

FIRST REGULAR SESSION

# SENATE BILL NO. 594

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOON.

2726S.01H

ADRIANE D. CROUSE, Secretary

## AN ACT

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

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Section A. Section 415.415, RSMo, is repealed and one new  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

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

16 2. If the occupant is in default for a period of more  
17 than forty-five days, the operator may enforce the lien  
18 granted in subsection 1 of this section and sell the

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

19 property stored in the leased space for cash. Sale of the  
20 property stored on the premises may be done at a public or  
21 private sale, may be done as a unit or in parcels, or may be  
22 by way of one or more contracts, and may be at any time or  
23 place and on any terms as long as the sale is done in a  
24 commercially reasonable manner in accordance with the  
25 provisions of section 400.9-627. The operator may otherwise  
26 dispose of any property which has no commercial value.

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

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

48 (1) At least forty-five days before any disposition of  
49 property under this section, which shall run concurrently  
50 with subsection 2 of this section, notify the occupant and

51 each lienholder which is contained in any statement filed by  
52 the occupant pursuant to subsection 3 of section 415.410 of  
53 the default by first-class mail or electronic mail at the  
54 occupant's or lienholder's last known address, and shall  
55 notify any third-party owner identified by the occupant  
56 pursuant to subsection 3 of section 415.410;

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

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

64 (b) A statement of the operator's claim, indicating  
65 the charges due on the date of the notice, the amount of any  
66 additional charges which shall become due before the date of  
67 release for sale and the date those additional charges shall  
68 become due;

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

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

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

78 (3) At least seven days before the sale, advertise the  
79 time, place and terms of the sale in **the classified section**  
80 **of** a newspaper of general circulation in the jurisdiction  
81 where the sale is to be held **or in any other commercially**  
82 **reasonable manner. The manner of advertisement shall be**

83 **deemed commercially reasonable if at least three independent**  
84 **bidders attend or view the sale at the time and place**  
85 **advertised.** [Such advertisement shall be in the classified  
86 section of the newspaper and shall state that the items will  
87 be released for sale.]

88 5. If the property is a vehicle, watercraft, or  
89 trailer and rent and other charges remain unpaid for sixty  
90 days, the owner may treat the vehicle, watercraft, or  
91 trailer as an abandoned vehicle and have the vehicle,  
92 watercraft, or trailer towed from the self-service storage  
93 facility. When the vehicle, watercraft, or trailer is towed  
94 from the self-service storage facility, the owner shall not  
95 be liable for the vehicle, watercraft, or trailer for any  
96 damages to the motor vehicle, watercraft, or trailer once  
97 the tower takes possession of the property.

98 6. At any time before a sale under this section, the  
99 occupant may pay the amount necessary to satisfy the lien  
100 and redeem the occupant's personal property.

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