

By: Springer

S.B. No. 1461

A BILL TO BE ENTITLED

AN ACT

relating to regulation of online global marketplaces.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 5, Business & Commerce Code, is amended by adding Chapter 121 to read as follows:

CHAPTER 121. ONLINE GLOBAL MARKETPLACES

Sec. 121.001. DEFINITION. In this chapter, "online global marketplace" means a person that:

(1) provides for consideration, including consideration deducted as a fee from the transaction, an online application, software, an Internet website, a system, or another medium through which a good or service in this state is advertised or offered to the public as available; and

(2) is not regulated by this state; and

(3) directly or indirectly provides or maintains an Internet platform for goods or services by:

(A) providing a payment system that facilitates a transaction between two platform users;

(B) transmitting or otherwise communicating the offer or acceptance of a transaction between two platform users;

(C) owning or operating the electronic or physical infrastructure or technology that brings two or more platform users together;

(D) providing a virtual currency, as defined by

1 Section 12.001, that platform users are allowed or required to use
2 to transact; or

3 (E) providing software development or research
4 and development activities related to any of the activities
5 described by this subdivision.

6 SECTION 2. Chapter 250, Local Government Code, is amended
7 by adding Section 250.014 to read as follows:

8 Sec. 250.014. REGULATION OF ONLINE GLOBAL MARKETPLACE
9 PROHIBITED. (a) In this section, "online global marketplace" has
10 the meaning assigned by Section 121.001, Business & Commerce Code.

11 (b) A county or municipality may not:

12 (1) regulate the operation of an online global
13 marketplace; or

14 (2) require an online global marketplace to provide
15 personally identifiable information of its Internet platform users
16 without an administrative subpoena or court order.

17 SECTION 3. This Act takes effect September 1, 2023.