
HOUSE BILL No. 1452

DIGEST OF INTRODUCED BILL

Citations Affected: IC 32-31-4.

Synopsis: Storage of tenant property. Provides that a storage facility may not release certain property to a tenant whose property has been stored with the storage facility until the landlord gives the tenant a release. Requires a landlord to give the tenant a release after the tenant has reimbursed the landlord for certain expenses the landlord has incurred in the storage of the tenant's property. Provides that the landlord may not refuse to give the tenant a release because the landlord has other claims against the tenant under the lease. Amends the definition of "storage facility" to include a warehouseman.

Effective: July 1, 2009.

Burton

January 13, 2009, read first time and referred to Committee on Interstate and International Cooperation.

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First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

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HOUSE BILL No. 1452



A BILL FOR AN ACT to amend the Indiana Code concerning property.

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

1 SECTION 1. IC 32-31-4-1.5, AS ADDED BY P.L.115-2007,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]: Sec. 1.5. (a) As used in this chapter, "storage facility"
4 means any location approved by a court for storage of a tenant's
5 personal property under section 2(e) of this chapter.

6 (b) **The term includes a warehouseman.**
7 SECTION 2. IC 32-31-4-2, AS AMENDED BY P.L.115-2007,
8 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2009]: Sec. 2. (a) A landlord has no liability for loss or
10 damage to a tenant's personal property if the tenant's personal property
11 has been abandoned by the tenant.

12 (b) For purposes of this section, a tenant's personal property is
13 considered abandoned if a reasonable person would conclude that the
14 tenant has vacated the premises and has surrendered possession of the
15 personal property.

16 (c) An oral or a written rental agreement may not define
17 abandonment differently than is provided in subsection (b).



1 (d) If a landlord is awarded possession of a dwelling unit by a court
 2 under IC 32-30-2, the landlord may seek an order from the court
 3 allowing removal of a tenant's personal property.

4 (e) If the tenant fails to remove the tenant's personal property before
 5 the date specified in the court's order issued under subsection (d), the
 6 landlord may remove the tenant's personal property in accordance with
 7 the order and deliver the personal property to a ~~warehouseman~~ under
 8 section 3 of this chapter or to a storage facility approved by the court.

9 SECTION 3. IC 32-31-4-3, AS AMENDED BY P.L.115-2007,
 10 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2009]: Sec. 3. (a) If a tenant has failed to remove the tenant's
 12 personal property under section 2 of this chapter, a landlord may
 13 deliver the personal property to a ~~warehouseman~~ or to a storage facility
 14 if notice of both of the following has been personally served on the
 15 tenant at the last known address of the tenant:

16 (1) An order for removal of personal property issued under
 17 section 2 of this chapter.

18 (2) The identity and location of the ~~warehouseman~~ or the storage
 19 facility.

20 (b) At the demand of the owner of the exempt property, the
 21 ~~warehouseman~~ or storage facility shall release the exempt property to
 22 the owner without requiring payment from the owner at the time of
 23 delivery. **However, the storage facility may not release property**
 24 **that is not exempt property without receiving a written release**
 25 **from the landlord under section 4 of this chapter.**

26 (c) A waiver of the provisions of section 1 of this chapter or
 27 subsection (b) by contract or otherwise is void.

28 SECTION 4. IC 32-31-4-4, AS AMENDED BY P.L.115-2007,
 29 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2009]: Sec. 4. (a) A ~~warehouseman~~ or storage facility that
 31 receives property under this chapter holds a lien on all of that property
 32 that is not exempt property to the extent of the expenses for any of the
 33 following incurred by the ~~warehouseman~~ or storage facility with
 34 respect to all of the property, whether exempt or not exempt:

35 (1) Storage.

36 (2) Transportation.

37 (3) Insurance.

38 (4) Labor.

39 (5) Present or future charges related to the property.

40 (6) Expenses necessary for preservation of the property.

41 (7) Expenses reasonably incurred in the lawful sale of the
 42 property.

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1 (b) A tenant may claim the tenant's property at any time until the
2 sale of the property under section 5 of this chapter by:

3 (1) paying the ~~warehouseman or~~ storage facility the expenses
4 described in ~~this section~~: **subsection (a) not already paid by the**
5 **landlord; and**

6 (2) **reimbursing the landlord for any of the expenses described**
7 **in subsection (a) that the landlord has paid to the storage**
8 **facility.**

9 (c) **After a tenant has fully reimbursed the landlord for all**
10 **expenses described in subsection (a) that the landlord has paid to**
11 **the storage facility, the landlord shall give the tenant a written**
12 **release stating that the storage facility may release the property to**
13 **the tenant under section 3 of this chapter. The landlord may not**
14 **refuse to give the tenant a release under this subsection because the**
15 **landlord has other claims against the tenant under the lease.**

16 SECTION 5. IC 32-31-4-5, AS AMENDED BY P.L.115-2007,
17 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2009]: Sec. 5. If a tenant does not claim the tenant's property
19 within ninety (90) days after receiving notice under section 3 of this
20 chapter, a ~~warehouseman or~~ storage facility may sell the property
21 received under this chapter under IC 26-1-7-210(b).

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