

SENATE BILL NO. 165

BY SENATOR ABRAHAM

1 AN ACT

2 To amend and reenact R.S. 9:4757, 4758.1(A)(2) and (B), and 4759(3), (5)(a), and (9) and
3 to enact R.S. 9:4759.1 and 4759.2, relative to self-service storage facilities; to
4 provide relative to the rental agreement; to provide for default of rental agreement
5 by lessee; to provide relative to delivery of notice of privilege; to provide for the sale
6 or other disposition of certain movable property; to provide for definitions and
7 procedures; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 9:4757, 4758.1(A)(2) and (B), and 4759(3), (5)(a), and (9) are hereby
10 amended and reenacted and R.S. 9:4759.1 and 4759.2 are hereby enacted to read as follows:

11 §4757. Definitions

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

13 (1) **"Default" means the failure by the lessee to perform, on time, any**
14 **obligation or duty set forth in the rental agreement or pursuant to this Part.**

15 (2) "Electronic mail" means an electronic message that is transmitted between
16 two or more telecommunications devices, computers, or electronic devices capable
17 of receiving electronic messages, whether or not the message is converted to printed
18 format after receipt or is viewed upon transmission or stored for later retrieval.
19 "Electronic mail" includes electronic messages that are transmitted through a local,
20 regional, or global computer network.

21 ~~(2)~~(3) "Electronic mail address" means a destination, commonly expressed
22 as a string of characters, to which electronic mail can be sent or delivered. An
23 "electronic mail address" may include a user name or mailbox and a reference to an
24 Internet domain.

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 by
 4 this Part shall be satisfied by either of the following:

5 * * *

6 (2) A written notification of the privilege sent to the lessee by verified mail
 7 to the last known address of the lessee, ~~by electronic mail to a primary and secondary~~
 8 ~~email address of the lessee, and by text message to the wireless telecommunications~~
 9 ~~device of the lessee provided the email addresses and number of the wireless~~
 10 ~~telecommunications device are listed in the rental agreement~~ **and by electronic mail**
 11 **to the email address provided by the lessee and listed in the rental agreement.**

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

16 * * *

17 §4759. Options of owner upon lessee's default

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

23 * * *

24 (3) The notice shall be delivered in person to the lessee or sent by verified
 25 mail to the last known address of the lessee, ~~by electronic mail to a primary and~~
 26 ~~secondary email address of the lessee, and by text message to a wireless~~
 27 ~~telecommunications device provided the email addresses and number of the wireless~~
 28 ~~telecommunications device are listed by the lessee in the rental agreement~~ **and by**
 29 **electronic mail to the email address provided by the lessee and listed in the**
 30 **rental agreement.**

* * *

(5)(a) Actual receipt of the notice made pursuant to this Section shall not be required. At least ten days after its mailing, or at least ten days after the date that payment is demanded, whichever is later, an advertisement of the sale or other disposition of movable property subject to the privilege shall on at least one occasion be published in a newspaper of general circulation where the self-service storage facility is located or on a publicly accessible website that regularly advertises or conducts personal property auctions or sales.

* * *

(9) If the property upon which the lien is claimed is a motor vehicle, watercraft, or trailer, ~~and rent and other charges remain unpaid for sixty days~~ and the lessee is in default for sixty days, the owner may have the property towed in lieu of foreclosing on the lien. If a motor vehicle, watercraft, or trailer is towed pursuant to the provisions of this Paragraph, the owner shall not be 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. Any tower shall be licensed pursuant to the Louisiana Towing and Storage Act, R.S. 32:1711 et seq.

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§4759.1. Termination of rental agreement

A. An owner may terminate a rental agreement in accordance with the provisions of the rental agreement or as authorized by law by delivering to the lessee a written notice of termination. The notice shall include all of the following information:

(1) The lessee shall have fifteen days after the date of delivery of the notice as provided by this Subsection to remove all personal property from the self-service storage facility.

(2) The owner may limit access to the self-service storage facility to the owner's posted business hours.

(3) Failure of the lessee to remove all personal property as provided by this Subsection shall constitute a default of the rental agreement by the lessee.

1 **B. Upon default of the lessee as provided in Subsection A of this Section,**
 2 **the owner may assert a lien privilege on any personal property remaining at the**
 3 **self-service storage facility and may enforce the lien by sale or public auction**
 4 **in accordance with this Part, except the requirement to advertise in accordance**
 5 **with this Part shall not apply.**

6 **§4759.2. Nonrenewal of rental agreement; abandonment**

7 **A. If the owner provides written notice to the lessee that the rental**
 8 **agreement shall not be renewed upon expiration of its term, the lessee shall**
 9 **remove all personal property from the self-service storage facility on or before**
 10 **the date of expiration of the rental agreement.**

11 **B. Any personal property remaining at the self-service storage facility**
 12 **fifteen days after expiration of the rental agreement shall be deemed**
 13 **abandoned. Upon determination that the storage space is abandoned, the owner**
 14 **shall have the right to dispose of the personal property without further notice**
 15 **to the lessee.**

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____