

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1594 Session of 2021

INTRODUCED BY TOMLINSON, SANKEY, THOMAS, MILLARD, TOPPER, SCHROEDER, FARRY, STAATS, POLINCHOCK, KAIL, MOUL, BURNS, QUINN, DELOZIER, NEILSON AND HELM, JUNE 10, 2021

AS REPORTED FROM COMMITTEE ON CONSUMER AFFAIRS, HOUSE OF REPRESENTATIVES, AS AMENDED, JANUARY 11, 2022

AN ACT

1 Amending the act of December 17, 1968 (P.L.1224, No.387),
2 entitled "An act prohibiting unfair methods of competition
3 and unfair or deceptive acts or practices in the conduct of
4 any trade or commerce, giving the Attorney General and
5 District Attorneys certain powers and duties and providing
6 penalties," providing for disclosure of information by online <--
7 marketplaces to inform customers COLLECTION, VERIFICATION AND <--
8 DISCLOSURE OF INFORMATION BY ONLINE MARKETPLACES TO INFORM
9 CONSUMERS.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. The act of December 17, 1968 (P.L.1224, No.387),
13 known as the Unfair Trade Practices and Consumer Protection Law,
14 is amended by adding a section to read:

15 ~~Section 9.4. Disclosure of Information by Online <--~~
16 ~~Marketplaces to Inform Customers. (a) The following shall~~
17 ~~apply:~~

18 ~~(1) An online marketplace shall require that a high volume~~
19 ~~third party seller on the online marketplace provide the online~~
20 ~~marketplace with all of the following information within twenty~~

1 ~~four hours of becoming a high volume third party seller:~~

2 ~~(i) Accurate bank account information that has been~~

3 ~~confirmed directly by the online marketplace, a payment~~

4 ~~processor or other third party contracted by the online~~

5 ~~marketplace. If the high volume third party seller does not have~~

6 ~~a bank account, the name of the payee for payments issued by the~~

7 ~~online marketplace to the high volume third party seller. The~~

8 ~~high volume third party seller may provide the bank account or~~

9 ~~payee information under this subclause to the online~~

10 ~~marketplace, a payment processor or other third party contracted~~

11 ~~by the online marketplace to maintain the information. The~~

12 ~~online marketplace may obtain the bank account or payee~~

13 ~~information under this subclause on demand from a payment~~

14 ~~processor or other third party contracted by the online~~

15 ~~marketplace.~~

16 ~~(ii) Contact information, including all of the following:~~

17 ~~(A) If the high volume third party seller is an individual,~~

18 ~~a copy of a government issued photo identification for the~~

19 ~~individual that includes the individual's name and physical~~

20 ~~address.~~

21 ~~(B) If the high volume third party seller is not an~~

22 ~~individual, all of the following:~~

23 ~~(I) A copy of a government issued photo identification for~~

24 ~~an individual acting on behalf of the high volume third party~~

25 ~~seller that includes the individual's name and physical address.~~

26 ~~(II) A copy of a government issued record or tax document~~

27 ~~that includes the business name and physical address of the~~

28 ~~high volume third party seller.~~

29 ~~(III) A working email address and working telephone number~~

30 ~~for the high volume third party seller.~~

1 ~~(C) A business tax identification number. If the high volume~~
2 ~~third party seller does not have a business tax identification~~
3 ~~number, a taxpayer identification number.~~

4 ~~(D) Whether the high volume third party seller is~~
5 ~~exclusively advertising or offering the consumer product on the~~
6 ~~online marketplace or currently advertising or offering for sale~~
7 ~~the same consumer product on any other Internet websites other~~
8 ~~than the online marketplace.~~

9 ~~(2) The online marketplace shall verify the information~~
10 ~~provided by the high volume third party seller under clause (1)~~
11 ~~and each change to the information within three days. If the~~
12 ~~high volume third party seller provides a copy of a valid~~
13 ~~government issued tax document under clause (1)(ii)(B)(II),~~
14 ~~information contained within the tax document shall be presumed~~
15 ~~to be verified as of the date of issuance of such record or~~
16 ~~document.~~

17 ~~(3) The online marketplace shall, on at least an annual~~
18 ~~basis, notify the high volume third party seller on the online~~
19 ~~marketplace that the high volume third party seller must inform~~
20 ~~the online marketplace of each change to the information~~
21 ~~provided by the high volume third party seller under clause (1)~~
22 ~~within three days of receiving the notice under this clause. As~~
23 ~~part of the notice under this clause, the online marketplace~~
24 ~~shall instruct the high volume third party seller to~~
25 ~~electronically certify that the high volume third party seller's~~
26 ~~information under clause (1) is unchanged or that the high~~
27 ~~volume third party seller is providing a change to the~~
28 ~~information. If the online marketplace becomes aware that the~~
29 ~~high volume third party seller has not complied with the~~
30 ~~provisions of this clause, the online marketplace shall suspend~~

