

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for  
2 Senate Bill Nos. 53 & 60, Page 49, Section 304.050, Line 76, by inserting after all of said section  
3 and line the following:  
4

5 "415.415. 1. The operator of a self-service storage facility has a lien on all personal  
6 property stored within each leased space for rent, labor, or other charges, and for expenses  
7 reasonably incurred in sale of such personal property, as provided in sections 415.400 to 415.425.  
8 The lien established by this subsection shall have priority over all other liens except those liens that  
9 have been perfected and recorded on personal property. The rental agreement shall contain a  
10 statement, in bold type, advising the occupant of the existence of such lien and that property stored  
11 in the leased space may be sold to satisfy such lien if the occupant is in default, and that any  
12 proceeds from the sale of the property which remain after satisfaction of the lien will be paid to the  
13 state treasurer if unclaimed by the occupant within one year after the sale of the property.

14 2. If the occupant is in default for a period of more than forty-five days, the operator may  
15 enforce the lien granted in subsection 1 of this section and sell the property stored in the leased  
16 space for cash. Sale of the property stored on the premises may be done at a public or private sale,  
17 may be done as a unit or in parcels, or may be by way of one or more contracts, and may be at any  
18 time or place and on any terms as long as the sale is done in a commercially reasonable manner in  
19 accordance with the provisions of section 400.9-627. The operator may otherwise dispose of any  
20 property which has no commercial value.

21 3. The proceeds of any sale made under this subsection shall be applied to satisfy the lien,  
22 with any surplus being held for delivery on demand to the occupant or any other lienholders which  
23 the operator knows of or which are contained in the statement filed by the occupant pursuant to  
24 subsection 3 of section 415.410 for a period of one year after receipt of proceeds of the sale and  
25 satisfaction of the lien. No proceeds shall be paid to an occupant until such occupant files a sworn  
26 affidavit with the operator stating that there are no other valid liens outstanding against the property  
27 sold and that he or she, the occupant, shall indemnify the operator for any damages incurred or  
28 moneys paid by the operator due to claims arising from other lienholders of the property sold. After  
29 the one-year period set in this subsection, any proceeds remaining after satisfaction of the lien shall  
30 be considered abandoned property to be reported and paid to the state treasurer in accordance with  
31 laws pertaining to the disposition of unclaimed property.

32 4. Before conducting a sale under subsection 2 of this section, the operator shall:

33 (1) At least forty-five days before any disposition of property under this section, which shall  
34 run concurrently with subsection 2 of this section, notify the occupant and each lienholder which is  
35 contained in any statement filed by the occupant pursuant to subsection 3 of section 415.410 of the  
36 default by first-class mail or electronic mail at the occupant's or lienholder's last known address, and

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 shall notify any third-party owner identified by the occupant pursuant to subsection 3 of section  
2 415.410;

3 (2) No sooner than ten days after mailing the notice required in subdivision (1) of this  
4 subsection, mail a second notice of default, by verified mail or electronic mail, to the occupant at the  
5 occupant's or lienholder's last known address, which notice shall include:

6 (a) A statement that the contents of the occupant's leased space are subject to the operator's  
7 lien;

8 (b) A statement of the operator's claim, indicating the charges due on the date of the notice,  
9 the amount of any additional charges which shall become due before the date of release for sale and  
10 the date those additional charges shall become due;

11 (c) A demand for payment of the charges due within a specified time, not less than ten days  
12 after the date on which the second notice was mailed;

13 (d) A statement that unless the claim is paid within the time stated, the contents of the  
14 occupant's space will be sold after a specified time; and

15 (e) The name, street address and telephone number of the operator, or a designated agent  
16 whom the occupant may contact, to respond to the notice;

17 (3) At least seven days before the sale, advertise the time, place, and terms of the sale in the  
18 classified section of a newspaper of general circulation in the jurisdiction where the sale is to be  
19 held or in any other commercially reasonable manner. [Such] The manner of advertisement shall be  
20 [in the classified section of the newspaper and shall state that the items will be released for sale.]  
21 deemed commercially reasonable if at least three independent bidders attend or view the sale at the  
22 time and place advertised.

23 5. If the property is a vehicle, watercraft, or trailer and rent and other charges remain unpaid  
24 for sixty days, the owner may treat the vehicle, watercraft, or trailer as an abandoned vehicle and  
25 have the vehicle, watercraft, or trailer towed from the self-service storage facility. When the  
26 vehicle, watercraft, or trailer is towed from the self-service storage facility, the owner shall not be  
27 liable for the vehicle, watercraft, or trailer for any damages to the motor vehicle, watercraft, or  
28 trailer once the tower takes possession of the property.

29 6. At any time before a sale under this section, the occupant may pay the amount necessary  
30 to satisfy the lien and redeem the occupant's personal property."; and

31 Further amend said bill by amending the title, enacting clause, and intersectional references  
32 accordingly.  
33