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HOUSE BILL No. 1621

Proposed Changes to February 9, 2023 printing by AM162104

DIGEST OF PROPOSED AMENDMENT

Ten day timeline. Increases the period of time by which an owner may begin enforcement of an owner's lien from five days to ten days. (Current law allows for thirty days.)

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;**
- 19 **unless expressly stated otherwise in the rental agreement.**
- 20 SECTION 3. IC 26-3-8-12, AS AMENDED BY P.L.144-2014,
- 21 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 22 JULY 1, 2023]: Sec. 12. (a) After a renter has been in default

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continuously for at least ~~thirty (30)~~ ~~<five>~~ **ten** (~~<5>~~ **10**) days, an owner may begin enforcement of the owner's lien under this chapter.

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

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

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

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

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

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

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

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

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

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

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

(A) will:

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

(ii) be otherwise disposed of;

at a specified place (if applicable) and time, which must be at least ~~ninety (90)~~ **sixty (60)** 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

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1 (2) the renter does not pay the owner's claim within the time
2 specified in subsection (c)(2);
3 as an alternative to conducting a sale under section 15 of this chapter,
4 the owner may cause the renter's motor vehicle, **trailer**, or watercraft
5 to be towed or removed from the self-service storage facility.
6 (e) Any sale or other disposition of the personal property
7 undertaken by the owner to enforce the owner's lien must be conducted
8 in the same manner, and at the same place (if applicable) and time,
9 specified by the owner in the notice given under subsection (c)(7).
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