

As Introduced

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H. B. No. 272

Representatives Plummer, Ghanbari

Cosponsors: Representatives White, LaRe, Riedel, Cross, Carfagna, Johnson

A BILL

To enact sections 1349.65, 1349.66, 1349.67, and 1
1349.68 of the Revised Code regarding 2
transparency by large-volume third-party sellers 3
in online marketplaces. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 1349.65, 1349.66, 1349.67, and 5
1349.68 of the Revised Code be enacted to read as follows: 6

Sec. 1349.65. As used in sections 1349.65 to 1349.68 of 7
the Revised Code: 8

(A) "Consumer product" means any tangible personal 9
property that is distributed in commerce and that is normally 10
used for personal, family, or household purposes, including any 11
such property intended to be attached to or installed in any 12
real property without regard to whether it is so attached or 13
installed. 14

(B) "High-volume third-party seller" means a participant 15
in an online marketplace that is a third-party seller and that, 16
in any continuous twelve-month period during the previous 17
twenty-four months, has entered into two hundred or more 18

discrete sales or transactions of new or unused consumer 19
products with consumers in this state resulting in the 20
accumulation of an aggregate total of five thousand dollars or 21
more in gross revenue. 22

(C) "Online marketplace" means any Internet-based or 23
accessed platform that meets both of the following: 24

(1) It includes features that allow for, facilitate, or 25
enable third-party sellers to engage in the sale, purchase, 26
payment, storage, shipping, or delivery of a consumer product in 27
this state. 28

(2) It hosts one or more third-party sellers. 29

(D) "Seller" means a person that sells, offers to sell, or 30
contracts to sell a consumer product through an online 31
marketplace. 32

(E) (1) "Third-party seller" means a seller, independent of 33
an operator, facilitator, or owner of an online marketplace, 34
that sells, offers to sell, or contracts to sell a consumer 35
product through an online marketplace. 36

(2) "Third-party seller" does not include a seller that 37
meets all of the following: 38

(a) Is a business entity that has made available to the 39
general public the entity's name, business address, and working 40
contact information; 41

(b) Has an ongoing contractual relationship with the owner 42
of the online marketplace to provide for the manufacture, 43
distribution, wholesaling, or fulfillment of shipments of 44
consumer products; 45

(c) Has provided to the online marketplace identifying 46

information, as described in division (A) of section 1349.66 of 47
the Revised Code, that has been verified pursuant to that 48
subsection. 49

(F) "Verify" means to confirm information provided to an 50
online marketplace pursuant to divisions (A) and (C) of section 51
1349.66 of the Revised Code by the use of either of the 52
following: 53

(1) A third-party or proprietary identity verification 54
system that has the capability to confirm a seller's name, 55
electronic mail address, physical address, and telephone number; 56

(2) A combination of two-factor authentication, public 57
records search, and the presentation of a government-issued 58
identification. 59

Sec. 1349.66. (A) An online marketplace shall require that 60
each high-volume third-party seller on the online marketplace 61
provide the online marketplace with the following information 62
within twenty-four hours of becoming a high-volume third-party 63
seller: 64

(1) Bank account information, the accuracy of which has 65
been confirmed directly by the online marketplace or by a 66
payment processor or other third party contracted by the online 67
marketplace, or, if the high-volume third-party seller does not 68
have a bank account, the name of the payee for payments issued 69
by the online marketplace to the high-volume third-party seller. 70
The information may be provided by the high-volume third-party 71
seller to either of the following parties: 72

(a) The online marketplace; 73

(b) A payment processor or other third party contracted by 74
the online marketplace to maintain such information, provided 75

that the online marketplace must be permitted to obtain such 76
information on demand from the payment processor or other third 77
party. 78

(2) Contact information, including all of the the 79
following: 80

(a) A working electronic mail address and working 81
telephone number for the high-volume third-party seller; 82

(b) If the high-volume third-party seller is an 83
individual, a copy of a government-issued photo identification 84
for the individual that includes the individual's name and 85
physical address; 86

(c) If the high-volume third-party seller is not an 87
individual, either of the following: 88

(i) A copy of a government-issued photo identification for 89
an individual acting on behalf of the high-volume third-party 90
seller that includes the individual's name and physical address; 91

(ii) A copy of a government-issued record or tax document 92
that includes the business name and physical address of the 93
high-volume third-party seller. 94

(3) A business tax identification number or, if the high- 95
volume third-party seller does not have a business tax 96
identification number, a taxpayer identification number; 97

(4) Whether the high-volume third-party seller is 98
exclusively advertising or offering the consumer product on the 99
online marketplace, or if the high-volume third-party seller is 100
currently advertising or offering for sale the same consumer 101
product on any other internet web sites other than the online 102
marketplace. 103

(B) (1) An online marketplace shall verify the information 104
provided in division (A) of this section within three calendar 105
days of its submission, and shall verify any changes to such 106
information that is provided to the online marketplace by a 107
high-volume third-party seller within three calendar days of its 108
submission. If a high-volume third-party seller provides a copy 109
of a valid government-issued tax document, information contained 110
within the tax document shall be presumed to be verified as of 111
the date of issuance of such record or document. 112

(2) At least annually, an online marketplace shall notify 113
each high-volume third-party seller on the online marketplace 114
that the high-volume third-party seller must inform the online 115
marketplace of any changes to the information provided by the 116
high-volume third-party seller pursuant to division (A) of this 117
section within three calendar days of receiving the 118
notification. 119

(a) As part of the notification, the online marketplace 120
shall instruct each high-volume third-party seller to 121
electronically certify either that the high-volume third-party 122
seller's information is unchanged or that the high-volume third- 123
party seller is providing changes to the information. 124

