

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 895

Short Title: Gift Certificates–Escheat.

(Public)

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Sponsors: Senator Soles.

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Referred to: Finance.

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April 14, 1999

A BILL TO BE ENTITLED

1 AN ACT TO SUBJECT GIFT CERTIFICATES AND ELECTRONIC GIFT CARDS  
2 BEARING AN EXPIRATION DATE TO THE UNCLAIMED PROPERTY LAWS  
3 OF NORTH CAROLINA AND TO EXEMPT GIFT CERTIFICATES AND  
4 ELECTRONIC GIFT CARDS WHICH ARE PERPETUALLY REDEEMABLE  
5 FROM THE UNCLAIMED PROPERTY LAWS OF NORTH CAROLINA.  
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7 The General Assembly of North Carolina enacts:

8 Section 1. Chapter 116B of the General Statutes is amended by adding a new  
9 section to read:

10 "**§ 116B-24. Gift certificates.**

11 (a) Any gift certificate or electronic gift card bearing an expiration date and  
12 remaining unredeemed or dormant for more than three years after issuance is deemed  
13 abandoned. The amount abandoned is deemed to be sixty percent (60%) of the gift  
14 certificate's face value or the electronic gift card's face value.

15 (b) A gift certificate or electronic gift card is not unclaimed or abandoned property  
16 when any of the following apply:

17 (1) Conspicuously states that the gift certificate or electronic gift card does  
18 not expire.

19 (2) Bears no expiration date.

- 1           (3)    States that a date of expiration printed on a gift certificate or electronic  
2           gift card is not applicable in North Carolina.
- 3           (4)    The issuer is regulated by a federal agency.
- 4       (c)    The amount of a gift certificate or electronic gift card deemed abandoned is  
5       subject to the custody of this State in any of the following circumstances:
- 6           (1)    The records of the issuer show that the last known address of the  
7           purchaser or recipient of the gift certificate in this State.
- 8           (2)    The records of the issuer do not show the address of the purchaser or  
9           recipient, but do show that the certificate or memo was issued in this  
10          State.
- 11          (3)    The records of the issuer do not show the address of the purchaser or of  
12          the recipient and do not show where the certificate was issued, but the  
13          issuer is a domiciliary of this State.
- 14          (4)    The records of the issuer show that the address of the purchaser or  
15          recipient, or if none, the state where the certificate was issued, is a state  
16          whose escheat or unclaimed property law does not provide for the  
17          escheat or custodial taking of gift certificates, and the issuer is a  
18          domiciliary of this State."
- 19       Section 2. This act is effective when it becomes law.