

2024 Regular Session

HOUSE BILL NO. 123

BY REPRESENTATIVES SCHLEGEL, ADAMS, AMEDEE, BAYHAM, BERAULT, BILLINGS, BOYER, BRYANT, CARLSON, CARRIER, WILFORD CARTER, CARVER, CHASSION, CHENEVERT, DAVIS, EDMONSTON, EGAN, EMERSON, FISHER, FONTENOT, GLORIOSO, GREEN, HORTON, MIKE JOHNSON, KNOX, MARCELLE, MOORE, OWEN, SELDERS, THOMPSON, VILLIO, WALTERS, AND WYBLE

1 AN ACT

2 To amend and reenact R.S. 9:2717.2 and to repeal Sections 2 and 3 of Act No. 440 of the
3 2023 Regular Session of the Legislature of Louisiana, relative to contracts with
4 minors; to provide relative to interactive computer services; to provide for public
5 policy; to provide for consent by a legal representative; to provide for exceptions; to
6 provide for nullity; to provide for definitions; to provide for an effective date; and
7 to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 9:2717.2 is hereby amended and reenacted to read as follows:

10 §2717.2. Legal representative consent in contracts between a minor and an
11 interactive computer service

12 A.(1) It is declared to be the public policy of this state that minors are to be
13 protected in the online environment and that interactive computer services shall be
14 discouraged from contracting with minors without the consent of a legal
15 representative.

16 (2) No interactive computer service shall enter into a contract ~~or other~~
17 ~~agreement~~, including the creation of an online account, with a minor without
18 obtaining the consent of the legal representative of the minor.

19 (2) ~~The interactive computer service may rely on the consent of the legal~~
20 ~~representative of the minor to enter into a contract or agreement, including the~~
21 ~~creation of an online account, with a minor unless the interactive computer service~~
22 ~~knows or reasonably should know that the legal representative is no longer~~
23 ~~authorized to represent the minor.~~

1 B. Any contract ~~or agreement~~ entered into between a minor and an
2 interactive computer service without the express consent of the legal representative
3 of the minor shall be a relative nullity. The confirmation of a contract that is
4 relatively null in accordance with this Section shall be express and in writing.

5 C. Nothing in this Section shall bar the use of third parties to obtain the
6 consent of the legal representative, including the consent of the legal representative
7 as to multiple minors and multiple interactive computer services.

8 D. ~~This Section applies only to minors who are domiciled in this state as~~
9 ~~provided by Civil Code Article 41.~~

10 E. Nothing in this Section shall supersede or modify the provisions relative
11 to contracts made pursuant to Chapter 2 of Title IV of Book III of the Civil Code
12 ~~Article 1923.~~

13 F. E. For the purposes of this Section:

14 (1) "Account" means any website, application, or similar electronic means
15 by which users are able to create and share information, ideas, personal messages,
16 and other content, including texts, photos, and videos, or to participate in social
17 networking, gaming, or a similar online service.

18 (2) "Consent" means having the written authority of a legal representative
19 of a minor to permit the minor to enter into a contract ~~or other agreement~~ with the
20 interactive computer service.

21 (3) "Interactive computer service" means any information service, system,
22 or access software provider that provides or enables computer access by multiple
23 users to a computer server, including a service or system that provides access to the
24 internet and such systems operated or services offered by libraries or educational
25 institutions.

26 (4) "Legal representative" means any of the following:

27 (a) A parent with legal authority over a minor.

28 (b) The tutor of the minor as confirmed or appointed by the court.

29 (5) "Minor" means any person under the age of eighteen who is not
30 emancipated.

1 Section 2. Sections 2 and 3 of Act No. 440 of the 2023 Regular Session of the
2 Legislature of Louisiana are hereby repealed in their entirety.

3 Section 3. This Act shall become effective upon signature by the governor or, if not
4 signed by the governor, upon expiration of the time for bills to become law without signature
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
7 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____