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Title 9 of the Revised Statutes

About the Book

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TITLE 9
CIVIL CODE--ANCILLARIES

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CODE BOOK I--OF PERSONS

CODE TITLE I--NATURAL AND JURIDICAL PERSONS

CHAPTER 1. WOMEN

PART I. IN GENERAL

§51. Civil rights and duties

Women have the same rights, authority, privileges, and immunities, and shall perform the same obligations and duties as men in the holding of office including the civil functions of tutor, under tutor, curator, under curator, administrator, executor, arbitrator, and notary public.

PART I-A. WOMEN'S SAFETY AND PROTECTION ACT

§55. Short title

This Part shall be known as and may be cited as the "Women's Safety and Protection Act".

Acts 2024, No. 436, §1.

§56. Purpose

The purpose of this Part is all of the following:

(1) To clarify and reconcile the meaning of sex, male, female, and related terms in state law.

(2) To provide protections for women and girls against sexual assault, harassment, and violence in correctional facilities, juvenile detention facilities, domestic violence shelters, dormitories, and restrooms, or where women have been traditionally afforded safety and protection from acts of abuse committed by biological men.

Acts 2024, No. 436, §1.

§57. Legislative findings

The legislature finds and declares that:

(1) "Physical differences between men and women, however, are enduring: '[T]he two sexes are not fungible; a community made up exclusively of one [sex] is different from a community composed of both.'" United States v. Virginia, et al., 518 U.S. 515, 533 (1996), citing Ballard v. United States, 329 U.S. 187, 193 (1946).

(2) The United States Supreme Court has recognized that there are "'[i]nherent differences' between men and women", and that these differences "remain cause for celebration, but not for denigration of the members of either sex or for artificial constraints on an individual's opportunity" in United States v. Virginia, et al., 518 U.S. 515, 533 (1996).

(3) The equal protection clause of the Fourteenth Amendment of the Constitution of the United States of America allows for legislatures to enact facially neutral laws of general applicability, such as biologically based definitions of sex.

(4) Biologically based definitions of sex have been consistently applied since our nation's founding.

(5) Decades of opinions from the Supreme Court of the United States have upheld the argument that biological distinctions between male and female are a matter of scientific fact, and biological sex is an objectively defined category that has obvious, immutable, and distinguishable characteristics.

Acts 2024, No. 436, §1.

§58. Definitions

For purposes of this Part:

(1) "Boy" means a human male who is a minor.

(2) "Changing room" means a room or area in which a person may be in a state of undress in the presence of others, including a locker room or shower room.

(3) "Correctional facilities" means a correctional facility owned and operated by the state or the Correctional Facilities Corporation housing prisoners committed to the custody of the Department of Public Safety and Corrections.

(4) "Domestic violence shelter" means a community-based shelter for victims of domestic violence that is managed by the Department of Children and Family Services.

(5) "Father" means a parent who is of the male sex.

(6) "Female" means an individual whose biological reproductive system is developed to produce ova; who has, had, will have, or would have, but for a developmental or genetic anomaly or historical accident, the reproductive system that at some point produces, transports, and utilizes eggs for fertilization.

(7) "Girl" means a human female who is a minor.

(8) "Juvenile detention facilities" means a correctional facility that houses minor prisoners including the Louisiana Training Institute for Juveniles and its extension locations.

(9) "Male" means an individual whose biological reproductive system is developed to fertilize the ova of a female who has, had, will have, or would have, but for a developmental or genetic anomaly or historical accident, the reproductive system that at some point produces, transports, and utilizes sperm for fertilization.

(10) "Man" means a human male who has reached the age of majority.

(11) "Mother" means a parent who is a member of the female sex.

(12) "Public school" means a school which is created pursuant to R.S. 17:1371 and 3971 et seq.

(13) "Restroom" means a room that includes one or more toilets or urinals.

(14) "Sex" means an individual's biological sex, either male or female, as observed or clinically verified at birth. Gender identity and other subjective terms shall not apply to this Part and shall not be used as synonyms or substitutes for sex.

(15) "Sleeping quarters" means a room with more than one bed and in which more than one individual is housed overnight.

(16) "Woman" means a human female who has reached the age of majority.

Acts 2024, No. 436, §1.

§59. Application of definitions; distinctions between the sexes

Notwithstanding any other provision of law to the contrary, any provision of law enacted by the legislature or any rule adopted by a state agency or other entity subject to the Administrative Procedure Act when applicable to an individual's sex shall apply those definitions provided in R.S. 9:58.

Acts 2024, No. 436, §1.

§60. Safety and privacy of women and girls in facilities designated for biological females

Notwithstanding any other provision of law to the contrary, no governmental agency, as defined in R.S. 42:1102, shall prohibit distinctions between the sexes with respect to athletics, correctional facilities, juvenile detention facilities, domestic violence shelters, or other accommodation where biology, safety, or privacy are implicated and that result in separate accommodations that are substantially related to the important government interest of protecting the health, safety, and privacy of individuals in such circumstances. Nothing in this Part shall prohibit a domestic violence shelter, public school, correctional facility, or juvenile detention facility from:

(1) Establishing single-occupancy restrooms, changing rooms, or sleeping quarters that are not designated by sex.

