

# **WEST VIRGINIA LEGISLATURE**

**2017 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 202**

BY SENATORS WELD AND TRUMP

[Originating in the Committee on the Judiciary;

reported on February 16, 2017]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §47-26-2a, relating generally to pawnbrokers; prohibiting pawnbrokers from  
3 purchasing, accepting in pawn, receiving in trade, accepting in exchange for goods any  
4 general-use prepaid card, gift certificate or store gift card; creating misdemeanor offense  
5 of pawnbrokers purchasing, accepting in pawn, receiving in trade or exchanging for goods  
6 a general-use prepaid card, gift certificate or store gift card; defining terms; creating  
7 exceptions; and establishing penalties.

*Be it enacted by the Legislature of West Virginia:*

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
2 section, designated §47-26-2a, to read as follows:

**ARTICLE 26. PAWNBROKERS.**

**§47-26-2a. Prohibiting pawn or purchase of gift cards and certificates; establishing penalties; exceptions.**

1 (a) As used in this section:

2 (1) "General-use prepaid gift card" means a card, code or other device that is issued on a  
3 prepaid basis in a specified amount which may or may not be increased or reloaded in exchange  
4 for payment and which is redeemable upon presentation at multiple unaffiliated merchants for  
5 goods or services or usable at an automated teller machine.

6 (2) "Gift certificate" means a card, code or other device that is issued on a prepaid basis  
7 in a specific amount that may not be increased or reloaded in exchange for payment and is  
8 redeemable upon presentation to a single merchant or an affiliated group of merchants for goods  
9 or services.

10 (3) "Store gift card" means a card, code or other device that is issued on a prepaid basis  
11 in a specified amount, whether or not that amount may be increased or reloaded, either in  
12 exchange for payment or as a means of refunding money which is redeemable upon presentation  
13 at a single merchant or an affiliated group of merchants for goods and services.

14           (b) No pawnbroker, or employee thereof, in the course of business, may purchase, accept  
15 in pawn, receive in trade or exchange for goods a general-use prepaid card, gift certificate or store  
16 gift card.

17           (c) Any person who violated the provisions of subsection (b) of this section is guilty of a  
18 misdemeanor and, upon conviction thereof, shall be confined in jail for not more than one year or  
19 fined not less than \$500 nor more than \$5,000 or both.

20           (d) Nothing in this section shall be construed to prohibit consumer purchases from a  
21 pawnbroker by use of a credit card, debit card, general-use prepaid card, a gift certificate issued  
22 by the pawnbrokers or store gift card issued by the pawnbroker.