

Committee Report

Edited

CONSENT CALENDAR

February 16, 2017

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Commerce and Consumer Affairs to
which was referred HB 473,**

**AN ACT relative to the sale of gift certificates. Having
considered the same, report the same with the following
amendment, and the recommendation that the bill
OUGHT TO PASS WITH AMENDMENT.**

Rep. Kermit Williams

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Commerce and Consumer Affairs
Bill Number:	HB 473
Title:	relative to the sale of gift certificates.
Date:	February 16, 2017
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2017-0310h

STATEMENT OF INTENT

This bill makes modifications to a provision in the Consumer Protection Act, which prohibits issuing gift certificates with expiration dates. The bill raises the amount where a gift certificate must eventually be escheated to the state as abandoned property from \$100 to \$250. Gift certificates under that value never expire, and remain the responsibility of the retailer. The bill also changes the definition of a gift certificate from a written document to a broader promise for goods and services in exchange for payment. This covers 21st century gift options, which are often electronic cards or even just an online number on a website. The committee believes that prepaid calling cards, which were discussed during debate on the bill, are the purchase of a product, not a stored value for a future purchase, and therefore are not a gift certificate, so an exemption for them is unnecessary. The amendment changes the date for the modification of the abandoned property process to match the effective date of this legislation.

Vote 20-0.

Rep. Kermit Williams
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Commerce and Consumer Affairs

HB 473, relative to the sale of gift certificates. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill makes modifications to a provision in the Consumer Protection Act, which prohibits issuing gift certificates with expiration dates. The bill raises the amount where a gift certificate must eventually be escheated to the state as abandoned property from \$100 to \$250. Gift certificates under that value never expire, and remain the responsibility of the retailer. The bill also changes the definition of a gift certificate from a written document to a broader promise for goods and services in exchange for payment. This covers 21st Century gift options, which are often electronic cards or even just an online number on a web site. The committee believes that prepaid calling cards, which were discussed during debate on the bill, are the purchase of a product, not a stored value for a future purchase, and therefore are not a gift certificate, so an exemption for them is unnecessary. The amendment changes the date for the modification of the abandoned property process to match the effective date of this legislation.

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CONSENT CALENDAR

February 16, 2017

HOUSE OF REPRESENTATIVES

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Vote 20-0.

Rep. Kermit Williams
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Commerce and Consumer Affairs

HB 473, relative to the sale of gift certificates. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kermit Williams for Commerce and Consumer Affairs. This bill makes modifications to a provision in the Consumer Protection Act, which prohibits issuing gift certificates with expiration dates. The bill raises the amount where a gift certificate must eventually be escheated to the state as abandoned property from \$100 to \$250. Gift certificates under that value never expire, and remain the responsibility of the retailer. The bill also changes the definition of a gift certificate from a written document to a broader promise for goods and services in exchange for payment. This covers 21st Century gift options, which are often electronic cards or even just an online number on a web site. The committee believes that prepaid calling cards, which were discussed during debate on the bill, are the purchase of a product, not a stored value for a future purchase, and therefore are not a gift certificate, so an exemption for them is unnecessary. The amendment changes the date for the modification of the abandoned property process to match the effective date of this legislation.

Vote 20-0.

Original: House Clerk

Cc: Committee Bill File

HB 473, relative to the sale of gift certificates. Ought to Pass with Amendment.

Rep. Kermit Williams for Commerce. This bill makes modifications to the Consumer Protection Act, which prohibits issuing gift certificates with expiration dates. The bill raises the amount where a gift certificate must eventually be escheated to the state as abandoned property from \$100 to \$250. Gift certificates under that value never expire, and remain the responsibility of the retailer. The bill also changes the definition of a gift certificate from written document to a broader promise for goods and services in exchange for payment. This covers 21st Century gift options, which are often electronic cards or even just an online number on a website. The committee believes that prepaid calling cards, which were discussed during debate on the bill, are the purchase of a product, not a stored value for a future purchase, and therefore are not a gift certificate, so an exemption for them is unnecessary. The amendment changes the date where the bill would modify the abandoned property process to match the effective date of this legislation.



