

Updated March 13, 2023 (2:32pm)

HOUSE BILL No. 1621

AM162104 has been incorporated into February 9, 2023 printing.

Synopsis: Self-service storage facilities.

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HB 1621—LS 6504/DI 101



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February 9, 2023

First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1621

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:**
17 (1) access the rented space; or
18 (2) the personal property stored in the rented space;

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1 **unless expressly stated otherwise in the rental agreement.**

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

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

8 (1) deny the renter access **to the self-service storage facility,**
9 **including access** to the rented space; and

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

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

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

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

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

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

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

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

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

37 (A) will:

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

40 (ii) be otherwise disposed of;

41 at a specified place (if applicable) and time, which must be
42 at least ~~ninety (90)~~ **sixty (60)** days after the renter's default;

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- 1 or
2 (B) will be disposed of in the manner described in
3 subsection (d), if:
4 (i) the renter's personal property stored in the rented
5 space is a motor vehicle, **trailer**, or watercraft; and
6 (ii) the owner chooses to dispose of the renter's motor
7 vehicle, **trailer**, or watercraft in the manner permitted
8 under subsection (d).
9 (d) If:
10 (1) the renter's personal property stored in the rented space is a
11 motor vehicle, **trailer**, or watercraft; and
12 (2) the renter does not pay the owner's claim within the time
13 specified in subsection (c)(2);
14 as an alternative to conducting a sale under section 15 of this chapter,
15 the owner may cause the renter's motor vehicle, **trailer**, or watercraft
16 to be towed or removed from the self-service storage facility.
17 (e) Any sale or other disposition of the personal property
18 undertaken by the owner to enforce the owner's lien must be conducted
19 in the same manner, and at the same place (if applicable) and time,
20 specified by the owner in the notice given under subsection (c)(7).

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