

SENATE, No. 2138

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED JULY 26, 2012

Sponsored by:

Senator JAMES BEACH

District 6 (Burlington and Camden)

Senator ANTHONY R. BUCCO

District 25 (Morris and Somerset)

SYNOPSIS

Permits electronic mail notification, and makes certain other revisions, regarding the “Self-Service Storage Facility Act.”

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/2/2012)

1 AN ACT concerning self-service storage facilities and amending
2 P.L.1983, c.136.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 2 of P.L.1983, c.136 (C.2A:44-188) is amended to
8 read as follows:

9 2. As used in this act:

10 "Electronic mail" means an electronic message or an executable
11 program or computer file that contains an image of a message that
12 is transmitted between two or more computers or electronic
13 terminals. The term includes electronic messages that are
14 transmitted within or between computer networks.

15 "Last known address" means that postal address or electronic
16 mailing address provided by the occupant in the latest rental
17 agreement, or the postal address or electronic mailing address
18 provided by the occupant in a subsequent written notice of a change
19 of address.

20 "Occupant" means a person, the person's sublessee, successor, or
21 assignee, entitled to the use of the storage space at a self-service
22 storage facility under a rental agreement, to the exclusion of others.

23 "Owner" means the proprietor, operator, lessor, or sublessor of a
24 self-service storage facility, the owner's agent, or any other person
25 authorized by the owner to manage the facility, or to receive rent
26 from an occupant under a rental agreement.

27 "Personal property" means movable property not affixed to land,
28 and includes, but is not limited to, goods, merchandise, and
29 household items.

30 "Rental agreement" means any written agreement or lease, that
31 establishes or modifies the terms, conditions, rules or any other
32 provisions concerning the use and occupancy of a self-service
33 storage facility.

34 "Self-service storage facility" means any real property designed
35 and used for the purpose of renting or leasing individual storage
36 space to occupants who are to have access for the purpose of storing
37 and removing personal property. No occupant shall use a self-
38 service storage facility for residential purposes. A self-service
39 storage facility is not a warehouse as used in chapter 7 of Title 12A
40 of the New Jersey Statutes.

41 "Verified mail" means any method of mailing that is offered by
42 the United States Postal Service or private delivery service that
43 provides evidence of mailing.

44 (cf: P.L.1983, c.136, s.2)

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 2. Section 5 of P.L.1983, c.136 (C.2A:44-191) is amended to
2 read as follows:
- 3 5. An owner's lien for a claim which is more than 30 days
4 overdue may be satisfied as follows:
- 5 a. The occupant **【and the Division of Taxation in the**
6 **Department of the Treasury】** shall be notified;
- 7 b. The notice shall be delivered in person or sent by **【certified】**
8 verified mail or electronic mail to the last known address of the
9 occupant;
- 10 c. The notice shall include:
- 11 (1) An itemized statement of the owner's claim showing the sum
12 due at the time of the notice and the date when the sum became due;
- 13 (2) A brief and general description of the personal property
14 subject to the lien. The description shall be reasonably adequate to
15 permit the person notified to identify it, except that any container
16 including, but not limited to a trunk, valise, or box that is locked,
17 fastened, sealed, or tied in a manner which deters immediate access
18 to its contents may be described without listing its contents;
- 19 (3) A notice of denial of access to the personal property, if this
20 denial is permitted under the terms of the rental agreement, which
21 provides the name, street address, and telephone number of the
22 owner, or the owner's designated agent, whom the occupant may
23 contact to respond to this notice;
- 24 (4) A demand for payment within a specified time not less than
25 14 days after delivery of the notice; and
- 26 (5) A conspicuous statement that unless the claim is paid within
27 the time stated in the notice, the personal property will be
28 advertised for sale. The notice shall specify time and place of the
29 sale;
- 30 d. Any notice made pursuant to this section shall be presumed
31 delivered when it is deposited with the United States Postal Service
32 or private delivery service, and properly addressed with postage
33 prepaid or sent by electronic mail to the occupant's last known
34 address; if the owner sends notice of a sale of property to the
35 occupant's last known e-mail address and does not receive a response,
36 return receipt, or delivery confirmation from the same e-mail address,
37 the owner shall send notice of the sale to the occupant by first-class
38 mail, along with a certificate of mailing, to the occupant's last known
39 address before proceeding with the sale;
- 40 e. After the expiration of the time given in the notice, an
41 advertisement of the sale shall be published once a week for two
42 consecutive weeks in a newspaper of general circulation where the
43 self-service storage facility is located. The advertisement shall
44 include:
- 45 (1) A brief and general description of the personal property
46 reasonably adequate to permit its identification as provided for in
47 subsection c. (2) of this section;

