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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

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DIGEST

SB 77 Engrossed

2026 Regular Session

Miller

Present law (C.C. Art. 2674) provides for effects of leases by nonowners between the parties to the lease.

Proposed law retains present law and provides for circumstances under which leases of goods by nonowners have effect against the owner of the goods.

Present law (C.C. Art. 2681) provides form requirements for leases and provides that leases of immovables have effect against third persons upon being filed for registry.

Proposed law (C.C. Arts. 2681 and 2681.1) retains and restructures present law.

Proposed law (C.C. Art. 2681.2) provides that leases of goods have effect against third persons upon delivery. Proposed law also provides for the cessation of this effect upon return of the goods.

Present law (C.C. Art. 2711) provides that the transfer of a leased thing by the lessor does not terminate the lease unless the parties have agreed to the contrary.

Present law (C.C. Art. 2712) provides that the transferee of an immovable subject to an unrecorded lease is not bound by the obligations of the transferor under the lease. Present law also provides that the lessor is liable to a lessee who has sustained a loss as a result of such a transfer, unless the parties have agreed to the contrary.

Proposed law (C.C. Arts. 2711 and 2712) retains, clarifies, and restructures present law.

Present law (C.C. Art. 2713) provides that a lessee has the right to sublease or to assign or encumber the lessee's rights in the lease, unless prohibited by the terms of the lease.

Proposed law retains present law and clarifies that the right to assign or encumber lease rights applies to the lessor in addition to the lessee.

Present law (C.C. Art. 2713) provides that a lease term prohibiting sublease or assignment or encumbrance of the lessee's rights in the lease is deemed to prohibit all of these transactions, unless a contrary intent is expressed. Present law also provides that a lease term containing such a prohibition is to be strictly construed against the lessor.

Proposed law limits the applicability of present law to leases of immovables.

Proposed law (C.C. Art. 2713.1) clarifies that a sublessee or a person to whom a lessee assigns the lessee's rights in the lease acquires no greater rights than the lessee, except as otherwise provided by legislation.

Effective August 1, 2026.

(Amends C.C. Arts. 2674, 2681, 2711, 2712, and 2713; adds C.C. Arts. 2681.1, 2681.2, and 2713.1)