

No. 2014-145

AN ACT

SB 799

Amending the act of December 20, 1982 (P.L.1404, No.325), entitled "An act regulating self-service storage and providing for owners' liens and the enforcement thereof," further providing for definitions, for enforcement of lien, for notice and for limitation on liability of owner.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The definition of "last known address" in section 2 of the act of December 20, 1982 (P.L.1404, No.325), known as the Self-Service Storage Facility Act, is amended and the section is amended by adding a definition to read:

Section 2. Definitions.

The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

"Last known address." That *postal* address *or electronic mailing address* provided by the occupant in the latest rental agreement or the *postal* address *or electronic mailing address* provided by the occupant in a subsequent written notice of a change of address.

* * *

"*Verified mail.*" *Any method of mailing that is offered by the United States Postal Service or private delivery service that provides evidence of mailing.*

Section 2. Section 5(b) of the act is amended and the section is amended by adding a subsection to read:

Section 5. Enforcement of lien.

* * *

(b) Rights of owner.—After the occupant has been in default continuously for a period of [30] 20 days, the owner shall have the right to deny the occupant's access to the leased space. The owner may also enter and remove the personal property from the leased space to another suitable storage space pending its sale or other disposition[.] *after the occupant has been in default continuously for a period of 30 or more days.*

(c) *Towing right.—If the property upon which the lien is claimed is a motor vehicle or watercraft and the property is in default for 60 consecutive days, the owner may have the property towed. If a motor vehicle or watercraft is towed as authorized under this subsection, the owner shall not be liable for any damages to the motor vehicle or watercraft not caused by any negligence of the owner once an adequately insured or bonded tower takes possession of the property.*

Section 3. Section 6(a) of the act is amended to read:

Section 6. Notice.

(a) Service.—The owner shall give written notice of the default and any other action taken in regard to the occupant's property, to the occupant by personal service, *verified mail, electronic mail* or by certified mail, return receipt requested, sent to the occupant's last known address. A notice shall be presumed to be served when it is deposited with the United States Postal Service and properly addressed with postage prepaid[,] *or by electronic mail to an electronic mailing address provided by the occupant. For purposes of notice of default, electronic mail may be used to notify an occupant of the default only if all of the following apply:*

(1) The occupant is informed in the original rental agreement, or by subsequent modification of the agreement, that notification by electronic mail is an authorized means of communication under this subsection.

(2) The occupant affirmatively consents to be contacted using electronic means and to promptly advise the owner of any change in the occupant's e-mail address.

(3) The occupant affirmation consenting to electronic means of communication and to promptly advise the owner of any change in the occupant's e-mail address is printed in bold type or underlined in the rental agreement.

* * *

Section 4. Section 15 of the act is amended by adding a subsection to read:

Section 15. Limitation on liability of owner.

* * *

(c) Limitation of value.—If a rental agreement contains a limit on the value of property that may be stored in an occupant's space, the limit is deemed to be the maximum value of the stored property, provided that this limit provision must be printed in bold type or underlined in the rental agreement in order to be enforceable.

Section 5. This act shall take effect in 60 days.

APPROVED—The 14th day of October, A.D. 2014

TOM CORBETT