

2023 Regular Session

HOUSE BILL NO. 61

BY REPRESENTATIVES SCHLEGEL, AMEDEE, BUTLER, CARRIER, DAVIS,
EDMONSTON, EMERSON, FIRMENT, FISHER, FONTENOT, HODGES,
HORTON, MIKE JOHNSON, KNOX, LARVADAIN, MACK, MOORE,
CHARLES OWEN, SCHAMERHORN, THOMPSON, VILLIO, AND WHITE

1 AN ACT

2 To enact R.S. 9:2717.1, relative to contracts with minors; to provide relative to interactive
3 computer services; to provide for consent by a legal representative; to provide for
4 exceptions; to provide for nullity; to provide for definitions; to provide for an
5 effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:2717.1 is hereby enacted to read as follows:

8 §2717.1. Legal representative consent in contracts between a minor and an
9 interactive computer service

10 A.(1) No interactive computer service shall enter into a contract or other
11 agreement, including the creation of an online account, with a minor without
12 obtaining the consent of the legal representative of the minor.

13 (2) The interactive computer service may rely on the consent of the legal
14 representative of the minor to enter into a contract or agreement, including the
15 creation of an online account, with a minor unless the interactive computer service
16 knows or reasonably should know that the legal representative is no longer
17 authorized to represent the minor.

1 B. Any contract or agreement entered into between a minor and an
2 interactive computer service without the consent of the legal representative of the
3 minor shall be a relative nullity.

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

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

9 E. Nothing in this Section shall supersede or modify the provisions relative
10 to contracts made pursuant to Civil Code Article 1923.

11 F. For the purposes of this Section:

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

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

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

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

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

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

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

1 Section 2. The Louisiana State Law Institute is directed to do all of the following:

2 (1) Study and report to the Legislature by March 1, 2024, as to the impact this Act
3 is expected to have on the relevant Civil Code Articles regarding contracts and consent as
4 they relate to minors.

5 (2) Make recommendations to address any discrepancies or ambiguities associated
6 with the matters contained in this Act.

7 (3) Review similar legislation enacted in other states regarding best practices and
8 compatibility with the Louisiana Civil Code.

9 Section 3. Section 1 of this Act shall become effective on August 1, 2024.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____