

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1103 Session of 2021

INTRODUCED BY GILLESPIE, MOUL, JONES, PYLE, HILL-EVANS, JAMES, ZIMMERMAN, WHEELAND, MASSER, BERNSTINE, MILLARD, STAMBAUGH AND JOZWIAK, APRIL 5, 2021

REFERRED TO COMMITTEE ON COMMERCE, APRIL 5, 2021

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(c), 6(a) introductory paragraph,
 10 7(a) and 8 of the act of December 20, 1982 (P.L.1404, No.325),
 11 known as the Self-Service Storage Facility Act, are amended to
 12 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 may not constitute a penalty. An owner shall
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. No late fee shall be imposed or collected if
20 the occupant pays rent and other charges in full by the fifth
21 day after the due date under the rental agreement.

22 Section 5. Enforcement of lien.

23 * * *

24 (c) Towing right.--If the property upon which the lien is
25 claimed is a motor vehicle, trailer or watercraft and the
26 [property] occupant is in default for 60 consecutive days, the
27 owner may have the property towed. If a motor vehicle, trailer
28 or watercraft is towed as authorized under this subsection, the
29 owner shall not be liable for any damages to the motor vehicle,
30 trailer or watercraft not caused by any negligence of the owner

1 once an adequately insured or bonded tower takes possession of
2 the property.

3 Section 6. Notice.

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

16 * * *

17 Section 7. Advertisement of sale.

18 (a) Publication.--After the expiration of the time stated in
19 the notice and if the personal property has not otherwise been
20 disposed of, the owner shall cause an advertisement of sale to
21 be published [two times] either:

22 (1) two times preceding the date of sale in a newspaper
23 of general circulation which serves the area where the self-
24 service storage facility is located[.]; or

25 (2) one time preceding the date of sale in a newspaper
26 of general circulation which serves the area where the self-
27 storage facility is located and on a publicly accessible
28 Internet website that regularly advertises or conducts online
29 sales of personal property. The advertisement shall include:

30 [(1)] (i) A statement that the contents of the

1 occupant's leased space shall be sold to satisfy the
2 owner's lien.

3 [(2)] (ii) The address of the self-service storage
4 facility and the number or other description, if any, of
5 the space where the personal property is located and the
6 name of the occupant.

7 [(3)] (iii) The time, place and manner of sale.

8 * * *

9 Section 8. Location of sale.

10 Any sale or other disposition of the personal property shall
11 be held at the self-service storage facility, online or at the
12 nearest suitable place to where the personal property is held or
13 stored.

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

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