~~1 the high volume third party seller's participation on the online
2 marketplace until the high volume third party seller complies
3 with the provisions of this clause.~~

~~4 (b) The following shall apply:~~

~~5 (1) Except as provided under clause (2), an online
6 marketplace shall require a high volume third party seller on
7 the online marketplace to provide all of the following
8 information:~~

~~9 (i) The identity of the high volume third party seller,
10 including all of the following information:~~

~~11 (A) The full name of the high volume third party seller.~~

~~12 (B) The full physical address of the high volume third party
13 seller.~~

~~14 (C) Whether the high volume third party seller engages in
15 the manufacturing, importing or reselling of consumer products.~~

~~16 (D) Contact information for the high volume third party
17 seller, including a functioning telephone number and email
18 address. The online marketplace may provide the functioning
19 email address to the high volume third party seller by the
20 online marketplace.~~

~~21 (ii) Any other information determined to be necessary by the
22 online marketplace to address any potential circumvention or
23 evasion of the requirements under this clause.~~

~~24 (2) Subject to clause (3), upon the request of the high
25 volume third party seller, the online marketplace may provide
26 for partial disclosure of the identity information required
27 under clause (1) in any of the following situations:~~

~~28 (i) If the high volume third party seller demonstrates to
29 the online marketplace that the high volume third party seller
30 does not have a business address and only has a residential~~

1 ~~street address, the online marketplace may:~~

2 ~~(A) direct the high volume third party seller to disclose~~
3 ~~only the country and, if applicable, the state where the high~~
4 ~~volume third party seller resides on the product listing; and~~

5 ~~(B) inform consumers that there is no business address~~
6 ~~available for the high volume third party seller and that~~
7 ~~consumer inquiries should be submitted to the high volume third~~
8 ~~party seller by telephone or email.~~

9 ~~(ii) If the high volume third party seller demonstrates to~~
10 ~~the online marketplace that the seller is a business that has a~~
11 ~~physical address for product returns, the online marketplace may~~
12 ~~direct the high volume third party seller to disclose the high~~
13 ~~volume third party seller's physical address for product~~
14 ~~returns.~~

15 ~~(iii) If the high volume third party seller demonstrates to~~
16 ~~the online marketplace that the high volume third party seller~~
17 ~~does not have a telephone number other than a personal telephone~~
18 ~~number, the online marketplace shall inform consumers that there~~
19 ~~is no telephone number available for the high volume third party~~
20 ~~seller and that consumer inquiries should be submitted to the~~
21 ~~high volume third party seller's email.~~

22 ~~(3) If an online marketplace becomes aware that a high~~
23 ~~volume third party seller has made a false representation to the~~
24 ~~online marketplace in order to justify the provision of a~~
25 ~~partial disclosure under clause (2) or that a high volume third~~
26 ~~party seller who has requested and received a provision for a~~
27 ~~partial disclosure under clause (2) has not provided responsive~~
28 ~~answers within a reasonable time period to consumer inquiries~~
29 ~~submitted to the high volume third party seller by telephone or~~
30 ~~email, the online marketplace shall withdraw the provision for~~

1 ~~partial disclosure under clause (2) and require the full~~
2 ~~disclosure of the high volume third party seller's identity~~
3 ~~information required under clause (1) within three business~~
4 ~~days' notice to the high volume third party seller.~~

5 ~~(4) The online marketplace shall disclose to a consumer, in~~
6 ~~a conspicuous manner on the product listing of the high volume~~
7 ~~third party seller, a reporting mechanism that allows for~~
8 ~~electronic and telephonic reporting of suspicious marketplace~~
9 ~~activity to the online marketplace and a message encouraging~~
10 ~~the consumer to report suspicious activity to the online~~
11 ~~marketplace.~~

12 ~~(c) In addition to the requirements under subsection (b), an~~
13 ~~online marketplace that warehouses, distributes or otherwise~~
14 ~~fulfills a consumer product order shall disclose to the consumer~~
15 ~~the identification of a high volume third party seller supplying~~
16 ~~the consumer product if different than the seller listed on the~~
17 ~~product listing page.~~

18 ~~(d) Violations of this section shall be declared unlawful~~
19 ~~under section 3 of this act and shall be subject to the~~
20 ~~penalties imposed under this act.~~

21 ~~(e) A political subdivision may not establish, mandate or~~
22 ~~otherwise require an online marketplace to verify information~~
23 ~~from a high volume third party seller on a one time or ongoing~~
24 ~~basis or disclose information to consumers.~~

