



SENATE BILL 325: Limit Online Marketplace Regulations.

2023-2024 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	April 27, 2023
Introduced by:	Sens. Perry, Lazzara, Moffitt	Prepared by:	Karyl Smith
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: *Senate Bill 325 would prohibit counties and cities from regulating certain online marketplaces.*

CURRENT LAW: There are currently no North Carolina statutes that expressly authorize or prohibit the local government regulation of the operation of online marketplaces.

BILL ANALYSIS: Senate Bill 325 would prohibit 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.

The bill would also define "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" would not include any local or State entity or vendor.

The bill would not affect any authority otherwise granted to counties and cities in State statute.

EFFECTIVE DATE: Senate Bill 325 would become effective when it becomes law.

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Legislative Analysis
Division
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