

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 955

Introduced by Bostar, 29.

Read first time January 04, 2024

Committee: Banking, Commerce and Insurance

- 1 A BILL FOR AN ACT relating to business practices; to require certain
- 2 notice to purchasers of gift certificates and gift cards; and to
- 3 provide penalties.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) For purposes of this section, gift certificate or
2 gift card means a certificate, electronic card, or other prefunded record
3 that (a) is usable at a single merchant or an affiliated group of
4 merchants that share the same name, mark, or logo, or is usable at
5 multiple, unaffiliated merchants or service providers, (b) is issued in a
6 specified amount, (c) may or may not be increased in value or reloaded,
7 (d) is purchased or loaded on a prepaid basis for the future purchase or
8 delivery of any goods or services, and (e) is honored upon presentation.

9 (2) No person, firm, partnership, association, limited liability
10 company, corporation, or other business entity shall sell a gift
11 certificate or gift card to a purchaser unless, at the location where the
12 sale occurs, the following notice is provided:

13 "Protect yourself from prepaid card scams, including requests
14 related to lotteries, taxes, employment status, or utility payments. Do
15 not provide any prepaid card information to someone you do not know,
16 including the PIN number or card number. If you feel that you are a
17 victim of fraud, contact local law enforcement."

18 (3) The notice required pursuant to subsection (2) of this section
19 shall be provided as follows:

20 (a) If the person, firm, partnership, association, limited liability
21 company, corporation, or other business entity has an electronic payment
22 system screen, notice may be given on such screen to the purchaser before
23 finalizing payment; or

24 (b) If the person, firm, partnership, association, limited liability
25 company, corporation, or other business entity does not have an
26 electronic payment system screen or does not wish to provide notice on an
27 electronic payment system screen, notice shall be posted in a conspicuous
28 manner in the location where the sale occurs.

29 (4) The Attorney General shall enforce this section and may recover
30 a civil penalty not to exceed one thousand dollars for each violation and
31 seek equitable relief to restrain any violation.