

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2814

Chapter 220, Laws of 1996

54th Legislature
1996 Regular Session

SELF-STORAGE FACILITIES--DISPOSAL OF PROPERTY

EFFECTIVE DATE: 6/6/96

Passed by the House February 7, 1996
Yeas 87 Nays 10

CLYDE BALLARD
**Speaker of the
House of Representatives**

Passed by the Senate February 28, 1996
Yeas 48 Nays 0

JOEL PRITCHARD
President of the Senate

Approved March 28, 1996

MIKE LOWRY
Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2814** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

FILED

March 28, 1996 - 4:41 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 2814

Passed Legislature - 1996 Regular Session

State of Washington 54th Legislature 1996 Regular Session

By Representatives McMorris, D. Sommers, Schoesler, Thompson, Romero, Brown and Hargrove

Read first time 01/22/96. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to self-service storage facilities; amending RCW
2 19.150.060, 19.150.080, and 19.150.110; and creating a new section.

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

4 **Sec. 1.** RCW 19.150.060 and 1993 c 498 s 5 are each amended to read
5 as follows:

6 If a notice has been sent, as required by RCW 19.150.040, and the
7 total sum due has not been paid as of the date specified in the
8 preliminary lien notice, the lien proposed by this notice attaches as
9 of that date and the owner may deny an occupant access to the space,
10 enter the space, inventory the goods therein, and remove any property
11 found therein to a place of safe keeping. The owner shall then serve
12 by personal service or send to the occupant, addressed to the
13 occupant's last known address and to the alternative address specified
14 in RCW 19.150.120(2) by certified mail, postage prepaid, a notice of
15 lien sale or notice of disposal which shall state all of the following:

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

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

4 (3) That the property, other than personal papers and personal
5 effects, may be sold to satisfy the lien after a specified date which
6 is not less than fourteen days from the date of mailing the lien sale
7 notice, or a minimum of forty-two days after the date when any part of
8 the rent or other charges due from the occupants remain unpaid,
9 whichever is later, unless the amount of the lien is paid. If the
10 total value of property in the storage space is less than ((one)) three
11 hundred dollars, the owner may, instead of sale, dispose of the
12 property in any reasonable manner, subject to the restrictions of RCW
13 19.150.080(4).

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

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

26 ~~(6) That ((if the occupant was served with notice of the lien sale~~
27 ~~by mail, the occupant within six months after the date of the sale may~~
28 ~~repurchase from any purchaser or subsequent purchaser any of the~~
29 ~~occupant's property sold pursuant to RCW 19.150.080 at the price paid~~
30 ~~by the original purchaser.~~

31 ~~(7) That if notice of the lien sale was by personal service,~~) the
32 occupant has no right to repurchase any property sold at the lien sale.

33 **Sec. 2.** RCW 19.150.080 and 1993 c 498 s 6 are each amended to read
34 as follows:

35 (1) After the expiration of the time given in the notice of lien
36 sale pursuant to RCW 19.150.060, the property, other than personal
37 papers and personal effects, may be sold or disposed of in a reasonable
38 manner.

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

9 (b) If the property has a value of less than (~~one~~) three hundred
10 dollars, the property may be disposed of in a reasonable manner.

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

15 (4) No employee or owner, or family member of an employee or owner,
16 may acquire, directly or indirectly, the property sold pursuant to
17 subsection (2)(a) of this section or disposed of pursuant to subsection
18 (2)(b) of this section, or personal papers and personal effects
19 disposed of under subsection (3) of this section.

20 (5) The owner is entitled to retain any interest earned on the
21 excess proceeds until the excess proceeds are claimed by another person
22 or are turned over to the state as abandoned property pursuant to RCW
23 63.29.165.

24 (6) After the sale or other disposition pursuant to this section
25 has been completed, the owner shall provide an accounting of the
26 disposition of the proceeds of the sale or other disposition to the
27 occupant at the occupant's last known address and at the alternative
28 address.

29 **Sec. 3.** RCW 19.150.110 and 1988 c 240 s 12 are each amended to
30 read as follows:

31 (~~((1) Except as provided in subsection (2) of this section,~~) A
32 purchaser in good faith of goods disposed of pursuant to RCW
33 19.150.080(2) takes the goods free of any rights of persons against
34 whom the lien was claimed, despite noncompliance by the owner of the
35 storage facility with this chapter.

36 (~~((2) A purchaser or subsequent purchaser shall return the goods to~~
37 ~~the occupant if the occupant tenders the original purchase price plus~~
38 ~~any costs incurred by the original purchaser within six months of the~~

1 ~~date of the purchase, unless the occupant was personally served with~~
2 ~~notice of the lien sale. If the occupant was personally served, the~~
3 ~~occupant has no right to repurchase the property.~~

4 ~~(3) If the occupant exercises his or her right to repurchase~~
5 ~~property pursuant to subsection (2) of this section, a subsequent~~
6 ~~purchaser is entitled to rescind a transaction with a previous~~
7 ~~purchaser.))~~

8 NEW SECTION. **Sec. 4.** This act shall only apply to rental
9 agreements entered into, extended, or renewed after the effective date
10 of this act. Rental agreements entered into before the effective date
11 of this act, which provide for monthly rental payments but providing no
12 specific termination date shall be subject to this act on the first
13 monthly rental payment date next succeeding the effective date of this
14 act.

Passed the House February 7, 1996.

Passed the Senate February 28, 1996.

Approved by the Governor March 28, 1996.

Filed in Office of Secretary of State March 28, 1996.