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Senators Lang, Rulli

**Cosponsors: Senators Reineke, Schaffer, Cirino, Dolan, Gavarone, Hoagland,
Huffman, S., Johnson, Manning, Roegner, Romanchuk, Schuring, Wilson**

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. "Seller" does not include a new motor vehicle 32
dealer licensed under Chapter 4517. of the Revised Code. 33

(E) (1) "Third-party seller" means a seller, independent of 34
an operator, facilitator, or owner of an online marketplace, 35
that sells, offers to sell, or contracts to sell a consumer 36
product through an online marketplace. 37

(2) "Third-party seller" does not include a seller that 38
meets all of the following: 39

(a) Is a business entity that has made available to the 40
general public the entity's name, business address, and working 41
contact information; 42

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

consumer products; 46

(c) Has provided to the online marketplace identifying 47
information, as described in division (A) of section 1349.66 of 48
the Revised Code, that has been verified pursuant to that 49
subsection. 50

(F) "Verify" means to confirm information provided to an 51
online marketplace pursuant to divisions (A) and (C) of section 52
1349.66 of the Revised Code by the use of either of the 53
following: 54

(1) A third-party or proprietary identity verification 55
system that has the capability to confirm a seller's name, 56
electronic mail address, physical address, and telephone number; 57

(2) A combination of two-factor authentication, public 58
records search, and the presentation of a government-issued 59
identification. 60

Sec. 1349.66. (A) An online marketplace shall require that 61
each high-volume third-party seller on the online marketplace 62
provide the online marketplace with the following information 63
within twenty-four hours of becoming a high-volume third-party 64
seller: 65

(1) Bank account information, the accuracy of which has 66
been confirmed directly by the online marketplace or by a 67
payment processor or other third party contracted by the online 68
marketplace, or, if the high-volume third-party seller does not 69
have a bank account, the name of the payee for payments issued 70
by the online marketplace to the high-volume third-party seller. 71
The information may be provided by the high-volume third-party 72
seller to either of the following parties: 73

(a) The online marketplace; 74

(b) A payment processor or other third party contracted by 75
the online marketplace to maintain such information, provided 76
that the online marketplace must be permitted to obtain such 77
information on demand from the payment processor or other third 78
party. 79

(2) Contact information, including all of the the 80
following: 81

(a) A working electronic mail address and working 82
telephone number for the high-volume third-party seller; 83

(b) If the high-volume third-party seller is an 84
individual, a copy of a government-issued photo identification 85
for the individual that includes the individual's name and 86
physical address; 87

(c) If the high-volume third-party seller is not an 88
individual, either of the following: 89

(i) A copy of a government-issued photo identification for 90
an individual acting on behalf of the high-volume third-party 91
seller that includes the individual's name and physical address; 92

(ii) A copy of a government-issued record or tax document 93
that includes the business name and physical address of the 94
high-volume third-party seller. 95

(3) A business tax identification number or, if the high- 96
volume third-party seller does not have a business tax 97
identification number, a taxpayer identification number; 98

(4) Whether the high-volume third-party seller is 99
exclusively advertising or offering the consumer product on the 100
online marketplace, or if the high-volume third-party seller is 101
currently advertising or offering for sale the same consumer 102

product on any other internet web sites other than the online 103
marketplace. 104

(B)(1) An online marketplace shall verify the information 105
provided in division (A) of this section within three calendar 106
days of its submission, and shall verify any changes to such 107
information that is provided to the online marketplace by a 108
high-volume third-party seller within three calendar days of its 109
submission. If a high-volume third-party seller provides a copy 110
of a valid government-issued tax document, information contained 111
within the tax document shall be presumed to be verified as of 112
the date of issuance of such record or document. 113

(2) At least annually, an online marketplace shall notify 114
each high-volume third-party seller on the online marketplace 115
that the high-volume third-party seller must inform the online 116
marketplace of any changes to the information provided by the 117
high-volume third-party seller pursuant to division (A) of this 118
section within three calendar days of receiving the 119
notification. 120

(a) As part of the notification, the online marketplace 121
shall instruct each high-volume third-party seller to 122
electronically certify either that the high-volume third-party 123
seller's information is unchanged or that the high-volume third- 124
party seller is providing changes to the information. 125

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

certified that the high-volume third-party seller's information 133
is unchanged or has provided the changes and the information has 134
been verified. 135

Sec. 1349.67. (A) An online marketplace shall require a 136
high-volume third-party seller to disclose to consumers in this 137
state in a conspicuous manner either on the product listing or, 138
for information other than the high-volume third-party seller's 139
full name, through a conspicuously placed link on the product 140
listing, the following information: 141

(1) Subject to division (B) of this section, the identity 142
of the high-volume third-party seller, including all of the 143
following: 144

(a) The full name of the high-volume third-party seller; 145

(b) The full physical address of the high-volume third- 146
party seller; 147

(c) Whether the high-volume third-party seller also 148
engages in the manufacturing, importing, or reselling of 149
consumer products; 150

