

SENATE, No. 1352

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 10, 2020

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Senator NELLIE POU

District 35 (Bergen and Passaic)

SYNOPSIS

Requires certain retailers to train employees on gift card fraud.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/11/2021)

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.

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

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

20 c. As used in this section:

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

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

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

31

32 2. This act shall take effect on the first day of the fourth month
33 after enactment.

34

35 **STATEMENT**

36

37 This bill requires certain retailers to train employees on
38 identifying and responding to gift card fraud.

39 Under the provisions of the bill, every retail mercantile
40 establishment in this State that displays gift cards for sale is
41 required to train employees on how to identify and respond to gift
42 card fraud. The bill defines "retail mercantile establishment" as any
43 place of business where merchandise is exposed or offered for sale
44 at retail to members of the consuming public.

45 The bill provides that a retail mercantile establishment that does
46 not train employees as required by the bill is subject to a civil
47 penalty in the amount of \$1,000. However, failure to train
48 employees is not to be considered an unlawful practice in violation
49 of the consumer fraud act.