

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 799 Session of 2013

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

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, AS AMENDED, MARCH 19, 2014

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 A DEFINITION 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~~ 15 days, the owner shall <--
18 have the right to deny the occupant's access to the leased
19 space. The owner may also enter and remove the personal property
20 from the leased space to another suitable storage space pending
21 its sale or other disposition[.] after the occupant has been in
22 default 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~~ OWNER shall not be liable for <--
28 any damages to the motor vehicle or watercraft once the tower
29 takes 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. ELECTRONIC MAIL MAY <--
7 BE USED TO NOTIFY AN OCCUPANT OF THE DEFAULT ONLY IF THE
8 OCCUPANT IS INFORMED IN THE ORIGINAL RENTAL AGREEMENT, OR BY
9 SUBSEQUENT MODIFICATION OF THE AGREEMENT, THAT NOTIFICATION BY
10 ELECTRONIC MAIL IS AN AUTHORIZED MEANS OF COMMUNICATION UNDER
11 THIS SUBSECTION. A notice shall be presumed to be served when it
12 is deposited with the United States Postal Service and properly
13 addressed with postage prepaid or by electronic mail to an
14 electronic mailing address provided by the occupant.

15 * * *

16 Section 4. Section 15 of the act is amended by adding
17 subsections to read:

18 Section 15. Limitation on liability of owner.

19 * * *

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

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

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