

## ORC Ann. 1349.65

Current through File 26 of the 135th General Assembly (2023-2024).

*Page's Ohio Revised Code Annotated > Title 13: Commercial Transactions — Other Commercial Transactions (Chs. 1301 — 1355) > Chapter 1349: Consumer Protection (§§ 1349.01 — 1349.99) > Gift Cards (§§ 1349.61 — 1349.69)*

### § 1349.65 Definitions.

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As used in sections 1349.65 to 1349.76 of the Revised Code:

- (A) “Consumer product” has the same meaning as in section 101 of the “Magnuson-Moss Warranty—Federal Trade Commission Improvement Act,” 15 U.S.C. 2301 and 16 C.F.R. 700.1.
- (B) “High-volume third party seller” means a participant on an online marketplace’s platform that is a third party seller and that, in any continuous twelve-month period during the previous twenty-four months, has entered into two hundred or more discrete sales or transactions of new or unused consumer products through the online marketplace, and for which payment was processed by the online marketplace, either directly or through its payment processor, with an aggregate total of five thousand dollars or more in gross revenues.
- (C) “Online marketplace” means any person or entity that operates a consumer-directed electronically based or accessed platform that meets all of the following criteria:
  - (1) It includes features that allow for, facilitate, or enable third party sellers to engage in the sale, purchase, payment, storage, shipping, or delivery of a consumer product in this state.
  - (2) It is used by one or more third party sellers for such purposes.
  - (3) It has a contractual or similar relationship with consumers governing their use of the platform to purchase consumer products.
- (D) “Seller” means a person that sells, offers to sell, or contracts to sell a consumer product through an online marketplace’s platform. “Seller” does not include a new motor vehicle dealer licensed under Chapter 4517. of the Revised Code.
- (E)
  - (1) “Third party seller” means any seller, independent of an online marketplace, that sells, offers to sell, or contracts to sell a consumer product in this state through such online marketplace’s platform.
  - (2) “Third party seller” does not include, with respect to an online marketplace, either of the following:
    - (a) A seller that operates the online marketplace’s platform;

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(b) A business entity to which all of the following apply:

- (i) It has made available to the general public the entity's name, business address, and working contact information.
- (ii) It 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.
- (iii) It has provided to the online marketplace identifying information, as described in section 1349.66 of the Revised Code, that has been verified in accordance with that section.

(F) "Verify" means to confirm information provided to an online marketplace pursuant to section 1349.66 of the Revised Code, which may include the use of one or more methods that enable the online marketplace to reliably determine that any information and documents provided are valid, corresponding to the seller or an individual acting on the seller's behalf, not misappropriated, and not falsified.

## History

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2022 hb272, § 1, effective July 6, 2022.

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