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SENATE BILL 5844

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State of Washington

59th Legislature

2005 Regular Session

By Senator McAuliffe

Read first time 02/09/2005. Referred to Committee on Labor, Commerce, Research & Development.

1 AN ACT Relating to self-service storage units; and amending RCW  
2 19.150.020, 19.150.060, and 19.150.080.

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

4 **Sec. 1.** RCW 19.150.020 and 1988 c 240 s 3 are each amended to read  
5 as follows:

6 The owner of a self-service storage facility and his or her heirs,  
7 executors, administrators, successors, and assigns have a lien upon all  
8 personal property located at a self-service storage facility for rent,  
9 labor, or other charges, present or future, incurred pursuant to the  
10 rental agreement, and for expenses necessary for the preservation,  
11 sale, or disposition of personal property subject to this chapter. The  
12 lien shall be on the entire contents of the storage unit, not on  
13 individual items contained within the storage unit. The lien may be  
14 enforced consistent with this chapter. However, any lien on a motor  
15 vehicle or boat which has attached and is set forth in the documents of  
16 title to the motor vehicle or boat shall have priority over any lien  
17 created pursuant to this chapter.

1       **Sec. 2.** RCW 19.150.060 and 1996 c 220 s 1 are each amended to read  
2 as follows:

3       If a notice has been sent, as required by RCW 19.150.040, and the  
4 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, a notice of  
12 lien sale or notice of disposal which shall state all of the following:

13       (1) That the occupant's right to use the storage space has  
14 terminated and that the occupant no longer has access to the stored  
15 property.

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

19       (3) That the property, other than personal papers and personal  
20 effects, may be sold to satisfy the lien after a specified date which  
21 is not less than fourteen days from the date of mailing the lien sale  
22 notice, or a ((~~minimum~~)) maximum of ((~~forty-two~~)) one hundred eighty  
23 days after the date when any part of the rent or other charges due from  
24 the occupants remain unpaid, whichever is later, unless the amount of  
25 the lien is paid. If the total value of property in the storage space  
26 is less than three hundred dollars, the owner may, instead of sale,  
27 dispose of the property in any reasonable manner, subject to the  
28 restrictions of RCW 19.150.080(4).

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

35       (5) That any personal papers and personal effects will be retained  
36 by the owner and may be reclaimed by the occupant at any time for a  
37 period of six months ((~~from~~)) after the date of the sale or other

1 disposition of property and that thereafter the owner may dispose of  
2 the personal papers and effects in a reasonable manner, subject to the  
3 restrictions of RCW 19.150.080(~~(+3+)~~) (6).

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

6 **Sec. 3.** RCW 19.150.080 and 1996 c 220 s 2 are each amended to read  
7 as follows:

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

12 (2)(~~(+a+)~~) If the property has a value of three hundred dollars or  
13 more, the sale shall be conducted (~~(in a commercially reasonable~~  
14 ~~manner, and,)~~) at public auction after having first published a notice  
15 of the date, time, and place in a newspaper of general circulation in  
16 the county in which the storage unit is located not less than three  
17 days and no more than ten days before the date of the auction. The  
18 notice shall contain the location of the storage facility, including  
19 the number of the unit the contents of which are to be auctioned, and  
20 a description of the contents to be sold. The auction shall be held  
21 during daylight hours of a normal business day and shall be held at the  
22 storage facility in which the unit containing the contents to be  
23 auctioned is located.

24 (3) The following procedures are required in any public auction  
25 under this section:

26 (a) The auction shall be oral;

27 (b) The auction shall be held in such a manner that all persons  
28 present are given an equal time and opportunity to bid;

29 (c) All bidders must be present at the time of auction;

30 (d) The open bid process shall be used so that everyone knows the  
31 dollar value that must be exceeded.

32 (4)(a) After deducting the amount of the lien and costs of sale,  
33 the owner shall retain any excess proceeds of the sale on the  
34 occupant's behalf. The occupant, or any other person having a court  
35 order or other judicial process against the property, may claim the  
36 excess proceeds, or a portion thereof sufficient to satisfy the  
37 particular claim, at any time within six months of the date of sale.

1 (b) If the property has a value of less than three hundred dollars,  
2 the property may be disposed of in a commercially reasonable manner.  
3 ~~((+3))~~ (5) Personal papers and personal effects that are not  
4 reclaimed by the occupant within six months of a sale under subsection  
5 ~~(2)((+a))~~ of this section or other disposition under ~~((subsection~~  
6 ~~+2)(b) of))~~ this section may be disposed of in a reasonable manner.  
7 ~~((+4))~~ (6) No employee ~~((or))~~, owner, auctioneer, or family member  
8 or agent of an employee ~~((or))~~, owner, or auctioneer may acquire,  
9 directly or indirectly, the property sold pursuant to ~~((subsection~~  
10 ~~+2)(a) of))~~ this section or disposed of pursuant to ~~((subsection+2)(b)~~  
11 ~~of))~~ this section, or personal papers and personal effects disposed of  
12 under ~~((subsection+3) of))~~ this section.  
13 ~~((+5))~~ (7) The owner is entitled to retain any interest earned on  
14 the excess proceeds until the excess proceeds are claimed by another  
15 person or are turned over to the state as abandoned property pursuant  
16 to RCW 63.29.165.  
17 ~~((+6))~~ (8) After the sale or other disposition pursuant to this  
18 section has been completed, the owner shall provide an accounting of  
19 the disposition of the proceeds of the sale or other disposition to the  
20 occupant at the occupant's last known address and at the alternative  
21 address.

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