1 (2) The address of the self-service storage facility and the
2 number, if any, of the space where the personal property is located
3 and the name of the occupant; and

4 (3) The time, place, and manner of the sale. The sale shall take
5 place not sooner than 15 days after the final publication. If there is
6 no newspaper of general circulation where the self-service storage
7 facility is located, the advertisement shall be posted at least 10 days
8 before the date of sale in not less than six conspicuous places in the
9 neighborhood where the self-service storage facility is located;

10 f. A sale of the personal property shall conform to the terms of
11 the notification;

12 g. A sale of the personal property shall be public and shall be
13 held at the self-service storage facility, or at the nearest suitable
14 place to where the personal property is held or stored;

15 h. If the property upon which the lien is claimed is a motor
16 vehicle or watercraft and rent and other charges related to the
17 property are in default for 60 consecutive days, the owner may have
18 the property towed. If a motor vehicle or watercraft is towed as
19 authorized in this subsection, the owner shall not be liable for the
20 motor vehicle or any damages to the motor vehicle once the tower
21 takes possession of the property;

22 i. Before a sale of personal property the occupant may pay the
23 amount necessary to satisfy the lien, and the reasonable expenses
24 incurred by the owner to redeem the personal property. Upon
25 receipt of this payment, the owner shall return the personal
26 property, and the owner shall have no liability to any person with
27 respect to the personal property;

28 ~~【i.】~~ j. A purchaser in good faith of the personal property sold to
29 satisfy a lien, as provided for in section 3 of this act, takes the
30 property free of any rights of persons against whom the lien is
31 valid, despite noncompliance by the owner with the requirements of
32 this section; and

33 ~~【j.】~~ k. The owner may satisfy his lien from the proceeds of the
34 sale, but shall deposit the balance, if any, in an interest-bearing
35 account with notice given to the occupant of the amount and place
36 of the deposit and of his right to secure the funds.

37 l. The owner's liability arising from the sale of personal
38 property under this section is limited to the net proceeds received
39 from the sale of that property. The owner shall not be liable for
40 identity theft or other harm resulting from the misuse of information
41 contained in documents or electronic storage media that are part of
42 the occupant's property sold or otherwise disposed of and of which
43 the owner did not have actual knowledge.

44 (cf: P.L.1983, c.136, s.5)

45
46 3. Section 6 of P.L.1983, c.136 (C.2A:44-192) is amended to
47 read as follows:

(cf: P.L.1983, c. 136, s. 6)

STATEMENT

The bill also permits, if rent and other charges related to the property are in default for 60 consecutive days, an owner of a self-service storage facility to tow property upon which a lien is claimed if the property is a motor vehicle or watercraft. The bill further provides that if a motor vehicle or watercraft is towed, the owner shall not be liable for the motor vehicle or watercraft or any

1 damages to the motor vehicle or water craft once the tower takes
2 possession of the property.

3 The bill also adds a provision to the act limiting the owner's
4 liability arising from the sale of personal property to the net
5 proceeds received from the sale of that property. The bill provides
6 that the owner would not be liable for identity theft or other harm
7 resulting from the misuse of information contained in documents or
8 electronic storage media that are part of the occupant's property
9 sold or otherwise disposed of if the owner did not have actual
10 knowledge of that information.

11 The bill also adds a provision to the act to provide that if a rental
12 agreement contains a provision placing a limit on the value of
13 property that may be stored in the occupant's space, the limit shall
14 be deemed to be the maximum value of the stored property,
15 provided that this provision is printed in bold type or underlined in
16 the rental agreement. Additionally, the bill provides that only an
17 occupant listed on the last known rental agreement, who is injured
18 by a violation of the act, may bring a civil action to recover
19 damages.