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**SUBSTITUTE SENATE BILL 5844**

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**State of Washington                      59th Legislature                      2006 Regular Session**

**By** Senate Committee on Labor, Commerce, Research & Development  
(originally sponsored by Senator McAuliffe)

READ FIRST TIME 02/03/06.

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

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

31 When any part of the rent or other charges due from an occupant  
32 remains unpaid for fourteen consecutive days, an owner may terminate  
33 the right of the occupant to the use of the storage space at a self-  
34 service storage facility by sending a preliminary lien notice to the  
35 occupant's last known address, and to the alternative address specified  
36 in RCW 19.150.120(2), by first class mail, postage prepaid, containing  
37 all of the following:

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

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

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

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

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

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

27 (1) That the occupant's right to use the storage space has  
28 terminated and that the occupant no longer has access to the stored  
29 property.

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

33 (3) That all the property, other than personal papers and personal  
34 (~~effects~~) photographs, may be sold to satisfy the lien after a  
35 specified date which is not less than fourteen days from the date of  
36 mailing the final lien sale notice, or a minimum of forty-two days  
37 after the date when any part of the rent or other charges due from the

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

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

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

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

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

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

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

34 (1) After the expiration of the time given in the final notice of  
35 lien sale pursuant to RCW 19.150.060, the property, other than personal

1 papers and personal ((effects)) photographs, may be sold or disposed of  
2 in a reasonable manner as provided in this section.

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

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

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

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

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

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

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

34 Prior to any sale pursuant to RCW 19.150.080, any person claiming  
35 a right to the ((goods)) personal property may pay the amount necessary  
36 to satisfy the lien ~~((and the reasonable expenses incurred for  
37 particular actions taken pursuant to this chapter))~~ and one month's

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

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