25 ~~(f) The Bureau of Consumer Protection within the Office of~~
26 ~~Attorney General may promulgate regulations regarding the~~
27 ~~collection and verification of information from high volume~~
28 ~~third party sellers under subsections (a) and (b).~~

29 ~~(g) As used in this section:~~

30 ~~"Consumer product" means tangible personal property that is~~

1 ~~distributed in commerce and is normally used for personal,~~
2 ~~family or household purposes, including tangible personal~~
3 ~~property intended to be attached to or installed in real~~
4 ~~property without regard to whether the tangible personal~~
5 ~~property is attached or installed.~~

6 ~~"High volume third party seller" means a participant in an~~
7 ~~online marketplace who is a third party seller and who, in any~~
8 ~~continuous twelve month period during the previous twenty four~~
9 ~~months, has entered into two hundred or more discrete sales or~~
10 ~~transactions of new or unused consumer products resulting in the~~
11 ~~accumulation of an aggregate total of five thousand dollars~~
12 ~~(\$5,000) or more in gross revenues.~~

13 ~~"Online marketplace" means an electronically based or~~
14 ~~accessed platform that hosts high volume third party sellers and~~
15 ~~includes features which allow for, facilitate or enable high~~
16 ~~volume third party sellers to engage in the sale, purchase,~~
17 ~~payment, storage, shipping or delivery of a consumer product in~~
18 ~~the United States.~~

19 ~~"Seller" means a person who sells, offers to sell or~~
20 ~~contracts to sell a consumer product through an online~~
21 ~~marketplace.~~

22 ~~"Third party seller" means a seller, independent of an~~
23 ~~operator, facilitator or owner of an online marketplace, who~~
24 ~~sells, offers to sell or contracts to sell a consumer product in~~
25 ~~the United States through an online marketplace. The term shall~~
26 ~~not include a seller who:~~

27 ~~(1) is operating as a business entity that has made the~~
28 ~~business entity's name, business address and working contact~~
29 ~~information available to the general public;~~

30 ~~(2) has an ongoing contractual relationship with the owner~~

~~1 of the online marketplace to provide for the manufacture,
2 distribution, wholesaling or fulfillment of the shipment of
3 consumer products; and~~

~~4 (3) has provided verified information under subsection (a).~~

~~5 "Verify" means to confirm information provided to an online
6 marketplace by the use of any of the following:~~

~~7 (1) A third party or proprietary identity verification
8 system that has the capability to confirm a seller's name, email
9 address, physical address and telephone number.~~

~~10 (2) A combination of a two factor authentication, a public
11 records search and the presentation of a government issued
12 identification.~~

13 SECTION 9.4. COLLECTION, VERIFICATION AND DISCLOSURE OF <--
14 INFORMATION BY ONLINE MARKETPLACES TO INFORM CONSUMERS.-- (A) AN
15 ONLINE MARKETPLACE SHALL REQUIRE THAT A HIGH-VOLUME THIRD-PARTY
16 SELLER ON THE ONLINE MARKETPLACE'S PLATFORM PROVIDE THE ONLINE
17 MARKETPLACE WITH THE FOLLOWING INFORMATION NOT LATER THAN TEN
18 DAYS AFTER QUALIFYING AS A HIGH-VOLUME THIRD-PARTY SELLER ON THE
19 PLATFORM:

20 (1) A BANK ACCOUNT NUMBER OR, IF THE HIGH-VOLUME THIRD-PARTY
21 SELLER DOES NOT HAVE A BANK ACCOUNT, THE NAME OF THE PAYEE FOR
22 PAYMENTS ISSUED BY THE ONLINE MARKETPLACE TO THE HIGH-VOLUME
23 THIRD-PARTY SELLER. THE REQUIRED BANK ACCOUNT OR PAYEE
24 INFORMATION MAY BE PROVIDED BY THE HIGH-VOLUME THIRD-PARTY
25 SELLER TO ANY OF THE FOLLOWING:

26 (I) THE ONLINE MARKETPLACE.

27 (II) A PAYMENT PROCESSOR OR OTHER THIRD PARTY CONTRACTED BY
28 THE ONLINE MARKETPLACE TO MAINTAIN THE INFORMATION IF THE ONLINE
29 MARKETPLACE ENSURES THAT THE ONLINE MARKETPLACE CAN OBTAIN THE
30 INFORMATION ON DEMAND FROM THE PAYMENT PROCESSOR OR OTHER THIRD

1 PARTY.

2 (2) CONTACT INFORMATION FOR THE HIGH-VOLUME THIRD-PARTY
3 SELLERS AS FOLLOWS:

4 (I) IF THE HIGH-VOLUME THIRD-PARTY SELLER IS AN INDIVIDUAL,
5 THE INDIVIDUAL'S NAME.

