

2021 Regular Session

SENATE BILL NO. 101

BY SENATOR ABRAHAM

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

COMMERCIAL REGULATIONS. Provides relative to self-service storage facilities.
(8/1/21)

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AN ACT

To amend and reenact R.S. 9:4759(5)(a), relative to self-service storage facilities; to provide relative to the rental agreement; to provide for default of rental agreement by lessee; to provide for the advertisement of the sale or other disposition of certain movable property; to provide for terms, conditions, and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:4759(5)(a) is hereby amended and reenacted to read as follows:

§4759. Options of owner upon lessee's default

In the event of default by the lessee, the owner of a self-storage facility has the option to enforce judicially all of his rights under the rental agreement, including, if the agreement so provides, his right to accelerate all rentals that will become due in the future for the full term of the lease or to cancel the lease and enforce his privilege for the debt due him, as follows:

* * *

(5)(a) Actual receipt of the notice made pursuant to this Section shall not be required. At least ten days after its mailing, or at least ten days after the date ~~by~~

1 ~~which **that**~~ payment is demanded, whichever is later, an advertisement of the sale or
2 other disposition of movable property subject to the privilege shall ~~be published on~~
3 at least one occasion ~~in a newspaper of general circulation where the self-service~~
4 ~~storage facility is located and the owner of a self-service storage facility may publish~~
5 ~~an advertisement of the sale on a publicly accessible website that conducts personal~~
6 ~~property auctions.~~ **be published in a newspaper of general circulation where the**
7 **self-service storage facility is located or on a publicly accessible website that**
8 **conducts personal property auctions.**

9 * * *

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Elizabeth O'Quin.

DIGEST

SB 101 Engrossed

2021 Regular Session

Abraham

Present law provides relative to the regulation of self-service storage facilities and an owner's options if a lessee is in default of the rental agreement.

Present law provides that in the event of a default by a lessee, the owner of a self-service storage facility has the option to enforce judicially all of his rights under the rental agreement, including, if the agreement so provides, his right to accelerate all rentals that will become due in the future for the full term of the lease or to cancel the lease and enforce his privilege for the debt due him.

Present law provides that to cancel the lease and enforce the privilege for debt due him, the owner shall compile a list of the property subject to the privilege, provide notice to the lessee that he intends to enforce his privilege, and advertise the sale or other disposition of the property subject to the privilege.

Present law requires the advertisement of the sale or other disposition of movable property subject to the privilege be published on at least one occasion in a newspaper of general circulation where the self-service storage facility is located and allows the owner to publish an advertisement of the sale on a publicly accessible website that conducts personal property auctions.

Proposed law retains present law and revises the advertising requirements to give the owner the option to advertise the sale or other disposition of the movable property on at least one occasion in a newspaper of general circulation where the self-service storage facility is located or on a publicly accessible website that conducts personal property auctions.

Effective August 1, 2021.

(Amends R.S. 9:4759(5)(a))