Copy/Email

Rep. Sanborn, Hills. 41
February 6, 2017
2017-0310h
05/04

Amendment to HB 473

1 Amend the bill by replacing section 3 with the following:

2

3 3 Custody and Escheat of Unclaimed and Abandoned Property; Gift Certificates and Store
4 Credits. Amend RSA 471-C:16 to read as follows:

5 471-C:16 Gift Certificates and Store Credits. Notwithstanding any law to the contrary, gift
6 certificates of [~~\$100~~] **\$250** or less, and store credits that were issued for store merchandise credit,
7 regardless of when issued, shall not be property presumed abandoned and shall not be subject to
8 RSA 471-C or any other past or present law. All gift certificates and store credits remitted to the
9 state prior to January 1, [~~1998~~] **2018**, and gift certificates and store credits that are properly
10 determined to be reportable in any compliance audits initiated prior to January 1, [~~1998~~] **2018** and
11 subsequently remitted, shall remain in the custody of the state unless and until returned to the
12 owner. This section shall not apply to season passes or coupons that are nonrefundable and
13 nonredeemable.

Voting Sheets

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 473

BILL TITLE: relative to the sale of gift certificates.

DATE: February 8, 2017

LOB ROOM: 302

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Williams Seconded by Rep. Butler AM Vote: 20-0

Amendment # 2017-0310h

Moved by Rep. Williams Seconded by Rep. Butler Vote: 20-0

Respectfully submitted,

Rep Valerie Fraser, Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 473

BILL TITLE: relative to the sale of gift certificates.

DATE: 2-8-17

LOB ROOM: 302

MOTION: (Please check one box)

OTP ITL Retain (1st year) Adoption of Amendment # 0310h (if offered)

Moved by Rep. Williams Seconded by Rep. Butler Vote: 20-0

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____ (if offered)

Moved by Rep. Williams Seconded by Rep. Butler Vote: 20-0

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____ (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____ (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: YES NO 20-0

Minority Report? Yes No If yes, author, Rep: _____ Motion _____

Respectfully submitted: Valerie Fraser
Rep Valerie Fraser, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/10/2017 9:36:37 AM
Roll Call Committee Registers
Report

2017 SESSION

COMMERCE

Bill #: HB 473 Title: Re: sale of gift certificates
PH Date: 1, 25, 17 Exec Session Date: 2, 8, 17
Motion: OTP Amendment #: 0310 h

MEMBER	YEAS	NAYS
Hunt, John B. Chariman	✓	
Biggie, Barbara Vice Chairman	out of room	
Flanders, Donald H.	✓	
Belanger, Ronald J. J. Webb	✓	
Fraser, Valerie Clerk	✓	
Fromuth, Bart	✓	
Sanborn, Laurie J. J. Edwards	✓	
Ferreira, Elizabeth	✓	
Osborne, Jason M.	✓	
Costable, Michael	✓	
Plumer, John R.	✓	
Schwaegler, Vicki	✓	
Butler, Edward A.	✓	
Gidge, Kenneth N.	✓	
Williams, Kermit R.	✓	
Abel, Richard M.	✓	
Luneau, David	✓	
McBeath, Rebecca Lovejoy	✓	
Bartlett, Christy D.	✓	
Fontneau, Timothy	✓	
Van Houten, Connie	✓	
TOTAL VOTE:	20	0



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/10/2017 9:36:37 AM
Roll Call Committee Registers
Report

2017 SESSION

COMMERCE

Bill #: HB 473 Title: Re: Sale of gift certificates
PH Date: 1, 25, 17 Exec Session Date: 2, 8, 17
Motion: OTP-A Amendment #: _____

MEMBER	YEAS	NAYS
Hunt, John B. Chariman	✓	
Biggie, Barbara Vice Chairman	out of room	
Flanders, Donald H.	✓	
Belanger, Ronald J. <i>J. Webb</i>	✓	
Fraser, Valerie Clerk	✓	
Fromuth, Bart	✓	
Sanborn, Laurie J. <i>J. Edwards</i>	✓	
Ferreira, Elizabeth	✓	
Osborne, Jason M.	✓	
Costable, Michael	✓	
Plumer, John R.	✓	
Schwaegler, Vicki	✓	
Butler, Edward A. <i>Potential conflict</i>	✓	
Gidge, Kenneth N.	✓	
Williams, Kermit R.	✓	
Abel, Richard M.	✓	
Luneau, David	✓	
McBeath, Rebecca <i>Lovejoy</i>	✓	
Bartlett, Christy D.	✓	
Fontneau, Timothy	✓	
Van Houten, Connie	✓	
TOTAL VOTE:	20	0

