

2024 Regular Session

HOUSE BILL NO. 123

BY REPRESENTATIVE SCHLEGEL

CONTRACTS: Provides for consent of a legal representative of a minor who contracts with certain parties

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.

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

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

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

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

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

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

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

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

26 (3) "Interactive computer service" means any information service, system,
27 or access software provider that provides or enables computer access by multiple
28 users to a computer server, including a service or system that provides access to the

1 internet and such systems operated or services offered by libraries or educational
2 institutions.

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

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

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

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

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

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

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 123 Engrossed

2024 Regular Session

Schlegel

Abstract: Provides for express consent of a legal representative of a minor who contracts with interactive computer services.

Proposed 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.

Present law which becomes effective Aug. 1, 2024, provides 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.

Proposed law repeals present law.

Present law provides 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.

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

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

Proposed law removes references to the term "agreement".

Present law provides that present law applies only to minors who are domiciled in this state as provided by C.C. Art. 41.

Proposed law repeals present law.

Present law provides that present law shall supersede or modify the provisions relative to contracts made pursuant to C.C. Art. 1923.

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

Effective upon signature of governor or lapse of time for gubernatorial action.

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