Assembly Bill No. 137–Assemblymembers
Torres-Fossett; and Hansen

CHAPTER.....

AN ACT relating to liens; revising certain requirements for the advertising of a sale of personal property to satisfy the lien of an owner of a facility for storage; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides, in general, that if the occupant of a storage space at a facility for storage defaults on the payment of rent or other charges that are due to the owner of the facility pursuant to a rental agreement, the owner has a lien on the personal property of the occupant contained in the storage space. (NRS 108.4753) Existing law authorizes an owner to sell certain personal property of the occupant to satisfy the lien after the owner has provided certain notices to the occupant. (NRS 108.476, 108.4763, 108.477) Existing law: (1) requires the owner to advertise a sale to satisfy a lien once a week for 2 consecutive weeks immediately preceding the date of the sale in a newspaper of general circulation in the judicial district where the sale is to be held; and (2) sets forth the requirements for the contents of such an advertisement. If there is no newspaper of general circulation in the judicial district where the sale is to be held, existing law requires the advertisement to be posted 10 days before the sale in at least six conspicuous places near the place of the sale. (NRS 108.477) This bill revises those requirements concerning the advertising of sales of personal property to satisfy the lien of an owner of a facility for storage to instead require an owner to advertise the sale in a newspaper of general circulation at least one time in the week immediately preceding the date of the sale. If there is no newspaper of general circulation in the judicial district where the sale is to be held, this bill authorizes an owner, as an alternative to posting the advertisement in at least six conspicuous places near the place of the sale, to post the advertisement on an Internet website which is publicly accessible 10 days before the sale. This bill also revises the required contents of an advertisement for such a sale to eliminate the requirement that the advertisement contain a general description of the personal property to be sold.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 108.477 is hereby amended to read as follows:

108.477 1. If the declaration in opposition to the lien sale executed by the occupant is not received by the date of the sale specified in the notice mailed to the occupant, the owner may sell the property.

2. The owner shall ***, at least one time in the week immediately preceding the date of the sale,*** advertise the sale ~~[once a week for 2 consecutive weeks immediately preceding the date of the sale]~~ in a

newspaper of general circulation in the judicial district where the sale is to be held.

3. The advertisement ***required pursuant to subsection 2*** must contain:

(a) ~~[A general description of the personal property to be sold;~~

~~(b)]~~ The name of the occupant;

~~[(c)]~~ ***(b)*** The number of the individual storage space at the facility where the personal property was stored; and

~~[(d)]~~ ***(c)*** The name and address of the facility.

~~[3.]~~ ***4.*** If there is no newspaper of general circulation in the judicial district where the sale is to be held, the advertisement must be posted 10 days before the sale ~~[in]~~ ***:***

(a) In at least six conspicuous places near the place of the sale ~~[.~~

~~4.]~~ ***; or***

(b) On an Internet website which is publicly accessible.

5. The sale must be conducted in a commercially reasonable manner.

~~[5.]~~ ***6.*** After deducting the amount of the lien and the costs of the sale, the owner shall retain any excess proceeds from the sale on the behalf of the occupant.

~~[6.]~~ ***7.*** The occupant or any person authorized by the occupant or by an order of the court may claim the excess proceeds or the portion of the proceeds necessary to satisfy the person's claim at any time within 1 year after the date of the sale. After 1 year, the owner shall pay any proceeds remaining from the sale to the treasurer of the county where the sale was held for deposit in the general fund of the county.

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