(2) Redesignating a multi-occupancy restroom or sleeping quarters for the exclusive use of another group authorized under this Part as needed.

Acts 2024, No. 436, §1.

§61. Safety and privacy in domestic violence shelters

A. A domestic violence shelter shall designate each multi-occupancy restroom, changing room, and sleeping quarters for the exclusive use of any one of the following:

(1) Females.

(2) Males.

(3) Members of the same family.

B. A restroom, changing room, or sleeping quarters within a domestic violence shelter that is designated for females or males shall be used only by members of that sex. No individual shall enter a restroom, changing room, or sleeping quarters that is designated for females or males unless the individual is a member of that sex.

C. The domestic violence shelter shall take reasonable steps to provide individuals with privacy in restrooms, changing rooms, and sleeping quarters from members of the opposite sex.

D. This Section shall not apply to an individual who enters a restroom, changing room, or sleeping quarters designated for the opposite sex in any of the following circumstances:

(1) To perform custodial services or maintenance of a restroom, changing room, or sleeping quarters that is normally used by the opposite sex.

(2) To render medical assistance.

(3) To render assistance by law enforcement.

(4) To provide services or render aid during a natural disaster, a declared emergency, or when necessary to prevent a serious threat to good order or safety.

E. Nothing in this Section shall be construed to prohibit a domestic violence shelter from adopting policies necessary to accommodate persons protected under the Americans with Disabilities Act or young children in need of physical assistance when using restrooms, changing facilities, or sleeping quarters.

Acts 2024, No. 436, §1.

§62. Safety and privacy in restrooms of public schools

A. A public school shall designate each multi-occupancy restroom or changing room for the exclusive use of either females, males, or members of the same family.

B.(1) A restroom or changing room within a public school that is designated for males or females shall be used only by members of that same sex. No individual shall enter a restroom or changing room that is designated for one sex unless the individual is a member of that sex.

(2) The public school shall take reasonable steps to provide individuals with privacy in restrooms and changing rooms from members of the opposite sex.

C. During any public school authorized activity or event where students share sleeping quarters, no student shall share sleeping quarters with a member of the opposite sex, unless such persons are members of the same family, such as a parent, legal guardian, sibling, or grandparent, and the student has received approval from the parent or legal guardian to do so.

D. In any other public school facility or setting where a person may be in a state of undress in the presence of others, school personnel shall provide separate, private areas designated for use by persons based on their sex, and no person shall enter these private areas unless the person is a member of the designated sex.

E. This Section shall not apply to an individual who enters a restroom, changing room, or sleeping quarters designated for the opposite sex in any of the following circumstances:

(1) To perform custodial services or maintenance of a restroom, changing room, or sleeping quarters that is normally used by the opposite sex.

(2) To render medical assistance.

(3) To render assistance by law enforcement.

(4) To provide services or render aid during a natural disaster, a declared emergency, or when necessary to prevent a serious threat to good order or safety.

F. Nothing in this Section shall be construed to prohibit a public school from adopting policies necessary to accommodate persons protected under the Americans with Disabilities Act or young children in need of physical assistance when using restrooms, changing facilities, or sleeping quarters.

Acts 2024, No. 436, §1.

§63. Safety and privacy in correctional facilities and juvenile detention facilities

A. A correctional facility or juvenile detention facility shall designate each multi-occupancy restroom, changing room, and sleeping quarters for the exclusive use of either females, males, or members of the same family.

B.(1) A restroom, changing room, or sleeping quarters within a correctional facility or juvenile detention facility that is designated for females or males shall be used only by members of that sex. No individual shall enter a restroom, changing room, or sleeping quarters that is designated for females or males unless the individual is a member of that sex.

(2) A correctional facility or juvenile detention facility shall take reasonable steps to provide individuals with privacy in restrooms, changing rooms, and sleeping quarters from members of the opposite sex.

C. This Section shall not apply to an individual who enters a restroom, changing room, or sleeping quarters designated for the opposite sex in any of the following circumstances:

(1) To perform custodial services or maintenance of a restroom, changing room, or sleeping quarters that is normally used by the opposite sex.

(2) To render medical assistance.

(3) To render assistance by law enforcement.

(4) To provide services or render aid during a natural disaster, a declared emergency, or when necessary to prevent a serious threat to good order or safety.

D. Nothing in this Section shall be construed to prohibit a correctional facility or juvenile detention facility from adopting policies necessary to accommodate persons protected under the Americans with Disabilities Act or young children in need of physical assistance when using restrooms, changing facilities, or sleeping quarters.

Acts 2024, No. 436, §1.

§64. Standard of review

Any law that distinguishes between the sexes in furtherance of the provisions of this Part is subject to intermediate scrutiny which forbids discrimination against similarly situated individuals but allows the law to distinguish between the sexes when there is an important governmental interest.

Acts 2024, No. 436, §1.

