



1 SECTION 2. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 799A.2 of Title 15, unless there  
3 is created a duplication in numbering, reads as follows:

4 As used in the Online Marketplace Consumer Protection Act:

5 1. "Consumer product" means any tangible personal property  
6 which is distributed in commerce and which is normally used for  
7 personal, family or household purposes, including any such property  
8 intended to be attached to or installed in any real property without  
9 regard to whether it is so attached or installed;

10 2. "High-volume third-party seller" means a participant in an  
11 online marketplace who is a third-party seller and who, in any  
12 continuous twelve-month period during the previous twenty-four (24)  
13 months, has entered into two hundred (200) or more discrete sales or  
14 transactions of new or unused consumer products resulting in the  
15 accumulation of an aggregate total of Five Thousand Dollars  
16 (\$5,000.00) or more in gross revenues;

17 3. "Online marketplace" means any electronically based or  
18 accessed platform that:

- 19 a. includes features that allow for, facilitate or enable  
20 third-party sellers to engage in the sale, purchase,  
21 payment, storage, shipping or delivery of a consumer  
22 product in the United States, and  
23 b. hosts one or more third-party sellers;

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1 4. "Seller" means a person who sells, offers to sell or  
2 contracts to sell a consumer product through an online marketplace;

3 5. "Third-party seller" means any seller, independent of an  
4 operator, facilitator or owner of an online marketplace, who sells,  
5 offers to sell or contracts to sell a consumer product in the United  
6 States through an online marketplace. The term third-party seller  
7 does not include a seller who:

8 a. is a business entity that has made available to the  
9 general public the entity's name, business address and  
10 working contact information,

11 b. has an ongoing contractual relationship with the  
12 operator, facilitator or owner of the online  
13 marketplace to provide for the manufacture,  
14 distribution, wholesaling or fulfillment of shipments  
15 of consumer products, and

16 c. has provided to the online marketplace identifying  
17 information, as described in Section 3 of this act,  
18 that has been verified pursuant to that section; and

19 6. "Verify" means to confirm information provided to an online  
20 marketplace pursuant to this act by the use of:

21 a. a third-party or proprietary identity verification  
22 system that has the capability to confirm a seller's  
23 name, email address, physical address and phone  
24 number, or

- 1           b. a combination of two-factor authentication, public  
2           records search and the presentation of a government-  
3           issued identification.

4           SECTION 3.       NEW LAW       A new section of law to be codified  
5 in the Oklahoma Statutes as Section 799A.3 of Title 15, unless there  
6 is created a duplication in numbering, reads as follows:

7           A. Online marketplaces shall require that any high-volume  
8 third-party seller on the online marketplace provide the online  
9 marketplace with the following information within twenty-four (24)  
10 hours of becoming a high-volume third-party seller:

11          1. Bank account information, the accuracy of which has been  
12 confirmed directly by the online marketplace or by a payment  
13 processor or other third party contracted by the online marketplace,  
14 or, if the high-volume third-party seller does not have a bank  
15 account, the name of the payee for payments issued by the online  
16 marketplace to the high-volume third-party seller. Such bank  
17 account or payee information may be provided by the seller either:

- 18           a. to the online marketplace, or  
19           b. to a payment processor or other third party contracted  
20           by the online marketplace to maintain such  
21           information, provided that the online marketplace may  
22           obtain such information on demand from such payment  
23           processor or other third party;

24          2. Contact information, including:

1 a. if the high-volume third-party seller is an  
2 individual, a copy of a government-issued photo  
3 identification for the individual that includes the  
4 individual's name and physical address, or

5 b. if the high-volume third-party seller is not an  
6 individual, either:

7 (1) a copy of a government-issued photo  
8 identification for an individual acting on behalf  
9 of the high-volume third-party seller that  
10 includes the individual's name and physical  
11 address, or

12 (2) a copy of a government-issued record or tax  
13 document that includes the business name and  
14 physical address of the high-volume third-party  
15 seller, and

16 c. a working email address and working phone number for  
17 the high-volume third-party seller;

18 3. A business tax identification number or, if the high-volume  
19 third-party seller does not have a business tax identification  
20 number, a taxpayer identification number; and

21 4. Whether the high-volume third-party seller is exclusively  
22 advertising or offering the consumer product or products on the  
23 online marketplace or if the high-volume third-party seller is  
24 currently advertising or offering for sale the same consumer product

1 or products on any other Internet websites other than the online  
2 marketplace.

3 B. The online marketplace shall verify the information provided  
4 by the high-volume third-party seller pursuant to subsection A of  
5 this section within three (3) days, and shall verify within three  
6 (3) days any changes to such information that is provided to the  
7 online marketplace by a high-volume third-party seller. If a high-  
8 volume third-party seller provides a copy of a valid government-  
9 issued tax document, information contained within such tax document  
10 shall be presumed to be verified as of the date of issuance of such  
11 record or document.

12 C. The online marketplace shall, on at least an annual basis,  
13 notify each high-volume third-party seller on the online marketplace  
14 that the seller must inform the online marketplace of any changes to  
15 the information provided by the seller pursuant to subsection A of  
16 this section within three (3) days of receiving the notification and  
17 shall instruct each high-volume third-party seller, as part of the  
18 notification, to electronically certify either that the seller's  
19 information is unchanged or that the seller is providing changes to  
20 the information. If the online marketplace becomes aware that a  
21 high-volume third-party seller has neither certified that the  
22 seller's information is unchanged nor has not provided such changed  
23 information within three (3) days of receiving such notification,  
24 the online marketplace shall suspend the high-volume third-party

1 seller's participation on the online marketplace until the seller  
2 has either certified that the seller's information is unchanged or  
3 has provided such changed information and the information has been  
4 verified.

