

**SENATE AMENDMENT NO. \_\_\_\_\_**

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/HCS/House Bill No. 2587, Page 44, Section 407.475, Line 18,

2 by inserting after all of said line the following:

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

18 2. If the occupant is in default for a period of more  
19 than forty-five days, the operator may enforce the lien  
20 granted in subsection 1 of this section and sell the  
21 property stored in the leased space for cash. Sale of the  
22 property stored on the premises may be done at a public or  
23 private sale, may be done as a unit or in parcels, or may be  
24 by way of one or more contracts, and may be at any time or  
25 place and on any terms as long as the sale is done in a  
26 commercially reasonable manner in accordance with the

27 provisions of section 400.9-627. The operator may otherwise  
28 dispose of any property which has no commercial value.

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

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

50         (1) At least forty-five days before any disposition of  
51 property under this section, which shall run concurrently  
52 with subsection 2 of this section, notify the occupant and  
53 each lienholder which is contained in any statement filed by  
54 the occupant pursuant to subsection 3 of section 415.410 of  
55 the default by first-class mail or electronic mail at the  
56 occupant's or lienholder's last known address, and shall  
57 notify any third-party owner identified by the occupant  
58 pursuant to subsection 3 of section 415.410;

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

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

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

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

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

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

80           (3) At least seven days before the sale, advertise the  
81 time, place and terms of the sale in the classified section  
82 of a newspaper of general circulation in the jurisdiction  
83 where the sale is to be held or in any other commercially  
84 reasonable manner. The manner of advertisement shall be  
85 deemed commercially reasonable if at least three independent  
86 bidders attend or view the sale at the time and place  
87 advertised. [Such advertisement shall be in the classified  
88 section of the newspaper and shall state that the items will  
89 be released for sale.]

90           5. If the property is a vehicle, watercraft, or  
91 trailer and rent and other charges remain unpaid for sixty

92 days, the owner may treat the vehicle, watercraft, or  
93 trailer as an abandoned vehicle and have the vehicle,  
94 watercraft, or trailer towed from the self-service storage  
95 facility. When the vehicle, watercraft, or trailer is towed  
96 from the self-service storage facility, the owner shall not  
97 be liable for the vehicle, watercraft, or trailer for any  
98 damages to the motor vehicle, watercraft, or trailer once  
99 the tower takes possession of the property.

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

103         Further amend the title and enacting clause accordingly.