

2023 -- S 0366 SUBSTITUTE A

LC001402/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO PROPERTY -- SELF-SERVICE STORAGE FACILITIES

Introduced By: Senators Ciccone, DiPalma, F. Lombardi, Britto, and Felag

Date Introduced: February 16, 2023

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 34-42-4 of the General Laws in Chapter 34-42 entitled "Self-Service
2 Storage Facilities" is hereby amended to read as follows:

3 **34-42-4. Enforcement of owner's lien.**

4 (a) After default, an owner may deny an occupant access to the storage space, terminate
5 the right of the occupant to use the storage space, enter the storage space and remove any personal
6 property found therein to a place of safekeeping, and enforce its lien by selling the stored property
7 at a public or private sale, in accordance with the following procedure:

8 (1) No sooner than five (5) days after default, but before the owner takes any action to
9 enforce its lien, the occupant and all other persons known to claim an interest in the personal
10 property stored shall be notified. The notice shall be delivered in person or by regular mail to the
11 last known address of the person or persons to be notified, or by verified electronic mail, to the
12 person or persons to be notified. This notice shall include the current balance due with a reminder
13 to bring the past due balance current or risk the action of the owner to enforce the owner's lien.

14 (2) No sooner than fourteen (14) days after default, the occupant shall again be notified.
15 The notice shall be delivered in person or sent by regular [mail to the last known address of the](#)
16 [person or persons to be notified](#), or verified electronic mail, to the person or persons to be notified.

17 The notice shall include:

18 (i) A statement of the claim showing the sums due at the time of the notice;

19 (ii) A statement that, based on the default, the owner has the right to deny the occupant

1 access to the leased space;

2 (iii) A general description of the personal property subject to the lien if known;

3 (iv) A demand for payment of the claim by a specified date not less than fourteen (14) days
4 after mailing of the notice pursuant to subdivision (2);

5 (v) A conspicuous statement that unless the claim is paid by the specified date, the
6 occupant's right to use the storage space will terminate, and the personal property will be advertised
7 for sale or will be otherwise disposed of at a specified time and place; and

8 (vi) The name, street address, and telephone number of the owner who the occupant may
9 contact to respond to the notice.

10 (3) If the owner is not able to obtain personal service of the second (2nd) notice on those
11 persons entitled to notice or if the certified mail return receipt is not signed by the person to whom
12 notice must be sent then the owner shall be required to give notice by publication ~~once a week for~~
13 ~~three (3) successive weeks~~ in a newspaper of general circulation in the city or town where the
14 person to receive the notice was last known to reside.

15 (4) When notice is by publication, the notice does not have to include an itemized statement
16 of the claim but only a statement as to the amount of money due ~~or at~~ the time of the final notice,
17 nor is a general description of the personal property subject to the lien required. The demand for
18 payment of the claim by a specified date shall set forth a date no less than ~~thirty (30)~~ twenty (20)
19 days after the date of the published notice.

20 (b) No sooner than one day after default, the owner may deny the occupant access to the
21 leased space in a reasonable and peaceful manner.

22 (c) After expiration of the time given in the second (2nd) notice, if the claim has not been
23 paid in full as demanded, the occupant's right to use the storage space terminates, and the owner
24 may enter the storage space and remove any personal property found therein to a place of
25 safekeeping.

26 (d) After expiration of the time given in the second (2nd) notice, if the claim has not been
27 paid in full as demanded and the owner wishes to sell the personal property to satisfy its lien, an
28 advertisement of the sale must be published ~~once a week for two (2) consecutive weeks~~ on a
29 publicly accessible website ~~identified in the rental agreement~~. The advertisement must include the
30 name of the person on whose account it is being stored and the time and place of sale. The sale
31 must take place no sooner than ten (10) days after the first publication.

32 (e) The sale shall be held at the self-service storage facility, ~~or~~ the nearest suitable place,
33 or online, and it shall conform to the terms of the notification.

34 (f) Before a sale of personal property, any person claiming a right to the personal property

1 may pay the amount necessary to satisfy the lien and the reasonable expenses incurred by the owner
2 to redeem the personal property. Upon receipt of this payment, the owner shall release the personal
3 property to the payor and have no further liability to any person with respect to the personal
4 property.

5 (g) The owner may buy at any sale of personal property pursuant to this section to enforce
6 the owner's lien.

7 (h) A purchaser in good faith of the personal property sold to enforce the owner's lien takes
8 the personal property free of any rights of persons against whom the lien was valid, despite
9 noncompliance by the owner with the requirements of this section.

10 (i) The owner may satisfy its lien from the proceeds of any sale pursuant to this section but
11 must hold the balance, if any, for delivery on demand to any person to whom it would have been
12 bound to deliver the personal property. If the other party does not claim the balance of the proceeds
13 within two (2) years of the date of the sale, it shall eschew to the state.

14 (j) The owner shall be liable for damages caused by failure to comply with the requirements
15 for sale under this section and in case of willful violation is liable for conversion.

16 (k) The owner shall not be liable for identity theft or other harm resulting from the misuse
17 of information contained within the contents of the occupant's storage space, which are sold or
18 otherwise disposed of to satisfy the owner's lien.

19 (l) If the personal property in the leased space is a motor vehicle, watercraft, trailer,
20 motorcycle, RV or any other titled vehicle, the owner may have it towed with no liability on its
21 part.

22 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would require default notices to lessees of self-service storage facilities to be sent
2 to the lessee's last known address, and would require and advertisement of the sale of personal
3 property to be published once on a publicly accessible website.

4 This act would take effect upon passage.

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