
HOUSE BILL 2661

State of Washington 60th Legislature 2008 Regular Session

By Representatives Green and Morrell

Read first time 01/15/08. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to self-service storage facilities; amending RCW
2 19.150.010, 19.150.020, and 19.150.902; and adding a new section to
3 chapter 19.150 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 19.150.010 and 2007 c 113 s 1 are each amended to read
6 as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

9 (1) "Self-service storage facility" means any real property
10 designed and used for the purpose of renting or leasing individual
11 storage space to occupants who are to have access to the space for the
12 purpose of storing and removing personal property on a self-service
13 basis, but does not include a garage or other storage area in a private
14 residence. No occupant may use a self-service storage facility for
15 residential purposes.

16 (2) "Owner" means the owner, operator, lessor, or sublessor of a
17 self-service storage facility, his or her agent, or any other person
18 authorized by him or her to manage the facility, or to receive rent
19 from an occupant under a rental agreement.

1 (3) "Occupant" means a person, or his or her sublessee, successor,
2 or assign, who is entitled to the use of the storage space at a self-
3 service storage facility under a rental agreement, to the exclusion of
4 others.

5 (4) "Rental agreement" means any written agreement or lease which
6 establishes or modifies the terms, conditions, rules or any other
7 provision concerning the use and occupancy of a self-service storage
8 facility.

9 (5) "Personal property" means movable property not affixed to land,
10 and includes, but is not limited to, goods, merchandise, furniture, and
11 household items.

12 (6) "Last known address" means that address provided by the
13 occupant in the latest rental agreement, or the address provided by the
14 occupant in a subsequent written notice of a change of address.

15 (7) "Reasonable manner" means to dispose of personal property by
16 donation to a not-for-profit charitable organization, removal of the
17 personal property from the self-service storage facility by a trash
18 hauler or recycler, or any other method that in the discretion of the
19 owner is reasonable under the circumstances.

20 (8) "Commercially reasonable manner" means a public sale of the
21 personal property in the self-storage space. The personal property may
22 be sold in the owner's discretion on or off the self-service storage
23 facility site as a single lot or in parcels. If five or more bidders
24 are in attendance at a public sale of the personal property, the
25 proceeds received are deemed to be commercially reasonable.

26 (9) "Costs of the sale" means reasonable costs directly incurred by
27 the delivering or sending of notices, advertising, accessing,
28 inventorying, auctioning, conducting a public sale, removing, and
29 disposing of property stored in a self-service storage facility.

30 (10) "Late fee" means a fee or charge assessed by an owner of a
31 self-service storage facility as an estimate of any loss incurred by an
32 owner for an occupant's failure to pay rent when due. A late fee is
33 not a penalty, interest on a debt, nor is a late fee a reasonable
34 expense which the owner may incur in the course of collecting unpaid
35 rent in enforcing the owner's lien rights pursuant to RCW 19.150.020 or
36 enforcing any other remedy provided by statute or contract.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.150 RCW
2 to read as follows:

3 (1) Any late fee charged by the owner shall be stated in the rental
4 agreement. No late fee may be charged or collected unless it is
5 written in the rental agreement or an addendum to the agreement.

6 (2) An owner may impose a reasonable late fee for each month an
7 occupant does not pay rent when due. A late fee of twenty dollars or
8 twenty percent of the monthly rental amount, whichever is greater, for
9 each late rental payment shall be deemed reasonable, and shall not
10 constitute a penalty.

11 (3) The owner may recover all reasonable rent collection and lien
12 enforcement expenses, including but not limited to costs of the sales
13 from the occupant, in addition to any late fees incurred.

14 **Sec. 3.** RCW 19.150.020 and 1988 c 240 s 3 are each amended to read
15 as follows:

16 The owner of a self-service storage facility and his or her heirs,
17 executors, administrators, successors, and assigns have a lien upon all
18 personal property located at a self-service storage facility for rent,
19 labor, late fee or other charges, present or future, incurred pursuant
20 to the rental agreement, and for expenses necessary for the
21 preservation, sale, or disposition of personal property subject to this
22 chapter. The lien may be enforced consistent with this chapter.
23 However, any lien on a motor vehicle or boat which has attached and is
24 set forth in the documents of title to the motor vehicle or boat shall
25 have priority over any lien created pursuant to this chapter.

26 **Sec. 4.** RCW 19.150.902 and 1988 c 240 s 17 are each amended to
27 read as follows:

28 All rental agreements entered into before June ((9, 1988)) 12,
29 2008, and ((not)) automatically extended or automatically renewed after
30 that date, or otherwise made subject to this chapter pursuant to RCW
31 19.150.901, and the rights, duties, and interests flowing from them,
32 shall remain valid, and may be enforced or terminated in accordance
33 with their terms or as permitted by any other statute or law of this
34 state.

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