

HB 1594 -- Redline

Printer's No. 2989 to Printer's No. 3373 -- An Act amending the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, providing for collection, verification and disclosure of information by online marketplaces to inform consumers.

Deletions ~~struck~~ · Insertions underlined

1757, 2593, ~~2659~~2659, PRINTER'S NO.

~~2089~~3373 THE GENERAL ASSEMBLY OF PENNSYLVANIA HOUSE BILL Session of No.

1594 2021 ~~INTSCHROEDER,~~INTRODUCED BY TOMLINSON, SANKEY, THOMAS, MILLARD, TOPPER, SCHROEDER, FARRY,
STAATS, POLINCHOCK, KAIL, MOUL, BURNS, QUINN, DELOZIER, NEILSON, HELM, ~~LABSLABS,~~AND T.

~~DAVIS, DAVIS AND WELBY,~~ JUNE 10, 2021 ~~SENATORAS TOMLINSON, AMENDED CONSUMER ON PROTECTION~~THIRD
AND CONSIDERATION, PROFESSIONAL LICENSURE, IN SENATE, ~~AS JULY AMENDED, 7, APRIL 13,~~ 2022 AN ACT Amending
the act of December 17, 1968 (P.L.1224, No.387), entitled "An act prohibiting unfair methods of
competition and unfair or deceptive acts or practices in the conduct of any trade or commerce, giving
the Attorney General and District Attorneys certain powers and duties and providing disclosure of
information by online marketplaces to inform consumers.

~~20210HB1594PN2089~~20210HB1594PN3373 - 2 - (b) An online marketplace shall have all of the following
duties:

<-- (D) IF A HIGH-VOLUME THIRD-PARTY SELLER FAILS TO COMPLY WITHIN ten days after the issuance of the
second notice, THE <-- ~~20210HB1594PN2089~~20210HB1594PN3373 - 3 - ONLINE MARKETPLACE SHALL suspend the
future sales activity of the high-volume third-party seller until the high-volume third- party seller
complies with subsection (b) (B)(2).

(1) Provide the information specified under subsection (h) <-- ~~20210HB1594PN2089~~20210HB1594PN3373 - 4 -
(I) to the online marketplace.

~~20210HB1594PN2089~~20210HB1594PN3373 - 5 - (4) Whether the high-volume third-party seller used a different
seller than listed on the product listing, prior to purchase, to supply a consumer product to a consumer
and, upon the request of an authenticated ~~purchaser,~~purchaser the OF information THE CONSUMER WHO <--
PURCHASED THE CONSUMER PRODUCT FROM THE HIGH-VOLUME THIRD-PARTY SELLER VIA THE ONLINE MARKETPLACE, the
information specified under clauses (1), (2) and (3) relating to the different seller.

(i) (J) Subject to the limitations under subsection ~~(j),~~(i) (K), <-- upon the request of a high-volume
third-party seller, an online marketplace may provide for the partial disclosure of the information
specified under subsection (h)(1) (I)(1), (2) and <-- (3) to a consumer in accordance with the
following:

(iii) (2) If the high-volume third-party seller certifies to <-- the online marketplace that the high-
volume third-party seller is a business that has a physical address for product returns, the online
marketplace may disclose the high-volume third-party ~~20210HB1594PN3373~~ - 6 - seller's physical address
for product returns.

~~20210HB1594PN2089~~ - 6 - (iv) (3) If the high-volume third-party seller certifies to <-- the online
marketplace that the high-volume third-party seller does not have a telephone number other than a
personal telephone number, the online marketplace shall inform the consumer that there is no telephone
number available for the high-volume third-party seller and consumer inquiries should be submitted to
the high-volume third-party seller's email address or other means of electronic messaging provided to
such seller by the online marketplace.

<-- (j) (K) If an online marketplace becomes aware that a high- <-- volume third-party seller has made a
false representation to the online marketplace to justify a partial disclosure under subsection (i) (J)
or the high-volume third-party seller has <-- requested and received an authorization for a partial
disclosure under subsection (i) (J) and has not provided responsive answers <-- within a reasonable time
frame to a consumer inquiry submitted to the high-volume third-party in accordance with subsection (i)
<-- ~~(J),~~(J) (I), the online marketplace shall, after providing the high- <-- volume third-party seller
with a written or an electronic notice and an opportunity to respond not later than ten days after the
issuance of the notice, suspend the future sales activity of the high-volume third-party seller unless
the high-volume third- party seller consents to the disclosure of the identity information required
under subsection (h)(1) (I)(1), (2) and <-- (3).

(k) (L) An online marketplace shall, in a clear and <-- conspicuous manner, disclose to a consumer on
EACH product <-- listing of a high-volume third-party seller a reporting ~~20210HB1594PN2089~~ - 7 -
mechanism that allows for electronic and telephonic reporting of ~~20210HB1594PN2089~~ - 7 - suspicious
marketplace activity to the online marketplace.

~~20210HB1594PN3373~~ - 8 - (3) The Attorney General shall promulgate regulations as ~~20210HB1594PN2089~~ - 8 -
necessary to enforce the provisions of this section.

"High-volume third-party seller" means a participant in an online marketplace who is a third-party
seller and who, for a continuous period of twelve months during the previous twenty- four months, has

entered into at least two hundred discrete sales or transactions of new or unused consumer products and an <-- aggregate total of at least five thousand dollars (\$5,000) gross 20210HB1594PN3373 - 9 - revenues.

For purposes of calculating the number of discrete ~~20210HB1594PN2989 - 9 -~~ sales or transactions or the aggregate gross revenues under this <-- definition, an online marketplace shall only count sales or <-- transactions made through the online marketplace and for which payment was processed by the online marketplace directly or through the online marketplace's payment processor.

(i) The business entity has made the business entity's name, 20210HB1594PN3373 - 10 - business address and contact information available to the ~~20210HB1594PN2989 - 10 -~~ public.

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