

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **Senate Bill 403**

By Senators Deeds, Caputo, Hunt, Rucker, Stover,  
Takubo, Taylor, Chapman, Hamilton, Plymale,  
Woodrum, and Maroney

[Introduced January 12, 2024; referred  
to the Committee on the Judiciary]



5 Instructs the purchaser on what to do if they suspect they might be a potential victim of such a  
6 scam.

7 (b) Notice --The notice shall be provided as follows: (1) Where a person, firm, partnership,  
8 association, or corporation has an electronic payment system screen, notice may be given on  
9 such screen to the purchaser before finalizing payment; or (2) Where a person, firm, partnership,  
10 association, or corporation does not have an electronic payment system screen or does not wish  
11 to provide notice on their electronic payment system screen, notice shall be posted in a  
12 conspicuous manner in the location where the sale occurs.

13 (c) Sample notice language: "Protect yourself from prepaid card scams; including requests  
14 related to lotteries, taxes, employment status or utility payments. Do not provide any prepaid card  
15 information to someone you do not know, including pin number or card number. If you feel that you  
16 are a victim of fraud, contact local law enforcement."

**§61-17-4. Employee training.**

1 Every retail mercantile establishment in this state that displays gift cards for sale shall train  
2 employees on how to identify and respond to gift card fraud. A retail mercantile establishment shall  
3 conduct the training in accordance with guidelines concerning the detection and prevention of gift  
4 card fraud provided by the Director of the Division of Consumer Affairs, in consultation with the  
5 Attorney General.

6 The guidelines shall include, but not be limited to: (1) Information raising public awareness  
7 of the prevalence of gift card fraud; (2) Information concerning common gift card fraud schemes;  
8 and (3) Best practices for retail mercantile establishments to prevent gift card fraud.

9 The guidelines shall be published on the Internet websites of the Consumer Protection  
10 division, within the Attorney General's office, and updated periodically, as necessary.

11 (f) Sample best practices. (1) Prominently post and maintain signs near cash registers  
12 and/or gift card stands to warn customers about gift card fraud; (2) Limit the number and dollar  
13 amount of gift cards that may be purchased at one time; (3) Encourage payments for gift cards via

14 credit card, which can be more easily tracked and cancelled in the event a fraud is subsequently  
15 discovered; and (4) Limit purchases and activation of gift cards to cash registers staffed by an  
16 employee, instead of allowing purchases and activation at self-checkout stands.

**§61-17-5.** **Penalties.**

1 Any person, firm, partnership, association, corporation or retail mercantile establishment  
2 that violates the provisions of this section is guilty of a misdemeanor, and upon conviction thereof,  
3 shall be fined not more than \$250.

NOTE: The purpose of this bill is to define gift card fraud, with legislative findings; definitions; required notices; employee training; and misdemeanor penalties

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.