

Existing law defines "rental agreement" as any written agreement or lease, entered into between the marina operator and a lessee that establishes or modifies the terms, conditions, rules, or any other provisions concerning the use of the marina.

New law retains existing law but changes "marina operator" to "marina owner".

Prior law required that notice of default be delivered to the property owner and all marina owners of record.

New law deletes the requirement to deliver notice to all marina owners of record.

Existing law requires all notices to be sent by registered or certified mail, return receipt requested.

New law authorizes notice by commercial courier.

Existing law provides, pursuant to the Marina and Boatyard Storage Act, that a purchaser of property sold pursuant to the Act takes the property free and clear of privileges and liens.

New law requires that the bill of sale clearly identify the marina as the seller and that bill of sale be signed by the buyer and a representative of the marina.

New law provides for definitions.

New law creates a privilege on a towed and stored vessel, including the motor, for towing and storage fees. Provides, however, that a privilege is not created on a documented vessel subject to a preferred ship mortgage or other maritime privilege pursuant to federal law.

New law requires the storage facility to provide the Dept. of Wildlife and Fisheries with the vessel's registration, hull identification, and motor serial numbers and any other identifying information requested within three business days of the vessel being towed and stored. The department shall provide the name and address of the last registered owner and lienholders to the storage facility.

New law requires the storage facility to notify the owner and lienholders within 10 business days from the date the department sends notice before the privilege can be enforced. If the owner and lienholder can be identified, the storage facility shall send written notification by certified mail. If they cannot be identified, notification shall be published on two separate occasions in the official newspaper of the parish in which the vessel was towed.

New law provides the contents of the notification shall include a description of the vessel, the date it was found, its present location, a statement that the vessel is subject to privilege and subject to sale unless the claim is paid.

New law provides that after holding the vessel for 30 days, the storage facility may sell the vessel 15 days after publishing a notice of the sale once a week for two weeks.

New law requires the sale to be at or the nearest suitable location to the storage facility.

New law requires the sale to the highest bidder and requires that the bill of sale clearly identify the licensed storage facility as the seller and that the bill of sale be signed by the buyer and a representative of the marina, and provides that if proof of notice, publication, and sale requirements for marinas are not attached to the bill of sale, the bill of sale shall be null and void.

New law provides for the distribution of the proceeds in the following order:

- (1) To the reasonable expenses of the sale including, to the extent not prohibited by law, reasonable attorney fees and legal expenses.
- (2) To the satisfaction of all superior mortgages.

- (3) To the satisfaction of the privilege.
- (4) To the satisfaction of all other mortgages and privileges.

New law provides that any surplus shall be transferred to the administrator of the Uniform Unclaimed Property Act of 1997 as unclaimed property.

New law provides that if proceeds are not sufficient to satisfy the vessel owner's outstanding obligations to the licensed storage facility or any lienholder of record, the vessel owner remains liable to the licensed storage facility for the deficiency.

New law provides that the purchaser of a boat sold pursuant to new law takes the vessel free and clear of any rights of persons against whom the privilege was valid and all other lienholders of record.

New law authorizes the department to promulgate rules and regulations.

Existing law prohibits a public entity from accepting any bid from or entering into a contract for the procurement of vehicles with a dealer who does not possess a license as required by R.S. 32:2182.

New law provides an exception from the existing law prohibition for purchases made directly from a vessel manufacturer or an outboard motor manufacturer, provided that other applicable provisions of the Procurement Code are followed.

Effective August 1, 2012.

(Amends R.S. 9:4781(8), 4783(B), and 4784(B)(1)(c), (D), and (G), and R.S. 39:2181(A); Adds R.S. 9:4791-4798)