

A-Engrossed
Senate Bill 433

Ordered by the Senate April 7
Including Senate Amendments dated April 7

Sponsored by Senators ANDERSON, PROZANSKI (Pre-session filed.)

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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Raises to \$1,000 the point at which a storage unit owner must put out an ad to sell property that is subject to a lien for unpaid rent. Lets the owner get rid of property worth less than that amount in any way the owner sees fit. (Flesch Readability Score: 65.9).

[Digest: Lets a person that runs a storage place sell items that are under a lien after putting a notice of the sale online. (Flesch Readability Score: 69.4).]

[Permits the owner of a self-service storage facility to advertise or publish a notice of sale of personal property that is subject to a lien once on a publicly accessible website that regularly advertises or offers personal property for auction or sale.]

Changes from \$300 to \$1,000 the threshold value above which an owner of a self-service storage facility must publish a notice of sale for personal property that is subject to a lien for unpaid rent, labor, materials or other services related to storing the personal property.

A BILL FOR AN ACT

1
2 Relating to a self-service storage facility's sales of personal property subject to a lien; 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~~] **\$1,000** or less, the owner may dispose of the property
9 at the 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~~] **\$1,000**, the owner shall cause an advertise-
13 ment of the sale to be published once a week for two consecutive weeks in a newspaper of general
14 circulation in the city or county in which the self-service storage facility is located. If there is no
15 newspaper of general circulation in the city or county, the advertisement must be posted in not
16 fewer than six conspicuous places in the neighborhood in which the self-service storage facility is
17 located. The advertisement must include:

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

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

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

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

5 (5)(a) If the owner does not receive any bids at the public sale held under this section, the owner
6 may dispose of the personal property in another manner at the owner's sole discretion. The owner
7 may satisfy the lien created by ORS 87.687 and reasonable expenses associated with the disposition
8 from the proceeds of the disposition but shall hold the balance, if any, for delivery on demand to the
9 occupant. If the occupant does not claim the balance of the proceeds within two years after the date
10 of the disposition, the owner shall presume the balance is abandoned and shall report and deliver
11 the balance to the State Treasurer as provided in ORS 98.352.

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

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

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

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

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

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

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

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

33 (9) A purchaser in good faith of the personal property sold to satisfy a lien created by ORS
34 87.687 takes the property free of any rights of persons against whom the lien was valid, even if the
35 owner does not comply with the requirements of this section and ORS 87.689.

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