(d) Contact information for the high-volume third-party 151
seller, including a working telephone number and working 152
electronic mail address. Such working electronic mail address 153
may be provided to the high-volume third-party seller by the 154
online marketplace. 155

(2) Any other information the attorney general determines 156
necessary under division (B) of section 1349.68 of the Revised 157
Code to address circumvention or evasion of the requirements of 158
division (A) of this section. 159

(B)(1) Subject to division (B)(2) of this section, upon 160

the request of a high-volume third-party seller, an online 161
marketplace may provide for partial disclosure of the identity 162
information required under division (A) (1) of this section as 163
follows: 164

(a) If the high-volume third-party seller demonstrates to 165
the online marketplace that the high-volume third-party seller 166
does not have a business address and only has a residential 167
street address, the online marketplace may direct the high- 168
volume third-party seller to disclose only the country and, if 169
applicable, the state in which the high-volume third-party 170
seller resides on the product listing. The high-volume third- 171
party seller also may inform consumers in this state that there 172
is no business address available for the high-volume third-party 173
seller and that consumer inquiries should be submitted to the 174
high-volume third-party seller by telephone or electronic mail. 175

(b) If the high-volume third-party seller demonstrates to 176
the online marketplace that the high-volume third-party seller 177
is a business that has a physical address for product returns, 178
the online marketplace may direct the high-volume third-party 179
seller to disclose the high-volume third-party seller's physical 180
address for product returns. 181

(c) If a high-volume third-party seller demonstrates to 182
the online marketplace that the high-volume third-party seller 183
does not have a telephone number other than a personal telephone 184
number, the online marketplace shall inform consumers in this 185
state that there is no telephone number available for the high- 186
volume third-party seller and that consumer inquiries should be 187
submitted to the high-volume third-party seller's electronic 188
mail address. 189

(2) An online marketplace shall withdraw its provision for 190

partial disclosure under division (B)(1) of this section 191
regarding a high-volume third-party seller and require the high- 192
volume third-party seller to fully disclose the seller's 193
identity information described in division (A)(1) of this 194
section upon three business days' prior notice to the high- 195
volume third-party seller if the online marketplace becomes 196
aware that either: 197

(a) The high-volume third-party seller made a false 198
representation to the online marketplace in order to justify the 199
provision of the partial disclosure. 200

(b) The high-volume third-party seller has not provided 201
responsive answers within a reasonable timeframe to consumer 202
inquiries submitted to the high-volume third-party seller by 203
telephone or electronic mail. 204

(3) If a high-volume third-party seller is a program 205
participant as defined in section 111.41 of the Revised Code or 206
a designated public service worker as defined in section 149.43 207
of the Revised Code, the online marketplace shall not require 208
disclosure of the high-volume third-party seller's physical 209
business or residential address. A high-volume third-party 210
seller that is a program participant or designated public 211
service worker may disclose a physical business or residential 212
address if the high-volume third-party seller so chooses. 213

(C) An online marketplace shall establish for consumers in 214
this state a reporting mechanism that allows for reporting, by 215
electronic means and by telephone, of suspicious seller activity 216
to the online marketplace. The online marketplace shall include, 217
in a conspicuous manner on the product listing of any high- 218
volume third-party seller, the reporting mechanism and a message 219
encouraging consumers in this state to report suspicious 220

activity to the online marketplace. 221

(D) An online marketplace that warehouses, distributes, or 222
otherwise fulfills a consumer product order shall disclose to a 223
consumer in this state the identification of any high-volume 224
third-party seller supplying the consumer product if different 225
than the seller listed on the product listing web page. 226

Sec. 1349.68. (A) A violation of section 1349.66 or 227
1349.67 of the Revised Code is an unfair or deceptive act or 228
practice in violation of section 1345.02 of the Revised Code. A 229
person injured by a violation of section 1349.66 or 1349.67 of 230
the Revised Code has a cause of action and is entitled to the 231
same relief available to a consumer under section 1345.09 of the 232
Revised Code. All powers and remedies available to the attorney 233
general to enforce sections 1345.01 to 1345.13 of the Revised 234
Code are available to the attorney general to enforce sections 235
1349.66 and 1349.67 of the Revised Code. 236

(B) The attorney general may adopt rules necessary to 237
collect and verify information under sections 1349.66 and 238
1349.67 of the Revised Code. 239

(C) The intent of the general assembly in enacting 240
sections 1349.65 to 1349.68 of the Revised Code is to establish 241
a statewide, comprehensive enactment that applies to all parts 242
of the state, operates uniformly throughout the state, and sets 243
forth police regulations. No political subdivision as defined in 244
section 2744.01 of the Revised Code shall establish, mandate, or 245
otherwise require online marketplaces or sellers to undertake 246
different or additional measures to verify or disclose the same 247
information as or information similar to that which is the 248
subject of sections 1349.65 to 1349.68 of the Revised Code. 249