

**As Passed by the Senate**

**134th General Assembly**

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**Sub. H. B. No. 272**

**Representatives Plummer, Ghanbari**

**Cosponsors: Representatives White, LaRe, Riedel, Cross, Carfagna, Johnson,  
Click, Jones, Lampton, Miller, K., Patton, Roemer, Stein**

**Senators Hackett, Blessing, Cirino, Dolan, Gavarone, Hoagland, Huffman, S.,  
Johnson, Lang, Reineke, Rulli, Schaffer, Schuring, Thomas, Wilson, Yuko**

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**A BILL**

To amend, for the purpose of adopting a new section 1  
number as indicated in parentheses, section 2  
1349.72 (1349.78), and to enact new section 3  
1349.72 and sections 1349.65, 1349.66, 1349.67, 4  
1349.68, 1349.69, 1349.70, 1349.71, 1349.73, 5  
1349.74, 1349.75, and 1349.76 of the Revised 6  
Code to require online marketplaces to verify 7  
certain information regarding high-volume third 8  
party sellers of consumer products on such 9  
online marketplaces and to disclose to consumers 10  
certain contact and other information regarding 11  
such high-volume third party sellers. 12

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

**Section 1.** That section 1349.72 (1349.78) be amended for 13  
the purpose of adopting a new section number as indicated in 14  
parentheses and new section 1349.72 and sections 1349.65, 15  
1349.66, 1349.67, 1349.68, 1349.69, 1349.70, 1349.71, 1349.73, 16

1349.74, 1349.75, and 1349.76 of the Revised Code be enacted to read as follows:

Sec. 1349.65. As used in sections 1349.65 to 1349.76 of the Revised Code:

(A) "Consumer product" has the same meaning as in section 101 of the "Magnuson-Moss Warranty-Federal Trade Commission Improvement Act," 15 U.S.C. 2301 and 16 C.F.R. 700.1.

(B) "High-volume third party seller" means a participant on an online marketplace's platform that is a third party seller and that, in any continuous twelve-month period during the previous twenty-four months, has entered into two hundred or more discrete sales or transactions of new or unused consumer products through the online marketplace, and for which payment was processed by the online marketplace, either directly or through its payment processor, with an aggregate total of five thousand dollars or more in gross revenues.

(C) "Online marketplace" means any person or entity that operates a consumer-directed electronically based or accessed platform that meets all of the following criteria:

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

(2) It is used by one or more third party sellers for such purposes.

(3) It has a contractual or similar relationship with consumers governing their use of the platform to purchase consumer products.

(D) "Seller" means a person that sells, offers to sell, or contracts to sell a consumer product through an online marketplace's platform. "Seller" does not include a new motor vehicle dealer licensed under Chapter 4517. of the Revised Code. 45  
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(E) (1) "Third party seller" means any seller, independent of an online marketplace, that sells, offers to sell, or contracts to sell a consumer product in this state through such online marketplace's platform. 49  
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(2) "Third party seller" does not include, with respect to an online marketplace, either of the following: 53  
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(a) A seller that operates the online marketplace's platform; 55  
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(b) A business entity to which all of the following apply: 57

(i) It has made available to the general public the entity's name, business address, and working contact information. 58  
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(ii) It has an ongoing contractual relationship with the online marketplace to provide the online marketplace with the manufacture, distribution, wholesaling, or fulfillment of shipments of consumer products. 61  
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(iii) It has provided to the online marketplace identifying information, as described in section 1349.66 of the Revised Code, that has been verified in accordance with that section. 65  
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(F) "Verify" means to confirm information provided to an online marketplace pursuant to section 1349.66 of the Revised Code, which may include the use of one or more methods that enable the online marketplace to reliably determine that any 69  
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information and documents provided are valid, corresponding to 73  
the seller or an individual acting on the seller's behalf, not 74  
misappropriated, and not falsified. 75

**Sec. 1349.66.** (A) An online marketplace shall require any 76  
high-volume third party seller on such online marketplace's 77  
platform to provide, not later than ten days after qualifying as 78  
a high-volume third party seller on the platform, all of the 79  
following information to the online marketplace: 80

(1)(a) A bank account number, or, if such seller does not 81  
have a bank account, the name of the payee for payments issued 82  
by the online marketplace to such seller. 83

(b) The bank account or payee information required under 84  
division (A)(1)(a) of this section may be provided by the seller 85  
in either of the following ways: 86

