

rights and liabilities which will apply if such card, code, or other means of access is validated;

(3) such distribution is accompanied by a clear explanation, in accordance with regulations of the Bureau, that such card, code, or other means of access is not validated and how the consumer may dispose of such code, card, or other means of access if validation is not desired; and

(4) such card, code, or other means of access is validated only in response to a request or application from the consumer, upon verification of the consumer's identity.

#### (c) Validation

For the purpose of subsection (b), a card, code, or other means of access is validated when it may be used to initiate an electronic fund transfer.

(Pub. L. 90-321, title IX, §911, as added Pub. L. 95-630, title XX, §2001, Nov. 10, 1978, 92 Stat. 3736; amended Pub. L. 111-203, title X, §1084(1), July 21, 2010, 124 Stat. 2081.)

#### AMENDMENTS

2010—Subsec. (b)(3). Pub. L. 111-203 substituted “Bureau” for “Board”.

#### EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-203 effective on the designated transfer date, see section 1100H of Pub. L. 111-203, set out as a note under section 552a of Title 5, Government Organization and Employees.

#### § 1693j. Suspension of obligations

If a system malfunction prevents the effectuation of an electronic fund transfer initiated by a consumer to another person, and such other person has agreed to accept payment by such means, the consumer's obligation to the other person shall be suspended until the malfunction is corrected and the electronic fund transfer may be completed, unless such other person has subsequently, by written request, demanded payment by means other than an electronic fund transfer.

(Pub. L. 90-321, title IX, §912, as added Pub. L. 95-630, title XX, §2001, Nov. 10, 1978, 92 Stat. 3737.)

#### § 1693k. Compulsory use of electronic fund transfers

No person may—

(1) condition the extension of credit to a consumer on such consumer's repayment by means of preauthorized electronic fund transfers; or

(2) require a consumer to establish an account for receipt of electronic fund transfers with a particular financial institution as a condition of employment or receipt of a government benefit.

(Pub. L. 90-321, title IX, §913, as added Pub. L. 95-630, title XX, §2001, Nov. 10, 1978, 92 Stat. 3737.)

#### § 1693l. Waiver of rights

No writing or other agreement between a consumer and any other person may contain any

provision which constitutes a waiver of any right conferred or cause of action created by this subchapter. Nothing in this section prohibits, however, any writing or other agreement which grants to a consumer a more extensive right or remedy or greater protection than contained in this subchapter or a waiver given in settlement of a dispute or action.

(Pub. L. 90-321, title IX, §914, as added Pub. L. 95-630, title XX, §2001, Nov. 10, 1978, 92 Stat. 3737.)

#### § 1693l-1. General-use prepaid cards, gift certificates, and store gift cards

##### (a) Definitions

In this section, the following definitions shall apply:

##### (1) Dormancy fee; inactivity charge or fee

The terms “dormancy fee” and “inactivity charge or fee” mean a fee, charge, or penalty for non-use or inactivity of a gift certificate, store gift card, or general-use prepaid card.

##### (2) General use<sup>1</sup> prepaid card, gift certificate, and store gift card

###### (A) General-use prepaid card

The term “general-use prepaid card” means a card or other payment code or device issued by any person that is—

(i) redeemable at multiple, unaffiliated merchants or service providers, or automated teller machines;

(ii) issued in a requested amount, whether or not that amount may, at the option of the issuer, be increased in value or reloaded if requested by the holder;

(iii) purchased or loaded on a prepaid basis; and

(iv) honored, upon presentation, by merchants for goods or services, or at automated teller machines.

###### (B) Gift certificate

The term “gift certificate” means an electronic promise that is—

(i) redeemable at a single merchant or an affiliated group of merchants that share the same name, mark, or logo;

(ii) issued in a specified amount that may not be increased or reloaded;

(iii) purchased on a prepaid basis in exchange for payment; and

(iv) honored upon presentation by such single merchant or affiliated group of merchants for goods or services.

###### (C) Store gift card

The term “store gift card” means an electronic promise, plastic card, or other payment code or device that is—

(i) redeemable at a single merchant or an affiliated group of merchants that share the same name, mark, or logo;

(ii) issued in a specified amount, whether or not that amount may be increased in value or reloaded at the request of the holder;

(iii) purchased on a prepaid basis in exchange for payment; and

<sup>1</sup> So in original. Probably should be “General-use”.