

**Unclaimed Property
Gift Certificate Exemptions
Last Updated: 12/2004**

State	Gift Certificate Exemption	Exemption Type	Citation	Statute
Alabama	Yes	General, Includes gift cards	Ala. Code § 35-12-73(b)(1)	(b) The following property is exempt from reporting under this article: (1) A gift certificate, gift card, or in-store merchandise credit issued or maintained by any person engaged primarily in the business of selling tangible personal property at retail.
Alaska	No			
Arizona	Yes	General, Includes gift cards	A.R.S. § 44-301(15)	15. "Property" means.....Property does not include property that is referred to or evidence by gift certificates, electronic gift cards...
Arkansas	Yes	General, Includes gift cards	A.C.A. § 18-28-201(13)(B)	(B) "Property" does not include gift certificates, gift cards, in-store merchandise credits, or layaway accounts issued or maintained by any person in the business of selling tangible personal property at retail and such items shall not be subject to this subchapter.
California	Yes	Exemption not applicable if there is an expiration date; Includes gift cards	Code of Civ. Proc. § 1520.5	Section 1520 shall not apply to gift certificates subject to Title 1.4A (referencing CA's prohibition of expiration dates); However, Section 1520 shall apply to any gift certificate having an expiration date and that is given in exchange for money or other thing of value.
			Civ. Code § 1749.45(a)	(a) As used in this title, "gift certificate" includes gift cards..."
Colorado	Yes	Exemption not applicable if redeemable in cash	C.R.S. § 38-13-108.4(3)	(3) The provisions of this section shall apply to any gift certificate issued by a business that is redeemable in cash and not to any gift certificate issued for food, products, goods, or services.
Connecticut	No			
Delaware	No			
District Of Columbia	No			
Florida	Yes	Prior inclusion repealed	Former 717.114	Deleted effective 12-1-96
Georgia	No			
Hawaii	No			

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Idaho	Yes	1. Exemption not applicable unless there is an expiration date 2. General exemption for any property less than \$50	IC § 14-502 2(b),(e)	"...the following items shall not constitute abandoned property for the purposes of this act: (b) Gift certificates with an expiration date prominently displayed on their face" (e) any intangible property as defined in section 14-501, Idaho Code, with a value of fifty dollars (\$50.00) or less."
Illinois	Yes	Exemption not applicable if there is an expiration date or dormancy/service fees; Includes gift cards	765 ILCS 1025/10.6	(a) This [Uniform Disposition of Unclaimed Property] Act applies to a gift certificate or gift card only if: (i) the gift certificate or gift card contains or has language indicating there is an expiration date, expiration period or language indicating that there is any type of post-sale charge or fee including but not limited to service charges, dormancy fees, account maintenance fees, cash-out fees, replacement card fees, and activation or reactivation charges...
Indiana	Yes	General, Includes gift cards	Ind. Code Ann. § 32-34-1-1(f)	Effective 7-1-2003, This chapter [Unclaimed Property Act] does not apply to gift certificates or gift cards.
Iowa	No			
Kansas	Yes	Prior inclusion repealed; includes gift cards	Former 58-3947	The laws regarding the escheatment of gift certificates/gift cards were removed from Kansas Unclaimed Property Laws in 1999.
Kentucky	No			
Louisiana	No			
Maine	No			
Maryland	Yes	General	Md. Commercial Law Code Ann. § 17-101(m)(1)	(m) Personal property. -- "Personal property" does not include: (l) a gift certificate;
Massachusetts	Yes	Exemption effective once certificate has been outstanding for 7 years; includes gift cards	Mass. G.L. Ch. 200A, § 5D	"A gift certificate...sold or offered to be sold shall be valid for not less than 7 years after its date of issuance...Once an expiration date has been reached, the issuer of the gift certificates shall not be subject to [escheat]."
Michigan	No			
Minnesota	Yes	General; includes cards	Minn. Stat. § 345.39	"Subdivision 1. Presumed abandonment..."Intangible property" does not include gift certificates, gift cards, or layaway accounts..."
Mississippi	No			

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Missouri	No			
Montana	No			Proposed Draft Bill (2005 MT D 1868) filed Jan. 3, 2005 would, if enacted, exclude gift certificates/cards from the definition of property reportable to MT.
Nebraska	No			
Nevada	No			
New Hampshire	Yes	Exemption limited to items of \$100 or less	NH RSA § 471-C:16	Modification effective 1-1-98. "Notwithstanding any law to the contrary, gift certificates of \$100 or less, and store credits that were issued for store merchandise credit, regardless of when issued, shall not be property presumed abandoned and shall not be subject to RSA 471-C or any other past or present law."
New Jersey	Yes	1. Gift certificates excluded from the definition of intangible property. 2. Supreme Court of New Jersey ruled that certificates redeemable in merchandise or services is not escheatable; however, the NJ administrator takes the opposite view regarding electronic cards. For NJ purposes, gift cards are treated the same as credit memorandum.		
New Mexico	No			
New York	No			
North Carolina	Yes	Exemption not applicable if there is an expiration date; includes gift cards	N.C. Gen. Stat. § 116B-54(b)	(b) A gift certificate or electronic gift card is not abandoned property when the gift certificate or electronic gift card: (1) Conspicuously states that the gift certificate or electronic gift card does not expire; (2) Bears no expiration date; or (3) States that a date of expiration printed on the gift certificate or electronic gift card is not applicable in North Carolina.

