

---

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

SENATE BILL

No. 799 Session of  
2013

---

INTRODUCED BY ROBBINS, ALLOWAY, KASUNIC, SOLOBAY AND  
TARTAGLIONE, APRIL 8, 2013

---

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
APRIL 8, 2013

---

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 definitions, for enforcement of lien,  
5 for notice and for limitation on liability of owner.

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

8 Section 1. The definition of "last known address" in section  
9 2 of the act of December 20, 1982 (P.L.1404, No.325), known as  
10 the Self-Service Storage Facility Act, is amended and the  
11 section is amended by adding definitions to read:

12 Section 2. Definitions.

13 The following words and phrases when used in this act shall  
14 have, unless the context clearly indicates otherwise, the  
15 meanings given to them in this section:

16 \* \* \*

17 "Electronic mail." An electronic message or executable  
18 program or a computer file that contains an image of a message  
19 that is transmitted between two or more computers or electronic

1 terminals. The term includes electronic messages that are  
2 transmitted within or between computer networks.

3 "Last known address." That postal address or electronic  
4 mailing address provided by the occupant in the latest rental  
5 agreement or the postal address or electronic mailing address  
6 provided by the occupant in a subsequent written notice of a  
7 change of address.

8 \* \* \*

9 "Verified mail." Any method of mailing that is offered by  
10 the United States Postal Service or private delivery service  
11 that provides evidence of mailing.

12 Section 2. Section 5(b) of the act is amended and the  
13 section is amended by adding a subsection to read:

14 Section 5. Enforcement of lien.

15 \* \* \*

16 (b) Rights of owner.--After the occupant has been in default  
17 continuously for a period of [30] 7 days, the owner shall have  
18 the right to deny the occupant's access to the leased space. The  
19 owner may also enter and remove the personal property from the  
20 leased space to another suitable storage space pending its sale  
21 or other disposition[.] after the occupant has been in default  
22 continuously for a period of 30 or more days.

23 (c) Towing right.--If the property upon which the lien is  
24 claimed is a motor vehicle or watercraft and the property is in  
25 default for 60 consecutive days, the owner may have the property  
26 towed. If a motor vehicle or watercraft is towed as authorized  
27 under this subsection, the lienor shall not be liable for any  
28 damages to the motor vehicle or watercraft once the tower takes  
29 possession of the property.

30 Section 3. Section 6(a) of the act is amended to read:

1 Section 6. Notice.

2 (a) Service.--The owner shall give written notice of the  
3 default and any other action taken in regard to the occupant's  
4 property, to the occupant by personal service, verified mail,  
5 electronic mail or by certified mail, return receipt requested,  
6 sent to the occupant's last known address. A notice shall be  
7 presumed to be served when it is deposited with the United  
8 States Postal Service and properly addressed with postage  
9 prepaid or by electronic mail to an electronic mailing address  
10 provided by the occupant.

11 \* \* \*

12 Section 4. Section 15 of the act is amended by adding  
13 subsections to read:

14 Section 15. Limitation on liability of owner.

15 \* \* \*

16 (c) Limitation of value.--If a rental agreement contains a  
17 limit on the value of property that may be stored in an  
18 occupant's space, the limit is deemed to be the maximum value of  
19 the stored property, provided that this limit provision must be  
20 printed in bold type or underlined in the rental agreement in  
21 order to be enforceable.

22 (d) Standing.--In addition to remedies otherwise provided by  
23 law, only the occupant listed on the last known rental agreement  
24 injured by a violation of this act may bring a civil action to  
25 recover damages.

26 Section 5. This act shall take effect in 60 days.