



General Assembly

January Session, 2011

**Amendment**

LCO No. 8538

**\*HB0642908538HR0\***

Offered by:  
REP. COUTU, 47<sup>th</sup> Dist.

To: Subst. House Bill No. 6429      File No. 146      Cal. No. 99

**"AN ACT CONCERNING STORAGE OF STOLEN PROPERTY."**

1      After the last section, add the following and renumber sections and  
2      internal references accordingly:

3      "Sec. 501. Section 42-159 of the general statutes is repealed and the  
4      following is substituted in lieu thereof (*Effective January 1, 2012*):

5      As used in this chapter:

6      (1) "Self-service storage facility" means any real property designed  
7      and used for the renting or leasing of individual self-contained units of  
8      storage space to occupants who are to have access to such units for  
9      storing and removing personal property only, and not for residential  
10     purposes. A self-service storage facility and an owner are not a  
11     warehouse, as defined in section 42a-7-102, except that if an owner  
12     issues a document of title, as defined in section 42a-1-201, for the  
13     personal property stored, the owner and the occupant are subject to  
14     the provisions of article 7 of the Uniform Commercial Code and the  
15     provisions of this chapter do not apply.

16 (2) "Owner" means the owner, operator, lessor, or sublessor of a self-  
17 service storage facility, his agent, or any other person authorized by  
18 him to manage the facility or to receive rent from an occupant under a  
19 rental agreement.

20 (3) "Occupant" means a person, or the sublessee, successor, or  
21 assignee of a person, entitled to the use of a storage unit at a self-  
22 service storage facility under a rental agreement, to the exclusion of  
23 others.

24 (4) "Rental agreement" means any written agreement or lease that  
25 establishes or modifies the terms, conditions, rules or any other  
26 provisions concerning the use and occupancy of a unit in a self-service  
27 storage facility.

28 (5) "Personal property" means movable property not affixed to land  
29 and includes, but is not limited to, goods, merchandise, household  
30 items and motor vehicles.

31 (6) "Last known address" means that postal or electronic  
32 communication address provided by the occupant in the latest rental  
33 agreement or the address provided by the occupant in a subsequent  
34 written notice of a change of address.

35 (7) "Default" means failure to perform any obligation or duty  
36 imposed by a rental agreement or by this chapter.

37 (8) "Electronic communication" means an electronic message or  
38 executable program or computer file that contains an image of a  
39 message that is transmitted between two or more computers or  
40 electronic terminals and includes, but is not limited to, electronic  
41 messages that are transmitted within or between computer networks.

42 (9) "Verified mail" means any method of mailing that is offered by  
43 the United States Postal Service and that provides written or electronic  
44 evidence of mailing.

45 Sec. 502. Section 42-161 of the general statutes is repealed and the

46 following is substituted in lieu thereof (*Effective July 1, 2011*):

47 (a) No owner may satisfy the lien provided for in section 42-160  
48 unless he complies with the procedure set forth in this chapter.

49 (b) The owner shall notify the occupant and any person who has  
50 filed a valid security interest in such property with the Secretary of the  
51 State of his intention to satisfy the lien with a written notice which  
52 shall be delivered in person or sent by [registered or certified mail,  
53 return receipt requested,] verified mail or electronic communication to  
54 the last known address of the occupant.

55 Sec. 503. Section 42-164 of the general statutes is repealed and the  
56 following is substituted in lieu thereof (*Effective July 1, 2011*):

57 (a) After the expiration of the time given in the notice for the  
58 occupant to pay the amount due, if the owner wishes, he may place an  
59 advertisement of the sale or other disposition of the personal property  
60 in a newspaper of substantial circulation in the municipality where the  
61 self-service storage facility is located or may otherwise advertise in a  
62 commercially reasonable manner, including, but not limited to, an  
63 electronic advertisement on the Internet. Such advertisement shall be  
64 published at least twice within a period not less than ten days  
65 preceding the date of such sale or other disposition. The advertisement  
66 shall include: (1) A description of the personal property subject to the  
67 lien according to the requirements of section 42-162; (2) the name of the  
68 occupant, the address of the self-service storage facility, the unit  
69 number, if any, of the storage space where the personal property is  
70 located; and (3) the time, place and manner of the sale or other  
71 disposition.

72 (b) Such sale or other disposition of the personal property shall not  
73 take place sooner than ten days after the first publication of the  
74 advertisement nor sixty days after the date of default.

75 (c) If there is no newspaper of substantial circulation in the  
76 municipality in which the self-service storage facility is located, the

77 advertisement shall be posted at least ten days before the date of the  
78 sale or other disposition of the personal property in not less than six  
79 conspicuous places in the neighborhood where the self-service storage  
80 facility is located.

81 (d) The proceeds of a sale under this section shall be allocated to pay  
82 the expenses of such sale, then to the holder of any lien or security  
83 interest having priority over that of such owner, then to the owner.

84 (e) If the personal property is sold by public auction and three or  
85 more bidders who are unrelated to the owner are in attendance at a  
86 sale held pursuant to this section, the advertisement, sale and proceeds  
87 of the sale shall be deemed to be commercially reasonable."