



Texas Enacts Lien Law Reform

The Texas legislature has enacted, and the governor has signed, a self storage lien bill (SB 690). The bill makes a number of changes to the Texas lien law that are beneficial to the state's storage operators. Most of the changes came out of the SSA's Lien Law Reform Project, to which the Texas Self Storage Association has sent a representative. The key changes to the law are designed to make it a more effective and more efficient remedy for storage operators. The most important changes are:

1. Provides that members of the Texas State Guard or Texas National Guard who are called up for active duty for 30 or more days will have the same protections provided to active duty military servicemembers under the Servicemembers Civil Relief Act. This will require storage operators to file suit in state court to enforce their lien for qualifying tenants.
2. Permits the owner to send the statutory lien notice by verified mail or e-mail. Verified mail is defined as "any method of mailing that provides evidence of mailing." This includes certified mail, first class mail with certificate of mailing, or use of a private carrier provided that a receipt is provided.

3. Permits e-mail notice only if the rental agreement contains language that is underlined or in conspicuous bold print that notice may be given by e-mail if the tenant elects to provide an e-mail address.
4. Revises lien procedures for automobiles and boats so that they are specifically tailored to self storage lien sales.


The original version of the bill also contained a provision that would have permitted facility owners greater flexibility in advertising lien sales. Unfortunately this provision was removed due to intense lobbying by the newspaper industry. However, the changes that were made to the lien law make it a better remedy and one that should make the notification process more effective by permitting more ways to send tenants notice.


In addition to the TX-SSA-driven lien law reform, six other states have passed lien improvements in their legislatures: Arkansas, Colorado, Illinois, Maine, Nevada and Tennessee. Additionally, a lien improvement bill is still making its way through the Massachusetts legislature. ❖


Visit us at Booth #614


MILLER


Your System for Building Success!


MULTI-STORY


SINGLE STORY


SPLIT LEVEL


CONVERSION


RELOCATABLE

Price Purchase experience at the best available price. Miller delivers excellence on-budget

Quality Exceptional quality & reliable installation with over 30 years of experience

Service Your single source for design, supply & installation

MILLER

YOUR SYSTEM FOR BUILDING SUCCESS

Quick Quotes: Call Now 1-800-323-6464... or visit www.millerbldgs.com