

[First Reprint]

ASSEMBLY, No. 802

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 15 (Hunterdon and Mercer)

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District 15 (Hunterdon and Mercer)

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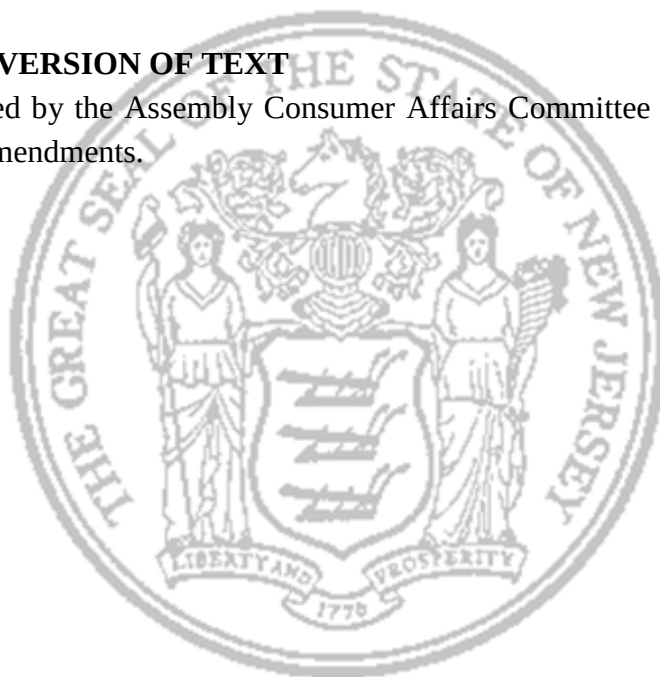
Assemblymen Holley, Mejia, Assemblywomen McKnight, Timberlake and DiMaso

SYNOPSIS

Requires certain retailers to train employees on gift card fraud.

CURRENT VERSION OF TEXT

As reported by the Assembly Consumer Affairs Committee on January 13, 2021, with amendments.



(Sponsorship Updated As Of: 3/1/2021)

1 AN ACT concerning gift cards and supplementing P.L.1960, c.39
2 (C.56:8-1 et seq.).

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. Every retail mercantile establishment in this State that
8 displays gift cards for sale shall train employees on how to identify
9 and respond to gift card fraud. ¹A retail mercantile establishment
10 shall conduct the training in accordance with guidelines issued
11 pursuant to section 2 of this section.¹

12 b. A retail mercantile establishment that violates the provisions
13 of this section shall be subject to a civil penalty of \$1,000, which
14 may be collected and enforced by the Director of the Division of
15 Consumer Affairs in the Department of Law and Public Safety in a
16 summary proceeding pursuant to the "Penalty Enforcement Law of
17 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court
18 shall have jurisdiction of proceedings for the enforcement of the
19 penalty provided by this section.

20 A violation of this section shall not be considered an unlawful
21 practice in violation of P.L.1960, c.39 (C.56:8-1 et seq.).

22 c. As used in this section:

23 "Gift card" means a tangible device, whereon is embedded or
24 encoded in an electronic or other format a value issued in exchange
25 for payment, which promises to provide to the bearer merchandise
26 of equal value to the remaining balance of the device.

27 "Merchandise" means any objects, wares, goods, commodities,
28 services, or anything offered, directly or indirectly, to the public for
29 sale.

30 "Retail mercantile establishment" means any place of business
31 where merchandise is exposed or offered for sale at retail to
32 members of the consuming public.

33

34 ¹2. The Director of the Division of Consumer Affairs in the
35 Department of Law and Public Safety, in consultation with the
36 Attorney General, shall issue guidelines concerning the detection
37 and prevention of gift card fraud. The guidelines shall include, but
38 not be limited to: (1) information raising public awareness of the
39 prevalence of gift card fraud; (2) information concerning common
40 gift card fraud schemes; and (3) best practices for retail mercantile
41 establishments to prevent gift card fraud. The guidelines shall be
42 published on the Internet websites of the Department of Law and
43 Public Safety and the Division of Consumer Affairs, and updated
44 periodically, as necessary.¹

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ACO committee amendments adopted January 13, 2021.

1 ¹~~2.~~ 3.¹ This act shall take effect on the first day of the fourth
2 month after enactment.