6 (II) IF THE HIGH-VOLUME THIRD-PARTY SELLER IS NOT AN
7 INDIVIDUAL, ONE OF THE FOLLOWING FORMS OF CONTACT INFORMATION:

8 (A) A COPY OF A VALID GOVERNMENT-ISSUED IDENTIFICATION FOR
9 AN INDIVIDUAL ACTING ON BEHALF OF THE HIGH-VOLUME THIRD-PARTY
10 SELLER, INCLUDING THE INDIVIDUAL'S NAME.

11 (B) A COPY OF A VALID GOVERNMENT-ISSUED RECORD OR TAX
12 DOCUMENT, INCLUDING THE BUSINESS NAME AND PHYSICAL ADDRESS OF
13 THE HIGH-VOLUME THIRD-PARTY SELLER.

14 (III) A BUSINESS TAX IDENTIFICATION NUMBER OR, IF THE HIGH-
15 VOLUME THIRD-PARTY SELLER DOES NOT HAVE A BUSINESS TAX
16 IDENTIFICATION NUMBER, A TAXPAYER IDENTIFICATION NUMBER.

17 (IV) A CURRENT WORKING TELEPHONE NUMBER.

18 (V) A CURRENT WORKING EMAIL ADDRESS.

19 (B) AN ONLINE MARKETPLACE SHALL HAVE ALL OF THE FOLLOWING
20 DUTIES:

21 (1) PERIODICALLY, BUT NOT LESS THAN ANNUALLY, NOTIFY A HIGH-
22 VOLUME THIRD-PARTY SELLER ON THE ONLINE MARKETPLACE'S PLATFORM
23 OF THE REQUIREMENT TO KEEP THE INFORMATION COLLECTED UNDER
24 SUBSECTION (A) CURRENT.

25 (2) REQUIRE A HIGH-VOLUME THIRD-PARTY SELLER ON THE ONLINE
26 MARKETPLACE'S PLATFORM TO, NOT LATER THAN TEN DAYS AFTER
27 RECEIVING THE NOTICE UNDER CLAUSE (1), ELECTRONICALLY CERTIFY
28 ANY OF THE FOLLOWING:

29 (I) THE HIGH-VOLUME THIRD-PARTY SELLER HAS PROVIDED A CHANGE
30 TO THE INFORMATION UNDER SUBSECTION (A) TO THE ONLINE

1 MARKETPLACE.

2 (II) THERE HAVE BEEN NO CHANGES TO THE HIGH-VOLUME THIRD-
3 PARTY SELLER'S INFORMATION UNDER SUBSECTION (A).

4 (C) IF A HIGH-VOLUME THIRD-PARTY SELLER DOES NOT COMPLY WITH
5 SUBSECTION (B), THE ONLINE MARKETPLACE SHALL, AFTER PROVIDING
6 THE HIGH-VOLUME THIRD-PARTY SELLER WITH A WRITTEN OR AN
7 ELECTRONIC NOTICE AND AN OPPORTUNITY TO COMPLY WITH SUBSECTION
8 (B) NOT LATER THAN TEN DAYS AFTER THE ISSUANCE OF THE NOTICE,
9 SUSPEND THE FUTURE SALES ACTIVITY OF THE HIGH-VOLUME THIRD-PARTY
10 SELLER UNTIL THE HIGH-VOLUME THIRD-PARTY SELLER COMPLIES WITH
11 SUBSECTION (B).

12 (D) AN ONLINE MARKETPLACE SHALL VERIFY ALL OF THE FOLLOWING:

13 (1) THE INFORMATION COLLECTED UNDER SUBSECTION (A) NOT LATER
14 THAN TEN DAYS AFTER THE COLLECTION.

15 (2) A CHANGE TO THE INFORMATION UNDER SUBSECTION (A) NOT
16 LATER THAN TEN DAYS AFTER BEING NOTIFIED OF THE CHANGE BY A
17 HIGH-VOLUME THIRD PARTY SELLER UNDER SUBSECTION (B) (2) (I).

18 (E) IF A HIGH-VOLUME THIRD-PARTY SELLER PROVIDES A COPY OF A
19 VALID GOVERNMENT-ISSUED RECORD OR TAX DOCUMENT UNDER SUBSECTION
20 (A) (2) (II) (B), THE INFORMATION CONTAINED IN THE RECORD OR TAX
21 DOCUMENT SHALL BE PRESUMED TO BE VERIFIED AS OF THE DATE OF
22 ISSUANCE OF THE RECORD OR TAX DOCUMENT.