(i) To the online marketplace; 87

(ii) To a payment processor or other third party 88  
contracted by the online marketplace to maintain such 89  
information, provided that the online marketplace ensures that 90  
it can obtain such information on demand from such payment 91  
processor or other third party. 92

(2) Contact information for such seller as follows: 93

(a) With respect to a high-volume third party seller that 94  
is an individual, the individual's name. 95

(b) With respect to a high-volume third party seller that 96  
is not an individual, one of the following forms of contact 97  
information: 98

(i) A copy of a valid government-issued identification for 99  
an individual acting on behalf of such seller that includes the 100

<u>individual's name;</u>	101
<u>(ii) A copy of a valid government-issued record or tax document that includes the business name and physical address of such seller.</u>	102 103 104
<u>(c) A business tax identification number, or, if such seller does not have a business tax identification number, a taxpayer identification number.</u>	105 106 107
<u>(d) A current working electronic mail address and telephone number for such seller.</u>	108 109
<u>(B) An online marketplace shall do both of the following:</u>	110
<u>(1) Periodically, but not less than annually, notify any high-volume third party seller on such online marketplace's platform of the requirement to keep any information collected under division (A) of this section current;</u>	111 112 113 114
<u>(2) Require any high-volume third party seller on such online marketplace's platform to, not later than ten days after receiving the notice under division (B)(1) of this section, electronically certify one of the following:</u>	115 116 117 118
<u>(a) The seller has provided any changes to such information to the online marketplace, if any such changes have occurred;</u>	119 120 121
<u>(b) There have been no changes to such seller's information;</u>	122 123
<u>(c) Such seller has provided any changes to such information to the online marketplace.</u>	124 125
<u>(C) In the event that a high-volume third party seller does not provide the information or certification required under</u>	126 127

this section, the online marketplace shall, after providing the 128  
seller with written or electronic notice and an opportunity to 129  
provide such information or certification not later than ten 130  
days after the issuance of such notice, suspend any future sales 131  
activity of such seller until such seller provides such 132  
information or certification. 133

**Sec. 1349.67.** (A) An online marketplace shall do both of 134  
the following: 135

(1) Verify the information collected under division (A) of 136  
section 1349.66 of the Revised Code not later than ten days 137  
after such collection; 138

(2) Verify any change to such information not later than 139  
ten days after being notified of such change by a high-volume 140  
third party seller under division (B) of section 1349.66 of the 141  
Revised Code. 142

(B) In the case of a high-volume third party seller that 143  
provides a copy of a valid government-issued tax document, any 144  
information contained in such document shall be presumed to be 145  
verified as of the date of issuance of such document. 146

**Sec. 1349.68.** Data collected solely to comply with the 147  
requirements of this chapter shall not be used for any other 148  
purpose unless required by law. 149

**Sec. 1349.69.** An online marketplace shall implement and 150  
maintain reasonable security procedures and practices, including 151  
administrative, physical, and technical safeguards, appropriate 152  
to the nature of the data and the purposes for which the data 153  
will be used, to protect the data collected to comply with the 154  
requirements of this chapter from unauthorized use, disclosure, 155  
access, destruction, or modification. 156

<u>Sec. 1349.70. (A) An online marketplace shall do both of</u>	157
<u>the following:</u>	158
<u>(1) Require any high-volume third party seller with an</u>	159
<u>aggregate total of twenty thousand dollars or more in annual</u>	160
<u>gross revenues on such online marketplace, and that uses such</u>	161
<u>online marketplace's platform, to provide the information</u>	162
<u>described in division (B) of this section to the online</u>	163
<u>marketplace;</u>	164
<u>(2) Disclose the information described in division (B) of</u>	165
<u>this section to consumers in a clear and conspicuous manner both</u>	166
<u>in:</u>	167
<u>(a) The order confirmation message or other document or</u>	168
<u>communication made to a consumer after a purchase is finalized;</u>	169
<u>(b) The consumer's account transaction history.</u>	170
<u>(B) The information required to be provided and disclosed</u>	171
<u>by division (A) of this section is both of the following:</u>	172
<u>(1) Except as provided in section 1349.71 of the Revised</u>	173
<u>Code, the identity of the high-volume third party seller,</u>	174
<u>including all of the following:</u>	175
<u>(a) The full name of the seller, which may include the</u>	176
<u>seller name or seller's company name, or the name by which the</u>	177
<u>seller or company operates on the online marketplace;</u>	178
<u>(b) The physical address of the seller;</u>	179
<u>(c) Contact information for the seller, to allow for the</u>	180
<u>direct, unhindered communication with high-volume third party</u>	181
<u>sellers by users of the online marketplace, including any of the</u>	182
<u>following:</u>	183

