

# SENATE BILL REPORT

## SB 6148

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As Passed Senate, February 12, 2016

**Title:** An act relating to the handling of certain personal property in a self-service storage facility.

**Brief Description:** Concerning the handling of certain personal property in a self-service storage facility.

**Sponsors:** Senators Warnick, Keiser, Schoesler and Conway.

**Brief History:**

**Committee Activity:** Commerce & Labor: 1/27/16, 1/27/16 [DP].

Passed Senate: 2/12/16, 46-0.

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### SENATE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** Do pass.

Signed by Senators Baumgartner, Chair; Braun, Vice Chair; Hasegawa, Ranking Minority Member; Conway, Keiser, King and Warnick.

**Staff:** Susan Jones (786-7404)

**Background:** Owners of self-service storage facilities have certain statutory rights when an occupant fails to pay any part of the rent or other charges due. If the occupant is six days late, the owner may deny access to the storage space. If the occupant is 14 days late, the owner may terminate the occupant's right to use the storage space and place a lien on all personal property in the space by sending a preliminary lien notice. The lien can be enforced to cover rent, labor, late fees, costs of the sale incurred pursuant to the rental agreement, and expenses necessary for the preservation, sale, or disposition of personal property.

A lien attaches if the preliminary lien notice has been sent and the termination date as set forth in the preliminary lien notice passes without payment of amounts owed. Following attachment of the lien, the owner must serve the occupant with a notice of final lien sale or disposition. The owner may sell the occupant's personal property if payment of amounts owed is not made by the date specified in the notice of final lien sale, which must be not less than 14 days from mailing the notice or 42 days after the date any part of the rent or other charges remain unpaid, whichever is later.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The notice of final lien sale or disposition must include a statement that any stored motor vehicles or boats may be towed or removed from the facility in lieu of sale. If the property stored by an occupant is a motor vehicle or boat and the occupant is in default for 60 or more days, the owner may have the vehicle or boat towed or removed from the facility in lieu of a sale. The owner must provide advance notice to the occupant of the towing company's contact information. The owner is not liable for any damage to the towed property once in possession of a third party.

**Summary of Bill:** Trailers, recreational vehicles, and campers are added to the vehicles that may be towed or removed in lieu of sale after an occupant of a self-service storage facility is in default in payment and the statutory notice requirements are met.

The term "motor vehicle" is changed to "vehicle." The term "boat" is changed to "watercraft." Other technical changes are made.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill clarifies which vehicles can be towed or removed. If someone has a boat, there is also likely a trailer. The language came from the Department of Motor Vehicles.

**Persons Testifying:** PRO: Senator Warnick, prime sponsor; Terry Kohl, WA State Self-Storage Assn.

**Persons Signed In To Testify But Not Testifying:** No one.