



SB0610/643723/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

08 MAR 22
14:43:52

BY: Senator Jennings
(To be offered in the Finance Committee)

AMENDMENT TO SENATE BILL 610
(First Reading File Bill)

On page 2, in line 20, strike “RESULTING” and substitute “:

**(I) THAT WERE MADE THROUGH THE ONLINE
MARKETPLACE;**

**(II) FOR WHICH PAYMENT WAS PROCESSED BY THE ONLINE
MARKETPLACE, EITHER DIRECTLY OR THROUGH ITS PAYMENT PROCESSOR; AND**

(III) THAT RESULTED”;

in line 23, strike “AN” and substitute “A PERSON THAT:

(1) OPERATES A CONSUMER-DIRECTED”;

strike line 25 in its entirety; and in line 26, strike “(2)” and substitute “(I)”.

On page 3, in line 2, after “STATES” insert “;AND

**(II) IS USED BY ONE OR MORE THIRD-PARTY SELLERS FOR
THE PURPOSES DESCRIBED IN ITEM (1) OF THIS PARAGRAPH; AND**

**(2) HAS A CONTRACTUAL OR SIMILAR RELATIONSHIP WITH
CONSUMERS GOVERNING THEIR USE OF THE PLATFORM TO PURCHASE
CONSUMER PRODUCTS”;**

in line 6, after “THROUGH” insert “THE PLATFORM OF”; strike beginning with the colon in line 21 down through “IDENTIFICATION” in line 28 and substitute “ONE OR MORE METHODS THAT ENABLE THE ONLINE MARKETPLACE TO RELIABLY DETERMINE THAT INFORMATION AND DOCUMENTS PROVIDED:”

(1) ARE VALID;

(2) CORRESPOND TO THE SELLER OR AN INDIVIDUAL ACTING ON THE SELLER’S BEHALF;

(3) HAVE NOT BEEN MISAPPROPRIATED; AND

(4) HAVE NOT BEEN FALSIFIED”.

On page 4, in line 1, strike “24 HOURS” and substitute “10 DAYS”; in the same line, strike “BECOMING A” and substitute “QUALIFYING AS A”; in line 2, after “SELLER” insert “ON THE PLATFORM OF THE ONLINE MARKETPLACE”; in line 8, after “SUBSECTION;” insert “AND”; strike beginning with “; AND” in line 10 down through “WEBSITES” in line 14; strike beginning with the first “A” in line 23 down through “ADDRESS” in line 24 and substitute “THE INDIVIDUAL’S NAME”; and strike beginning with “AND” in line 31 down through “ADDRESS” in line 32.

On page 5, strike in their entirety lines 6 through 13, inclusive; in lines 14 and 21, strike “(C)” and “(D)”, respectively, and substitute “(B)” and “(C)”, respectively; in lines 16 and 32, strike “3 BUSINESS” and substitute “10”; and in line 22, after “ON” insert “THE PLATFORM OF”.

On page 6, in line 1, strike “SUSPEND” and substitute “:

(I) PROVIDE THE HIGH-VOLUME THIRD-PARTY SELLER WITH A WRITTEN OR ELECTRONIC NOTICE AND AN OPPORTUNITY TO RESPOND NOT LATER THAN 10 BUSINESS DAYS AFTER THE ISSUANCE OF THE NOTICE; AND

(II) SUSPEND”;

after line 3, insert:

“(D) UNLESS OTHERWISE REQUIRED BY LAW, DATA COLLECTED SOLELY TO COMPLY WITH THE REQUIREMENT OF THIS SECTION MAY NOT BE USED FOR ANY OTHER PURPOSE.

(E) AN ONLINE MARKETPLACE SHALL IMPLEMENT AND MAINTAIN REASONABLE SECURITY PROCEDURES AND PRACTICES TO PROTECT THE DATA COLLECTED FROM UNAUTHORIZED USE, DISCLOSURE, ACCESS, DESTRUCTION, OR MODIFICATION, INCLUDING ADMINISTRATIVE, PHYSICAL, AND TECHNICAL SAFEGUARDS APPROPRIATE TO THE NATURE OF THE DATA AND THE PURPOSE FOR WHICH THE DATA WILL BE USED.”;

in line 6, after “SELLER” insert “WITH AN AGGREGATE TOTAL OF \$20,000 OR MORE IN ANNUAL GROSS REVENUES ON THE ONLINE MARKETPLACE”; in line 7, after “ON” insert “THE PLATFORM OF”; in line 10, after “SELLER” insert “WHICH MAY INCLUDE THE HIGH-VOLUME THIRD-PARTY SELLER’S NAME, THE HIGH-VOLUME THIRD-PARTY SELLER’S BUSINESS NAME, OR THE NAME BY WHICH THE HIGH-VOLUME THIRD-PARTY SELLER OR BUSINESS OPERATES ON THE ONLINE MARKETPLACE”; in line 12, after “SELLER” insert “TO ALLOW DIRECT AND UNHINDERED COMMUNICATION BETWEEN HIGH-VOLUME THIRD-PARTY SELLERS AND USERS OF THE ONLINE MARKETPLACE”; in the same line, strike “PHYSICAL” and substitute “BUSINESS”; strike in their entirety lines 15 and 16 and substitute “USES A

(Over)

DIFFERENT SELLER TO FULFILL A PURCHASE ORDER TO CUSTOMERS PLACED THROUGH THE ONLINE MARKETPLACE;

(IV) ON THE REQUEST OF AN AUTHENTICATED PURCHASER, IF A HIGH-VOLUME THIRD-PARTY SELLER USES A DIFFERENT SELLER TO FULFILL PURCHASE ORDERS TO CONSUMERS, THE SAME INFORMATION DISCLOSURES REQUIRED BY THIS SECTION BUT FOR THE DIFFERENT SELLER; AND”;

in line 17, strike “(IV)” and substitute “(V)”; in line 20, strike “PROVIDE” and substitute “DISCLOSE”; and in the same line, after “THE” insert “PLATFORM OF THE”.

On page 7, in line 26, after “ON” insert “THE PLATFORM OF”; in the same line, strike “3 BUSINESS” and substitute “10”; and in line 29, after “A” insert “CLEAR AND”.