

**SENATE . . . . . No. 183**

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The Commonwealth of Massachusetts

PRESENTED BY:

***Michael O. Moore***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to improving notice requirements for self storage.

PETITION OF:

NAME:

*Michael O. Moore*

DISTRICT/ADDRESS:

*Second Worcester*

**SENATE . . . . . No. 183**

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By Mr. Michael O. Moore, a petition (accompanied by bill, Senate, No. 183) of Michael O. Moore for legislation to improve notice requirements for self storage. Economic Development and Emerging Technologies.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION

SEE

□ □ SENATE  
□ , NO. 161 OF 2011-2012.]

The Commonwealth of Massachusetts

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**In the Year Two Thousand Thirteen**  
\_\_\_\_\_

An Act relative to improving notice requirements for self storage.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 1 of Chapter 105A, as appearing in the 2010 Official Edition, is  
2 hereby amended by inserting the following six new definitions:-

3 “Abandoned leased space”, a leased space that the operator finds unlocked and empty or  
4 unlocked and containing personal property with a value less than \$750 in the operator’s opinion,  
5 or, a leased space, possession of and all rights to which and any personal property within which,  
6 have been surrendered to the operator by the occupant.

7 “Electronic mail”, an electronic message or an executable program or computer file that  
8 contains an image of a message transmitted between two or more computers or electronic  
9 terminals and includes electronic messages that are transmitted within or between computer  
10 networks from which an electronic delivery receipt is obtained.

11 "Electronic mail address", a destination, commonly expressed as a string of characters,  
12 consisting of a unique user name or mailbox (commonly referred to as the local part) and a  
13 reference to an Internet domain (commonly referred to as the domain part), whether or not  
14 displayed, to which an electronic mail message can be sent or delivered.

15 "Late fee", a reasonable fee or charge that is assessed by the operator for the failure of the  
16 occupant to pay rent when due.

17 "Vehicle", a motor vehicle, motorcycle, watercraft, trailer, semi-trailer, recreational  
18 vehicle, all-terrain or off road vehicle or any other titled vehicle.

19 "Verified mail", any method of mailing that is offered by the United States Postal Service  
20 or private document delivery method that provides evidence of mailing.

21 SECTION 2. Section 1 of Chapter 105A, as so appearing, is hereby amended, in line 21,  
22 by striking out after the word "merchandise", the word "motor", and after the word "vehicles",  
23 the word "watercraft".

24 SECTION 3. Section 1 of Chapter 105A, as so appearing, is hereby amended, in lines 25-  
25 27, by striking out everything after the words "Last known address" and inserting in place  
26 thereof, the following new words:- "the postal address or electronic mail address provided by the  
27 occupant in the rental agreement or the postal address or electronic mail address provided by the  
28 occupant in a subsequent written notice of a change of address."

29 SECTION 4. Section 3 of said Chapter 105A, as so appearing, is hereby amended, in line  
30 5, by inserting after the word "chapter.", the following words: "The lien attaches as of the date  
31 the occupant leases the space."

32 SECTION 5. Section 3 of said Chapter 105A, as so appearing, is hereby amended at the  
33 end thereof, by inserting the following subsections:- "(d) if the rental agreement contains a limit  
34 on the value of property stored in the lessee's storage space, the limit is deemed to be the  
35 maximum value of the property stored in that space and the maximum liability of the operator for  
36 any claim; and (e) that a late fee may be charged by the operator for each month that the  
37 occupant does not pay rent when due. The rental agreement shall state the date on which rent is  
38 due and the date on which the late fee accrues."

