

RÉSUMÉ DIGEST

ACT 316 (SB 442)

2022 Regular Session

Ward

New law defines "consumer product", "high-volume third-party seller", "online marketplace", "seller", "third-party seller", and "verify".

New law provides that an online marketplace shall require a high-volume third-party seller to provide the following information not later than 10 days after qualifying a high-volume third-party seller on the platform:

- (1) A bank account number, in the absence of a bank account, the name of payee for payments issued by the online marketplace. The bank account or payee information may be provided directly to the online marketplace or to a third-party contracted by the online marketplace.
- (2) Contact information for the high-volume third-party seller, including the following:
 - (a) The individual's name if the high-volume third-party seller is an individual.
 - (b) If the high-volume third-party seller is not an individual, the following shall be provided:
 - (i) Copy of a valid government-issued identification; or
 - (ii) A copy of a valid government-issued record or tax document.
- (3) A current working phone number and email address.

New law provides that periodically, but not less than annually, an online marketplace shall notify a high-volume third-party seller on its platform to keep all required information current.

New law provides that an online market place shall require a high-volume third-party seller to electronically certify whether the high-volume third-party seller has changed information no later than 10 days after receiving an annual notice.

New law provides that if the high-volume third-party seller does not provide the information or certification required, the online marketplace shall, after first providing the seller with written notice, suspend any further sales activity of the seller.

New law provides that within 10 days of receiving the information from sellers the marketplace shall verify the information collected.

New law provides for data security requirements and limitations.

New law provides that an online marketplace shall require a high-volume third-party seller with an aggregate total of \$20,000 or more in annual revenue to provide the following information in the consumer's order confirmation message and account history:

- (1) The name and physical address of the seller.
- (2) The phone number, email address, or direct electronic messaging contact information of the seller.

New law provides that if a high-volume third-party seller uses a different seller to supply the consumer product to the consumer that seller must disclose information required by new law to the purchaser, if requested by the purchaser to do so.

New law allows a high-volume third-party seller to request a partial disclosure of identifying information if the seller demonstrates he does not have a physical address or a business phone number.

New law authorizes an online marketplace to suspend any future sales of the seller, if the seller has made a false representation to justify partial disclosure of identifying information, unless the seller consents to the disclosure of the identity required by new law.

New law provides relative to violations for deceptive and unfair trade practices.

Effective January 1, 2023.

(Adds R.S. 51:3221-3226)