

SENATE No. 183

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to improving notice requirements for self storage.

PETITION OF:

NAME:

Michael O. Moore

DISTRICT/ADDRESS:

Second Worcester

SENATE No. 183

By Mr. Michael O. Moore, a petition (accompanied by bill, Senate, No. 183) of Michael O. Moore for legislation to improve notice requirements for self storage. Economic Development and Emerging Technologies.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 161 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to improving notice requirements for self storage.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of Chapter 105A, as appearing in the 2010 Official Edition, is
2 hereby amended by inserting the following six new definitions:-

3 "Abandoned leased space", a leased space that the operator finds unlocked and empty or
4 unlocked and containing personal property with a value less than \$750 in the operator's opinion,
5 or, a leased space, possession of and all rights to which and any personal property within which,
6 have been surrendered to the operator by the occupant.

7 "Electronic mail", an electronic message or an executable program or computer file that
8 contains an image of a message transmitted between two or more computers or electronic
9 terminals and includes electronic messages that are transmitted within or between computer
10 networks from which an electronic delivery receipt is obtained.

11 "Electronic mail address", a destination, commonly expressed as a string of characters,
12 consisting of a unique user name or mailbox (commonly referred to as the local part) and a
13 reference to an Internet domain (commonly referred to as the domain part), whether or not
14 displayed, to which an electronic mail message can be sent or delivered.

15 "Late fee", a reasonable fee or charge that is assessed by the operator for the failure of the
16 occupant to pay rent when due.

17 "Vehicle", a motor vehicle, motorcycle, watercraft, trailer, semi-trailer, recreational
18 vehicle, all-terrain or off road vehicle or any other titled vehicle.

19 "Verified mail", any method of mailing that is offered by the United States Postal Service
20 or private document delivery method that provides evidence of mailing.

21 SECTION 2. Section 1 of Chapter 105A, as so appearing, is hereby amended, in line 21,
22 by striking out after the word "merchandise", the word "motor", and after the word "vehicles",
23 the word "watercraft".

24 SECTION 3. Section 1 of Chapter 105A, as so appearing, is hereby amended, in lines 25-
25 27, by striking out everything after the words "Last known address" and inserting in place
26 thereof, the following new words:- "the postal address or electronic mail address provided by the
27 occupant in the rental agreement or the postal address or electronic mail address provided by the
28 occupant in a subsequent written notice of a change of address."

29 SECTION 4. Section 3 of said Chapter 105A, as so appearing, is hereby amended, in line
30 5, by inserting after the word "chapter.", the following words: "The lien attaches as of the date
31 the occupant leases the space."

32 SECTION 5. Section 3 of said Chapter 105A, as so appearing, is hereby amended at the
33 end thereof, by inserting the following subsections:- "(d) if the rental agreement contains a limit
34 on the value of property stored in the lessee's storage space, the limit is deemed to be the
35 maximum value of the property stored in that space and the maximum liability of the operator for
36 any claim; and (e) that a late fee may be charged by the operator for each month that the
37 occupant does not pay rent when due. The rental agreement shall state the date on which rent is
38 due and the date on which the late fee accrues."

39 SECTION 6. Section 4, subsection 1, of said Chapter 105A , as so appearing, is hereby
40 amended by inserting, in line 6, after the words "regular mail", the following words:- "or
41 electronic mail"

42 SECTION 7. Section 4, subsection 2, of said Chapter 105A, as so appearing, is hereby
43 amended by striking the subsection in its entirety and inserting, in place thereof, the following
44 new subsection:-

45 (2) No sooner than fourteen days after default, the occupant and all other persons known
46 to claim an interest in the personal property shall be notified by electronic mail or verified mail,
47 sent to the last known address of any person to be notified, or by hand delivery of said
48 notification. If the operator sends notice of a pending sale of property to the occupant's last
49 known e-mail address and does not receive a response, return receipt, or delivery confirmation
50 from the same e-mail address, the operator must send notice of the sale to the occupant by
51 verified mail to the occupant's last known postal address before proceeding with the sale.

52 SECTION 8. Section 4, subsection 4, of said Chapter 105A, as so appearing, is hereby
53 amended by striking the subsection in its entirety and inserting, in place thereof, the following
54 new subsection:-

55 “(4) After the expiration of the time given in the notification, an advertisement of the sale
56 must be published once a week for two consecutive weeks in a newspaper of general circulation,
57 a periodical that circulates weekly or more frequently in the county where the self-service
58 storage facility is located, or by advertising the sale in any other commercially reasonable
59 manner. The manner of advertisement is deemed commercially reasonable if at least three
60 independent bidders attend the sale at the time and place advertised. The advertisement must
61 include a description of the property, if known, the name of the person on whose account the
62 property is being held, and the time and place of the sale. The sale must take place at least fifteen
63 days after the first publication or public posting of the advertisement in a commercially
64 reasonable manner.”

65 SECTION 9. Section 4, subsection 7, of Chapter 105A, as so appearing, is hereby
66 amended by inserting in line 40, after the words “nearest suitable place”, the following new
67 words:- “or on a publicly accessible website.”

68 SECTION 10. Section 4, subsection 10, of Chapter 105A, as so appearing, is hereby
69 amended by inserting, in line 49, after the words “release the property”, the new words:- “for a
70 period of ninety days after the date of sale, at which point, any balance becomes the property of
71 the operator.”

72 SECTION 11. Section 4 of Chapter 105A, as so appearing, is hereby amended by
73 inserting the following new section:-

74 “(13) If the personal property upon which the lien is claimed is a vehicle, and rent and
75 other charges related to the property remain unpaid or unsatisfied for 60 days following the
76 maturity of the obligation to pay rent, the lienor may have the vehicle towed. If the vehicle is
77 towed as authorized in this subdivision, the lienor shall not be liable for the vehicle or any
78 damages to the vehicle once the tower takes possession of the vehicle.”

79 SECTION 12. Section 5 of Chapter 105A, as so appearing, is hereby amended by
80 inserting, in line 6, after the words “the contents therein”, the following new words:- “The
81 operator may impose a reasonable late fee on the occupant for each month the occupant does not
82 pay rent when due. For purposes of this section, a reasonable late fee may be computed as the
83 greater of twenty dollars per month or twenty per cent of the amount of month-ly rent. Any late
84 fee imposed by the operator pursuant to this section is in addition to any other remedy provided
85 by law or contract.”

86 SECTION 13. Section 6 of Chapter 105A, as so appearing, is hereby amended by
87 deleting, in line 2, the words “certified mail” and by inserting the following new words:-
88 “verified mail or electronic mail.”

89 SECTION 14. Section 6 of Chapter 105A, as so appearing, is hereby amended by
90 deleting, in line 6, the word “certified” and by inserting the new word:- “electronic”; and is
91 further amended by inserting in line 8, after the words, “with postage paid”, the following new
92 words:- “In the case of electronic mail, notices shall be deemed delivered when an electronic
93 delivery receipt is obtained.

94 SECTION 15. Chapter 105A, as so appearing, is hereby amended by inserting the
95 following new section at the end thereof:-

96 “Section 9. In the case of an abandoned leased space, the operator has the right to
97 immediately take possession of the leased space and dispose of any personal property in the
98 leased space by any means at the operator's discretion.”.