23 (F) DATA COLLECTED SOLELY TO COMPLY WITH THE REQUIREMENTS OF
24 THIS SECTION MAY NOT BE USED FOR ANY OTHER PURPOSE UNLESS
25 REQUIRED BY FEDERAL OR STATE LAW. AN ONLINE MARKETPLACE SHALL
26 IMPLEMENT AND MAINTAIN REASONABLE SECURITY PROCEDURES AND
27 PRACTICES, INCLUDING ADMINISTRATIVE, PHYSICAL AND TECHNICAL
28 SAFEGUARDS, APPROPRIATE TO THE NATURE OF THE DATA COLLECTED
29 UNDER THIS SECTION AND THE PURPOSES FOR WHICH THE DATA WILL BE
30 USED, TO PROTECT THE DATA FROM UNAUTHORIZED USE, DISCLOSURE,

1 ACCESS, DESTRUCTION OR MODIFICATION.

2 (G) AN ONLINE MARKETPLACE SHALL REQUIRE A HIGH-VOLUME THIRD-
3 PARTY SELLER THAT HAS AN AGGREGATE TOTAL OF TWENTY THOUSAND
4 DOLLARS (\$20,000) OR MORE IN ANNUAL GROSS REVENUES ON THE ONLINE
5 MARKETPLACE AND USES THE ONLINE MARKETPLACE'S PLATFORM TO DO ALL
6 OF THE FOLLOWING:

7 (1) PROVIDE THE INFORMATION SPECIFIED UNDER SUBSECTION (H)
8 TO THE ONLINE MARKETPLACE.

9 (2) DISCLOSE THE INFORMATION SPECIFIED UNDER SUBSECTION (H)
10 TO A CONSUMER IN A CONSPICUOUS MANNER IN ALL OF THE FOLLOWING:

11 (I) THE ORDER CONFIRMATION MESSAGE OR OTHER DOCUMENT OR
12 COMMUNICATION MADE TO THE CONSUMER AFTER A PURCHASE IS
13 FINALIZED.

14 (II) THE CONSUMER'S ACCOUNT TRANSACTION HISTORY.

15 (H) EXCEPT AS PROVIDED UNDER SUBSECTION (I), A HIGH-VOLUME
16 THIRD-PARTY SPECIFIED UNDER SUBSECTION (G) SHALL PROVIDE AND
17 DISCLOSE ALL OF THE FOLLOWING INFORMATION IN ACCORDANCE WITH
18 SUBSECTION (G):

19 (1) THE IDENTITY OF THE HIGH-VOLUME THIRD-PARTY SELLER,
20 INCLUDING THE FULL NAME OF THE HIGH-VOLUME THIRD-PARTY SELLER,
21 WHICH MAY INCLUDE THE HIGH-VOLUME THIRD-PARTY SELLER'S NAME OR
22 COMPANY NAME OR THE NAME BY WHICH THE HIGH-VOLUME THIRD-PARTY
23 SELLER OR COMPANY OPERATES ON THE ONLINE MARKETPLACE.

24 (2) THE PHYSICAL ADDRESS OF THE HIGH-VOLUME THIRD-PARTY
25 SELLER.

26 (3) THE CONTACT INFORMATION FOR THE HIGH-VOLUME THIRD-PARTY
27 SELLER TO ALLOW FOR THE DIRECT, UNHINDERED COMMUNICATION WITH
28 THE HIGH-VOLUME THIRD-PARTY SELLERS BY A USER OF THE ONLINE
29 MARKETPLACE, INCLUDING ANY OF THE FOLLOWING:

30 (I) A CURRENT WORKING TELEPHONE NUMBER.

1 (II) A CURRENT WORKING EMAIL ADDRESS.

2 (III) ANY OTHER MEANS OF DIRECT ELECTRONIC MESSAGING,
3 INCLUDING MESSAGING PROVIDED BY THE ONLINE MARKETPLACE.

4 (4) WHETHER THE HIGH-VOLUME THIRD-PARTY SELLER USED A
5 DIFFERENT SELLER THAN LISTED ON THE PRODUCT LISTING, PRIOR TO
6 PURCHASE, TO SUPPLY A CONSUMER PRODUCT TO A CONSUMER AND, UPON
7 THE REQUEST OF AN AUTHENTICATED PURCHASER, THE INFORMATION
8 SPECIFIED UNDER CLAUSES (1), (2) AND (3) RELATING TO THE
9 DIFFERENT SELLER.

