

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 REPORTED FROM COMMITTEE ON COMMERCE, HOUSE OF REPRESENTATIVES, AS AMENDED, NOVEMBER 21, 2019

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 (c), 6(a) introductory
10 paragraph, 7(a) ~~introductory paragraph~~ and 8 of the act of <--
11 December 20, 1982 (P.L.1404, No.325), known as the Self-Service
12 Storage Facility Act, are 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 be reasonable and shall not constitute a penalty. An owner may
15 not charge a late fee under this subsection unless the owner
16 discloses in the rental agreement the amount of the fee and the
17 timing for charging the fee. A late fee may be charged in
18 addition to any other expense incurred by the owner provided by
19 law or contract.

20 Section 5. Enforcement of lien.

21 * * *

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

29 (c) Towing right.--If the property upon which the lien is
30 claimed is a motor vehicle, trailer or watercraft and the

1 [property] occupant is in default for 60 consecutive days, the
2 owner may have the property towed. If a motor vehicle, trailer
3 or watercraft is towed as authorized under this subsection, the
4 owner shall not be liable for any damages to the motor vehicle, <--
5 TRAILER or watercraft not caused by any negligence of the owner
6 once an adequately insured or bonded tower takes possession of
7 the property.

8 Section 6. Notice.

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

21 * * *

22 Section 7. Advertisement of sale.

23 (a) Publication.--After the expiration of the time stated in
24 the notice and if the personal property has not otherwise been
25 disposed of, the owner shall cause an advertisement of sale to
26 ~~be published [two times] once preceding the date of sale in a BE <--~~
27 PUBLISHED TWO TIMES EITHER:

28 (1) PRECEDING THE DATE OF SALE IN A newspaper of general
29 circulation which serves the area where the ~~self-service <--~~
30 ~~storage facility is located[.] or on a publicly 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 * * *

<--

8 [(1)] (I) A STATEMENT THAT THE CONTENTS OF THE <--
9 OCCUPANT'S LEASED SPACE SHALL BE SOLD TO SATISFY THE
10 OWNER'S LIEN.

11 [(2)] (II) THE ADDRESS OF THE SELF-SERVICE STORAGE
12 FACILITY AND THE NUMBER OR OTHER DESCRIPTION, IF ANY, OF
13 THE SPACE WHERE THE PERSONAL PROPERTY IS LOCATED AND THE
14 NAME OF THE OCCUPANT.

15 [(3)] (III) THE TIME, PLACE AND MANNER OF SALE.

16 * * *

17 Section 8. Location of sale.

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

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

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