§65. Remedies; rebuttable presumption; cause of action

A. An individual who suffers, or is likely to suffer, from any direct or indirect harm as a result of a violation of this Part may assert that violation as a cause of action for remedies provided for in Subsection E of this Section.

B. Any person who contracts with an agency, as defined in R.S. 42:1102, of government to provide services for biological females at a domestic violence shelter, juvenile detention center, corrections facility, or public school that is operated at the direction of, and receives funding from, the state, a local governmental subdivision, or a political subdivision shall have a cause of action against the agency of the public servant who directed the contractor to violate the provisions of this Part.

C. A person who is subjected to retaliation or other adverse action by asserting rights that are affirmed by this Part shall have a cause of action for remedies provided for in Subsection E of this Section.

D. It is a rebuttable presumption that requiring an individual to be housed with members of the opposite sex at a domestic violence shelter, juvenile detention center, corrections facility, or public school that is subject to the provisions of this Part is inherently discriminatory and is a cognizable harm to biological women under this Part.

E. Any person who brings a cause of action pursuant to this Part may obtain appropriate relief, including but not limited to:

(1)(a) Injunctive relief, protective order, writ of mandamus or a prohibition, or declaratory relief to prevent any violation of this Part.

(b) The court may waive the requirement that the petitioner post bond for good cause shown.

(2) Actual damages, reasonable attorney fees, and costs.

F. All civil actions under this Part shall be initiated within two years from the date that the harm occurred.

Acts 2024, No. 436, §1.

PART II. MARRIED WOMEN

SUBPART A. EMANCIPATION AND POWERS

§101. Emancipation from all disabilities and incapacities; obligations

All married women, including non-residents so far as they are affected by the laws of this state, are fully emancipated from all the disabilities and relieved from all the incapacities to which, as such, they were formerly subject. They may make contracts of all kinds, and assume or stipulate for obligations of all kinds, in any form or manner now permitted, or which may hereafter be permitted, by law for any person, married or unmarried, of either sex, and in no case shall any act, contract, or obligation of a married woman require, for the validity or effectiveness thereof, the authority of her husband or of the judge.

§102. Suits, judicial proceedings, and judgments

Married women may institute or defend suits, or otherwise appear in judicial proceedings, and stand in judgment, without the authority of their husbands or of the judge.

§103. Binding themselves or disposing of or hypothecating property for benefit of husband or community; contracts with husband

Married women may obligate themselves personally in any form, or dispose of or hypothecate their property, as security or otherwise, for the benefit of their husbands or of the community between them and their husbands.

§104. Repealed by Acts 1974, No. 89, §1

§105. Laws relating to matrimonial community and separate property not affected

Nothing contained in R.S. 9:101, 9:102, and 9:103 is intended to modify or affect the laws relating to the matrimonial community of acquets and gains or the laws prescribing what is deemed the separate property of the spouses.

CHAPTER 2. DEATH

§111. Definition of death

A. A person will be considered dead if in the announced opinion of a physician, duly licensed in the state of Louisiana based on ordinary standards of approved medical practice, the person has experienced an irreversible cessation of spontaneous respiratory and circulatory functions. In the event that artificial means of support preclude a determination that these functions have ceased, a person will be considered dead if in the announced opinion of a physician, duly licensed in the state of Louisiana based upon ordinary standards of approved medical practice, the person has experienced an irreversible total cessation of brain function. Death will have occurred at the time when the relevant functions ceased. In any case when organs are to be used in a transplant, then an additional physician, duly licensed in the state of Louisiana not a member of the transplant team, must make the pronouncement of death unless a hospital has adopted a written policy allowing that a single physician, duly licensed in the state of Louisiana, not a member of the transplant team, may make the pronouncement of death. In all cases in which a hospital written policy provides that a single physician makes the pronouncement of death, such policy shall also require an opinion by a second physician, not a member of the transplant team, as to the candidacy of the person for the process of organ donation.

B. The medical pronouncement of death by a coroner may also be based on personal observation, information, or statements obtained from coroner investigators, registered nurses, licensed practical nurses, physician assistants, or emergency medical technicians at the scene who are reporting from firsthand observation of the physical condition of the deceased. The time of death shall be reported as the time that the death was reported or discovered. The name of the personnel that the coroner is relying on shall be noted on the coroner's investigative report.

Added by Acts 1976, No. 233, §1; Acts 2001, No. 317, §1; Acts 2010, No. 937, §1, eff. July 1, 2010; Acts 2015, No. 302, §1; Acts 2026, No. 367, §1.

CHAPTER 3. IN VITRO FERTILIZED HUMAN EMBRYOS

§121. Human embryo; in vitro fertilization; definition

Notwithstanding any other law to the contrary and for the purposes of this Chapter the following definitions shall apply:

(1) "Human embryo" means a fertilized human ovum that is biologically human, with certain rights granted by law, composed of one or more living human cells and human genetic material.

(2) "In vitro fertilized human embryo" means a human embryo created through the in vitro fertilization process that has certain rights granted by law and is composed of one or more living human cells and human genetic material so unified and organized that it may develop in utero into an unborn child.