<u>(i) A current working telephone number;</u>	184
<u>(ii) A current working electronic mail address; or</u>	185
<u>(iii) Other means of direct electronic messaging, which</u>	186
<u>may be provided to such seller by the online marketplace.</u>	187
<u>(2) Whether the high-volume third party seller used a</u>	188
<u>different seller to supply the consumer product to the consumer</u>	189
<u>upon purchase, and, upon the request of an authenticated</u>	190
<u>purchaser, the information described in division (B) (1) of this</u>	191
<u>section relating to any such seller that supplied the consumer</u>	192
<u>product to the purchaser, if such seller is different than the</u>	193
<u>high-volume third party seller listed on the product listing</u>	194
<u>prior to purchase.</u>	195
<b><u>Sec. 1349.71. (A) Subject to division (B) of this section,</u></b>	196
<b><u>upon the request of a high-volume third party seller, an online</u></b>	197
<b><u>marketplace may provide for partial disclosure of the identity</u></b>	198
<b><u>information required under division (B) (1) of section 1349.70 of</u></b>	199
<b><u>the Revised Code in the following situations:</u></b>	200
<u>(1) If such seller certifies to the online marketplace</u>	201
<u>that the seller does not have a business address and only has a</u>	202
<u>residential street address, or has a combined business and</u>	203
<u>residential address, the online marketplace may both:</u>	204
<u>(a) Disclose only the country and, if applicable, the</u>	205
<u>state in which such seller resides;</u>	206
<u>(b) Inform consumers that there is no business address</u>	207
<u>available for the seller and that consumer inquiries should be</u>	208
<u>submitted to the seller by telephone, electronic mail, or other</u>	209
<u>means of electronic messaging provided to such seller by the</u>	210
<u>online marketplace.</u>	211



(2) If such seller certifies to the online marketplace 212  
that the seller is a business that has a physical address for 213  
product returns, the online marketplace may disclose the 214  
seller's physical address for product returns. 215

(3) If such seller certifies to the online marketplace 216  
that the seller does not have a telephone number other than a 217  
personal telephone number, the online marketplace shall inform 218  
consumers that there is no telephone number available for the 219  
seller and that consumer inquiries should be submitted to the 220  
seller's electronic mail address or other means of electronic 221  
messaging provided to such seller by the online marketplace. 222

(B) If an online marketplace becomes aware that a high- 223  
volume third party seller has made a false representation to the 224  
online marketplace in order to justify the provision of a 225  
partial disclosure under division (A) of this section or that a 226  
high-volume third party seller who has requested and received a 227  
provision for a partial disclosure under division (A) of this 228  
section has not provided responsive answers within a reasonable 229  
time frame to consumer inquiries submitted to the seller by 230  
telephone, electronic mail, or other means of electronic 231  
messaging provided to such seller by the online marketplace, the 232  
online marketplace shall, after providing the seller with 233  
written or electronic notice and an opportunity to respond not 234  
later than ten days after the issuance of such notice, suspend 235  
any future sales activity of such seller unless such seller 236  
consents to the disclosure of the identity information required 237  
under division (B) (1) of section 1349.70 of the Revised Code. 238

(C) If a high-volume third-party seller is a program 239  
participant as defined in section 111.41 of the Revised Code, 240  
the only address of which the online marketplace may require 241

disclosure is the address designated by the secretary of state 242  
under section 111.42 of the Revised Code. 243

**Sec. 1349.72.** An online marketplace shall disclose to 244  
consumers in a clear and conspicuous manner on the product 245  
listing of any high-volume third-party seller a reporting 246  
mechanism that allows for electronic and telephonic reporting of 247  
suspicious marketplace activity to the online marketplace. 248

**Sec. 1349.73.** If a high-volume third-party seller does not 249  
comply with the requirements to provide and disclose information 250  
under sections 1349.70 and 1349.71 of the Revised Code, the 251  
online marketplace shall, after providing the seller with 252  
written or electronic notice and an opportunity to provide or 253  
disclose such information not later than ten days after the 254  
issuance of such notice, suspend any future sales activity of 255  
such seller until the seller complies with such requirements. 256

**Sec. 1349.74.** (A) A violation of sections 1349.66 to 257  
1349.73 of the Revised Code is an unfair or deceptive act or 258  
practice in violation of section 1345.02 of the Revised Code. 259

