

Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1194

AN ACT to amend the Indiana Code concerning commercial law.

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

SECTION 1. IC 26-3-8-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 11. (a) The owner of a self-service storage facility has a lien upon all personal property present in the self-service storage facility for:

(1) rent, labor, or other charges that accrue in connection with the personal property under the rental agreement, **including any:**

(A) **late fee imposed under section 11.5(a) of this chapter;**
and

(B) **rent collection costs or expenses described in section 11.5(b)(1) of this chapter;**

(2) expenses necessary for the preservation of the personal property; and

(3) expenses reasonably incurred in the sale or other disposition of the personal property under this chapter, **including any lien enforcement costs or expenses described in section 11.5(b)(2) of this chapter.**

(b) The lien described in subsection (a) is superior to any other lien or security interest, except for:

(1) a lien or security interest perfected before any sale or other disposition of the personal property; and

(2) any tax lien, as provided by law.

(c) The lien described in subsection (a) attaches on the date on

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which personal property is placed in a rented space. Every rental agreement must contain a statement in bold type notifying the renter of the existence of the lien and of the method by which the owner may enforce the lien under this chapter.

SECTION 2. IC 26-3-8-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 11.5. (a) For each month a renter is in default under the rental agreement, an owner may impose and collect a late fee that does not exceed the greater of the following:**

(1) Twenty dollars (\$20).

(2) Twenty percent (20%) of the monthly rent.

(b) In addition to a late fee authorized under subsection (a), an owner may recover from a renter all reasonable costs and expenses of:

(1) rent collection; and

(2) lien enforcement;

incurred by the owner as a result of the renter's default.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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