

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.
(1/1/22)

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AN ACT

To amend and reenact R.S. 9:4759(3) and (5)(a) and to enact R.S. 9:4757(9) and 4758.1, relative to self-service storage facilities; to provide relative to the rental agreement; to provide for default of rental agreement by lessee; to provide relative to notice of privilege; 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(3) and (5)(a) are hereby amended and reenacted and R.S. 9:4757(9) and 4758.1 are hereby enacted to read as follows:

§4757. Definitions

As used in this Part, unless the context clearly requires otherwise:

* * *

(9) "Wireless telecommunications device" means a cellular telephone, a text messaging device, a personal digital assistant, a stand-alone computer, or any other substantially similar wireless device.

* * *

1 **§4758.1. Notice of privilege**

2 **A. A lessee shall be notified of the privilege created by this Part before**
3 **enforcement of the privilege by an owner. Notification of the privilege created**
4 **by this Part shall be satisfied by either of the following:**

5 **(1) A written rental agreement signed by the lessee that includes the**
6 **notice of privilege created by this Part. The notice of privilege in the rental**
7 **agreement shall be in bold typed print of not less than twelve-point font. At the**
8 **time of execution of the rental agreement, the owner shall bring the notice of**
9 **privilege to the attention of the lessee and the lessee shall initial by the notice of**
10 **privilege in the rental agreement.**

11 **(2) A written notification of the privilege is sent to the lessee by verified**
12 **mail to the last known address of the lessee, and by electronic mail to a primary**
13 **and secondary email address of the lessee and by text message to the wireless**
14 **telecommunications device of the lessee provided the email addresses and**
15 **number of the wireless telecommunications device are listed in the rental**
16 **agreement.**

17 **B. An owner who does not have a written rental agreement that includes**
18 **a notice of the privilege created by this Part shall not initiate an enforcement**
19 **action as provided in this Part until thirty days after the written notice of a**
20 **privilege is mailed to the lessee as required by Paragraph (A)(2) of this Section.**

21 §4759. Options of owner upon lessee's default

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

27 * * *

28 (3) The notice shall be delivered in person to the lessee or sent by verified
29 mail to the last known address of the lessee, and **by** electronic mail ~~if the email~~

1 address is provided by the lessee in the rental agreement. to a primary and
 2 secondary email address of the lessee and by text message to a wireless
 3 telecommunications device provided the email addresses and number of the
 4 wireless telecommunications device are listed by the lessee in the rental
 5 agreement.

6 * * *

7 (5)(a) Actual receipt of the notice made pursuant to this Section shall not be
 8 required. At least ten days after its mailing, or at least ten days after the date by
 9 ~~which~~ that payment is demanded, whichever is later, an advertisement of the sale or
 10 other disposition of movable property subject to the privilege shall ~~be published~~ on
 11 at least one occasion ~~in a newspaper of general circulation where the self-service~~
 12 ~~storage facility is located and the owner of a self-service storage facility may publish~~
 13 ~~an advertisement of the sale on a publicly accessible website that conducts personal~~
 14 ~~property auctions.~~ be published in a newspaper of general circulation where the
 15 self-service storage facility is located or on a publicly accessible website that
 16 conducts personal property auctions.

17 * * *

18 Section 2. This Act shall become effective on January 1, 2022; if vetoed by the
 19 governor and subsequently approved by the legislature, this Act shall become effective on
 20 January 1, 2022, or on the day following such approval by the legislature, whichever is later.

The original instrument was prepared by Beth O'Quin. The following digest,
 which does not constitute a part of the legislative instrument, was prepared
 by Ann S. Brown.

DIGEST

SB 101 Reengrossed

2021 Regular Session

Abraham

Proposed law defines "wireless telecommunication device" as a cellular telephone, a text messaging device, a personal digital assistant, a stand-alone computer, or any other substantially similar wireless device.

Proposed law provides that a lessee of a self-service storage unit shall be given a notice of privilege either written in their rental agreement or through their wireless telecommunications device.

Proposed law provides that if an owner of a self-storage unit does not have a written rental agreement that includes a notice of the privilege, he shall not initiate an enforcement action

until 30 days after the written notice of the privilege is mailed to the lessee.

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.

Proposed law retains present law and includes notice through wireless telecommunications devices if the information is listed by the lessee in the rental agreement.

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 January 1, 2022.

(Amends R.S. 9:4759(3) and (5)(a); adds R.S. 9:4757(9) and 4758.1)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Defines "wireless telecommunications device".
2. Requires that lessee be given a notice of privilege in writing in their rental agreement or through their wireless telecommunications devices.
3. Provides that an owner cannot initiate enforcement action until 30 days after sending written notice of privilege to a lessee whom he had no written rental agreement with prior.
4. Provides that owners may notify lessee that they will use their option of default through wireless telecommunications devices if the information was provided in the rental agreement by the lessee.
5. Sets an effective date of 1/1/22.
6. Makes technical changes.