

SENATE BILL NO. 938

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (16).

3713S.01H

KRISTINA MARTIN, 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Section A. Section 415.415, RSMo, is repealed and one new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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