
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ridge.

DIGEST

SB 128 Original

2016 Regular Session

Martiny

Present law provides relative to lease agreements for self-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 hard copy 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 be sent by certified mail to the lessee of the owner's right to enforce his privilege 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 lessee by verified mail or by electronic mail to the lessee's last known address.
- (2) That a copy of the rental agreement and a description of the movable property be included in the notice.

Present law provides that the owner must 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 allows the owner to publish the advertisement in the newspaper or in any other commercially reasonable manner. An advertisement is deemed to be "commercially reasonable" if at least three independent bidders attend the sale provided the bidders are unrelated to the owner and each other.

Present law requires that the sale or other disposition of the movable property be held at the self-storage facility, or at the nearest suitable place to where the movable property is held or stored, as indicated in the notice.

Proposed law defines "suitable place" to include a publicly accessible website that conducts personal property auctions.

Proposed law provides that if the property upon which the lien is claimed is a motor vehicle, watercraft, or trailer, and rent and other charges remain unpaid for 60 days, the owner may have the property towed in lieu of foreclosing on the lien. Proposed law provides that 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.

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 such fee are stated in the rental agreement or in an addendum to that agreement.

Proposed law defines "reasonable late fee" as a fee of \$20 or 20% of the monthly rent, whichever is greater.

Proposed law provides that in addition to late fees, any reasonable expense incurred as a result of rent collection or lien enforcement by an owner may be charged to the lessee.

Proposed law provides that if the rental agreement contains a limit on the value of property stored in the lessee's storage space, such limit shall be deemed to be the maximum value of the property stored in that space and the lessee may not assert that the property has a greater 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))