

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

FILED SENATE  
Mar 16, 2023  
S.B. 325  
PRINCIPAL CLERK

S

D

SENATE BILL DRS45156-LM-84

Short Title: Limit Online Marketplace Regulations. (Public)

Sponsors: Senators Perry, Lazzara, and Moffitt (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT PROVIDING THAT COUNTIES AND CITIES SHALL NOT REGULATE  
3 CERTAIN ONLINE MARKETPLACES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 23 of Chapter 153A of the General Statutes is amended by  
6 adding a new section to read:

7 "**§ 153A-461. Online marketplace.**

8 (a) A county may not do either of the following:

9 (1) Regulate the operation of an online marketplace, as defined in subsection (b)  
10 of this section.

11 (2) Require an online marketplace to provide personally identifiable information  
12 of users, unless pursuant to a subpoena or court order.

13 (b) For purposes of this section, the term "online marketplace" means a person or entity  
14 that does both of the following:

15 (1) Provides for consideration, regardless of whether the consideration is  
16 deducted as a fee from the transaction, an online application, software,  
17 website, system, or other medium through which a service is advertised in this  
18 State or is offered to the public as available in this State.

19 (2) Provides, directly or indirectly, or maintains a platform for services by  
20 performing any of the following:

21 a. Providing a payment system that facilitates a transaction between two  
22 platform users.

23 b. Transmitting or otherwise communicating the offer or acceptance of a  
24 transaction between two platform users.

25 c. Owning or operating the infrastructure or technology that brings two  
26 or more users together."

27 SECTION 2. Article 21 of Chapter 160A of the General Statutes is amended by  
28 adding a new section to read:

29 "**§ 160A-499.6. Online marketplace.**

30 (a) A city may not do either of the following:

31 (1) Regulate the operation of an online marketplace, as defined in subsection (b)  
32 of this section.

33 (2) Require an online marketplace to provide personally identifiable information  
34 of users, unless pursuant to a subpoena or court order.

35 (b) For purposes of this section, the term "online marketplace" means a person or entity  
36 that does both of the following:



- 1           (1) Provides for consideration, regardless of whether the consideration is
- 2           deducted as a fee from the transaction, an online application, software,
- 3           website, system, or other medium through which a service is advertised in this
- 4           State or is offered to the public as available in this State.
- 5           (2) Provides, directly or indirectly, or maintains a platform for services by
- 6           performing any of the following:
- 7           a.     Providing a payment system that facilitates a transaction between two
- 8           platform users.
- 9           b.     Transmitting or otherwise communicating the offer or acceptance of a
- 10          transaction between two platform users.
- 11          c.     Owning or operating the infrastructure or technology that brings two
- 12          or more users together."

13       **SECTION 3.** This act is effective when it becomes law.