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SENATE BILL 6331

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State of Washington

63rd Legislature

2014 Regular Session

By Senators Hobbs, Benton, and Roach

Read first time 01/21/14. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to self-service storage facilities; amending RCW  
2 19.150.010, 19.150.040, and 19.150.060; and adding new sections to  
3 chapter 19.150 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 19.150.010 and 2008 c 61 s 1 are each amended to read  
6 as follows:

7 The definitions in this section apply throughout this chapter  
8 unless the context clearly requires otherwise.

9 (1) "Self-service storage facility" means any real property  
10 designed and used for the purpose of renting or leasing individual  
11 storage space to occupants who are to have access to the space for the  
12 purpose of storing and removing personal property on a self-service  
13 basis, but does not include a garage or other storage area in a private  
14 residence. No occupant may use a self-service storage facility for  
15 residential purposes.

16 (2) "Owner" means the owner, operator, lessor, or sublessor of a  
17 self-service storage facility, his or her agent, or any other person  
18 authorized by him or her to manage the facility, or to receive rent  
19 from an occupant under a rental agreement.

1 (3) "Occupant" means a person, or his or her sublessee, successor,  
2 or assign, who is entitled to the use of the storage space at a self-  
3 service storage facility under a rental agreement, to the exclusion of  
4 others.

5 (4) "Rental agreement" means any written agreement or lease which  
6 establishes or modifies the terms, conditions, rules or any other  
7 provision concerning the use and occupancy of a self-service storage  
8 facility.

9 (5) "Personal property" means movable property not affixed to land,  
10 and includes, but is not limited to, goods, merchandise, furniture, and  
11 household items.

12 (6) "Last known address" means that address provided by the  
13 occupant in the latest rental agreement, or the address provided by the  
14 occupant in a subsequent written notice of a change of address.

15 (7) "Reasonable manner" means to dispose of personal property by  
16 donation to a not-for-profit charitable organization, removal of the  
17 personal property from the self-service storage facility by a trash  
18 hauler or recycler, or any other method that in the discretion of the  
19 owner is reasonable under the circumstances.

20 (8) "Commercially reasonable manner" means a public sale of the  
21 personal property in the self-storage space. The personal property may  
22 be sold in the owner's discretion on or off the self-service storage  
23 facility site as a single lot or in parcels. If five or more bidders  
24 are in attendance at a public sale of the personal property, the  
25 proceeds received are deemed to be commercially reasonable.

26 (9) "Costs of the sale" means reasonable costs directly incurred by  
27 the delivering or sending of notices, advertising, accessing,  
28 inventorying, auctioning, conducting a public sale, removing, and  
29 disposing of property stored in a self-service storage facility.

30 (10) "Late fee" means a fee or charge assessed by an owner of a  
31 self-service storage facility as an estimate of any loss incurred by an  
32 owner for an occupant's failure to pay rent when due. A late fee is  
33 not a penalty, interest on a debt, nor is a late fee a reasonable  
34 expense that the owner may incur in the course of collecting unpaid  
35 rent in enforcing the owner's lien rights pursuant to RCW 19.150.020 or  
36 enforcing any other remedy provided by statute or contract.

37 (11) "Verified mail" means any method of mailing that is offered by  
38 the United States postal service that provides evidence of mailing.

1       **Sec. 2.** RCW 19.150.040 and 2007 c 113 s 2 are each amended to read  
2 as follows:

3       When any part of the rent or other charges due from an occupant  
4 remains unpaid for fourteen consecutive days, an owner may terminate  
5 the right of the occupant to the use of the storage space at a self-  
6 service storage facility by sending a preliminary lien notice to the  
7 occupant's last known address, and to the alternative address specified  
8 in RCW 19.150.120(2), by first-class mail, postage prepaid, or  
9 electronic mail address, containing all of the following:

10       (1) An itemized statement of the owner's claim showing the sums due  
11 at the time of the notice and the date when the sums become due.

12       (2) A statement that the occupant's right to use the storage space  
13 will terminate on a specified date (not less than fourteen days after  
14 the mailing of the notice) unless all sums due and to become due by  
15 that date are paid by the occupant prior to the specified date.

16       (3) A notice that the occupant may be denied or continue to be  
17 denied, as the case may be, access to the storage space after the  
18 termination date if the sums are not paid, and that an owner's lien, as  
19 provided for in RCW 19.150.020 may be imposed thereafter.