Amendment to HB 473

1 Amend the bill by replacing section 3 with the following:

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3 3 Custody and Escheat of Unclaimed and Abandoned Property; Gift Certificates and Store
4 Credits. Amend RSA 471-C:16 to read as follows:

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6 certificates of [~~\$100~~] \$250 or less, and store credits that were issued for store merchandise credit,
7 regardless of when issued, shall not be property presumed abandoned and shall not be subject to
8 RSA 471-C or any other past or present law. All gift certificates and store credits remitted to the
9 state prior to January 1, [~~1998~~] 2018, and gift certificates and store credits that are properly
10 determined to be reportable in any compliance audits initiated prior to January 1, [~~1998~~] 2018 and
11 subsequently remitted, shall remain in the custody of the state unless and until returned to the
12 owner. This section shall not apply to season passes or coupons that are nonrefundable and
13 nonredeemable.

Sub-Committee Minutes

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION on HB 473

BILL TITLE: relative to the sale of gift certificates.

DATE: 2-7-17

Subcommittee Members: Samborn, Fraser, Costable, Williams, Abel, Plumer
Hunt, Butler

Comments and Recommendations:

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

Moved by Rep. Fraser Seconded by Rep. Hunt AM Vote: 8-0

Adoption of Amendment # 0310h

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

_____ Amendment Adopted _____ Amendment Failed

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

Moved by Rep. Fraser Seconded by Rep. Hunt AM Vote: 8-0

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

_____ Amendment Adopted _____ Amendment Failed

Respectfully submitted,

Rep. Valmi Fraser
Subcommittee Chairman/Clerk

Exec Wed

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS
SUBCOMMITTEE WORK SESSION on HB 473

BILL TITLE: relative to the sale of gift certificates.

DATE: February 1, 2017

Subcommittee Members: Reps. Sanborn, Abel, Fraser, Gidge, Plumer, Fontneau, Costable and Hunt

Comments and Recommendations: No notes.

Respectfully submitted,

Rep. Valerie Fraser
Subcommittee Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION on HB 473

BILL TITLE: relative to the sale of gift certificates.

DATE: February 1, 2017

Subcommittee Members: Sanborn, Abel, Fraser, Gidge, Plumer, Fontana, Costabile, + Hunt

Comments and Recommendations:

Three horizontal lines for writing comments and recommendations.

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr) (Please circle one)

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

_____ Amendment Adopted _____ Amendment Failed

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr) (Please circle one)

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

_____ Amendment Adopted _____ Amendment Failed

Respectfully submitted,

Rep. _____ Subcommittee Chairman/Clerk

Amendment to HB 473

1 Amend the bill by replacing section 3 with the following:

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8 RSA 471-C or any other past or present law. All gift certificates and store credits remitted to the
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12 owner. This section shall not apply to season passes or coupons that are nonrefundable and
13 nonredeemable.

Hearing Minutes

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 473

BILL TITLE: relative to the sale of gift certificates.

DATE: January 25, 2017

LOB ROOM: 302

Time Public Hearing Called to Order: 2:55 pm

Time Adjourned: 3:20 p.m.

Committee Members: Reps. ~~Hunt, Biggie, Flanders, R. Belanger, Fromuth, Sanborn, Ferreira, Osborne, Costabile, Plumer, Schwaegler, Butler, Gidge, Williams, Abel, Luneau, McBeath, Bartlett, Fontneau, Van Houten and Fraser~~

Bill Sponsors:

Rep. Hunt
Rep. Ladd
Sen. Reagan

Rep. Williams
Rep. Spanos
Sen. Birdsell

Rep. Butler
Sen. Watters
Sen. Carson

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. John Hunt, prime sponsor - Introduced the bill.

*Rep. Rebecca McBeath - Opposes the bill. See written testimony.

Henry Veilleux, NH Lodging & Restaurant Assn. - Supports the bill.

Thomas McAnespe, NH Treasury Dept. - Neutral on the bill.