10 (I) SUBJECT TO THE LIMITATIONS UNDER SUBSECTION (J), UPON
11 THE REQUEST OF A HIGH-VOLUME THIRD-PARTY SELLER, AN ONLINE
12 MARKETPLACE MAY PROVIDE FOR THE PARTIAL DISCLOSURE OF THE
13 INFORMATION SPECIFIED UNDER SUBSECTION (H) (1), (2) AND (3) TO A
14 CONSUMER IN ACCORDANCE WITH THE FOLLOWING:

15 (1) IF THE HIGH-VOLUME THIRD-PARTY SELLER CERTIFIES TO THE
16 ONLINE MARKETPLACE THAT THE HIGH-VOLUME THIRD-PARTY SELLER DOES
17 NOT HAVE A BUSINESS ADDRESS AND ONLY HAS A RESIDENTIAL STREET
18 ADDRESS, OR HAS A COMBINED BUSINESS AND RESIDENTIAL ADDRESS, THE
19 ONLINE MARKETPLACE MAY DO ANY OF THE FOLLOWING:

20 (I) DISCLOSE TO THE CONSUMER ONLY THE COUNTRY AND, IF
21 APPLICABLE, THE STATE WHERE THE HIGH-VOLUME THIRD-PARTY SELLER
22 RESIDES.

23 (II) INFORM THE CONSUMER THAT THERE IS NO BUSINESS ADDRESS
24 AVAILABLE FOR THE HIGH-VOLUME THIRD-PARTY SELLER AND THAT
25 CONSUMER INQUIRIES SHOULD BE SUBMITTED TO THE HIGH-VOLUME THIRD-
26 PARTY SELLER BY TELEPHONE, EMAIL OR ANY OTHER MEANS OF
27 ELECTRONIC MESSAGING PROVIDED TO THE HIGH-VOLUME THIRD-PARTY
28 SELLER BY THE ONLINE MARKETPLACE.

29 (III) IF THE HIGH-VOLUME THIRD-PARTY SELLER CERTIFIES TO THE
30 ONLINE MARKETPLACE THAT THE HIGH-VOLUME THIRD-PARTY SELLER IS A

1 BUSINESS THAT HAS A PHYSICAL ADDRESS FOR PRODUCT RETURNS, THE
2 ONLINE MARKETPLACE MAY DISCLOSE THE HIGH-VOLUME THIRD-PARTY
3 SELLER'S PHYSICAL ADDRESS FOR PRODUCT RETURNS.

4 (IV) IF THE HIGH-VOLUME THIRD-PARTY SELLER CERTIFIES TO THE
5 ONLINE MARKETPLACE THAT THE HIGH-VOLUME THIRD-PARTY SELLER DOES
6 NOT HAVE A TELEPHONE NUMBER OTHER THAN A PERSONAL TELEPHONE
7 NUMBER, THE ONLINE MARKETPLACE SHALL INFORM THE CONSUMER THAT
8 THERE IS NO TELEPHONE NUMBER AVAILABLE FOR THE HIGH-VOLUME
9 THIRD-PARTY SELLER AND CONSUMER INQUIRIES SHOULD BE SUBMITTED TO
10 THE HIGH-VOLUME THIRD-PARTY SELLER'S EMAIL ADDRESS OR OTHER
11 MEANS OF ELECTRONIC MESSAGING PROVIDED TO SUCH SELLER BY THE
12 ONLINE MARKETPLACE.

13 (2) (RESERVED) .

14 (J) IF AN ONLINE MARKETPLACE BECOMES AWARE THAT A HIGH-
15 VOLUME THIRD-PARTY SELLER HAS MADE A FALSE REPRESENTATION TO THE
16 ONLINE MARKETPLACE TO JUSTIFY A PARTIAL DISCLOSURE UNDER
17 SUBSECTION (I) OR THE HIGH-VOLUME THIRD-PARTY SELLER HAS
18 REQUESTED AND RECEIVED AN AUTHORIZATION FOR A PARTIAL DISCLOSURE
19 UNDER SUBSECTION (I) AND HAS NOT PROVIDED RESPONSIVE ANSWERS
20 WITHIN A REASONABLE TIME FRAME TO A CONSUMER INQUIRY SUBMITTED
21 TO THE HIGH-VOLUME THIRD-PARTY IN ACCORDANCE WITH SUBSECTION
22 (I), THE ONLINE MARKETPLACE SHALL, AFTER PROVIDING THE HIGH-
23 VOLUME THIRD-PARTY SELLER WITH A WRITTEN OR AN ELECTRONIC NOTICE
24 AND AN OPPORTUNITY TO RESPOND NOT LATER THAN TEN DAYS AFTER THE
25 ISSUANCE OF THE NOTICE, SUSPEND THE FUTURE SALES ACTIVITY OF THE
26 HIGH-VOLUME THIRD-PARTY SELLER UNLESS THE HIGH-VOLUME THIRD-
27 PARTY SELLER CONSENTS TO THE DISCLOSURE OF THE IDENTITY
28 INFORMATION REQUIRED UNDER SUBSECTION (H) (1), (2) AND (3) .

