§ 66-493. Disclosure of high-volume third-party seller information to consumers.

(a) Except as provided in subsection (b) of this section, an online marketplace shall require any high-volume third-party seller with an aggregate total of twenty thousand dollars ($20,000) or more in annual gross revenues on its platform to provide to the online marketplace and disclose to consumers in a clear and conspicuous manner all of the following identity information:

(1) Full name of the high-volume third-party seller, including the seller's name or company name or the name by which the seller or company operates on the online marketplace.

(2) Physical address of the seller.

(3) Contact information for the seller that will allow for direct, unhindered communication with the seller by consumers of the online marketplace, including at least one of the following:

a. A current telephone number.

b. A current email address.

c. Other means of direct electronic messaging, which may be provided to the seller by the online marketplace; provided, however, that nothing in this sub-subdivision shall prohibit the online marketplace from preventing actual fraud, abuse, or spam through any communication method provided by the online marketplace.

(4) Whether or not the high-volume third-party seller used a different seller to supply the product to the consumer upon purchase, and upon request of an authenticated purchaser, the information described in subdivisions (1) through (3) of this subsection for any seller that is different from the high-volume third-party seller listed on the product listing page prior to purchase. Any information required by this subdivision shall be provided on the product listing page, directly or via hyperlink to the consumer, or after the purchase is finalized in the order confirmation message or other document provided or communication made to a consumer and in the consumer's account transaction history.

(b) Upon the request of a high-volume third-party seller, an online marketplace may provide for partial disclosure of the identity information required under subsection (a) of this section under any of the following circumstances in the manner provided:

(1) If the seller certifies that the seller does not have a business address and only has a residential street address, or has a combined business and residential address, the online marketplace shall do both of the following:

a. Disclose only the country and, if applicable, the city and state in which the seller resides.

b. Inform consumers that there is no business address available for the seller and that consumer inquiries should be submitted to the seller by telephone, email, or other means of electronic messaging provided to the seller by the online marketplace.

(2) If the seller is a business that has a physical address for product returns, the online marketplace shall disclose the seller's physical address for product returns.

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

(c) If an online marketplace becomes aware that a high-volume third-party seller has made a false representation to the online marketplace in order to justify the provision of a partial disclosure of identity information pursuant to subsection (b) of this section, or that a high-volume third-party seller that has requested and received partial disclosure has not provided responsive answers within a reasonable period of time to consumer inquiries submitted to the seller by telephone, email, or other means of electronic messaging provided to the seller by the online marketplace, the online marketplace shall provide the seller with written or electronic notice of the allegation of false representation or failure to be responsive to consumers and the seller's opportunity to respond. No more than 10 days after the issuance of the notice, the online marketplace shall suspend any future sales activity of the seller unless the seller consents to the disclosure of the identity information required under subsection (a) of this section.

(d) If a high-volume third-party seller does not comply with the requirements to provide and disclose information under this section, the online marketplace shall provide the seller with written or electronic notice and an opportunity to provide or disclose the required information. If the seller does not provide or disclose the required information within 10 days of the issuance of the notice, the online marketplace shall immediately suspend any future sales activity of that seller until the seller complies with the requirements of this section.

(e) An online marketplace shall disclose to consumers in a clear and conspicuous manner on the product listing of any high-volume third-party seller a reporting mechanism that allows suspicious marketplace activity to be reported to the online marketplace by electronic and telephonic means. (2022-30, s. 6.)