



# Senate

General Assembly

**File No. 148**

January Session, 2013

Substitute Senate Bill No. 752

*Senate, March 26, 2013*

The Committee on General Law reported through SEN. DOYLE of the 9th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## **AN ACT CONCERNING SELF-SERVICE STORAGE FACILITY LIENS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 42-159 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2013*):

3 As used in this chapter:

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

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

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

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

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

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

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

35 Sec. 2. Section 42-160 of the general statutes is amended by adding  
36 subsection (d) as follows (*Effective July 1, 2013*):

37 (NEW) (d) If such personal property is a vessel, the owner of a self-  
38 service storage facility shall follow the requirements of sections 49-55  
39 to 49-59, inclusive.

40 Sec. 3. Section 42-161 of the general statutes is repealed and the  
41 following is substituted in lieu thereof (*Effective July 1, 2013*):

42 (a) No owner may satisfy the lien provided for in section 42-160

43 unless he or she complies with the procedure set forth in this chapter.

44 (b) The owner shall notify the occupant and any person who has  
 45 filed a valid security interest in such property with the Secretary of the  
 46 State of his or her intention to satisfy the lien with a written notice  
 47 which shall be delivered in person or sent by electronic mail or by  
 48 registered or certified mail, return receipt requested, to the last known  
 49 address of the occupant. If the owner sends notice by electronic mail to  
 50 the occupant, a statement shall be included in such electronic mail,  
 51 indicating that opening of such electronic mail is acceptance of such  
 52 notice by the occupant pursuant to this section.

53 (c) If the owner sends electronic notice to the occupant pursuant to  
 54 subsection (b) of this section, the owner shall send such notice to the  
 55 occupant by registered or certified mail pursuant to said subsection if  
 56 the owner has not received confirmation, not later than seven days  
 57 after sending the electronic notice, that the occupant has opened the  
 58 electronic notice.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2013</i>	42-159
Sec. 2	<i>July 1, 2013</i>	42-160
Sec. 3	<i>July 1, 2013</i>	42-161

**GL**            *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

There is no fiscal impact to the state or municipalities as the bill alters requirements for transactions between private sector self-storage facility owners and individuals.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

**OLR Bill Analysis****sSB 752*****AN ACT CONCERNING SELF-SERVICE STORAGE FACILITY LIENS.*****SUMMARY:**

By law, a self-service storage facility owner has a lien upon any personal property left in the facility by a renter who defaults on a rental agreement. This bill generally allows the owner to satisfy the lien notice procedures by sending the notice electronically. The electronic notice must include a statement indicating that opening the email is acceptance of the notice.

Under the bill, if the owner does not receive confirmation that the renter has opened the notice within seven days after sending it, he or she must send an additional notice by registered or certified mail, return receipt requested. By law, an owner can also notify the renter by delivering written notice in person.

The electronic notice authority does not extend to vessels that are not documented under federal maritime or admiralty laws. Such vessels have a separate lien process. The bill specifies that owners must follow this separate process if the property is a vessel.

Additionally, the electronic notice authority does not extend to certain notices concerning motor vehicles. Thus, written notice must continue to be sent to the (1) motor vehicles commissioner and (2) vehicle's lienholder or owner (if different than the renter).

EFFECTIVE DATE: July 1, 2013

**BACKGROUND*****Self-Service Storage Facility Liens***

The lien is for any rent, labor, or other valid charges pertaining to the property in the storage facility; valid expenses incurred in its preservation; and reasonable costs for its sale or other disposition. The facility owner must follow specified procedures for, among other things, notifying a defaulting property owner, advertising the property sale, disposing of sale proceeds, and redeeming the property.

**COMMITTEE ACTION**

General Law Committee

Joint Favorable Substitute

Yea 18    Nay 0    (03/12/2013)