29 (K) AN ONLINE MARKETPLACE SHALL, IN A CLEAR AND CONSPICUOUS
30 MANNER, DISCLOSE TO A CONSUMER ON PRODUCT LISTING OF A HIGH-

1 VOLUME THIRD-PARTY SELLER A REPORTING MECHANISM THAT ALLOWS FOR
2 ELECTRONIC AND TELEPHONIC REPORTING OF SUSPICIOUS MARKETPLACE
3 ACTIVITY TO THE ONLINE MARKETPLACE.

4 (L) IF A HIGH-VOLUME THIRD PARTY SELLER DOES NOT COMPLY WITH
5 THE REQUIREMENTS TO PROVIDE AND DISCLOSE INFORMATION UNDER THIS
6 SECTION, THE ONLINE MARKETPLACE SHALL, AFTER PROVIDING THE
7 SELLER WITH A WRITTEN OR AN ELECTRONIC NOTICE AND AN OPPORTUNITY
8 TO PROVIDE OR DISCLOSE THE INFORMATION NOT LATER THAN TEN DAYS
9 AFTER THE ISSUANCE OF THE NOTICE, SUSPEND THE FUTURE SALES
10 ACTIVITY OF THE HIGH-VOLUME THIRD-PARTY SELLER UNTIL THE HIGH-
11 VOLUME THIRD-PARTY SELLER COMPLIES WITH THE REQUIREMENTS UNDER
12 THIS SECTION.

13 (M) THE FOLLOWING SHALL APPLY:

14 (1) IF THE ATTORNEY GENERAL HAS A REASON TO BELIEVE THAT AN
15 ONLINE MARKETPLACE HAS VIOLATED OR IS VIOLATING THIS SECTION OR
16 REGULATIONS PROMULGATED UNDER CLAUSE (3) THAT AFFECT A RESIDENT
17 OF THIS COMMONWEALTH, THE ATTORNEY GENERAL MAY BRING A CIVIL
18 ACTION TO DO ANY OF THE FOLLOWING:

19 (I) ENJOIN AN ADDITIONAL VIOLATION BY THE DEFENDANT.

20 (II) ENFORCE COMPLIANCE WITH THIS SECTION OR REGULATIONS
21 PROMULGATED UNDER CLAUSE (3).

22 (III) OBTAIN CIVIL PENALTIES IN AN AMOUNT SPECIFIED IN THE
23 REGULATIONS PROMULGATED UNDER CLAUSE (3).

24 (IV) OBTAIN OTHER DAMAGES, RESTITUTION, COMPENSATION OR
25 OTHER REMEDIES AS AUTHORIZED UNDER THE LAWS OF THIS
26 COMMONWEALTH.

27 (2) NOTHING IN CLAUSE (1) SHALL BE CONSTRUED TO PREVENT THE
28 ATTORNEY GENERAL FROM EXERCISING THE POWERS CONFERRED BY THE
29 LAWS OF THIS COMMONWEALTH TO CONDUCT INVESTIGATIONS, ADMINISTER
30 OATHS OR AFFIRMATIONS OR COMPEL THE ATTENDANCE OF WITNESSES OR

1 THE PRODUCTION OF DOCUMENTARY AND OTHER EVIDENCE.

2 (3) THE ATTORNEY GENERAL SHALL PROMULGATE REGULATIONS AS
3 NECESSARY TO ENFORCE THE PROVISIONS OF THIS SECTION.

4 (N) A POLITICAL SUBDIVISION MAY NOT ESTABLISH, MANDATE OR
5 OTHERWISE REQUIRE AN ONLINE MARKETPLACE TO COLLECT OR VERIFY
6 INFORMATION FROM A HIGH-VOLUME THIRD-PARTY SELLER OR DISCLOSE
7 INFORMATION TO A CONSUMER.

8 (O) AS USED IN THIS SECTION:

9 "CONSUMER PRODUCT" MEANS TANGIBLE PERSONAL PROPERTY THAT IS
10 DISTRIBUTED IN COMMERCE AND IS NORMALLY USED FOR PERSONAL,
11 FAMILY OR HOUSEHOLD PURPOSES, INCLUDING A PERSONAL PROPERTY
12 INTENDED TO BE ATTACHED TO OR INSTALLED IN A REAL PROPERTY
13 WITHOUT REGARD TO WHETHER THE PERSONAL PROPERTY IS ATTACHED OR
14 INSTALLED.

