

Department of Planning and Budget 2022 Fiscal Impact Statement

1. Bill Number: HB888

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|------------------------|--|-------------------------------------|------------------------------------|
| House of Origin | <input checked="" type="checkbox"/> Introduced | <input type="checkbox"/> Substitute | <input type="checkbox"/> Engrossed |
| Second House | <input type="checkbox"/> In Committee | <input type="checkbox"/> Substitute | <input type="checkbox"/> Enrolled |

2. Patron: Terry G. Kilgore

3. Committee: Commerce and Energy

4. Title: Online Marketplace Consumer Protection Act; high-volume third-party sellers in an online marketplace; civil penalty.

5. Summary: Establishes requirements for high-volume third-party sellers, defined in the bill as participants in an online marketplace that have entered into at least 200 discrete sales or transactions for 12 continuous months during the past 24 months resulting in accumulation of an aggregate total of \$5,000 or more in gross revenues. The bill requires high-volume third-party sellers to provide identifying information and contact information to the online marketplace and requires the online marketplace to verify the information upon receipt. The bill requires that high-volume third-party sellers make certain conspicuous disclosures to consumers on their product listing pages, with certain limited exceptions. The bill authorizes the Attorney General to initiate an action in the name of the Commonwealth against an online marketplace or high-volume third party seller that has violated the provisions of the bill and either failed to cure the violation within a 30-day cure period or failed to comply with an express written statement to the Attorney General that the alleged violations have been cured and no further violations will occur. The Attorney General may seek an injunction to restrain any such violations and civil penalties of up to \$7,500 for each such violation.

6. Budget Amendment Necessary: See Item 8.

7. Fiscal Impact Estimates: See Item 8.

8. Fiscal Implications: The Office of the Attorney General and Department of Law (OAG) indicates this bill presents no fiscal impact. It is unknown how many violations will occur and the impact to both the Literary Fund from deposited fees and OAG for recovered attorney fees is indeterminate.

9. Specific Agency or Political Subdivisions Affected: Office of the Attorney General and Department of Law

10. Technical Amendment Necessary: no.

11. Other Comments: Similar to SB341.

Date: 2/2/2022