[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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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)

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

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

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

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

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

c. As used in this section:

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

“Merchandise” means any objects, wares, goods, commodities, services, or anything offered, directly or indirectly, to the public for sale.

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

[1]2. The Director of the Division of Consumer Affairs in the Department of Law and Public Safety, in consultation with the Attorney General, shall issue guidelines concerning the detection and prevention of gift card fraud. The guidelines shall include, but not be limited to: (1) information raising public awareness of the prevalence of gift card fraud; (2) information concerning common gift card fraud schemes; and (3) best practices for retail mercantile establishments to prevent gift card fraud. The guidelines shall be published on the Internet websites of the Department of Law and Public Safety and the Division of Consumer Affairs, and updated 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:
[1]Assembly ACO committee amendments adopted January 13, 2021.

[1][2.]** 3.[1]** This act shall take effect on the first day of the fourth month after enactment.