

Senate Bill 472

By: Senators Albers of the 56th, Gooch of the 51st, Strickland of the 17th, Esteves of the 6th,
Brass of the 28th and others

AS PASSED SENATE

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 36 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated,
2 relating to online marketplace requirements, so as to revise certain definitions; to provide for
3 related matters; to provide for a short title; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 **SECTION 1.**

6 This Act shall be known and may be cited as the "Combating Organized Retail Crime Act."

7 **SECTION 2.**

8 Article 36 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to
9 online marketplace requirements, is amended by revising paragraphs (2), (4), and (5) of Code
10 Section 10-1-940, relating to definitions, as follows:

11 "(2) 'High-volume third-party seller' means a participant in an online marketplace that
12 is a third-party seller and that, in any continuous 12 month period during the previous
13 24 months, has entered into 200 or more discrete sales or transactions of new or unused
14 consumer products of an aggregate total of \$5,000.00 or more in gross revenues in this

15 state made ~~through~~ by utilizing the online marketplace ~~and for which payment was~~
16 ~~processed by the online marketplace or through a third party."~~

17 "(4) 'Seller' means a person who sells, offers to sell, or contracts to sell a consumer
18 product ~~through~~ utilizing an online marketplace's platform.

19 (5) 'Third-party seller' means any seller, independent of an online marketplace, that sells,
20 offers to sell, or contracts to sell a consumer product in this state ~~through~~ by utilizing an
21 online marketplace. ~~The term 'third-party seller' does~~ Such term shall not include, with
22 respect to an online marketplace:

23 (A) A seller that operates the online marketplace's platform; or

24 (B) A business entity that has:

25 (i) Made available to the general public the entity's name, business address, and
26 working contact information;

27 (ii) An ongoing contractual relationship with the online marketplace to provide the
28 online marketplace with the manufacture, distribution, wholesaling, or fulfillment of
29 shipments of consumer products; and

30 (iii) Provided to the online marketplace the identity information required under
31 subsection (a) of Code Section 10-1-941 that has been verified in accordance with
32 subsection (d) of Code Section 10-1-941."

33 **SECTION 3.**

34 All laws and parts of laws in conflict with this Act are repealed.