

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1756 Session of 2019

INTRODUCED BY GILLESPIE, JONES, ROTHMAN, MILLARD, JOZWIAK, ZIMMERMAN, B. MILLER AND BERNSTINE, AUGUST 16, 2019

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, SEPTEMBER 16, 2020

AN ACT

1 Amending the act of December 20, 1982 (P.L.1404, No.325),
2 entitled "An act regulating self-service storage and
3 providing for owners' liens and the enforcement thereof,"
4 further providing for owner's lien, for enforcement of lien,
5 for notice, for advertisement of sale and for location of
6 sale.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Sections 4, 5(b) and (e), 5(C), 6(a) introductory <--
10 paragraph, 7(a) and 8 of the act of December 20, 1982 (P.L.1404,
11 No.325), known as the Self-Service Storage Facility Act, are
12 amended to read:

13 Section 4. Owner's lien.

14 (a) Owner's lien.--The owner of a self-service storage
15 facility and his heirs, executors, administrators, successors
16 and assigns shall have a lien upon all personal property, while
17 located at a self-service storage facility, for rent, labor,
18 late fees or other charges, present or future, incurred for
19 storing said property, and for expenses necessary for its

1 preservation or expenses reasonably incurred in its sale or
2 other disposition pursuant to this act. The lien provided for in
3 this section is superior to any other lien or security interest;
4 however any lien existing prior to the date the personal
5 property was placed at the self-service storage facility
6 supersedes any lien of the owner. The lien attaches as of the
7 date the personal property is placed at the self-service storage
8 facility and the rental agreement shall contain a statement in
9 bold type notifying the occupant of the existence of the lien.

10 (b) Late fee.--An owner may charge the occupant a reasonable
11 late fee for each month the occupant does not pay rent or other
12 charges when due. A late fee of \$20 per month or 20% of the
13 monthly rent for the leased space, whichever is greater, shall <--
14 MUST be reasonable and shall MAY not constitute a penalty. An <--
15 owner may not charge a late fee under this subsection unless the
16 owner discloses in the rental agreement the amount of the fee
17 and the timing for charging the fee. A late fee may be charged
18 in addition to any other expense incurred by the owner provided
19 by law or contract. NO LATE FEE SHALL BE IMPOSED OR COLLECTED IF <--
20 THE OCCUPANT PAYS RENT AND OTHER CHARGES IN FULL BY THE FIFTH
21 DAY AFTER THE DUE DATE UNDER THE RENTAL AGREEMENT.

22 Section 5. Enforcement of lien.

23 * * *

24 ~~(b) Rights of owner. After the occupant has been in default~~ <--
25 ~~continuously for a period of [20] five days, the owner shall~~
26 ~~have the right to deny the occupant's access to the leased~~
27 ~~space. The owner may also enter and remove the personal property~~
28 ~~from the leased space to another suitable storage space pending~~
29 ~~its sale or other disposition after the occupant has been in~~
30 ~~default continuously for a period of 30 or more days.~~

1 (c) Towing right.--If the property upon which the lien is
2 claimed is a motor vehicle, trailer or watercraft and the
3 [property] occupant is in default for 60 consecutive days, the
4 owner may have the property towed. If a motor vehicle, trailer
5 or watercraft is towed as authorized under this subsection, the
6 owner shall not be liable for any damages to the motor vehicle,
7 trailer or watercraft not caused by any negligence of the owner
8 once an adequately insured or bonded towler takes possession of
9 the property.

10 Section 6. Notice.

11 (a) Service.--The owner shall give written notice of the
12 default and any other action taken in regard to the occupant's
13 property, to the occupant by personal service, verified mail,
14 electronic mail or by certified mail, return receipt requested,
15 sent to the occupant's last known address. A notice shall be
16 presumed to be served when it is deposited with the United
17 States Postal Service or private delivery service and properly
18 addressed with postage prepaid or by electronic mail to an
19 electronic mailing address provided by the occupant. For
20 purposes of notice of default, electronic mail may be used to
21 notify an occupant of the default only if all of the following
22 apply:

23 * * *

24 Section 7. Advertisement of sale.

25 (a) Publication.--After the expiration of the time stated in
26 the notice and if the personal property has not otherwise been
27 disposed of, the owner shall cause an advertisement of sale to
28 be published two times either:

29 (1) preceding the date of sale in a newspaper of general
30 circulation which serves the area where the self-service

1 storage facility is located[.]; or

2 (2) one time preceding the date of sale in a newspaper
3 of general circulation which serves the area where the self-
4 storage facility is located and on a publicly accessible
5 Internet website that regularly advertises or conducts online
6 sales of personal property. The advertisement shall include:

7 [(1)] (i) A statement that the contents of the
8 occupant's leased space shall be sold to satisfy the
9 owner's lien.

10 [(2)] (ii) The address of the self-service storage
11 facility and the number or other description, if any, of
12 the space where the personal property is located and the
13 name of the occupant.

14 [(3)] (iii) The time, place and manner of sale.

15 * * *

16 Section 8. Location of sale.

17 Any sale or other disposition of the personal property shall
18 be held at the self-service storage facility, online or at the
19 nearest suitable place to where the personal property is held or
20 stored.

21 Section 2. This act shall apply to rental agreements entered
22 into or renewed on and after the effective date of this section.

23 Section 3. This act shall take effect in 60 days.