
SUBSTITUTE HOUSE BILL 2424

State of Washington 63rd Legislature 2014 Regular Session

By House Business & Financial Services (originally sponsored by Representatives Kirby, Ryu, and Parker)

READ FIRST TIME 02/05/14.

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

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

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

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

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

28 (a) The occupant expressly agrees to notice by electronic mail;

29 (b) The rental agreement executed by the occupant specifies in bold
30 type that notices will be given to the occupant by electronic mail;

31 (c) The owner provides the occupant with the electronic mail
32 address from which notices will be sent and directs the occupant to
33 modify his or her e-mail settings to allow electronic mail from that
34 address to avoid any filtration systems; and

35 (d) The owner notifies the occupant of any change in the electronic
36 mail address from which notices will be sent prior to the address
37 change.

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

3 (1) If a notice has been sent, as required by RCW 19.150.040, and
4 the total sum due has not been paid as of the date specified in the
5 preliminary lien notice, the lien proposed by this notice attaches as
6 of that date and the owner may deny an occupant access to the space,
7 enter the space, inventory the goods therein, and remove any property
8 found therein to a place of safe keeping. The owner (~~shall then serve~~
9 ~~by personal service or send to the occupant, addressed to the~~
10 ~~occupant's last known address and to the alternative address specified~~
11 ~~in RCW 19.150.120(2) by certified mail, postage prepaid,)~~ must provide
12 the occupant a notice of final lien sale or final notice of disposition
13 (~~which shall~~) by personal service, verified mail, or electronic mail
14 to the occupant's last known address and alternative address or
15 electronic mail address. If the owner sends notice required under this
16 section to the occupant's last known electronic mail address and does
17 not receive a reply or receipt of delivery, the owner must send a
18 second notice to the occupant's last known postal address by verified
19 mail. The notice required under this section must state all of the
20 following:

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

24 ~~((2))~~ (b) That the stored property is subject to a lien, and the
25 amount of the lien accrued and to accrue prior to the date required to
26 be specified in (~~subsection (3))~~ (c) of this (~~section~~) subsection.

27 ~~((3))~~ (c) That all the property, other than personal papers and
28 personal photographs, may be sold to satisfy the lien after a specified
29 date which is not less than fourteen days from the last date of
30 (~~mailing~~) sending of the final lien sale notice, or a minimum of
31 forty-two days after the date when any part of the rent or other
32 charges due from the occupants remain unpaid, whichever is later,
33 unless the amount of the lien is paid. The owner is not required to
34 sell the personal property within a maximum number of days of when the
35 rent or other charges first became due. If the total value of property
36 in the storage space is less than three hundred dollars, the owner may,
37 instead of sale, dispose of the property in any reasonable manner,
38 subject to the restrictions of RCW 19.150.080(4). After the sale or

1 other disposition pursuant to this section has been completed, the
2 owner shall provide an accounting of the disposition of the proceeds of
3 the sale or other disposition to the occupant at the occupant's last
4 known address and at the alternative address.

5 ~~((+4))~~ (d) That any stored motor vehicles or boats may be towed or
6 removed from the self-service storage facility in lieu of sale pursuant
7 to section 4 of this act.

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

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

20 ~~((+6))~~ (g) That the occupant has no right to repurchase any
21 property sold at the lien sale.

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

25 (a) The occupant expressly agrees to notice by electronic mail;

26 (b) The rental agreement executed by the occupant specifies in bold
27 type that notices will be given to the occupant by electronic mail;

28 (c) The owner provides the occupant with the electronic mail
29 address from which notices will be sent and directs the occupant to
30 modify his or her e-mail settings to allow electronic mail from that
31 address to avoid any filtration systems; and

32 (d) The owner notifies the occupant of any change in the electronic
33 mail address from which notices will be sent prior to the address
34 change.

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

37 (1) If an occupant is in default for sixty or more days and the

1 personal property stored in the leased space is a motor vehicle or
2 boat, the owner may have the personal property towed or removed from
3 the self-service storage facility in lieu of a sale. Prior to having
4 the vehicle towed, the owner must provide notice to the occupant
5 stating the name, address, and contact information of the towing
6 company.

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

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

12 If a rental agreement specifies a limit on the value of personal
13 property that may be stored in an occupant's space, the limit shall be
14 deemed to be the maximum value of the stored personal property in the
15 occupant's space.

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