

# HOUSE BILL NO. 5485

October 27, 2021, Introduced by Reps. Frederick, Tisdel, Weiss, Hall, Aiyash, Hertel, Brixie, Breen, Lilly, Steckloff and Rogers and referred to the Committee on Judiciary.

A bill to amend 1976 PA 331, entitled  
"Michigan consumer protection act,"  
(MCL 445.901 to 445.922) by adding section 3p.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1        **Sec. 3p. (1) An online marketplace shall require a high-volume**  
2 **third-party seller on its online marketplace to provide, and shall**  
3 **disclose to consumers in a conspicuous manner either on the product**  
4 **listing or, for information other than the seller's full name,**  
5 **through a conspicuously placed link on the product listing, all of**  
6 **the following information:**

1 (a) Subject to subsection (2), the identity of the high-volume  
2 third-party seller, which must include all of the following:

3 (i) The name of the seller.

4 (ii) The full physical address of the seller.

5 (iii) Whether the seller also engages in the manufacturing,  
6 importing, or reselling of consumer products.

7 (iv) Contact information for the seller, including a working  
8 telephone number and working email address. The working email  
9 address may be provided to the high-volume third-party seller by  
10 the online marketplace.

11 (b) Any other information required by the department under  
12 rules promulgated under subsection (6) to prevent the circumvention  
13 or evasion of this subsection.

14 (2) Subject to subsection (3), on the request of a high-volume  
15 third-party seller, an online marketplace may permit the partial  
16 disclosure of the identity information required under subsection  
17 (1)(a) as follows:

18 (a) If the high-volume third-party seller denotes to the  
19 online marketplace that the seller does not have a business address  
20 and has only a residential street address, the online marketplace  
21 shall permit the disclosure of seller's physical address to be  
22 limited to the country and, if applicable, the state in which the  
23 high-volume third-party seller resides. If a partial disclosure is  
24 made under this subdivision, the online marketplace shall inform  
25 consumers that there is no business address available for the  
26 seller and that consumer inquiries should be submitted to the  
27 seller by telephone or email.

28 (b) If the high-volume third-party seller denotes to the  
29 online marketplace that the seller is a business that has a

1 physical address for product returns, the online marketplace shall  
2 permit the seller's physical address for product returns to be  
3 disclosed as the seller's physical address.

4 (3) If an online marketplace becomes aware that a high-volume  
5 third-party seller has made a false representation under subsection  
6 (2) or, after requesting and receiving permission for partial  
7 disclosure under subsection (2), has not provided responsive  
8 answers within a reasonable time to consumer inquiries submitted to  
9 the seller by telephone or email, the online marketplace shall  
10 withdraw its permission for partial disclosure and require the full  
11 disclosure of the identity information required under subsection  
12 (1)(a) upon 3 business days' notice to the high-volume third-party  
13 seller.

14 (4) An online marketplace shall include, in a conspicuous  
15 manner on the product listing page of any high-volume third-party  
16 seller, a reporting mechanism that allows for electronic and  
17 telephonic reporting of suspicious marketplace activity to the  
18 online marketplace and a message encouraging consumers to report  
19 suspicious activity to the online marketplace.

20 (5) An online marketplace that warehouses, distributes, or  
21 otherwise fulfills a consumer product order shall disclose to the  
22 consumer the identification of a high-volume third-party seller  
23 supplying the consumer product if different than the seller listed  
24 on the product listing page.

25 (6) The attorney general may promulgate rules pursuant to the  
26 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
27 24.328, regarding additional information that must be provided and  
28 disclosed under subsection (1)(b). Rules promulgated under this  
29 subsection must limit the additional information to what is

1 necessary to prevent the circumvention or evasion of subsection  
2 (1).

3 (7) A political subdivision shall not establish, mandate, or  
4 otherwise require an online marketplace to disclose information to  
5 consumers regarding high-volume third-party sellers.

6 Enacting section 1. This amendatory act takes effect 180 days  
7 after the date it is enacted into law.

8 Enacting section 2. This amendatory act does not take effect  
9 unless all of the following bills of the 101st Legislature are  
10 enacted into law:

11 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 5486 (request no.  
12 02444'21 \*).

13 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 5487 (request no.  
14 03416'21 \*).