Blue Sheet: 3 Pro; 0 Con

Respectfully Submitted:



Valerie Fraser, Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 473

BILL TITLE: relative to the sale of gift certificates.

DATE: 1-25-17

ROOM: 302

Time Public Hearing Called to Order: 2:55 pm

Time Adjourned: 3:20 p

(please circle if present)

Committee Members: Reps. Hunt, Biggie, Flanders, R. Belanger, Fromuth, Sanborn, Ferreira, Osborne, Costable, Plumer, Schwaegler, Butler, Gidge, Williams, Abel, Luneau, McBeath, Bartlett, Fontneau, Van Houten and Fraser

Bill Sponsors:

Rep. Hunt
Rep. Ladd
Sen. Reagan

Rep. Williams
Rep. Spanos
Sen. Birdsell

Rep. Butler
Sen. Watters
Sen. Carson

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Hunt - Chair - Prime Sponsor - Supports
* Rep. McBeath - Rock - Opposes
Henry Veilleux - NH Lodging + Rest. - Supports
Thomas McAnroe - Treasury - Neutral

Testimony

HolderName

AMERICAN EXPRESS
COMPANY

AMERICAN EXPRESS
PREPAID CARD MGMT CO

AMWAY CORP

ANN, INC.

ART.COM, INC

B&H FOTO &

ELECTRONICS CORP
BBB VALUE SERVICES
INC.

BJ'S WHOLESALE CLUB
BLICK ART MATERIALS
LLC

BOB'S DISCOUNT

FURNITURE

BOSE CORPORATION

BT GIFT CERTICATES INC

CARLSON WAGONLIT
TRAVEL

CELLCO PARTNERSHIP

CLOUD 9 LIVING INC.

COACH INC

DELAWARE NORTH

COMPANIES, INC.

DULUTH TRADING

COMPANY

FULLBEAUTY BRANDS

HOLDINGS CORP.

GARNET HILL INC

H&R BLOCK BANK

HFT INCENTIVES, LLC

LEGC LLC

MATTEL, INC.

METABANK

PETSMART, INC.

SIMON PEARCE US INC

STARBUCKS COFFEE

COMPANY

SVC SERVICE II INC

TALBOTS INC

TD BANK, NA

TIFFANY & COMPANY

US BANK NA PREPAID

OPERATIONS

ZAPPOS.COM INC

Portion of the Above Cited Totals Attributable to Petsmart Inc.'s Gift Card Issuing Subsidiary:

2013: 209 Cards with a total value of \$38,453.00

2014: 220 Cards with a total value of \$41,117.00

2015: 339 Cards with a total value of \$62,833.00

In the last three year we have paid a total 150 claims totaling \$22,186.00 on properties reported as gift certificates or gift cards with a value between \$100.00 and \$250.00. This represent 5% of gift certificates and gift cards of this value reported in the three year period. However, if you factor out the Petsmart properties, the return rate rises to 12%. This is significantly lower than our average annual return rate for all property types which is typically in the 35% to 40% range.

Although it is impossible to accurately predict how much property will be escheated to the general fund in any given year. Using a conservative 20% return rate against the Gift Certificate and Gift Card property received in the last three years with values between \$100.00 and \$250.00 , the transfer to the General Fund could be anticipated to be approximately \$375,000.00

Also, attached, please see a summary list of all holders that reported gift certificates or gift cards valued between \$100.00 and \$250.00 in the most recent report year.

Please let me know if you have any follow up questions. Although I am out of the office on Monday, I will be in on Tuesday. If you would like to speak with me prior to your 10:00 hearing, please call me Tuesday morning.

Regards,

*Thomas P. McAnespie,
Abandoned Property Director
State of New Hampshire Treasury
Abandoned Property Division
25 Capitol Street, Room 205
Concord, NH 03301
Phone : 603.271.1499*

From: Becky McBeath [mailto:bmcb@comcast.net]

Sent: Saturday, April 16, 2016 8:10 AM

To: Tom McAnespie <tmcanespie@treasury.state.nh.us>; McBeath Becky <nhstatehouse@gmail.com>

Subject: SB 403

Dear Mr. McAnespie,

XFINITY Connect


bmcb@comcast.net

[± Font Size ±](#)

