

## SENATE AMENDMENTS TO SENATE BILL 433

By COMMITTEE ON LABOR AND BUSINESS

April 7

1 On page 1 of the printed bill, delete lines 5 through 29 and delete page 2 and insert:

2 “**SECTION 1.** ORS 87.691 is amended to read:

3 “87.691. (1) After the time specified in the notice given under ORS 87.689 expires, if the owner  
4 determines, based on the owner’s previous experience, that the personal property subject to the lien  
5 created by ORS 87.687 has a value of [~~\$300~~] **\$1,000** or less, the owner may dispose of the property  
6 at the owner’s sole discretion.

7 “(2) After the time specified in the notice given under ORS 87.689 expires, if the owner deter-  
8 mines, based on the owner’s previous experience, that the personal property subject to the lien  
9 created by ORS 87.687 has a value of more than [~~\$300~~] **\$1,000**, the owner shall cause an advertise-  
10 ment of the sale to be published once a week for two consecutive weeks in a newspaper of general  
11 circulation in the city or county in which the self-service storage facility is located. If there is no  
12 newspaper of general circulation in the city or county, the advertisement must be posted in not  
13 fewer than six conspicuous places in the neighborhood in which the self-service storage facility is  
14 located. The advertisement must include:

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

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

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

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

25 “(5)(a) If the owner does not receive any bids at the public sale held under this section, the  
26 owner may dispose of the personal property in another manner at the owner’s sole discretion. The  
27 owner may satisfy the lien created by ORS 87.687 and reasonable expenses associated with the dis-  
28 position from the proceeds of the disposition but shall hold the balance, if any, for delivery on de-  
29 mand to the occupant. If the occupant does not claim the balance of the proceeds within two years  
30 after the date of the disposition, the owner shall presume the balance is abandoned and shall report  
31 and deliver the balance to the State Treasurer as provided in ORS 98.352.

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

35 “(6)(a) If personal property that is subject to the lien is a motor vehicle, watercraft or trailer,

1 the owner may have the personal property towed away from the self-service storage facility if:  
2       “(A) Rent and other charges for storing the personal property at the self-service storage facility  
3 remain unpaid for 60 days or more; and  
4       “(B) The owner sends notice as provided in ORS 87.689.  
5       “(b) An owner is not liable for damage to personal property that a tower removes from the  
6 self-service storage facility once the tower takes possession of the personal property.  
7       “(c) A tower has a lien on personal property the tower removes from the self-service storage  
8 facility for reasonable towing and storage charges as provided in ORS 98.812.  
9       “(7) Before a sale or other disposition of personal property under this section, the occupant may  
10 pay the amount necessary to satisfy the lien and the reasonable expenses incurred under this section  
11 and thereby redeem the personal property. Upon receiving payment, the owner shall return the  
12 personal property, and thereafter the owner has no liability with respect to the personal property.  
13       “(8) After a sale under this section, the owner may satisfy the lien created by ORS 87.687 from  
14 the proceeds of the sale, but shall hold the balance, if any, for delivery on demand to the occupant.  
15 If the occupant does not claim the balance of the proceeds within two years after the date of sale,  
16 the owner shall presume that the balance of the proceeds is abandoned and shall report and deliver  
17 the balance to the State Treasurer as provided in ORS 98.352.  
18       “(9) A purchaser in good faith of the personal property sold to satisfy a lien created by ORS  
19 87.687 takes the property free of any rights of persons against whom the lien was valid, even if the  
20 owner does not comply with the requirements of this section and ORS 87.689.”.  
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