

I MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 70-32 (COR)

Introduced by:

V. Anthony Ada 

**AN ACT TO ADD A NEW ARTICLE 8 TO CHAPTER 32 OF
5GCA RELATIVE TO GIFT CARDS AND GIFT
CERTIFICATES.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Article 8 is added to Chapter 32 of 5GCA to read as follows:

Article 8

Gift Cards and Gift Certificates

§32801. Applicability of Federal Law. TITLE IV of the *Credit Card Accountability Responsibility And Disclosure Act Of 2009* as enacted by Public Law 111-24 and as further amended, is applicable to Gift Certificates and Gift Cards sold by merchants doing business on Guam. Such federal law is in addition to provisions of law enacted by this Article.

§32802. Applicability of Federal Regulations. §205 of Title 12 of the Code of Federal Regulations (12 CFR 205) is applicable to Gift Certificates and Gift Cards sold by merchants doing business on Guam.

§32803. Definitions.

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1 *"Gift Card/ Gift Certificate/ Store Gift Card"* are defined by 12 CFR 205.

2 *"Paper Gift Card/ Gift Certificate/ Store Gift Card"* means any Gift Card/Gift
3 Certificate/ Store Gift Card or similar instrument that is issued in printed form only
4 and issued in exchange for monetary consideration when the certificate, card, or
5 similar instrument is redeemable for merchandise, food, or services regardless of
6 whether any cash may be paid to the owner of the certificate, card, or instrument as
7 part of the redemption transaction.

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9 *"Electronic Gift Card/ Gift Certificate/ Store Gift Card"* are defined by 12 CFR
10 205.

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12 **§32803. Provisions relating to Paper Gift Cards/ Gift Certificates/ Store Gift**
13 **Cards.** A *Paper Gift Card/ Gift Certificate/ Store Gift Card* shall be valid for a
14 period of not less than five (5) years following the date of issue. Any *Paper Gift*
15 *Card/ Gift Certificate/ Store Gift Card* without a date of issue or where the date of
16 issue is not clearly marked shall not have an expiration date.

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18 **§32804. Provisions relating to Electronic Gift Cards/ Gift Certificates/ Store**
19 **Gift Cards.** An *electronic Gift Card/ Gift Certificate/ Store Gift Card* shall not
20 have an expiration date if the buyer of the electronic gift card does not receive a
21 printed sales receipt with both the issuance date and expiration date clearly marked
22 on it OR, the buyer or holder of the electronic gift card does not have both the
23 issuance date and the expiration date available through an Internet site OR through
24 a toll-free information telephone line.

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1 **§32805. Telephone Cards exempted.** This Article shall not apply to prepaid
2 telephone or mobile commercial radio service as provided for by the *Credit Card*
3 *Accountability Responsibility And Disclosure Act Of 2009 as amended.*

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5 **§32806. Severability.** If any provision of this Act or its application to any person
6 or circumstance is found to be invalid or contrary to law, such invalidity *shall* not
7 affect other provisions or application of this Act which can be given effect without
8 the invalid provisions or application, and to this end the provisions of this Act are
9 severable.

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11 **§32807. Effective Date.** The effective date of this Act shall be the effective date
12 of *Credit Card Accountability Responsibility And Disclosure Act Of 2009 as*
13 *amended.*

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