

SENATE APPROPRIATIONS COMMITTEE

FISCAL NOTE

BILL NO. House Bill 1103

PRINTER NO. 1140

AMOUNT

No Fiscal Impact

FUND

General Fund

DATE INTRODUCED

April 5, 2021

PRIME SPONSOR

Representative Gillespie

DESCRIPTION

House Bill 1103 amends the act of December 20, 1982 (P.L.1404, No.325), known as the Self-Service Storage Facility Act (act), by further providing for owner's lien, enforcement of lien, for notice, for advertisement of sale and for location of sale.

House Bill 1103 amends section 4 of the act (relating to owner's lien) by adding late fees incurred for storing property to the list of charges and expenses for which the owner of a self-service storage facility has a lien upon all personal property located at a facility. Under current law, an owner has a lien upon such property for rent, labor or other charges incurred for storing the property and for expenses necessary for its preservation or expenses incurred in its sale or other disposition.

The legislation also amends section 4 by adding new subsection (b), which authorizes an owner to charge the occupant a reasonable late fee for each month the occupant does not pay rent or other charges in full by the fifth day after the due date under the rental agreement. A late fee of \$20 per month or 20% of the monthly rent for the leased space, whichever is greater, shall be reasonable and may not constitute a penalty. The legislation requires the owner to disclose in the rental agreement the amount of the late fee and the timing for charging the fee. A late fee may be charged in addition to any other expense incurred by the owner provided by law or contract.

House Bill 1103 amends section 5(c) of the act (relating to towing right) by adding "trailer" to the type of property upon which a lien is claimed for which an owner may have the property towed. Currently, section 5(c) refers only to a motor vehicle or watercraft.

The legislation amends section 6 of the act (relating to notice) by allowing an owner to give written notice of default and any other action taken in regard to the occupant's property by "private delivery service". Currently, a notice is presumed to be served when it is deposited with the United States Postal Service or by electronic mail to an email address provided by the occupant.

House Bill 1103 amends section 7 of the act (relating to advertisement of sale) to include an option to advertise a sale of personal property either two times in a newspaper of general circulation that serves the area where the self-service storage facility is located or one time in a newspaper of general circulation which serves the

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

area where the self-storage facility is located and on a publicly accessible internet website that regularly advertises or conducts online sales of personal property. Current law requires an advertisement of sale to be published two times in a newspaper and does not provide an option to advertise once in a newspaper and on the internet.

The legislation amends section 8 of the act (relating to location of sale) to authorize a sale or other disposition of personal property to be held online. Current law allows for any sale to occur only at the self-service storage facility or nearest suitable place to where the personal property is held or stored.

This act shall apply to rental agreements entered into or renewed on and after the effective date of the legislation, and the legislation shall take effect in 60 days.

FISCAL IMPACT:

House Bill 1103 will have no fiscal impact on Commonwealth or municipal funds.