

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2661

Chapter 61, Laws of 2008

60th Legislature
2008 Regular Session

SELF-SERVICE STORAGE FACILITIES--LATE FEES

EFFECTIVE DATE: 06/12/08

Passed by the House February 13, 2008
Yeas 95 Nays 1

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 6, 2008
Yeas 49 Nays 0

BRAD OWEN

President of the Senate

Approved March 18, 2008, 1:58 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2661** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

March 19, 2008

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2661

Passed Legislature - 2008 Regular Session

State of Washington 60th Legislature 2008 Regular Session

By House Commerce & Labor (originally sponsored by Representatives Green and Morrell)

READ FIRST TIME 01/31/08.

1 AN ACT Relating to self-service storage facility late fees;
2 amending RCW 19.150.010, 19.150.020, 19.150.901, and 19.150.902; and
3 adding a new section to chapter 19.150 RCW.

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

5 **Sec. 1.** RCW 19.150.010 and 2007 c 113 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.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.150 RCW
2 to read as follows:

3 Any late fee charged by the owner shall be provided for in the
4 rental agreement. No late fee shall be collected unless it is written
5 in the rental agreement or as an addendum to such agreement. An owner
6 may impose a reasonable late fee for each month an occupant does not
7 pay rent when due. A late fee of twenty dollars or twenty percent of
8 the monthly rental amount, whichever is greater, for each late rental
9 payment shall be deemed reasonable, and shall not constitute a penalty.

10 **Sec. 3.** RCW 19.150.020 and 1988 c 240 s 3 are each amended to read
11 as follows:

12 The owner of a self-service storage facility and his or her heirs,
13 executors, administrators, successors, and assigns have a lien upon all
14 personal property located at a self-service storage facility for rent,
15 labor, (~~or other charges~~) late fees, and costs of the sale, present
16 or future, incurred pursuant to the rental agreement, and for expenses
17 necessary for the preservation, sale, or disposition of personal
18 property subject to this chapter. The lien may be enforced consistent
19 with this chapter. However, any lien on a motor vehicle or boat which
20 has attached and is set forth in the documents of title to the motor
21 vehicle or boat shall have priority over any lien created pursuant to
22 this chapter.

23 **Sec. 4.** RCW 19.150.901 and 1988 c 240 s 16 are each amended to
24 read as follows:

25 This chapter shall only apply to rental agreements entered into,
26 automatically extended, or automatically renewed after June 9, 1988.
27 Rental agreements entered into before June 9, 1988, which provide for
28 monthly rental payments but providing no specific termination date
29 shall be subject to this chapter on the first monthly rental payment
30 date next succeeding June 9, 1988.

31 **Sec. 5.** RCW 19.150.902 and 1988 c 240 s 17 are each amended to
32 read as follows:

33 All rental agreements entered into before June 9, 1988, and not
34 automatically extended or automatically renewed after that date, or
35 otherwise made subject to this chapter pursuant to RCW 19.150.901, and

1 the rights, duties, and interests flowing from them, shall remain
2 valid, and may be enforced or terminated in accordance with their terms
3 or as permitted by any other statute or law of this state.

Passed by the House February 13, 2008.

Passed by the Senate March 6, 2008.

Approved by the Governor March 18, 2008.

Filed in Office of Secretary of State March 19, 2008.