

2024 Regular Session

HOUSE BILL NO. 591

BY REPRESENTATIVE LYONS

CONSUMERS/PROTECTION: Provides relative to prohibitions on a local governing authority regulating online marketplaces

1 AN ACT

2 To enact R.S. 51:3267, relative to online marketplace services; to prohibit certain regulating  
3 of local governing authorities; to provide for definitions; and to provide for related  
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 51: 3267 is hereby enacted to read as follows:

7 §3267. Regulating online marketplaces; prohibitions; local governing authorities

8 A. As used in this Section:

9 (1) "Local governing authority" means the legislative body of a city,  
10 municipality, parish, or other political subdivision of this state.

11 (2) "Online marketplace" has the meaning ascribed it in R.S. 51:3261 and  
12 includes a person or entity that does either of the following:

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

17 (b) Directly or indirectly provides or maintains a platform for services by  
18 performing any of the following:

19 (i) Providing a payment system that facilitates a transaction between two  
20 platform users.

- 1            (ii) Transmitting or otherwise communicating the offer or acceptance of a
- 2            transaction between two platform users.
- 3            (iii) Owning or operating the electronic infrastructure, or technology that
- 4            brings two or more users together.
- 5            (c) The term "online marketplace" shall not include any local or state
- 6            governmental entity or vendor.
- 7            B. A local governing authority shall not do either of the following:
- 8            (1) Regulate the operation of an online marketplace.
- 9            (2) Require an online marketplace to provide personally identifiable
- 10           information of users without an administrative subpoena or court order.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 591 Original

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**Abstract:** Prohibits a local governing authority from regulating the operation of an online marketplace.

Proposed law defines "local governing authority" and "online marketplace".

Proposed law provides that an online marketplace is a person or entity that provides for payment for goods or services and provides or maintains a platform for services.

Proposed law provides that online marketplace does not include any local or state governmental entity or vendor.

Proposed law provides that a local governing authority shall not regulate the operation of an online marketplace or require an online marketplace to provide the personal identification of users without a subpoena or court order.

(Adds R.S. 51:3267)