(B) (1) The attorney general shall enforce sections 1349.66 260  
to 1349.73 of the Revised Code in the same manner, by the same 261  
means, and with the same jurisdiction, powers, and duties as 262  
though all applicable terms and provisions of sections 1345.01 263  
to 1345.13 of the Revised Code were incorporated and made part 264  
of sections 1349.66 to 1349.73 of the Revised Code. 265

(2) There is no private right of action, pursuant to 266  
section 1345.09 of the Revised Code, to enforce sections 1349.66 267  
to 1349.73 of the Revised Code. 268

(C) The attorney general may adopt rules with respect to 269  
the collection, verification, or disclosure of information under 270

sections 1349.66, 1349.67, and 1349.70 to 1349.73 of the Revised 271  
Code, provided that such regulations are limited to what is 272  
necessary to collect, verify, and disclose such information. 273

(D) Nothing in sections 1349.66 to 1349.74 of the Revised 274  
Code shall be construed to limit the authority of the attorney 275  
general under any other provision of law. 276

Sec. 1349.75. If any provision of sections 1349.65 to 277  
1349.74 of the Revised Code, or the application thereof to any 278  
person or circumstance, is held invalid, the remainder of those 279  
provisions and the application of such provision to other 280  
persons not similarly situated or to other circumstances shall 281  
not be affected by the invalidation. 282

Sec. 1349.76. The intent of the general assembly in 283  
enacting sections 1349.65 to 1349.76 of the Revised Code is to 284  
establish a statewide, comprehensive enactment that applies to 285  
all parts of the state, operates uniformly throughout the state, 286  
and sets forth police regulations. No political subdivision as 287  
defined in section 2744.01 of the Revised Code shall establish, 288  
mandate, or otherwise require online marketplaces or sellers to 289  
undertake different or additional measures to verify or disclose 290  
the same information as or information similar to that which is 291  
the subject of sections 1349.65 to 1349.73 of the Revised Code. 292

Sec. ~~1349.72~~ 1349.78. (A) Not less than thirty days prior 293  
to a person filing a foreclosure action to collect on a debt 294  
secured by residential real property, the person shall first 295  
send a written notice as described in division (B) of this 296  
section via United States mail to the residential address of the 297  
debtor, if both of the following apply: 298

(1) The debt is secured by a mortgage lien on the debtor's 299

residential real property that is not in the first mortgage	300
position.	301
(2) The debt has either been accelerated or is in default	302
in accordance with the terms set forth in the promissory note.	303
(B) The written notice may be included on, or accompany,	304
any other communication, and shall be printed in at least	305
twelve-point type and include the following:	306
(1) The name and contact information of the person	307
collecting the debt;	308
(2) A statement of the amount of the debt;	309
(3) A statement that the debtor has a right to engage an	310
attorney;	311
(4) A statement that the debtor may qualify for debt	312
relief under Chapter 7 or 13 of the United States Bankruptcy	313
Code, 11 U.S.C. Chapter 7 or 13, as amended;	314
(5) A statement that a debtor that qualifies under Chapter	315
13 of the United States Bankruptcy Code may be able to protect	316
their residential real property from foreclosure.	317
(C) Upon written request of the debtor, the owner of the	318
debt shall provide a copy of the note and the loan history to	319
the debtor.	320
(D) (1) As used in this division:	321
(a) "Bona fide error" means an unintentional clerical,	322
calculation, computer malfunction or programming, or printing	323
error.	324
(b) "Restitution" means either of the following:	325
(i) A waiver of all fees, costs, or expenses proximately	326

associated with the failure to provide the notice to the debtor;	327
or	328
(ii) Actual damages.	329
(2) Any owner of debt subject to divisions (A), (B), and	330
(C) of this section shall not be held civilly liable in any	331
action, if all of the following are met:	332
(a) The owner of the debt shows by a preponderance of	333
evidence that the compliance failure was not intentional and	334
resulted from a bona fide error notwithstanding the maintenance	335
of procedures reasonably adapted to avoid any such error.	336
(b) Within sixty days after discovering the error, and	337
prior to the initiation of any action, the owner of the debt	338
notifies the debtor of the error and the manner in which the	339
owner of the debt intends to make full restitution to the	340
debtor.	341
(c) The owner of the debt promptly makes reasonable	342
restitution to the debtor.	343
(3) If, in the event of a compliance failure, the owner of	344
the debt does not meet the conditions set forth in division (D)	345
(2) of this section, a debtor injured by the error has a cause	346
of action to recover damages. Such an action shall not, however,	347
be maintained as a class action.	348
<b>Section 2.</b> That existing section 1349.72 of the Revised	349
Code is hereby repealed.	350