

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

S

D

SENATE BILL 325
PROPOSED COMMITTEE SUBSTITUTE S325-PCS45327-CJ-7

Short Title: Limit Online Marketplace Regulations.

(Public)

Sponsors:

Referred to:

March 20, 2023

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 shall 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 electronic infrastructure or technology that
26 brings two or more users together.

27 (c) For purposes of this section, the term "online marketplace" shall not include any local
28 or State entity or vendor."

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

31 "**§ 160A-499.6. Online marketplace.**

32 (a) A city shall not do either of the following:

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

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



* S 3 2 5 - P C S 4 5 3 2 7 - C J - 7 *

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

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

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

9 a. Providing a payment system that facilitates a transaction between two
10 platform users.

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

13 c. Owning or operating the electronic infrastructure or technology that
14 brings two or more users together.

15 (c) For purposes of this section, the term "online marketplace" shall not include any local
16 or State entity or vendor."

17 **SECTION 3.** This act shall not affect any authority otherwise granted to counties
18 and cities in State statute.

19 **SECTION 4.** This act is effective when it becomes law.