
HOUSE BILL 2305

State of Washington

64th Legislature

2016 Regular Session

By Representatives Ryu, Vick, Zeiger, and Kirby

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1 AN ACT Relating to the handling of certain personal property in a
2 self-service storage facility; and amending RCW 19.150.060 and
3 19.150.160.

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

5 **Sec. 1.** RCW 19.150.060 and 2015 c 13 s 3 are each amended to
6 read as follows:

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

1 (a) 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 (b) 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 (c) of this subsection.

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

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

27 (e) That any excess proceeds of the sale or other disposition
28 under RCW 19.150.080(2) over the lien amount and reasonable costs of
29 sale will be retained by the owner and may be reclaimed by the
30 occupant, or claimed by another person, at any time for a period of
31 six months from the sale and that thereafter the proceeds will be
32 turned over to the state as abandoned property as provided in RCW
33 63.29.165.

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

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

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

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

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

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

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

19 **Sec. 2.** RCW 19.150.160 and 2015 c 13 s 4 are each amended to
20 read as follows:

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

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

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