

SENATE BILL NO. 158

BY SENATORS DARDENNE AND MURRAY AND REPRESENTATIVES E. GUILLORY, LAFONTA, ODINET, T. POWELL, SCALISE AND WALKER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To enact R.S. 17:226.1 and Chapter 32 of Title 51 of the Louisiana Revised Statutes of
3 1950, to be comprised of R.S. 51:2131 through 2135, relative to employment of
4 minors; to provide for employment of minors providing artistic or creative services;
5 to provide for placement of certain monies received as compensation in trust
6 accounts; to provide for creation of such accounts and for the use of monies
7 deposited in such accounts; to provide for educational instruction of minors engaged
8 in providing artistic or creative services; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 17:226.1 is hereby enacted to read as follows:

11 **§226.1. Compulsory attendance; exemption for minors engaged in artistic or**
12 **creative services**

13 **In addition to the exemptions contained in R.S. 17:226, any minor**
14 **employed to perform or render artistic or creative services under a contract**
15 **subject to Chapter 32 of Title 51 of the Louisiana Revised Statutes of 1950, shall**
16 **be exempt from the provisions of this Subpart for those days during which the**
17 **minor is engaged in rendering artistic or creative services pursuant to such**
18 **contract and for which instruction is required pursuant to R.S. 51:2134.**

19 Section 2. Chapter 32 of Title 51 of the Louisiana Revised Statutes of 1950,
20 comprised of R.S. 51:2131 through 2135, is hereby enacted to read as follows:

21 **§2131. Short title**

22 **This Chapter shall be known and may be cited as the "Child Performer**

1 Trust Act."

2 §2132. Child performer contract; scope

3 A. The provisions of this Chapter shall apply to any contract in which a
4 minor is employed or agrees to render artistic or creative services for
5 compensation of five hundred dollars or more in this state which is not
6 otherwise prohibited under Chapter 3 of Title 23 of the Louisiana Revised
7 Statutes of 1950, directly or through a third-party individual or personal
8 services corporation, a loan-out company, or through an agency or service that
9 provides artistic or creative services including, but not limited to, a casting
10 agency or other similar entity.

11 B. As used in this Chapter, "artistic or creative services" includes, but
12 is not limited to, services as an actor, actress, dancer, musician, comedian,
13 singer, stunt-person, voice-over artist or other performer or entertainer in any
14 motion picture, television, radio, theatrical or sports production or commercial
15 production.

16 §2133. Gross earnings; fifteen percent placed in trust fund

17 A.(1) Every contract executed by or on behalf of a minor rendering
18 artistic or creative services for compensation in this state shall require that
19 fifteen percent of the gross earnings for the minor under the contract be placed
20 in a trust fund created for the benefit of the minor and, except as provided in
21 Subsection G of this Section, that the trust fund be created in a financial
22 institution authorized to transact business in this state and which institution is
23 federally insured by the Federal Deposit Insurance Corporation, or its successor
24 or by the National Credit Union Share Insurance Fund, or its successor.

25 (2) Monies placed in a trust fund pursuant to the provisions of this
26 Chapter shall be placed in a blocked account and no funds shall be withdrawn
27 prior to the date the minor attains the age of eighteen unless the minor is
28 determined to be in necessitous circumstances by a court of competent
29 jurisdiction.

30 (3) All monies deposited in trust pursuant to the provisions of this

1 Chapter shall be administered by the financial institution as a fiduciary for the
2 benefit of the minor. No fees shall be charged the trust until the minor reaches
3 the age of eighteen.

4 B.(1) Monies in the trust fund shall be invested in a combination of
5 United States Treasury notes, bonds, interest bearing savings accounts, or
6 certificates of deposit fully insured by the federal government at the highest
7 possible rate of return without risk to principal in the trust account or a
8 combination of such investments. All funds derived from investments and
9 earnings attributed to the trust fund shall be redeposited into the fund and
10 invested in accordance with the provisions of this Chapter. All investments in
11 the fund shall have a maturity date on or before the date the minor attains the
12 age of eighteen.

13 (2) Funds may be withdrawn from the trust fund by the beneficiary only
14 after the beneficiary provides a certified copy of his birth certificate to the
15 financial institution where the trust fund is located showing that the beneficiary
16 is at least eighteen years of age.

17 C. Both parents of a minor on whose behalf monies are placed in trust
18 pursuant to this Section shall serve as trustees of the trust unless otherwise
19 provided in writing by both parents or in the case of divorce or death of a
20 parent by the person appointed as tutor of the minor, or by both cotutors if the
21 parents are divorced and have joint custody of the minor.

22 D. Prior to execution of a contract subject to the provisions of this
23 Chapter, the trustee or trustees shall establish the trust required under this
24 Section, unless an account has been previously established, and no contract
25 subject to the provisions of this Chapter shall be executed until the trustee or
26 trustees provide a written statement to the employer which shall include the
27 name, address, and telephone number of the financial institution holding the
28 trust account, the name of the account, the number of the account, the name of
29 the minor beneficiary, the name of the trustee or trustees of the account and
30 such additional information as may be required by the employer to make the

1 deposit required under this Section. The trustee or trustees shall attach to this
2 written statement a true and accurate photocopy of any information received
3 from the financial institution confirming the creation and existence of the trust
4 account on behalf of the minor, and may include a copy of the account
5 agreement, account terms, passbook, or other similar writings required by the
6 employer.

7 E. In the event that a trust account is not established on behalf of a
8 minor performer within thirty days of the last day of employment, the employer
9 shall forward the fifteen percent of the minor's gross earnings, accompanied by
10 the name of the minor, and if known, the minor's address and social security
11 number, to the treasurer of the state of Louisiana, who shall hold such funds in
12 trust to be tendered to a trust account that is subsequently established on behalf
13 of the minor, or if no such trust account is established, then to the minor upon
14 reaching the age of majority.

15 F. Once the employer has transferred monies pursuant to this Section
16 to either the minor's trust account or the treasurer's office in those
17 circumstances where a trust account has not been established, the employer has
18 no further duty or obligation with respect to the transferred monies.

19 G. If a trust account is already established on behalf of the minor in
20 another state, all monies required to be deposited in a trust fund under the
21 provisions of this Section, may be deposited into the trust account already
22 established in another state for the benefit of the minor.

23 §2134. Education requirement

24 A. Every contract or employment arrangement agreed to by the parties
25 subject to the provisions of this Chapter shall include provisions contained in
26 this Section for the education of the minor being employed to render artistic or
27 creative services.

28 B. If a minor is absent from school for two or more days within a thirty
29 day period, the employer shall employ a certified teacher, beginning on the
30 second day of employment, to provide a minimum of three education instruction

1 hours per day to the minor pursuant to the lesson plans for the particular minor
 2 as provided by the principal and teachers at the minor's school. There must be
 3 a teacher to student ratio of one teacher for every ten students.

4 §2135. Written Permit Required

5 No minor's employment regulated under the provisions of this Chapter
 6 shall occur without the issuance of a written permit from the Louisiana
 7 Department of Labor as provided in Chapter 3 of Title 23 of the Louisiana
 8 Revised Statutes of 1950.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____