(3) "Nonviable in vitro fertilized human embryo" means an in vitro fertilized human embryo that fails to meet necessary developmental milestones, except when the embryo is in a state of cryopreservation. An embryo shall not be deemed nonviable before seventy-two hours from fertilization. Viability of an in vitro fertilized human embryo is presumed unless it is deemed nonviable.

Acts 1986, No. 964, §1; Acts 2025, No. 116, §1.

§122. Uses of an in vitro fertilized human embryo

The use of a human embryo fertilized in vitro is solely for the support and contribution of the complete development of human in utero implantation. No in vitro fertilized human embryo will be farmed or cultured

solely for research purposes or any other purposes. The sale of a human ovum, fertilized human embryo, or human embryo is expressly prohibited.

Acts 1986, No. 964, §1; Acts 2025, No. 116, §1.

§123. Capacity

A. An in vitro fertilized human embryo exists as a juridical person until it is either:

(1) Deemed nonviable as provided in R.S. 9:121.

(2) Implanted in the womb, at which time rights attach as otherwise allowed by law.

B. As a juridical person, the in vitro fertilized human embryo shall:

(1) Have the capacity to sue or be sued.

(2) Be recognized as a separate entity apart from the medical facility or clinic where it is housed or stored.

Acts 1986, No. 964, §1; Acts 2025, No. 116, §1.

§124. Identification and confidentiality

As a juridical person, the in vitro fertilized human embryo shall be given an identification by the medical facility. The confidentiality of the in vitro fertilized human embryo and the patient from which it came shall be maintained.

Acts 1986, No. 964, §1; Acts 2025, No. 116, §1.

§125. Repealed by Acts 2025, No. 116, §2.

§126. Ownership; control and decisionmaking authority

A. An in vitro fertilized human embryo is not susceptible of ownership, and is not the property of the physician who acts as an agent of fertilization, or the facility which employs the physician, or the donors of the sperm and ovum.

B. Neither the facility nor the physician acting as an agent of fertilization shall have decisionmaking authority over a viable in vitro fertilized human embryo.

C. The intended parent or parents shall have control and decisionmaking authority over a viable in vitro fertilized human embryo.

Acts 1986, No. 964, §1; Acts 2025, No. 116, §1.

§127. Responsibility

Any physician or medical facility who causes in vitro fertilization of a human embryo will be directly responsible for the in vitro safekeeping of the fertilized human embryo.

Acts 1986, No. 964, §1; Acts 2025, No. 116, §1.

§128. Qualifications

No person shall engage in in vitro fertilization procedures unless the following criteria are met:

(1) The procedure is performed at a medical facility that meets the standards of the American Society for Reproductive Medicine and the American College of Obstetricians and Gynecologists.

(2) The medical facility is directed by a medical doctor who:

(a) Is licensed to practice medicine in this state;

(b) Possesses specialized training and skill in in vitro fertilization that is in conformity with the standards established by the American Society for Reproductive Medicine and the American College of Obstetricians and Gynecologists; and

(c) Is double board certified or eligible to practice by the American Board of Obstetrics and Gynecology in both obstetrics and gynecology as well as reproductive endocrinology and infertility.

Acts 1986, No. 964, §1; Acts 2025, No. 116, §1.

§129. Destruction

A viable in vitro fertilized human embryo is a juridical person which shall not be intentionally destroyed by any natural or other juridical person or through the actions of any other person.

Acts 1986, No. 964, §1; Acts 2025, No. 116, §1.

§130. Legal transfer of rights and responsibilities

The in vitro fertilized human embryo is owed a high duty of care and prudent administration. If the current intended parent or parents of an in vitro fertilized human embryo choose to renounce their rights and responsibilities for the embryo, by notarial act, the rights and responsibilities shall be legally transferred to a new

intended parent or parents who shall assume the rights and responsibilities for the in vitro fertilized human embryo. The legal transfer of rights and responsibilities shall only be permitted for uses consistent with R.S. 9:122. No compensation shall be paid or received by any person for the renouncing of their rights and responsibilities for an in vitro fertilized human embryo.

Acts 1986, No. 964, §1; Acts 2025, No. 116, §1.

§131. Judicial standard

In disputes arising between any parties regarding the in vitro fertilized human embryo, the dispute shall be resolved in accordance with the terms and provisions of the in vitro fertilization agreement by the parties. If no such agreement exists, then disputes shall be determined by a court of competent jurisdiction and in the best interest of the in vitro fertilized human embryo. Any provision in an in vitro fertilization agreement that directs or provides for the intentional destruction of an embryo shall be deemed null and void.

Acts 1986, No. 964, §1; Acts 2025, No. 116, §1.

§132. Liability

A. No physician, healthcare provider, hospital, in vitro fertilization clinic, laboratory personnel, provider of goods and services, or their agent who participates in the screening, collection, preparation, transfer, analysis, storage, transportation, fertilization, culture, cryopreservation, or any other act typically performed during the in vitro fertilization process of the human embryo fertilized in vitro for transfer to the human uterus shall be subject to criminal prosecution except in cases where acts were made with criminal negligence as defined in R.S. 14:12, or specific or general criminal intent as defined in R.S. 14:10.

