

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 799 Session of 2013

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

AS AMENDED ON THIRD CONSIDERATION, APRIL 28, 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 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 "Last known address." That postal address or electronic
18 mailing address provided by the occupant in the latest rental
19 agreement or the postal address or electronic mailing address

1 provided by the occupant in a subsequent written notice of a
2 change of address.

3 * * *

4 "Verified mail." Any method of mailing that is offered by
5 the United States Postal Service or private delivery service
6 that provides evidence of mailing.

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

9 Section 5. Enforcement of lien.

10 * * *

11 (b) Rights of owner.--After the occupant has been in default
12 continuously for a period of [30] ~~15~~ 20 days, the owner shall <--
13 have the right to deny the occupant's access to the leased
14 space. The owner may also enter and remove the personal property
15 from the leased space to another suitable storage space pending
16 its sale or other disposition[.] after the occupant has been in
17 default continuously for a period of 30 or more days.

18 (c) Towing right.--If the property upon which the lien is
19 claimed is a motor vehicle or watercraft and the property is in
20 default for 60 consecutive days, the owner may have the property
21 towed. If a motor vehicle or watercraft is towed as authorized
22 under this subsection, the owner shall not be liable for any
23 damages to the motor vehicle or watercraft ~~once the~~ NOT CAUSED <--
24 BY ANY NEGLIGENCE OF THE OWNER ONCE AN ADEQUATELY INSURED OR
25 BONDED tower takes possession of the property.

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

27 Section 6. Notice.

28 (a) Service.--The owner shall give written notice of the
29 default and any other action taken in regard to the occupant's
30 property, to the occupant by personal service, verified mail,

1 electronic mail or by certified mail, return receipt requested,
2 sent to the occupant's last known address. Electronic mail may <--
3 be used to notify an occupant of the default only if the
4 occupant is informed in the original rental agreement, or by
5 subsequent modification of the agreement, that notification by
6 electronic mail is an authorized means of communication under
7 this subsection. A notice shall be presumed to be served when it
8 is deposited with the United States Postal Service and properly
9 addressed with postage prepaid[.]or by electronic mail to an <--
10 electronic mailing address provided by the occupant. FOR <--
11 PURPOSES OF NOTICE OF DEFAULT, ELECTRONIC MAIL MAY BE USED TO
12 NOTIFY AN OCCUPANT OF THE DEFAULT ONLY IF ALL OF THE FOLLOWING
13 APPLY:

14 (1) THE OCCUPANT IS INFORMED IN THE ORIGINAL RENTAL
15 AGREEMENT, OR BY SUBSEQUENT MODIFICATION OF THE AGREEMENT,
16 THAT NOTIFICATION BY ELECTRONIC MAIL IS AN AUTHORIZED MEANS
17 OF COMMUNICATION UNDER THIS SUBSECTION.

18 (2) THE OCCUPANT AFFIRMATIVELY CONSENTS TO BE CONTACTED
19 USING ELECTRONIC MEANS AND TO PROMPTLY ADVISE OWNER OF ANY
20 CHANGE IN THE OCCUPANT'S E-MAIL ADDRESS.

21 (3) THE OCCUPANT AFFIRMATION CONSENTING TO ELECTRONIC
22 MEANS OF COMMUNICATION AND TO PROMPTLY ADVISE OWNER OF ANY
23 CHANGE IN THE OCCUPANT'S E-MAIL ADDRESS IS PRINTED IN BOLD
24 TYPE OR UNDERLINED IN THE RENTAL AGREEMENT.

25 * * *

26 Section 4. Section 15 of the act is amended by adding
27 ~~subsections~~ A SUBSECTION to read: <--

28 Section 15. Limitation on liability of owner.

29 * * *

30 (c) Limitation of value.--If a rental agreement contains a

1 limit on the value of property that may be stored in an
2 occupant's space, the limit is deemed to be the maximum value of
3 the stored property, provided that this limit provision must be
4 printed in bold type or underlined in the rental agreement in
5 order to be enforceable.

6 ~~(d) Standing. In addition to remedies otherwise provided by <--~~
7 ~~law, only the occupant listed on the last known rental agreement~~
8 ~~injured by a violation of this act may bring a civil action to~~
9 ~~recover damages.~~

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