

Requested by Senator PROZANSKI

**PROPOSED AMENDMENTS TO
SENATE BILL 433**

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

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

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

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

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

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

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

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

12 “(5)(a) If the owner does not receive any bids at the public sale held under
13 this section, the owner may dispose of the personal property in another
14 manner at the owner’s sole discretion. The owner may satisfy the lien cre-
15 ated by ORS 87.687 and reasonable expenses associated with the disposition
16 from the proceeds of the disposition but shall hold the balance, if any, for
17 delivery on demand to the occupant. If the occupant does not claim the bal-
18 ance of the proceeds within two years after the date of the disposition, the
19 owner shall presume the balance is abandoned and shall report and deliver
20 the balance to the State Treasurer as provided in ORS 98.352.

21 “(b) The owner, an employee of the owner, an affiliate or relative of the
22 owner or an associate or relative of the employee may not acquire, directly
23 or indirectly, property that is subject to disposal under this section.

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

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

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

30 “(b) An owner is not liable for damage to personal property that a tower

1 removes from the self-service storage facility once the tower takes possession
2 of the personal property.

3 “(c) A tower has a lien on personal property the tower removes from the
4 self-service storage facility for reasonable towing and storage charges as
5 provided in ORS 98.812.

6 “(7) Before a sale or other disposition of personal property under this
7 section, the occupant may pay the amount necessary to satisfy the lien and
8 the reasonable expenses incurred under this section and thereby redeem the
9 personal property. Upon receiving payment, the owner shall return the per-
10 sonal property, and thereafter the owner has no liability with respect to the
11 personal property.

12 “(8) After a sale under this section, the owner may satisfy the lien created
13 by ORS 87.687 from the proceeds of the sale, but shall hold the balance, if
14 any, for delivery on demand to the occupant. If the occupant does not claim
15 the balance of the proceeds within two years after the date of sale, the owner
16 shall presume that the balance of the proceeds is abandoned and shall report
17 and deliver 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
19 lien created by ORS 87.687 takes the property free of any rights of persons
20 against whom the lien was valid, even if the owner does not comply with the
21 requirements of this section and ORS 87.689.”.

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