20       (4) The name, street address, and telephone number of the owner, or  
21 his or her designated agent, whom the occupant may contact to respond  
22 to the notice.

23       **Sec. 3.** RCW 19.150.060 and 2007 c 113 s 3 are each amended to read  
24 as follows:

25       If a notice has been sent, as required by RCW 19.150.040, and the  
26 total sum due has not been paid as of the date specified in the  
27 preliminary lien notice, the lien proposed by this notice attaches as  
28 of that date and the owner may deny an occupant access to the space,  
29 enter the space, inventory the goods therein, and remove any property  
30 found therein to a place of safe keeping. The owner (~~shall then serve~~  
31 ~~by personal service or send to the occupant, addressed to the~~  
32 ~~occupant's last known address and to the alternative address specified~~  
33 ~~in RCW 19.150.120(2) by certified mail, postage prepaid,)~~ must provide  
34 the occupant a notice of final lien sale or final notice of disposition  
35 by personal service, verified mail, or electronic mail to the  
36 occupant's last known address and alternative address or electronic  
37 mail address, which shall state all of the following:

1 (1) That the occupant's right to use the storage space has  
2 terminated and that the occupant no longer has access to the stored  
3 property.

4 (2) That the stored property is subject to a lien, and the amount  
5 of the lien accrued and to accrue prior to the date required to be  
6 specified in subsection (3) of this section.

7 (3) That all the property, other than personal papers and personal  
8 photographs, may be sold to satisfy the lien after a specified date  
9 which is not less than fourteen days from the date of mailing the final  
10 lien sale notice, or a minimum of forty-two days after the date when  
11 any part of the rent or other charges due from the occupants remain  
12 unpaid, whichever is later, unless the amount of the lien is paid. The  
13 owner is not required to sell the personal property within a maximum  
14 number of days of when the rent or other charges first became due. If  
15 the total value of property in the storage space is less than three  
16 hundred dollars, the owner may, instead of sale, dispose of the  
17 property in any reasonable manner, subject to the restrictions of RCW  
18 19.150.080(4). After the sale or other disposition pursuant to this  
19 section has been completed, the owner shall provide an accounting of  
20 the disposition of the proceeds of the sale or other disposition to the  
21 occupant at the occupant's last known address and at the alternative  
22 address.

23 (4) That any stored motor vehicles or boats may be towed or removed  
24 from the self-service storage facility in lieu of sale pursuant to  
25 section 4 of this act.

26 (5) That any excess proceeds of the sale or other disposition under  
27 RCW 19.150.080(2) over the lien amount and reasonable costs of sale  
28 will be retained by the owner and may be reclaimed by the occupant, or  
29 claimed by another person, at any time for a period of six months from  
30 the sale and that thereafter the proceeds will be turned over to the  
31 state as abandoned property as provided in RCW 63.29.165.

32 ((+5+)) (6) That any personal papers and personal photographs will  
33 be retained by the owner and may be reclaimed by the occupant at any  
34 time for a period of six months from the sale or other disposition of  
35 property and that thereafter the owner may dispose of the personal  
36 papers and photographs in a reasonable manner, subject to the  
37 restrictions of RCW 19.150.080(3).

1       (~~(6)~~) (7) That the occupant has no right to repurchase any  
2 property sold at the lien sale.

3       NEW SECTION. **Sec. 4.** A new section is added to chapter 19.150 RCW  
4 to read as follows:

5       (1) If an occupant is in default for sixty or more days and the  
6 personal property stored in the leased space is a motor vehicle or  
7 boat, the owner may have the personal property towed or removed from  
8 the self-service storage facility in lieu of a sale. Prior to having  
9 the vehicle towed, the owner must provide notice to the occupant  
10 stating the name, address, and contact information of the towing  
11 company.

12       (2) The owner is not liable for any damage to the personal property  
13 towed or removed from the self-service storage facility once the  
14 property is in the possession of a third party.

15       NEW SECTION. **Sec. 5.** A new section is added to chapter 19.150 RCW  
16 to read as follows:

17       If a rental agreement specifies a limit on the value of personal  
18 property that may be stored in an occupant's space, the limit may only  
19 be the maximum value of the stored personal property.

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