15 "HIGH-VOLUME THIRD-PARTY SELLER" MEANS A PARTICIPANT IN AN
16 ONLINE MARKETPLACE WHO IS A THIRD-PARTY SELLER AND WHO, FOR A
17 CONTINUOUS PERIOD OF TWELVE MONTHS DURING THE PREVIOUS TWENTY-
18 FOUR MONTHS, HAS ENTERED INTO AT LEAST TWO HUNDRED DISCRETE
19 SALES OR TRANSACTIONS OF NEW OR UNUSED CONSUMER PRODUCTS AND AN
20 AGGREGATE TOTAL OF AT LEAST FIVE THOUSAND DOLLARS (\$5,000) GROSS
21 REVENUES. FOR PURPOSES OF CALCULATING THE NUMBER OF DISCRETE
22 SALES OR TRANSACTIONS OR THE AGGREGATE GROSS REVENUES UNDER THIS
23 DEFINITION, AN ONLINE MARKETPLACE SHALL ONLY COUNT SALES OR
24 TRANSACTIONS MADE THROUGH THE ONLINE MARKETPLACE AND FOR WHICH
25 PAYMENT WAS PROCESSED BY THE ONLINE MARKETPLACE DIRECTLY OR
26 THROUGH THE ONLINE MARKETPLACE'S PAYMENT PROCESSOR.

27 "ONLINE MARKETPLACE" MEANS ANY PERSON OR ENTITY THAT OPERATES
28 A CONSUMER-DIRECTED, ELECTRONICALLY BASED OR ACCESSED PLATFORM
29 THAT MEETS ALL OF THE FOLLOWING CRITERIA:

30 (1) THE PLATFORM INCLUDES FEATURES THAT ALLOW FOR,

1 FACILITATE OR ENABLE A THIRD-PARTY SELLER TO ENGAGE IN THE SALE,
2 PURCHASE, PAYMENT, STORAGE, SHIPPING OR DELIVERY OF A CONSUMER
3 PRODUCT IN THE UNITED STATES.

4 (2) THE PLATFORM IS USED BY A THIRD-PARTY SELLER FOR
5 PURPOSES SPECIFIED UNDER CLAUSE (1).

6 (3) THE PLATFORM HAS A CONTRACTUAL OR SIMILAR RELATIONSHIP
7 WITH A CONSUMER TO GOVERN THE CONSUMER'S USE OF THE PLATFORM TO
8 PURCHASE A CONSUMER PRODUCT.

9 "SELLER" MEANS A PERSON WHO SELLS, OFFERS TO SELL OR
10 CONTRACTS TO SELL A CONSUMER PRODUCT THROUGH AN ONLINE
11 MARKETPLACE'S PLATFORM.

12 "THIRD-PARTY SELLER" MEANS A SELLER, INDEPENDENT OF AN ONLINE
13 MARKETPLACE, WHO SELLS, OFFERS TO SELL OR CONTRACTS TO SELL A
14 CONSUMER PRODUCT IN THE UNITED STATES THROUGH AN ONLINE
15 MARKETPLACE. THE TERM DOES NOT INCLUDE ANY OF THE FOLLOWING:

16 (1) A SELLER WHO OPERATES AN ONLINE MARKETPLACE'S PLATFORM.

17 (2) A BUSINESS ENTITY THAT MEETS ALL OF THE FOLLOWING
18 CRITERIA:

19 (I) THE BUSINESS ENTITY HAS MADE THE BUSINESS ENTITY'S NAME,
20 BUSINESS ADDRESS AND CONTACT INFORMATION AVAILABLE TO THE
21 PUBLIC.

22 (II) THE BUSINESS ENTITY HAS AN ONGOING CONTRACTUAL
23 RELATIONSHIP WITH AN ONLINE MARKETPLACE TO PROVIDE THE ONLINE
24 MARKETPLACE WITH THE MANUFACTURING, DISTRIBUTION, WHOLESALING OR
25 FULFILLMENT OF THE SHIPMENT OF A CONSUMER PRODUCT.

26 (III) THE BUSINESS ENTITY HAD PROVIDED THE INFORMATION
27 DESCRIBED UNDER SUBSECTION (A) TO AN ONLINE MARKETPLACE, WHICH
28 HAS BEEN VERIFIED IN ACCORDANCE WITH THIS SECTION.

29 "VERIFY" MEANS TO CONFIRM INFORMATION PROVIDED TO AN ONLINE
30 MARKETPLACE UNDER THIS SECTION, INCLUDING THE USE OF A METHOD

1 THAT ENABLES THE ONLINE MARKETPLACE TO RELIABLY DETERMINE THE
2 VALIDITY OF THE INFORMATION CORRESPONDING TO A SELLER OR AN
3 INDIVIDUAL ACTING ON THE SELLER'S BEHALF AND CONFIRM THE
4 INFORMATION IS NOT MISAPPROPRIATED OR FALSIFIED.

5 Section 2. This act shall take effect in 180 days.