39 SECTION 6. Section 4, subsection 1, of said Chapter 105A , as so appearing, is hereby  
40 amended by inserting, in line 6, after the words "regular mail", the following words:- "or  
41 electronic mail"

42 SECTION 7. Section 4, subsection 2, of said Chapter 105A, as so appearing, is hereby  
43 amended by striking the subsection in its entirety and inserting, in place thereof, the following  
44 new subsection:-

45 (2) No sooner than fourteen days after default, the occupant and all other persons known  
46 to claim an interest in the personal property shall be notified by electronic mail or verified mail,  
47 sent to the last known address of any person to be notified, or by hand delivery of said  
48 notification. If the operator sends notice of a pending sale of property to the occupant's last  
49 known e-mail address and does not receive a response, return receipt, or delivery confirmation

50 from the same e-mail address, the operator must send notice of the sale to the occupant by  
51 verified mail to the occupant's last known postal address before proceeding with the sale.

52 SECTION 8. Section 4, subsection 4, of said Chapter 105A, as so appearing, is hereby  
53 amended by striking the subsection in its entirety and inserting, in place thereof, the following  
54 new subsection:-

55 “(4) After the expiration of the time given in the notification, an advertisement of the sale  
56 must be published once a week for two consecutive weeks in a newspaper of general circulation,  
57 a periodical that circulates weekly or more frequently in the county where the self-service  
58 storage facility is located, or by advertising the sale in any other commercially reasonable  
59 manner. The manner of advertisement is deemed commercially reasonable if at least three  
60 independent bidders attend the sale at the time and place advertised. The advertisement must  
61 include a description of the property, if known, the name of the person on whose account the  
62 property is being held, and the time and place of the sale. The sale must take place at least fifteen  
63 days after the first publication or public posting of the advertisement in a commercially  
64 reasonable manner.”

65 SECTION 9. Section 4, subsection 7, of Chapter 105A, as so appearing, is hereby  
66 amended by inserting in line 40, after the words “nearest suitable place”, the following new  
67 words:- “or on a publicly accessible website.”

68 SECTION 10. Section 4, subsection 10, of Chapter 105A, as so appearing, is hereby  
69 amended by inserting, in line 49, after the words “release the property”, the new words:- “for a  
70 period of ninety days after the date of sale, at which point, any balance becomes the property of  
71 the operator.”

72 SECTION 11. Section 4 of Chapter 105A, as so appearing, is hereby amended by  
73 inserting the following new section:-

74 “(13) If the personal property upon which the lien is claimed is a vehicle, and rent and  
75 other charges related to the property remain unpaid or unsatisfied for 60 days following the  
76 maturity of the obligation to pay rent, the lienor may have the vehicle towed. If the vehicle is  
77 towed as authorized in this subdivision, the lienor shall not be liable for the vehicle or any  
78 damages to the vehicle once the tower takes possession of the vehicle.”

79 SECTION 12. Section 5 of Chapter 105A, as so appearing, is hereby amended by  
80 inserting, in line 6, after the words “the contents therein”, the following new words:- “The  
81 operator may impose a reasonable late fee on the occupant for each month the occupant does not  
82 pay rent when due. For purposes of this section, a reasonable late fee may be computed as the  
83 greater of twenty dollars per month or twenty per cent of the amount of month-ly rent. Any late  
84 fee imposed by the operator pursuant to this section is in addition to any other remedy provided  
85 by law or contract.”

86 SECTION 13. Section 6 of Chapter 105A, as so appearing, is hereby amended by  
87 deleting, in line 2, the words “certified mail” and by inserting the following new words:-  
88 “verified mail or electronic mail.”

89 SECTION 14. Section 6 of Chapter 105A, as so appearing, is hereby amended by  
90 deleting, in line 6, the word “certified” and by inserting the new word:- “electronic”; and is  
91 further amended by inserting in line 8, after the words, “with postage paid”, the following new  
92 words:- “In the case of electronic mail, notices shall be deemed delivered when an electronic  
93 delivery receipt is obtained.

94 SECTION 15. Chapter 105A, as so appearing, is hereby amended by inserting the  
95 following new section at the end thereof:-

96 “Section 9. In the case of an abandoned leased space, the operator has the right to  
97 immediately take possession of the leased space and dispose of any personal property in the  
98 leased space by any means at the operator's discretion.”.