B. All civil matters brought against any qualified healthcare provider shall be brought in accordance with the procedures provided by the Louisiana Medical Malpractice Act, R.S. 40:1231.1 et seq. Any civil matter brought against a nonqualified healthcare provider shall be subjected to civil liability based upon the applicable standard of care.

Acts 1986, No. 964, §1; Acts 2025, No. 116, §1.

§133. Inheritance rights

Inheritance rights will not flow to the in vitro fertilized human embryo as a juridical person, unless the in vitro fertilized human embryo develops into an unborn child that is born in a live birth, or at any other time when rights attach to an unborn child in accordance with law. As a juridical person, the embryo or child born as a result of in vitro fertilization and in vitro fertilized human embryo donation to another person does not retain its inheritance rights from the in vitro fertilization patients or a donor of gametes used in the in vitro fertilization process, unless the donor is a person from whom the child could otherwise inherit under laws of succession notwithstanding the in vitro fertilization process.

Acts 1986, No. 964, §1; Acts 2016, No. 495, §2; Acts 2025, No. 116, §1.

CODE TITLE III--ABSENT PERSONS

CHAPTER 1. UNIFORM UNCLAIMED PROPERTY ACT

§151. Short title

This Chapter may be cited as the "Uniform Unclaimed Property Act of 1997".

Acts 1986, No. 829, §1, eff. July 10, 1986; Acts 1997, No. 809, §1, eff. July 10, 1997.

§152. Uniformity of application and construction

This Chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this Chapter among states enacting it.

Acts 1986, No. 829, §1, eff. July 10, l986; Acts 1997, No. 809, §1, eff. July 10, 1997.

§153. Definitions

As used in this Chapter:

(1) "Administrator" means the state treasurer.

(2) "Apparent owner" means a person whose name appears on the records of a holder as the person entitled to property held, issued, or owed by the holder.

(3) "Business association" means a corporation, joint stock company, investment company, partnership, unincorporated association, joint venture, limited liability company, business trust, trust company, savings and loan association, building and loan association, savings bank, industrial bank, land bank, safe deposit company, safekeeping depository, bank, banking organization, financial organization, insurance company, mutual fund, credit union, utility, or other business entity consisting of one or more persons, whether or not for profit.

(4) "Designated custodian" means a banking organization or a business association that, on behalf of the administrator, receives and maintains securities or digital assets from holders pending transfer to claimants or liquidation.

(5)(a) "Digital asset" means any of the following that are held in a digital asset account:

(i) Virtual currency.

(ii) Cryptocurrency.

(iii) Natively electronic assets, including stablecoins or non-fungible tokens.

(iv) Any other digital-only asset that confers economic, proprietary, or access rights or powers.

(b) "Digital asset" does not include any of the following:

(i) A security.

(ii) Game-related digital content.

(iii) A gift card.

(iv) A loyalty card.

(6) "Digital asset account" means a customer account, a digital asset wallet, or other repository device maintained by an owner with a digital asset holder that may contain one or more types of digital assets, money, or other property.

(7) "Digital asset holder" means a holder that establishes or maintains a digital asset account for an owner.

(8) "Digital asset wallet" means a software application or other mechanism that provides a means to hold, store, or transfer a digital asset.

(9) "Domicile" means the state of incorporation of a corporation and the state of the principal place of business of a holder other than a corporation.

(10) "Fiduciary agent" means a representative of an owner whose services provided to the owner include locating, delivering, recovering, or assisting in the recovery of property to the owner, and shall be limited to Louisiana licensed attorneys, certified public accountants, and financial advisors.

(11) "Holder" means a person obligated to hold for the account of, or deliver or pay to, the owner of property that is subject to this Chapter.

(12) "Insurance company" means an association, corporation, or fraternal or mutual benefit organization, whether or not for profit, engaged in the business of providing insurance including accident, burial, casualty, credit life, contract performance, dental, fidelity, fire, health, hospitalization, illness, life insurance, life endowments and annuities, malpractice, marine, mortgage, surety, and wage protection insurance.

(13) "Mineral" means gas, oil, coal, other gaseous liquid and solid hydrocarbons, oil shale, cement material, sand and gravel, road material, building stone, chemical substance, gemstone, fissionable and nonfissionable ores, colloidal and other clay, steam and other geothermal resource, or any other substance defined as a mineral by the law of this state.

(14) "Mineral proceeds" means amounts payable for the extraction, production, or sale of minerals, or, upon the abandonment of those payments, all payments that become payable thereafter. The term includes amounts payable for all of the following:

(a) For the acquisition and retention of a mineral lease, including bonuses, royalties, compensatory royalties, shut-in royalties, minimum royalties, and delay rentals.

(b) For the extraction, production, or sale of minerals, including net revenue interests, royalties, overriding royalties, extraction payments, and production payments.

(c) Resulting from an agreement or option, including a joint operating agreement, unit agreement, pooling agreement, and farm-out agreement.