Gift Certificates Fwd: SB 403

From : Becky McBeath <bmcb@comcast.net>

Mon, Jan 23, 2017 05:54 PM

Subject : Gift Certificates Fwd: SB 403 1 attachment**To :** McBeath Becky <nhstatehouse@gmail.com>

From: "Tom McAnespie" <tmcanespie@treasury.state.nh.us>**To:** "Becky McBeath" <bmcb@comcast.net>, "McBeath Becky" <nhstatehouse@gmail.com>**Sent:** Sunday, April 17, 2016 3:32:53 PM**Subject:** RE: SB 403

Good Afternoon Representative :

Here is the summary information you have requested:

Gift Certificates or Gift Cards Valued Between \$100.00 and \$250.00 Reported As Abandoned Property in the Following Report Years:

2013: 863 Certificates or Cards with a total value of \$119,845.00

2014: 1,056 Certificates or Cards with a total value of \$149,744.00

2015: 1,416 Certificates or Cards with a total value of \$199,813.00

Portion of the Above Cited Totals Attributable to Petsmart Inc.'s Gift Card Issuing Subsidiary:

2013: 587 Cards with a total value of \$84,088.00

2014: 535 Cards with a total value of \$90,443.00

2015: 1,044 Cards with a total value of \$146,547.00

Gift Certificates or gift Cards Valued Between \$150.00 and \$250.00 Reported As Abandoned Property in the Following Report Years:

2013: 319 Certificates or Cards with a total value of \$58,476.00

2014: 424 Certificates or Cards with a total value of \$79,091.00

2015: 520 Certificates or Cards with a total value of \$96,283.00

Bill as
Introduced

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seventeen

AN ACT relative to the sale of gift certificates.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Consumer Protection Act; Acts Unlawful; Gift Certificates. Amend RSA 358-A:2, XIII to
2 read as follows:

3 XIII. Selling gift certificates having a face value of [~~\$100~~] **\$250** or less to purchasers which
4 contain expiration dates. Gift certificates having a face value in excess of [~~\$100~~] **\$250** shall expire
5 when escheated to the state as abandoned property pursuant to RSA 471-C. Dormancy fees,
6 latency fees, or any other administrative fees or service charges that have the effect of reducing the
7 total amount for which the holder may redeem a gift certificate are prohibited. This paragraph
8 shall not apply to season passes.

9 2 Definition of Gift Certificate. Amend RSA 358-A:1, IV-a to read as follows:

10 IV-a. "Gift certificate" means a [~~written~~] promise given in exchange for payment to provide
11 the bearer, upon presentation, goods or services in a specified amount.

12 3 Custody and Escheat of Unclaimed and Abandoned Property; Gift Certificates and Store
13 Credits. Amend RSA 471-C:16 to read as follows:

14 471-C:16 Gift Certificates and Store Credits. Notwithstanding any law to the contrary, gift
15 certificates of [~~\$100~~] **\$250** or less, and store credits that were issued for store merchandise credit,
16 regardless of when issued, shall not be property presumed abandoned and shall not be subject to
17 RSA 471-C or any other past or present law. All gift certificates and store credits remitted to the
18 state prior to January 1, 1998, and gift certificates and store credits that are properly determined to
19 be reportable in any compliance audits initiated prior to January 1, 1998 and subsequently
20 remitted, shall remain in the custody of the state unless and until returned to the owner. This
21 section shall not apply to season passes or coupons that are nonrefundable and nonredeemable.

22 4 Effective Date. This act shall take effect January 1, 2018.

HB 473 - AS INTRODUCED

2017 SESSION

17-0099
05/04

HOUSE BILL **473**

AN ACT relative to the sale of gift certificates.

SPONSORS: Rep. Hunt, Ches. 11; Rep. Williams, Hills. 4; Rep. Butler, Carr. 7; Rep. Ladd, Graf. 4; Rep. Spanos, Belk. 3; Sen. Watters, Dist 4; Sen. Reagan, Dist 17; Sen. Birdsell, Dist 19; Sen. Carson, Dist 14

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill:

I. Increases the threshold above which merchants can sell gift cards with expiration dates from \$100 to \$250.

II. Revises the definition of gift certificate by removing the requirement that it be in writing.

III. Provides that gift certificates of \$250 or less shall not be considered abandoned property under RSA 471-C.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struckthrough.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.