§ 66-491. Definitions.

The following definitions apply in this Article:

(1) Consumer product. – Any tangible personal property which is distributed in commerce and which is normally used for personal, family, or household purposes, including any property intended to be attached to or installed in real property without regard to whether it has been attached or installed.

(2) High-volume third-party seller. – A participant in an online marketplace that meets all of the following criteria:
   a. Is a third-party seller.
   b. Has, in any continuous 12-month period during the previous 24 months, entered into 200 or more separate sales or transactions of new or unused consumer products through the online marketplace to consumers in this State.
   c. Has an aggregate total of five thousand dollars ($5,000) or more in gross revenues for the sales or transactions described in sub-subdivision b. of this subdivision.
   d. Payment for the sales was processed by the online marketplace or through a third party.

(3) Online marketplace. – Any person or entity that operates a consumer-directed, electronically based or accessed platform that meets all of the following criteria:
   a. Includes features that allow for, facilitate, or enable third-party sellers to engage in the sale, purchase, payment, storage, shipment, or delivery of a consumer product within this State.
   b. Is used by one or more third-party sellers to engage in the sale, purchase, payment, storage, shipment, or delivery of a consumer product within this State.
   c. Has a contractual or similar relationship with consumers governing consumer use of the platform to purchase consumer products.

(4) Seller. – A person who sells, offers to sell, or contracts to sell a consumer product through an online marketplace's platform.

(5) Third-party seller. – Any seller, independent of an online marketplace, that sells, offers to sell, or contracts to sell a consumer good in this State through an online marketplace. With respect to an online marketplace, a third-party seller does not include either of the following:
   a. A seller that operates the online marketplace platform.
   b. A business entity that meets all of the following requirements:
      1. Makes available to the general public the entity's name, business address, and working contact information.
      2. 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.
      3. Provides to the online marketplace the identity information required under subsection (a) of G.S. 66-492 that has been verified in accordance with subsection (d) of G.S. 66-492.

(6) Verify. – To confirm information and documents provided to an online marketplace pursuant to this Article through the use of one or more methods that enable an online marketplace to reliably determine that the information and documents provided are valid, correspond to the seller or an individual

acting on the seller's behalf, are not misappropriated, and are not falsified. (2022-30, s. 6.)