



February 9, 2023

HOUSE BILL No. 1621

DIGEST OF HB 1621 (Updated February 8, 2023 12:06 pm - DI 107)

Citations Affected: IC 26-3.

Synopsis: Self-service storage facilities. Specifies that the term "personal property" includes trailers. Changes the time at which a self-service storage facility owner (owner) may: (1) begin enforcement of the owner's lien on a renter's stored personal property; and (2) sell or otherwise dispose of the renter's stored personal property. Provides that as an alternative to conducting a sale of a renter's stored personal property after the renter's default, an owner may cause the renter's personal property to be towed or removed from the self-service storage facility if the renter's stored personal property is a trailer. (Current law provides this alternative if the renter's stored personal property is a motor vehicle or watercraft.) 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.

Effective: July 1, 2023.

Payne, Clere, Pierce K, Morris

January 19, 2023, read first time and referred to Committee on Judiciary.
February 9, 2023, amended, reported — Do Pass.

HB 1621—LS 6504/DI 101



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

HB 1621—LS 6504/DI 101



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

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

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

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

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

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

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

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

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

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

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

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

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

38 (A) will:

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

41 (ii) be otherwise disposed of;

42 at a specified place (if applicable) and time, which must be at



- 1 least ~~ninety (90)~~ **sixty (60)** days after the renter's default; or
2 (B) will be disposed of in the manner described in subsection
3 (d), if:
4 (i) the renter's personal property stored in the rented space
5 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 under
8 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 undertaken
18 by the owner to enforce the owner's lien must be conducted in the same
19 manner, and at the same place (if applicable) and time, specified by the
20 owner in the notice given under subsection (c)(7).



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1621, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 2. IC 26-3-8-9.8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2023]: **Sec. 9.8. In addition to the statement required by section 11(c) of this chapter, a rental agreement under this chapter must include space for the renter to designate an alternative contact to receive notices required by this chapter. The failure or refusal of a renter to designate an alternative contact does not affect a renter's or an owner's rights or remedies under this chapter or under any other law. An alternative contact designated by a renter does not have any rights to:**

(1) access the rented space; or

(2) the personal property stored in the rented space; unless expressly stated otherwise in the rental agreement."

Page 1, line 10, delete "ten (10)" and insert "five (5)".

Page 1, line 13, after "access" insert "**to the self-service storage facility, including access**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1621 as introduced.)

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Committee Vote: yeas 6, nays 3.