(15) "Money order" includes an express money order and a personal money order, on which the remitter is the purchaser. The term does not include a bank money order or any other instrument sold by a banking or financial organization if the seller has obtained the name and address of the payee.

(16) "Owner" means a person who has a legal or equitable interest in property subject to this Chapter or the person's legal representative. The term includes a depositor in the case of a deposit, a beneficiary in the case of a trust other than a deposit in trust, and a creditor, claimant, or payee in the case of other property.

(17) "Person" means an individual, business association, estate, trust, partnership, government, governmental subdivision, agency, or instrumentality, public corporation, or any other legal or commercial entity.

(18) "Private key" means a unique element of cryptographic data used to sign and authorize a transfer of a digital asset.

(19) "Property" means a fixed and certain interest in intangible property that is held, issued, or owed in the course of a holder's business, or by a government or governmental entity, and all income or increments therefrom. The term includes property that is referred to as or evidenced by the following:

(a) Money, a check, draft, deposit, interest, or dividend.

(b) Credit balance, customer's overpayment, gift certificate, security deposit, refund, credit memorandum, unpaid wage, unused ticket, mineral proceeds, or unidentified remittance.

(c) Stock or other evidence of ownership of an interest in a business association.

(d) A bond, debenture, note, or other evidence of indebtedness.

(e) Money deposited to redeem stocks, bonds, coupons, or other securities or to make distributions.

(f) An amount due and payable under the terms of an annuity or insurance policy, including policies providing life insurance, property and casualty insurance, workers' compensation insurance, or health and disability insurance.

(g) An amount distributable from a trust or custodial fund established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance, or similar benefits.

(h) Any certificate, rebate, coupon, or other instrument issued in connection with a class action judgment or court-approved settlement of a class action proceeding which represents a refund on, or reduction of, the purchase price of an item or services purchased or to be purchased shall not constitute property within the meaning of this statute.

(i) A sports wagering account, as defined in R.S. 27:602.

(j) Digital assets.

(20) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(21) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or insular possession subject to the jurisdiction of the United States.

(22) "Utility" means a person who owns or operates for public use any plant, equipment, real property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas.

Acts 1991, No. 209, §1, eff. July 2, 1991; Acts 1997, No. 809, §1, eff. July 10, 1997; Acts 2000, 1st Ex. Sess., No. 135, §2, eff. July 1, 2000; Acts 2022, No. 510, §1; Acts 2023, No. 351, §1, eff. June 12, 2023; Acts 2026, No. 891, §1, eff. Jan. 1, 2027.

§154. Presumptions of abandonment

A. Property is presumed abandoned if it is unclaimed by the apparent owner during the time set forth below for the particular property for the following:

(1) Travelers check, fifteen years after issuance.

(2) Money order, seven years after issuance.

(3)(a) Stock or other interest in a business association, including a debt obligation other than a bearer bond or original issue discount bond, if either of the following applies:

(i) Three years after the earlier of the date of an unpresented instrument issued to pay interest or a dividend or other cash distribution, or the date of issue of an undelivered stock certificate issued as a stock dividend, split, or other distribution.

(ii) If a dividend or other distribution has not been paid on the stock or other interest for three consecutive years, or the stock or other interest is held pursuant to a plan that provides for the automatic reinvestment of dividends or other distributions, three years after the date of the second mailing of a statement of account or other notification or communication that was returned as undeliverable, or after the holder discontinued mailings to the apparent owner, whichever is earlier.

(b) Any dividend, profit, distribution, interest, redemption, payment on principal, or other sum held or owing by a business association for or to a shareholder, certificate holder, member, bond holder, or other security holder, who has not claimed it, or corresponded in writing with the business association concerning it, within three years after the date prescribed for payment or delivery.

(4) A demand, savings, or matured time deposit, including a deposit that is automatically renewable, five years after the earlier of its maturity or the date of the last indication by the owner of interest in the property; however, property that is automatically renewable is deemed matured for purposes of this Section upon its initial date of maturity, unless the owner has consented to a renewal at or about the time of the renewal and the consent is in writing or is evidenced by a memorandum or other record on file with the holder. However, no property under this Paragraph shall be presumed abandoned if a banking or financial organization has forwarded a statement or other written communication to the owner within the preceding ninety days with regard to the property at the owner's last known address and the statement or communication has not been returned to the banking or financial organization as undeliverable or unclaimed by the forwarding agent.

(5) Money or credits owed to a customer as a result of a retail business transaction, three years after the obligation accrued.

(6) Gift certificate, three years after December thirty-first of the year in which the certificate was sold.

(7) Amount owed by an insurer on a life or endowment insurance policy or annuity contract that has matured or terminated, three years after the obligation to pay arose or, in the case of a policy or contract payable upon proof of death, three years after the insured has attained, or would have attained if living, the limiting age under the mortality table on which the reserve is based.

(8) Property distributable by a business association in a course of dissolution, one year after the property becomes distributable.

(9) Property received by a court as proceeds of a class action, and not distributed to members of the class, one year after the distribution date.

