

# Senate Bill 862

Sponsored by Senator PROZANSKI (at the request of Self Storage Association)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Permits owner of self-service storage facility to advertise or publish notice of sale of personal property that is subject to lien once in newspaper of general circulation or on publicly accessible website that regularly advertises or offers personal property for auction or sale. Permits sale five days after date of advertisement or publication.

## A BILL FOR AN ACT

1  
2 Relating to sales of personal property subject to a lien by a self-service storage facility; amending  
3 ORS 87.691.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 87.691 is amended to read:

6 87.691. (1) After the time specified in the notice given under ORS 87.689 expires, if the owner  
7 determines, based on the owner's previous experience, that the personal property subject to the lien  
8 created by ORS 87.687 has a value of \$300 or less, the owner may dispose of the property at the  
9 owner's sole discretion.

10 (2) After the time specified in the notice given under ORS 87.689 expires, if the owner deter-  
11 mines, based on the owner's previous experience, that the personal property subject to the lien  
12 created by ORS 87.687 has a value of more than \$300, the owner shall cause an advertisement of the  
13 sale to be published once [*a week for two consecutive weeks*] in a newspaper of general circulation  
14 in the city or county in which the self-service storage facility is located **or posted on a publicly**  
15 **accessible website that regularly advertises or offers personal property for auction or sale.**  
16 [*If there is no newspaper of general circulation in the city or county, the advertisement must be posted*  
17 *in not fewer than six conspicuous places in the neighborhood in which the self-service storage facility*  
18 *is located.*] The advertisement must include:

19 (a) The address of the self-service storage facility, the number, if any, of the space where the  
20 personal property is located and the name of the occupant.

21 (b) The time, place and manner of the sale.

22 (3) The sale of the personal property may not take place earlier than [15] **five** days after the  
23 [*first*] advertisement[, *publication*] or posting concerning the sale. The sale must conform to the  
24 terms stated in the advertisement published or posted under this section.

25 (4) The owner may conduct the lien sale without obtaining a license and may offer the personal  
26 property for sale on a publicly accessible website that regularly offers personal property for auction  
27 or sale, but the owner shall complete the sale of the personal property at the self-service storage  
28 facility or at a suitable place closest to where the personal property is held or stored.

29 (5)(a) If the owner does not receive any bids at the public sale held under this section, the owner  
30 may dispose of the personal property in another manner at the owner's sole discretion. The owner

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 may satisfy the lien created by ORS 87.687 and reasonable expenses associated with the disposition  
 2 from the proceeds of the disposition but shall hold the balance, if any, for delivery on demand to the  
 3 occupant. If the occupant does not claim the balance of the proceeds within two years after the date  
 4 of the disposition, the owner shall presume the balance is abandoned and shall report and deliver  
 5 the balance to the State Treasurer as provided in ORS 98.352.

6 (b) The owner, an employee of the owner, an affiliate or relative of the owner or an associate  
 7 or relative of the employee may not acquire, directly or indirectly, property that is subject to dis-  
 8 posal under this section.

9 (6)(a) If personal property that is subject to the lien is a motor vehicle, watercraft or trailer, the  
 10 owner may have the personal property towed away from the self-service storage facility if:

11 (A) Rent and other charges for storing the personal property at the self-service storage facility  
 12 remain unpaid for 60 days or more; and

13 (B) The owner sends notice as provided in ORS 87.689.

14 (b) An owner is not liable for damage to personal property that a tower removes from the self-  
 15 service storage facility once the tower takes possession of the personal property.

16 (c) A tower has a lien on personal property the tower removes from the self-service storage fa-  
 17 cility for reasonable towing and storage charges as provided in ORS 98.812.

18 (7) Before a sale or other disposition of personal property under this section, the occupant may  
 19 pay the amount necessary to satisfy the lien and the reasonable expenses incurred under this section  
 20 and thereby redeem the personal property. Upon receiving payment, the owner shall return the  
 21 personal property, and thereafter the owner has no liability with respect to the personal property.

22 (8) After a sale under this section, the owner may satisfy the lien created by ORS 87.687 from  
 23 the proceeds of the sale, but shall hold the balance, if any, for delivery on demand to the occupant.  
 24 If the occupant does not claim the balance of the proceeds within two years after the date of sale,  
 25 the owner shall presume that the balance of the proceeds is abandoned and shall report and deliver  
 26 the balance to the State Treasurer as provided in ORS 98.352.

27 (9) A purchaser in good faith of the personal property sold to satisfy a lien created by ORS  
 28 87.687 takes the property free of any rights of persons against whom the lien was valid, even if the  
 29 owner does not comply with the requirements of this section and ORS 87.689.

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