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HOUSE BILL No. 1621

Proposed Changes to introduced printing by AM162102

DIGEST OF PROPOSED AMENDMENT

Liens. Changes the time at which an owner may begin enforcement of the owner's lien from 10 days to five days after the renter has been in default. (Current law provides that this period of time is 30 days.) Specifies that an owner may deny the renter access to the self-service storage facility, including the rented space, when enforcing a lien. Allows a renter to designate an alternative contact in a rental agreement to receive required notices. Allows an owner to advertise the sale of the owner's personal property at least 45 days after the renter becomes in default of the rental agreement. Makes conforming changes.

A BILL FOR AN ACT to amend the Indiana Code concerning commercial law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 26-3-8-7, AS AMENDED BY P.L.144-2014,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 7. As used in this chapter, "personal property"
4 means movable property not affixed to land. The term includes goods,
5 wares, merchandise, household items, motor vehicles, **trailers**, and
6 watercraft.
7 [SECTION 2. IC 26-3-8-9.8 IS ADDED TO THE INDIANA CODE
8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
9 1, 2023]: Sec. 9.8. In addition to the statement required by section
10 11(c) of this chapter, a rental agreement under this chapter must
11 include space for the renter to designate an alternative contact to
12 receive notices required by this chapter. The failure or refusal of
13 a renter to designate an alternative contact does not affect a
14 renter's or an owner's rights or remedies under this chapter or
15 under any other law. An alternative contact designated by a renter
16 does not have any rights to:

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1 (1) access the rented space; or
 2 (2) the personal property stored in the rented space;
 3 unless expressly stated otherwise in the rental agreement.

4] SECTION ~~26-3-8-12~~ [3]. IC 26-3-8-12, AS AMENDED BY
 5 P.L.144-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2023]: Sec. 12. (a) After a renter has been in
 7 default continuously for at least thirty (30) ~~ten~~ five (~~10~~ 5) days,
 8 an owner may begin enforcement of the owner's lien under this chapter.

9 (b) An owner enforcing the owner's lien under this chapter may:

10 (1) deny the renter access to the self-service storage facility,
 11 including access to the rented space; and

12 (2) move the renter's personal property from the rented space to
 13 another storage space pending the redemption, sale, or other
 14 disposition of the personal property under this chapter.

15 (c) An owner enforcing the owner's lien shall send the renter, by
 16 electronic mail or verified mail and addressed to the last known address
 17 of the renter, a written notice that includes:

18 (1) an itemized statement of the owner's claim showing the
 19 amount due at the time of the notice and the date when the
 20 amount became due;

21 (2) a demand for payment of the amount due before a specified
 22 time at least thirty (30) days after the date of the mailing of the
 23 notice;

24 (3) a statement that the contents of the renter's rented space are
 25 subject to the owner's lien;

26 (4) a statement advising the renter that the owner has denied the
 27 renter access to the rented space, if the owner has done this
 28 under subsection (b);

29 (5) a statement advising the renter that the owner has removed
 30 the renter's personal property from the rented space to another
 31 suitable storage space, if the owner has done this under
 32 subsection (b);

33 (6) the name, street address, and telephone number of the owner
 34 or of any other person the renter may contact to respond to the
 35 notice; and

36 (7) a conspicuous statement that unless the owner's claim is paid
 37 within the time stated under subdivision (2), the personal
 38 property:

39 (A) will:

40 (i) be advertised to be sold in a manner permitted
 41 under section 15 of this chapter; or

42 (ii) be otherwise disposed of;



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at a specified place (if applicable) and time, which must be
 at least ~~ninety (90)~~ ~~sixty~~ forty-five (~~60~~ 45) days
 after the renter's default; or

(B) will be disposed of in the manner described in
 subsection (d), if:

(i) the renter's personal property stored in the rented
 space is a motor vehicle, **trailer**, or watercraft; and

(ii) the owner chooses to dispose of the renter's motor
 vehicle, **trailer**, or watercraft in the manner permitted
 under subsection (d).

(d) If:

(1) the renter's personal property stored in the rented space is a
 motor vehicle, **trailer**, or watercraft; and

(2) the renter does not pay the owner's claim within the time
 specified in subsection (c)(2);

as an alternative to conducting a sale under section 15 of this chapter,
 the owner may cause the renter's motor vehicle, **trailer**, or watercraft
 to be towed or removed from the self-service storage facility.

(e) Any sale or other disposition of the personal property
 undertaken by the owner to enforce the owner's lien must be conducted
 in the same manner, and at the same place (if applicable) and time,
 specified by the owner in the notice given under subsection (c)(7).
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