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 DIGEST

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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.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the reengrossed bill:

1. Make technical changes.