(b) If the online marketplace becomes aware that a high- 125
volume third-party seller has neither certified that the high- 126
volume third-party seller's information is unchanged nor 127
provided the changes within three calendar days of receiving the 128
notification, the online marketplace shall suspend the high- 129
volume third-party seller's participation on the online 130
marketplace until the high-volume third-party seller has either 131
certified that the high-volume third-party seller's information 132
is unchanged or has provided the changes and the information has 133

been verified. 134

Sec. 1349.67. (A) An online marketplace shall require a 135
high-volume third-party seller to disclose to consumers in this 136
state in a conspicuous manner either on the product listing or, 137
for information other than the high-volume third-party seller's 138
full name, through a conspicuously placed link on the product 139
listing, the following information: 140

(1) Subject to division (B) of this section, the identity 141
of the high-volume third-party seller, including all of the 142
following: 143

(a) The full name of the high-volume third-party seller; 144

(b) The full physical address of the high-volume third- 145
party seller; 146

(c) Whether the high-volume third-party seller also 147
engages in the manufacturing, importing, or reselling of 148
consumer products; 149

(d) Contact information for the high-volume third-party 150
seller, including a working telephone number and working 151
electronic mail address. Such working electronic mail address 152
may be provided to the high-volume third-party seller by the 153
online marketplace. 154

(2) Any other information the attorney general determines 155
necessary under division (B) of section 1349.68 of the Revised 156
Code to address circumvention or evasion of the requirements of 157
division (A) of this section. 158

(B)(1) Subject to division (B)(2) of this section, upon 159
the request of a high-volume third-party seller, an online 160
marketplace may provide for partial disclosure of the identity 161

information required under division (A) (1) of this section as 162
follows: 163

(a) If the high-volume third-party seller demonstrates to 164
the online marketplace that the high-volume third-party seller 165
does not have a business address and only has a residential 166
street address, the online marketplace may direct the high- 167
volume third-party seller to disclose only the country and, if 168
applicable, the state in which the high-volume third-party 169
seller resides on the product listing. The high-volume third- 170
party seller also may inform consumers in this state that there 171
is no business address available for the high-volume third-party 172
seller and that consumer inquiries should be submitted to the 173
high-volume third-party seller by telephone or electronic mail. 174

(b) If the high-volume third-party seller demonstrates to 175
the online marketplace that the high-volume third-party seller 176
is a business that has a physical address for product returns, 177
the online marketplace may direct the high-volume third-party 178
seller to disclose the high-volume third-party seller's physical 179
address for product returns. 180

(c) If a high-volume third-party seller demonstrates to 181
the online marketplace that the high-volume third-party seller 182
does not have a telephone number other than a personal telephone 183
number, the online marketplace shall inform consumers in this 184
state that there is no telephone number available for the high- 185
volume third-party seller and that consumer inquiries should be 186
submitted to the high-volume third-party seller's electronic 187
mail address. 188

(2) An online marketplace shall withdraw its provision for 189
partial disclosure under division (B) (1) of this section 190
regarding a high-volume third-party seller and require the high- 191

volume third-party seller to fully disclose the seller's 192
identity information described in division (A)(1) of this 193
section upon three business days' prior notice to the high- 194
volume third-party seller if the online marketplace becomes 195
aware that either: 196

(a) The high-volume third-party seller made a false 197
representation to the online marketplace in order to justify the 198
provision of the partial disclosure. 199

(b) The high-volume third-party seller has not provided 200
responsive answers within a reasonable timeframe to consumer 201
inquiries submitted to the high-volume third-party seller by 202
telephone or electronic mail. 203

(C) An online marketplace shall establish for consumers in 204
this state a reporting mechanism that allows for reporting, by 205
electronic means and by telephone, of suspicious seller activity 206
to the online marketplace. The online marketplace shall include, 207
in a conspicuous manner on the product listing of any high- 208
volume third-party seller, the reporting mechanism and a message 209
encouraging consumers in this state to report suspicious 210
activity to the online marketplace. 211

(D) An online marketplace that warehouses, distributes, or 212
otherwise fulfills a consumer product order shall disclose to a 213
consumer in this state the identification of any high-volume 214
third-party seller supplying the consumer product if different 215
than the seller listed on the product listing web page. 216

Sec. 1349.68. (A) A violation of section 1349.66 or 217
1349.67 of the Revised Code is an unfair or deceptive act or 218
practice in violation of section 1345.02 of the Revised Code. A 219
person injured by a violation of section 1349.66 or 1349.67 of 220

the Revised Code has a cause of action and is entitled to the 221
same relief available to a consumer under section 1345.09 of the 222
Revised Code. All powers and remedies available to the attorney 223
general to enforce sections 1345.01 to 1345.13 of the Revised 224
Code are available to the attorney general to enforce sections 225
1349.66 and 1349.67 of the Revised Code. 226

(B) The attorney general may adopt rules necessary to 227
collect and verify information under sections 1349.66 and 228
1349.67 of the Revised Code. 229

(C) The intent of the general assembly in enacting 230
sections 1349.65 to 1349.68 of the Revised Code is to establish 231
a statewide, comprehensive enactment that applies to all parts 232
of the state, operates uniformly throughout the state, and sets 233
forth police regulations. No political subdivision as defined in 234
section 2744.01 of the Revised Code shall establish, mandate, or 235
otherwise require online marketplaces or sellers to undertake 236
different or additional measures to verify or disclose the same 237
information as or information similar to that which is the 238
subject of sections 1349.65 to 1349.68 of the Revised Code. 239