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**HOUSE BILL 2305**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** Representatives Ryu, Vick, Zeiger, and Kirby

AN ACT Relating to the handling of certain personal property in a self-service storage facility; and amending RCW 19.150.060 and 19.150.160.

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

**Sec.**  RCW 19.150.060 and 2015 c 13 s 3 are each amended to read as follows:

(1) If a notice has been sent, as required by RCW 19.150.040, and the total sum due has not been paid as of the date specified in the preliminary lien notice, the lien proposed by this notice attaches as of that date and the owner may deny an occupant access to the space, enter the space, inventory the goods therein, and remove any property found therein to a place of safe keeping. The owner must provide the occupant a notice of final lien sale or final notice of disposition by personal service, verified mail, or ((~~electronic mail [email]~~)) email to the occupant's last known address and alternative address or ((~~electronic mail [email]~~)) email address. If the owner sends notice required under this section to the occupant's last known ((~~electronic mail [email]~~)) email address and does not receive a reply or receipt of delivery, the owner must send a second notice to the occupant's last known postal address by verified mail. The notice required under this section must state all of the following:

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

(b) That the stored property is subject to a lien, and the amount of the lien accrued and to accrue prior to the date required to be specified in (c) of this subsection.

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

(d) That any stored ((~~motor~~)) vehicles ((~~or boats~~)), watercraft, trailers, recreational vehicles, or campers may be towed or removed from the self-service storage facility in lieu of sale pursuant to RCW 19.150.160.

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

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

(g) That the occupant has no right to repurchase any property sold at the lien sale.

(2) The owner may not send by ((~~electronic mail [email]~~)) email the notice required under this section to the occupant's last known address or alternative address unless:

(a) The occupant expressly agrees to notice by ((~~electronic mail [email]~~)) email;

(b) The rental agreement executed by the occupant specifies in bold type that notices will be given to the occupant by ((~~electronic mail [email]~~)) email;

(c) The owner provides the occupant with the ((~~electronic mail [email]~~)) email address from which notices will be sent and directs the occupant to modify his or her email settings to allow ((~~electronic mail [email]~~)) email from that address to avoid any filtration systems; and

(d) The owner notifies the occupant of any change in the ((~~electronic mail [email]~~)) email address from which notices will be sent prior to the address change.

**Sec.**  RCW 19.150.160 and 2015 c 13 s 4 are each amended to read as follows:

(1) If an occupant is in default for sixty or more days and the personal property stored in the leased space is a ((~~motor~~)) vehicle ((~~or boat~~)), watercraft, trailer, recreational vehicle, or camper, the owner may have the personal property towed or removed from the self–service storage facility in lieu of a sale. Prior to having the vehicle, watercraft, trailer, recreational vehicle, or camper towed, the owner must provide notice to the occupant stating the name, address, and contact information of the towing company.

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

**--- END ---**