

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

S

1

SENATE BILL 325

Short Title: Limit Online Marketplace Regulations. (Public)

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

Referred to: Rules and Operations of the Senate

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 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.