



2023-2024 General Assembly

HOUSE BILL 600: Regulatory Reform Act of 2023, Sec. 27: Prohibit Counties and Cities from Regulating Certain Online Marketplaces

Committee:
Introduced by:
Analysis of: Sec. 27 of S.L. 2023-137

Date: December 11, 2023
Prepared by: Kyle Evans
Staff Attorney

OVERVIEW: Section 27 of S.L. 2023-137 prohibits counties or cities from regulating the operation of an online marketplace; or requiring an online marketplace to provide personally identifiable information of users, unless pursuant to a subpoena or court order.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

BILL ANALYSIS:

Section 27 prohibits counties or cities from doing the following:

- Regulating the operation of an online marketplace.
- Requiring an online marketplace to provide personally identifiable information of users, unless pursuant to a subpoena or court order.

This section also defines "online marketplace" as a person or entity that does both of the following:

- Provides for consideration, regardless of whether the consideration is deducted as a fee from the transaction, an online application, software, website, system, or other medium through which a service is advertised in this State or is offered to the public as available in this State.
- Provides, directly or indirectly, or maintains a platform for services by performing any of the following:
 - Providing a payment system that facilitates a transaction between two platform users.
 - Transmitting or otherwise communicating the offer or acceptance of a transaction between the two platform users.
 - Owning or operating the electronic infrastructure or technology that brings two or more users together.

The term "online marketplace" does not include any local or State entity or vendor. This section does not affect any authority otherwise granted to counties and cities by the State.

EFFECTIVE DATE: This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

Karyl Smith, LAD, substantially contributed to this summary.

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