

## RÉSUMÉ DIGEST

ACT 167 (SB 128)

2016 Regular Session

Martiny

Prior law provided relative to lease agreements for self-service storage facilities.

Prior law defined the terms "self-service storage facility", "owner", "lessee", "rental agreement", and "last known address".

New law retains prior law definitions, includes in the definition of "last known address" the lessee's electronic mail address, and defines the following new terms:

- (1) "Electronic mail" means an electronic message that is transmitted between two or more telecommunications devices, computers, or electronic devices capable of receiving electronic messages, whether or not the message is converted to printed format after receipt or is viewed upon transmission or stored for later retrieval. "Electronic mail" includes electronic messages that are transmitted through a local, regional, or global computer network.
- (2) "Electronic mail address" means a destination, commonly expressed as a string of characters, to which electronic mail can be sent or delivered. An "electronic mail address" may include a user name or mailbox and a reference to an internet domain.
- (3) "Verified mail" means any method of mailing that is offered by the United States Postal Service or a private delivery service that provides evidence of mailing.

Prior law provided for the option of a self-service storage facility owner to judicially enforce all of his right under the rental agreement provided certain conditions are met.

Prior law required that notice of the owner's right to enforce his privilege be sent by certified mail to the lessee and requires that the notice contain certain information, including but not limited to a copy of the rental agreement and a description of the property.

New law removes from prior law the following requirements:

- (1) That the owner send notice by certified mail to the lessee. New law allows the owner to send the notice to the last known address of the lessee by verified mail, and electronic mail if the email address is provided by the lessee in the rental agreement.
- (2) That a copy of the written rental agreement, or a summary of a verbal rental agreement and a description of the movable property be included in the notice.

Prior law required that the notice contain a brief and general description reasonably adequate to permit the lessee to identify the movable property. New law retains this provision but provides that any container, including a trunk, valise, or box that is locked, fastened, sealed, or tied in a manner deterring immediate access to its contents may be described without describing the contents.

Prior law required that after actual receipt of the notice or within 10 days of its mailing, whichever is earlier, the owner is 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.

New law retains prior law but provides that at least ten days after mailing or at least ten days after the date by which payment is demanded, whichever is later, then the owner of a self-service storage facility may also publish advertisement of the sale on a publicly accessible website that conducts personal property auctions.

Prior law required that the sale or other disposition of the movable property be held at the self-service storage facility, or at the nearest suitable place to where the movable property is held or stored, as indicated in the notice. New law retains these provisions but authorizes the sale on a publicly accessible website that conducts personal property auctions.

New law provides that if the lien is claimed on a motor vehicle, watercraft, or trailer for rent and other charges and remains unpaid for 60 days, then the owner may have the property towed in lieu of foreclosing on the lien. Provides that the owner is not liable for the motor vehicle, watercraft, or trailer or for any damages to the motor vehicle, watercraft, or trailer once the tower takes possession of the property provided the tower is licensed under the Louisiana Towing and Storage Act.

New law authorizes a reasonable late fee to be collected by an owner for each period that a lessee does not pay rent when due under the rental agreement, provided the amount of the late fee and the conditions for imposing the fee are stated in the rental agreement or in an addendum to that agreement. Defines a "reasonable late fee" as a fee of \$20 or 20% of the monthly rent, whichever is greater. In addition to the late fee, new law authorizes imposition and collection of reasonable expenses incurred as a result of rent collection or lien enforcement by the owner.

New law provides that if the rental agreement contains a limit on the value of property stored in the lessee's storage space, this limit is be deemed to be the maximum value of the property stored in the space and the lessor is not liable for any claims in excess of this stated value.

Effective upon signature of the governor (May 19, 2016).

(Amends R.S. 9:4757(5) and 4759(3), (4), (5), (8), (9), (10), and (11); adds R.S. 9:4757(6), (7), and (8), and 4759(12), (13), and (14))