

RÉSUMÉ DIGEST

ACT 16 (HB 123)

2024 Regular Session

Schlegel

New law provides that it is the public policy of the state that minors are to be protected in the online environment and that interactive computer services shall be discouraged from contracting with minors without the consent of a legal representative.

Prior law providing protections for minors in the online environment would have become effective Aug. 1, 2024, and would have provided that the interactive computer services may rely on the consent of the legal representative of the minor to enter into a contract or agreement, including the creation of an online account, with a minor unless the interactive computer service knows or reasonably should have known that the legal representative is no longer authorized to represent the minor.

New law repeals prior law.

Prior law provided that any contract or agreement entered into between a minor and an interactive computer service without the consent of the legal representative of the minor shall be a relative nullity.

New law expands prior law to provide that the confirmation of a contract that is relatively null shall be express and in writing.

New law specifies that the consent from the legal representative to contract with interactive computer services shall be express and in writing.

New law removes references to the term "agreement".

Prior law provided that prior law applied only to minors who are domiciled in this state as provided by C.C. Art. 41.

New law repeals prior law.

Prior law provided that prior law superseded or modified the provisions relative to contracts made pursuant to existing law(C.C. Art. 1923).

New law expands prior law to all provisions relative to contractual capacity as provided in existing law (Chapter 2 of Title IV of Book III of the Civil Code).

Effective upon signature of governor (May 8, 2024).

(Amends R.S. 9:2717.2; Repeals §2 and 3 of Act No. 440 of the 2023 R.S.)