(10) Property held by a court, state or other government, governmental subdivision or agency, public corporation, or other public authority, one year after the property becomes distributable, except as provided in R.S. 15:86.1.

(11) Wages or other compensation for personal services, one year after the compensation becomes payable.

(12) Deposit or refund owed to a subscriber by a utility, one year after the deposit or refund becomes payable.

(13) Property in an individual retirement account or other account or plan that is qualified for tax deferral under the income tax laws of the United States, three years after the earliest of the date of the distribution or attempted distribution of the property, the date of the required distribution as stated in the plan or trust agreement governing the plan, or the date, if determinable by the holder, specified in the income tax laws of the United States by which distribution of the property must begin in order to avoid a tax penalty.

(14) Mineral proceeds, two years after the property is payable or distributable.

(15)(a) Funds in an education savings account established in accordance with the Louisiana Student Tuition Assistance and Revenue Trust Program as provided in Chapter 22-A of Title 17 of the Louisiana Revised Statutes of 1950 during any five-year period subsequent to the beneficiary's thirty-fifth birthday.

(b) Funds in an education savings account established in accordance with the Louisiana Student Tuition Assistance and Revenue Trust Kindergarten Through Grade Twelve Program as provided in Chapter 22-B of Title 17 of the Louisiana Revised Statutes of 1950 during any five-year period subsequent to the beneficiary's twentieth birthday.

(16) Funds in a sports wagering account if there has been no activity within three years after the last date the account owner did any of the following: placed a wager, deposited funds, withdrew funds, or provided credentials to log into the account.

(17) Property distributable in the course of a demutualization, rehabilitation, or related reorganization of an insurance company, two years after the date of the demutualization or other event covered in this Paragraph if, at the time of the demutualization or other event covered in this Paragraph, the last known address of the owner on the book and records of the holder is known to be incorrect, or distributions or statements are returned by the post office as undeliverable, and the owner has not communicated in writing with the holder or its agent regarding the

interest, or otherwise communicated with the holder regarding the interest as evidenced by a memorandum or other record on file with the holder or its agent.

(18) Checks drawn on a campaign account pursuant to R.S. 18:1505.2 for the return of campaign contributions made in excess of contribution limits, twelve months from the date of the check if not negotiated.

(19) A digital asset account, after three years if the owner has not shown any activity or interest. If the digital asset holder sends first class mail through the United States Postal Service to the owner and the mail is returned as undeliverable, the account is presumed abandoned three years after the mail is returned.

(20) All other property, five years after the obligation to pay or distribute the property arises.

B. At the time that an interest is presumed abandoned under Paragraph (A)(3) of this Section, any other property right accrued or accruing to the owner as a result of the interest, and not previously presumed abandoned, shall also be presumed abandoned.

C.(1) Property is unclaimed if, for the applicable period of time set forth in Subsection A of this Section, the apparent owner has not communicated, in writing or by other means reflected in a contemporaneous record prepared by or on behalf of the holder, with the holder concerning the property or the account in which the property is held, and has not otherwise indicated an interest in the property. A communication with an owner by a person other than the holder or its representative who has not in writing identified the property to the owner shall not be an indication of interest in the property by the owner.

(2) Property is unclaimed for purposes of Paragraph (A)(15) of this Section if, for the applicable period of time set forth in Paragraph (A)(15) of this Section, the education savings account owner has not communicated, in writing or by other means reflected in a contemporaneous record prepared by or on behalf of the holder, with the holder concerning the account in which the funds are held, and has not otherwise indicated an interest in the funds and the beneficiary of the account has not requested a disbursement of any of the funds for qualified higher education expenses. A communication with an owner by a person other than the holder or its representative who has not identified the account in writing to the owner shall not be an indication of interest in the property by the owner.

D. An indication of an owner's interest in property includes the following:

(1) The presentment of a check or other instrument of payment of a dividend or other distribution made with respect to an account or underlying stock or other interest in a business association or, in the case of a distribution made by electronic or similar means, evidence that the distribution has been received.

(2) Owner-directed activity in the account in which the property is held, including a direction by the owner to increase, decrease, or change the amount or type of property held in the account.

(3) The making of a deposit to or withdrawal from a bank account, including any one-time or recurring automatic clearing house transaction, or any other electronic transaction that is owner-directed or otherwise authorized by the account owner.

(4) The payment of a premium with respect to a property interest in an insurance policy; however, the application of an automatic premium loan provision or other nonforfeiture provision contained in an insurance policy does not prevent a policy from maturing or terminating if the insured has died or the insured or the beneficiary of the policy has otherwise become entitled to the proceeds before the depletion of the cash surrender value of a policy by the application of those provisions.

(5) The accessing of a deposit account by the owner through the website or other restricted electronic access point of the banking or financial organization.

E.(1) Notwithstanding Subsection D of this Section, an indication of an owner's interest in a digital asset or digital asset account includes any of the following actions by the owner:

(a) Conducting a transaction involving the digital asset account, including buying or selling digital assets, or depositing into or withdrawing from the account fiat currency or other property, whether by a one-time transaction or a recurring transaction previously authorized by the owner.

