

SENATE BILL NO. 101

BY SENATOR ABRAHAM

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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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.

* * *

§4758.1. Notice of privilege

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

(1) A written rental agreement signed by the lessee that includes the notice of privilege created by this Part. The notice of privilege in the rental agreement shall be in bold typed print of not less than twelve-point font. At the time of execution of the rental agreement, the owner shall bring the notice of

1 privilege to the attention of the lessee and the lessee shall initial by the notice of
 2 privilege in the rental agreement.

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

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

13 C. To comply with the provisions of this Section, an owner shall include
 14 in the rental agreement a request for the lessee to provide two email addresses
 15 and the number of the lessee's wireless telecommunications device and the lessee
 16 shall initial by the request in the rental agreement.

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

18 In the event of default by the lessee, the owner of a ~~self-storage~~ self-service
 19 storage 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, ~~and by~~ by electronic mail ~~if the email~~
 26 ~~address is provided by the lessee in the rental agreement~~ to a primary and
 27 secondary email address of the lessee, and by text message to a wireless
 28 telecommunications device provided the email addresses and number of the
 29 wireless telecommunications device are listed by the lessee in the rental
 30 agreement.

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(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 ~~by which~~ **that** payment is demanded, whichever is later, an advertisement of the sale or other disposition of movable property subject to the privilege shall ~~be published on at least one occasion in a newspaper of general circulation where the self-service storage facility is located and the owner of a self-service storage facility may publish an advertisement of the sale on a publicly accessible website that conducts personal property auctions.~~ **be published 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.**

* * *

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____