5 SECTION 4. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 799A.4 of Title 15, unless there  
7 is created a duplication in numbering, reads as follows:

8 A. Any online marketplace shall require a high-volume third-  
9 party seller in such online marketplace to provide, and shall  
10 disclose to consumers in a conspicuous manner either on the product  
11 listing or, for information other than the seller's full name,  
12 through a conspicuously placed link on the product listing, the  
13 following information:

14 1. Subject to subsection B of this section, the identity of the  
15 high-volume third-party seller, which shall include:

- 16 a. the full name of the high-volume third-party seller,
- 17 b. the full physical address of the high-volume third-  
18 party seller,
- 19 c. whether the high-volume third-party seller also  
20 engages in the manufacturing, importing or reselling  
21 of consumer products, and
- 22 d. contact information for the high-volume third-party  
23 seller, including a working phone number and working  
24 email address. Such working email address may be

1 provided to the high-volume third-party seller by the  
2 online marketplace; and

3 2. Any other information determined to be necessary to address  
4 circumvention or evasion of the requirements of this subsection,  
5 provided that the additional information is limited to what is  
6 necessary to address such circumvention or evasion.

7 B. Subject to subsection C of this section, upon the request of  
8 a high-volume third-party seller, an online marketplace may provide  
9 for partial disclosure of the identity information required under  
10 paragraph 1 of subsection A of this section in the following  
11 situations:

12 1. If the high-volume third-party seller demonstrates to the  
13 online marketplace that the seller does not have a business address  
14 and only has a residential street address, the online marketplace  
15 may direct the high-volume third-party seller to disclose only the  
16 country and, if applicable, the state in which the high-volume  
17 third-party seller resides on the product listing, and may inform  
18 consumers that there is no business address available for the seller  
19 and that consumer inquiries should be submitted to the seller by  
20 phone or email;

21 2. If the high-volume third-party seller demonstrates to the  
22 online marketplace that the seller is a business that has a physical  
23 address for product returns, the online marketplace may direct the  
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1 high-volume third-party seller to disclose the seller's physical  
2 address for product returns; or

3 3. If a high-volume third-party seller demonstrates to the  
4 online marketplace that the seller does not have a phone number  
5 other than a personal phone number, the online marketplace shall  
6 inform consumers that there is no phone number available for the  
7 seller and that consumer inquiries should be submitted to the  
8 seller's email address.

9 C. If an online marketplace becomes aware that a high-volume  
10 third-party seller has made a false representation to the online  
11 marketplace in order to justify the provision of a partial  
12 disclosure under subsection B of this section or that a high-volume  
13 third-party seller who has requested and received a provision for a  
14 partial disclosure under subsection B of this section has not  
15 provided responsive answers within a reasonable timeframe to  
16 consumer inquiries submitted to the seller by phone or email  
17 address, the online marketplace shall withdraw its provision for  
18 partial disclosure and require the full disclosure of the high-  
19 volume third-party seller's identity information required under  
20 paragraph 1 of subsection A of this section upon three (3) business  
21 days' notice to the high-volume third-party seller.

22 SECTION 5. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 799A.5 of Title 15, unless there  
24 is created a duplication in numbering, reads as follows:

1 An online marketplace shall disclose to consumers, in a  
2 conspicuous manner on the product listing of any high-volume third-  
3 party seller, a reporting mechanism that allows for electronic and  
4 telephonic reporting of suspicious marketplace activity to the  
5 online marketplace and a message encouraging individuals seeking  
6 goods for purchase to report suspicious activity to the online  
7 marketplace.

8 SECTION 6. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 799A.6 of Title 15, unless there  
10 is created a duplication in numbering, reads as follows:

11 In addition to the requirements of Section 4 of this act, an  
12 online marketplace that warehouses, distributes or otherwise  
13 fulfills a consumer product order shall disclose to the consumer the  
14 identification of any high-volume third-party seller supplying the  
15 consumer product if different than the seller listed on the product  
16 listing page.

17 SECTION 7. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 799A.7 of Title 15, unless there  
19 is created a duplication in numbering, reads as follows:

20 A. Any violation of the provisions of this act is a violation  
21 of the Oklahoma Consumer Protection Act which shall be enforced  
22 pursuant to the provisions of Section 761.1 of Title 15 of the  
23 Oklahoma Statutes.

24 B. The Attorney General shall enforce this act.

1 C. The Attorney General is authorized to adopt and promulgate  
2 regulations with respect to collecting and verifying information  
3 under this act, provided that such regulations are limited to what  
4 is necessary to collect and verify such information.

5 SECTION 8. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 799A.8 of Title 15, unless there  
7 is created a duplication in numbering, reads as follows:

8 No political subdivision may establish, mandate or otherwise  
9 require online marketplaces to verify information from high-volume  
10 third-party sellers on a one-time or ongoing basis or disclose  
11 information to consumers.

12 SECTION 9. This act shall become effective November 1, 2021.

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14 COMMITTEE REPORT BY: COMMITTEE ON TECHNOLOGY, dated 02/24/2021 - DO  
15 PASS, As Coauthored.

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