

## SENATE SUMMARY OF HOUSE AMENDMENTS

SB 128

2016 Regular Session

Martiny

**KEYWORD AND SUMMARY AS RETURNED TO THE SENATE**

COMMERCIAL REGULATIONS. Provides for enforcement of liens and privileges on property stored in a self-service storage facility. (gov sig)

**SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL**

1. Technical amendments only.

**DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE**

## DIGEST

SB 128 Reengrossed

2016 Regular Session

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Present law provides relative to lease agreements for self-service storage facilities.

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

Proposed law retains present 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.

Present law provides 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.

Present law requires 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.

Proposed law removes from present law the following requirements:

- (1) That the owner send notice by certified mail to the lessee. Proposed 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.

Present law requires that the notice contain a brief and general description reasonably adequate to permit the lessee to identify the movable property. Proposed 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.

Present law requires that after actual receipt of the notice or within ten 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.

Proposed law retains present law and 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.

Present law requires 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. Proposed law retains these provisions but authorizes the sale on a publicly accessible website that conducts personal property auctions.

Proposed 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.

Proposed 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, proposed law authorizes imposition and collection of reasonable expenses incurred as a result of rent collection or lien enforcement by the owner.

Proposed 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 or lapse of time for gubernatorial action.

(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))

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