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North Dakota	Yes	Prior inclusion repealed; includes gift cards	Former 47-30.1-4	Repeal effective 8-1-97
Ohio	Yes	General, Includes gift cards	ORC Ann. 169.01(B)(2)(d)	(B)(2) "Unclaimed funds" does not include any of the following: (d) Any credit due a retail customer that is represented by a gift certificate, gift card, merchandise credit, or merchandise credit card, redeemable only for merchandise.
Oklahoma	No			
Oregon	Yes	Prior inclusion repealed	10-98.338 (1999)	Repeal effective 6-25-97
Pennsylvania	No			
Rhode Island	No			
South Carolina	Yes	Prior inclusion repealed; includes gift cards with the exception of stored value cards for which the value is not stored on the card , but is recorded and maintained by the issuer, and the issuer also maintains the name and address of the person to whom the card is issued.	27-18-20(10)(b); 27-18-150	(10) no longer lists gift certificates; No longer refers to gift certificates
South Dakota	No			
Tennessee	Yes	Exemption not applicable if there is an expiration date	T.C.A. § 69-29-135(c)	(c) A gift certificate issued after December 31, 1998 shall not be abandoned property and shall not be subject to this part if the issuer of the certificate does not impose a dormancy charge and when the gift certificate: (1) Conspicuously states that the gift certificate does not expire; or (2) Bears no expiration date; or (3) States that a date of expiration printed on the gift certificate is not applicable in Tennessee.

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Texas	Yes	Exemption limited to gift certificates and gift cards if: 1. They are redeemable for merchandise or a service only; AND 2. They expired prior to the running of the three-year abandonment period.	E-mail from Texas State Comptroller's Office, Unclaimed Property Division, to CCH, March 1, 2004	No specific statute addresses the exemption applicable to gift certificates or gift cards. However, The Texas State Comptroller's Office, Tax Policy Division, has approved a policy concerning these property types stating that "If [the gift certificate/card is issued] .for merchandise or service only, the property is not considered reportable as abandoned if the gift certificate/card expired prior to the running of the three-year abandonment period."
Utah	Yes	Exemption limited to items of \$25 or less; excludes gift cards: The Utah State Treasurer's Department has taken the administrative position that gift cards of any amount are reportable.	Utah Code Ann. § 67-4a-211(1)	(1) a gift certificate greater than \$25 or a credit memo that remains unreconsidered for more than five years after issuance is considered abandoned.
Vermont	No			
Virginia	Yes	Exemption limited to merchandise & services	Va. Code Ann. § 55-210.8:1(B)	B. The following property is exempt from the provisions of this chapter and shall not be assessed by the administrator as unclaimed property: credits, gift certificates, coupons, layaways and similar items...provided such credits, gift certificates, [etc]...are redeemable in merchandise, in services, or through future purchases."
			Va. Code Ann. § 55-210.2	Definition of a gift certificate expressly includes electronic cards
Washington	Yes	Exemption applies to gift certificates/cards issued on or after 7/1/2004 and those presumed abandoned (and not reported) on or after 7/1/2004; Not applicable if there is an expiration date or dormancy/service fees	Uncodified Legislation, Laws of 2004, Ch. 168 (H.B. 3036)	The legislation relieves businesses from the obligation of reporting unredeemed gift certificates and gift cards sold after July 1, 2004, as unclaimed property. In addition, the legislation prohibits expiration dates, service fees, and dormancy or inactivity charges on gift certificates and gift cards (with a few exceptions). Holders have the option to retain unused proceeds from gift certificates and gift cards issued between July 1, 2001, and June 20, 2004, if the same rules are followed that apply to gift certificates and gift cards issued after July 1, 2004.
West Virginia	No			

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Wisconsin	Yes	General, Includes gift cards	Wis. Stats. § 177.01(10)(a)	Gift certificates are exempt by way of exclusion from the definition of intangible property. Per E-mail from Wisconsin State Treasury, Unclaimed Property Division, in response to CCH, 2/23/04, gift certificates became exempt in 2001 and gift cards are treated the same as gift certificates.
Wyoming	Yes	Exemption limited to items of \$100 or less	Wyo. Stat. § 34-24-114(a)	(a) A gift certificate or a credit memo in an amount greater than one hundred dollars (\$100.00) that remains unredeemed for more than three (3) years after issuance is deemed abandoned.