of this Act, and  
2 AS 45.50.471(b)(51), enacted by sec. 3 of this Act, do not apply to a gift or credit certificate  
3 that is issued before the effective date of this Act. In this section, "gift or credit certificate"  
4 has the meaning given in AS 45.45.940.