(b) Accessing the digital asset account electronically.

(c) Conducting any activity with respect to another digital asset account or any other property owned by that owner and held by that same digital asset holder.

(d) Any other action taken by an owner that reasonably demonstrates to the digital asset holder that the owner is aware of the existence of the property.

(2) Failure of an owner to respond to a communication from a digital asset holder does not constitute an indication of the interest of an owner.

F. Property shall be payable or distributable for purposes of this Chapter notwithstanding the owner's failure to make demand or present an instrument or document otherwise required to obtain payment.

Acts 1986, No. 829, §1, eff. July 10, 1986; Acts 1991, No. 209, §1, eff. July 2, 1991; Acts 1992, No. 73, §1, eff. June 5, 1992; Acts 1997, No. 809, §1, eff. July 10, 1997; Acts 2003, No. 221, §1, eff. June 5, 2003; Acts 2004, No. 839, §1; Acts 2006, No. 573, §1; Acts 2015, No. 350, §1, eff. June 29, 2015; Acts 2018, No. 687, §1, eff. May 30, 2018; Acts 2022, No. 510, §1; Acts 2024, No. 615, §1; Acts 2025, No. 398, §3, eff. June 20, 2025; Acts 2026, No. 891, §1, eff. Jan 1, 2027.

§154.1. Compensation for expropriation; ownership; town of Berwick

A. Notwithstanding the provisions of R.S. 9:154, monetary funds paid by the town of Berwick into the registry of the court for the expropriation of property and which monetary funds would otherwise be deemed abandoned pursuant to R.S. 9:154, and which monetary funds have not been claimed by any person for a period in excess of five years, shall revert to being funds of the town of Berwick, and any such monetary funds held by the administrator or the court shall be returned to the town of Berwick.

B. The administrator who returns the funds to the town of Berwick shall be relieved of all liability which may arise with respect to the funds which have been returned to the town of Berwick.

Acts 2001, No. 836, §1; Acts 2019, No. 8, §1.

§154.2. Repealed by Acts 2021, No. 114, §17, eff. July 1, 2022.

§154.3. Crescent City Connection amnesty program; disposition

Notwithstanding any other provision of law to the contrary, the Crescent City Amnesty Refund Fund is hereby abolished and any monies remaining in the fund shall be transferred for the use of the Department of Transportation and Development.

Acts 2014, No. 762, §1, eff. June 19, 2014; Acts 2018, No. 612, §3, eff. July 1, 2020; Acts 2019, No. 404, §1, eff. July 1, 2020.

§155. Contents of safe deposit box or other safekeeping depository

A. Intangible property held in a safe deposit box or other safekeeping depository in this state in the ordinary course of the holder's business, and proceeds resulting from the sale of the property permitted by other law, shall be presumed abandoned if it remains unclaimed by the owner for more than five years after expiration of the lease or rental period on the box or other depository.

B.(1) Military medals and all associated documents held in a safe deposit box or other safekeeping depository in this state in the ordinary course of the holder's business shall be presumed abandoned if it remains unclaimed by the owner for more than five years after expiration of the lease or rental period on the box or other depository.

(2) Military medals and all associated documents presumed abandoned pursuant to this Subsection shall be forwarded by the holder to the Louisiana Department of Treasury, unclaimed property division.

(3) The Louisiana Department of Treasury, unclaimed property division, may enter into an agreement with the Louisiana Department of Veterans Affairs whereby the Department of Veterans Affairs may store and locate the appropriate owners for the return of the abandoned military medals and all associated documents.

Acts 1986, No. 829, §1, eff. July 10, 1986; Acts 1997, No. 809, §1, eff. July 10, 1997; Acts 2019, No. 439, §1, eff. July 1, 2019.

§156. Rules for taking custody

Unless otherwise provided in this Chapter or by other statute of this state, property that is presumed abandoned, whether located in this or another state, shall be subject to the custody of this state if any of the following applies:

(1) The last known address of the apparent owner, as shown on the records of the holder, is in this state.

(2) The records of the holder do not reflect the identity of the person entitled to the property and it is established that the last known address of the person entitled to the property is in this state.

(3) The records of the holder do not reflect the last known address of the apparent owner and it is established that any of the following applies:

(a) The last known address of the person entitled to the property is in this state.

(b) The holder is a domiciliary or a government or governmental subdivision or agency of this state and has not previously paid or delivered the property to the state of the last known address of the apparent owner or other person entitled to the property.

(4) The last known address of the apparent owner, as shown on the records of the holder, is in a state that does not provide for the escheat or custodial taking of the property and the holder is a domiciliary or a government or governmental subdivision or agency of this state.

(5) The last known address of the apparent owner, as shown on the records of the holder, is in a foreign country and the holder is a domiciliary or a government or governmental subdivision or agency of this state.

(6) The transaction out of which the property arose occurred in this state, the holder is a domiciliary of a state that does not provide for the escheat or custodial taking of the property and the last known address of the apparent owner or other person entitled to the property is unknown or is in a state that does not provide for the escheat or custodial taking of the property.

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