

CHAPTER 266
FORMERLY
SENATE BILL NO. 73
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 25 IN REGARD TO SELF-SERVICE STORAGE FACILITIES AND ELECTRONIC MAIL.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 25 of the Delaware Code as follows:

§ 4902 Definitions.

“Electronic Mail” means communication delivered by electronic means as set forth in Delaware Code Title 18 Chapter 1, § 107 (a)(1)a and b.

“Verified Mail” means any method of mailing that is offered by the United States Postal Service or Private Delivery Service that provides evidence of mailing.

§ 4904 Enforcement; satisfaction of lien.

(a) An owner's lien as provided for in § 4903 of this title for a claim which has become due may be satisfied as follows:

(2) The notice shall be delivered in person, by verified mail, by electronic mail, or sent by certified mail to the last-known address of the occupant; provided, however, if an owner sends notice to the occupant's last known electronic mail address and does not receive an electronic receipt that establishes delivery of the notice to the occupant's electronic mail address, the owner will deliver a copy of the notice via verified mail or certified mail to the occupant's last-known address;

(b) Any notice made pursuant to this section shall be presumed delivered when it is deposited with the United States Postal Service and properly addressed with postage prepaid or by electronic mail to an electronic mailing address provided by the occupant. For purposes of notice of default, electronic mail may be used to notify an occupant of the default only if all of the following apply:

(1) The occupant is informed in the original rental agreement, or by subsequent modification of the agreement, that notification by electronic mail is an authorized means of communication under this subsection.

(2) The occupant affirmatively consents to be contacted using electronic means and to promptly advise owner of any change in the occupant's electronic mail address.

(3) The occupant affirmation consenting to electronic means of communication and to promptly advise owner of any change in the occupant's electronic mail address is printed in bold type or underlined in the rental agreement.

Approved June 22, 2016