

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5554

60th Legislature
2007 Regular Session

Passed by the Senate March 14, 2007
YEAS 48 NAYS 0

President of the Senate

Passed by the House April 5, 2007
YEAS 97 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5554** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5554

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By Senate Committee on Labor, Commerce, Research & Development
(originally sponsored by Senators McAuliffe, Clements and Kohl-Welles)

READ FIRST TIME 02/22/07.

1 AN ACT Relating to self-service storage facilities; and amending
2 RCW 19.150.010, 19.150.040, 19.150.060, 19.150.070, 19.150.080, and
3 19.150.100.

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

5 **Sec. 1.** RCW 19.150.010 and 1988 c 240 s 2 are each amended to read
6 as follows:

7 (~~For the purposes of this chapter, the following terms shall have~~
8 ~~the following meanings:~~) The definitions in this section apply
9 throughout this chapter unless the context clearly requires otherwise.

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

17 (2) "Owner" means the owner, operator, lessor, or sublessor of a
18 self-service storage facility, his or her agent, or any other person

1 authorized by him or her to manage the facility, or to receive rent
2 from an occupant under a rental agreement.

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

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

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

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

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

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

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

32 **Sec. 2.** RCW 19.150.040 and 1988 c 240 s 5 are each amended to read
33 as follows:

34 When any part of the rent or other charges due from an occupant
35 remains unpaid for fourteen consecutive days, an owner may terminate
36 the right of the occupant to the use of the storage space at a self-
37 service storage facility by sending a preliminary lien notice to the

1 occupant's last known address, and to the alternative address specified
2 in RCW 19.150.120(2), by first class mail, postage prepaid, containing
3 all of the following:

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

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

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

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

17 **Sec. 3.** RCW 19.150.060 and 1996 c 220 s 1 are each amended to read
18 as follows:

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

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

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

36 (3) That all the property, other than personal papers and personal
37 (~~effects~~) photographs, may be sold to satisfy the lien after a

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

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

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

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

29 **Sec. 4.** RCW 19.150.070 and 1988 c 240 s 8 are each amended to read
30 as follows:

31 The owner, subject to RCW 19.150.090 and 19.150.100, may sell the
32 property, other than personal papers and personal ((effects))
33 photographs, upon complying with the requirements set forth in RCW
34 19.150.080.

35 **Sec. 5.** RCW 19.150.080 and 1996 c 220 s 2 are each amended to read
36 as follows:

1 (1) After the expiration of the time given in the final notice of
2 lien sale pursuant to RCW 19.150.060, the property, other than personal
3 papers and personal ((effects)) photographs, may be sold or disposed of
4 in a reasonable manner as provided in this section.

5 (2)(a) If the property has a value of three hundred dollars or
6 more, the sale shall be conducted in a commercially reasonable manner,
7 and, after ~~((deducting the amount of the lien and costs of sale))~~
8 applying the proceeds to costs of the sale and then to the amount of
9 the lien, the owner shall retain any excess proceeds of the sale on the
10 occupant's behalf. The occupant, or any other person having a court
11 order or other judicial process against the property, may claim the
12 excess proceeds, or a portion thereof sufficient to satisfy the
13 particular claim, at any time within six months of the date of sale.

14 (b) If the property has a value of less than three hundred dollars,
15 the property may be disposed of in a reasonable manner.

16 (3) Personal papers and personal ((effects)) photographs that are
17 not reclaimed by the occupant within six months of a sale under
18 subsection (2)(a) of this section or other disposition under subsection
19 (2)(b) of this section may be disposed of in a reasonable manner.

20 (4) No employee or owner, or family member of an employee or owner,
21 may acquire, directly or indirectly, the property sold pursuant to
22 subsection (2)(a) of this section or disposed of pursuant to subsection
23 (2)(b) of this section, or personal papers and personal ((effects))
24 photographs disposed of under subsection (3) of this section.

25 (5) The owner is entitled to retain any interest earned on the
26 excess proceeds until the excess proceeds are claimed by another person
27 or are turned over to the state as abandoned property pursuant to RCW
28 63.29.165.

29 ~~((6) After the sale or other disposition pursuant to this section
30 has been completed, the owner shall provide an accounting of the
31 disposition of the proceeds of the sale or other disposition to the
32 occupant at the occupant's last known address and at the alternative
33 address.))~~

34 **Sec. 6.** RCW 19.150.100 and 1988 c 240 s 11 are each amended to
35 read as follows:

36 Prior to any sale pursuant to RCW 19.150.080, any person claiming
37 a right to the ((goods)) personal property may pay the amount necessary

1 to satisfy the lien (~~((and the reasonable expenses incurred for~~
2 ~~particular actions taken pursuant to this chapter))~~ and one month's
3 rent in advance. In that event, the (~~(goods shall))~~ personal property
4 may not be sold, but ((shall)) must be retained by the owner (~~((subject~~
5 ~~to the terms of this chapter))~~ pending a court order directing (~~(a~~
6 ~~particular))~~ the disposition of the personal property. If such an
7 order is not obtained within thirty days of the original payment, the
8 claimant must pay the monthly rental charge for the space where the
9 personal property is stored. If rent is not paid, the owner may sell
10 or dispose of the personal property in accordance with RCW 19.150.080.
11 The owner has no liability to a claimant who fails to secure a court
12 order in a timely manner or pay the required rental charge for any sale
13 or other disposition of the personal property.

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