

SECOND REGULAR SESSION

# SENATE BILL NO. 837

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SIFTON.

Read 1st time February 6, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

5871S.011

## AN ACT

To repeal section 415.415, RSMo, and to enact in lieu thereof one new section relating to self-service storage facilities.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 415.415, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 415.415, to read as follows:

415.415. 1. The operator of a self-service storage facility has a lien on all  
2 personal property stored within each leased space for rent, labor, or other  
3 charges, and for expenses reasonably incurred in sale of such personal property,  
4 as provided in sections 415.400 to 415.430. The lien established by this  
5 subsection shall have priority over all other liens except those liens that have  
6 been perfected and recorded on personal property. The rental agreement shall  
7 contain a statement, in bold type, advising the occupant of the existence of such  
8 lien and that property stored in the leased space may be sold to satisfy such lien  
9 if the occupant is in default, and that any proceeds from the sale of the property  
10 which remain after satisfaction of the lien will be paid to the state treasurer if  
11 unclaimed by the occupant within one year after the sale of the property.

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

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

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

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

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

41           (2) No later than ten days after mailing the notice required in subdivision  
42 (1) of this subsection, mail a second notice of default, by registered or certified  
43 mail, to the occupant at the occupant's or lienholder's last known address, which  
44 notice shall include:

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

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

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

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

55           (e) The name, street address and telephone number of the operator, or a

56 designated agent whom the occupant may contact, to respond to the notice;

57 (3) At least seven days before the sale, advertise the time, place [and],  
58 terms of the sale, **and occupant's name** in a newspaper of general circulation  
59 in the jurisdiction where the sale is to be held. Such advertisement shall be in  
60 the classified section of the newspaper and shall state that the items will be  
61 released for sale.

62 5. At any time before a sale under this section, the occupant may pay the  
63 amount necessary to satisfy the lien and redeem the occupant's personal property.

Unofficial ✓

Bill

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