

2A:44-193

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2013 **CHAPTER:** 128

NJSA: 2A:44-193 (Permits electronic mail notification, and makes certain other revisions, regarding the "Self-Service Storage Facility Act.")

BILL NO: A3035 (Substituted for S2138)

SPONSOR(S) Mainor and others

DATE INTRODUCED: June 7, 2012

COMMITTEE: **ASSEMBLY:** Law and Public Safety

SENATE: Commerce

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** May 20, 2013

SENATE: May 13, 2013

DATE OF APPROVAL: August 9, 2013

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Third reprint enacted) Yes

A3035

SPONSOR'S STATEMENT (Begins on page 5 of introduced bill): Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes 6-21-12
12-20-12

LEGISLATIVE FISCAL ESTIMATE: No

S2138

SPONSOR'S STATEMENT: (Begins on page 5 introduced bill): Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

LAW/RWH

P.L.2013, CHAPTER 128, *approved August 9, 2013*
Assembly, No. 3035 (*Third Reprint*)

1 AN ACT concerning self-service storage facilities and amending
2 and supplementing² P.L.1983, c.136.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 2 of P.L.1983, c.136 (C.2A:44-188) is amended to
8 read as follows:

9 2. As used in this act:

10 "Electronic mail" means an electronic message or an executable
11 program or computer file that contains an image of a message that
12 is transmitted between two or more computers or electronic
13 terminals. The term includes electronic messages that are
14 transmitted within or between computer networks.

15 "Last known address" means that postal address or electronic
16 mailing address provided by the occupant in the latest rental
17 agreement, or the postal address or electronic mailing address
18 provided by the occupant in a subsequent written notice of a change
19 of address.

20 "Occupant" means a person, the person's sublessee, successor, or
21 assignee, entitled to the use of the storage space at a self-service
22 storage facility under a rental agreement, to the exclusion of others.

23 "Owner" means the proprietor, operator, lessor, or sublessor of a
24 self-service storage facility, the owner's agent, or any other person
25 authorized by the owner to manage the facility, or to receive rent
26 from an occupant under a rental agreement.

27 "Personal property" means movable property not affixed to land,
28 and includes, but is not limited to, goods, merchandise, and
29 household items.

30 "Rental agreement" means any written agreement or lease, that
31 establishes or modifies the terms, conditions, rules or any other
32 provisions concerning the use and occupancy of a self-service
33 storage facility.

34 "Self-service storage facility" means any real property designed
35 and used for the purpose of renting or leasing individual storage
36 space to occupants who are to have access for the purpose of storing
37 and removing personal property. No occupant shall use a self-
38 service storage facility for residential purposes. A self-service

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined **thus** is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly floor amendments adopted June 21, 2012.

²Senate SCM committee amendments adopted December 17, 2012.

³Senate floor amendments adopted December 20, 2012.

1 storage facility is not a warehouse as used in chapter 7 of Title 12A
2 of the New Jersey Statutes.

3 "Verified mail" means any method of mailing that is offered by
4 the United States Postal Service or private delivery service that
5 provides evidence of mailing.

6 (cf: P.L.1983, c.136, s.2)

7

8 2. Section 5 of P.L.1983, c.136 (C.2A:44-191) is amended to
9 read as follows:

10 5. An owner's lien for a claim which is more than 30 days
11 overdue may be satisfied as follows:

12 a. The occupant **【and the Division of Taxation in the**
13 **Department of the Treasury】** shall be notified;

14 b. The notice shall be delivered in person or sent by **【certified】**
15 verified mail or electronic mail to the last known address of the
16 occupant;

17 c. The notice shall include:

18 (1) An itemized statement of the owner's claim showing the sum
19 due at the time of the notice and the date when the sum became due;

20 (2) A brief and general description of the personal property
21 subject to the lien. The description shall be reasonably adequate to
22 permit the person notified to identify it, except that any container
23 including, but not limited to a trunk, valise, or box that is locked,
24 fastened, sealed, or tied in a manner which deters immediate access
25 to its contents may be described without listing its contents;

26 (3) A notice of denial of access to the personal property, if this
27 denial is permitted under the terms of the rental agreement, which
28 provides the name, street address, and telephone number of the
29 owner, or the owner's designated agent, whom the occupant may
30 contact to respond to this notice;

31 (4) A demand for payment within a specified time not less than
32 14 days after delivery of the notice; and

33 (5) A conspicuous statement that unless the claim is paid within
34 the time stated in the notice, the personal property will be
35 advertised for sale. The notice shall specify time and place of the
36 sale;

37 d. Any notice made pursuant to this section shall be presumed
38 delivered when it is deposited with the United States Postal Service
39 or private delivery service, and properly addressed with postage
40 prepaid or sent by electronic mail to the occupant's last known
41 address¹; if the owner sends notice²【of a sale of property】² to the
42 occupant's last known e-mail address and does not receive²【a
43 response, return receipt, or delivery confirmation from the same e-mail
44 address】 an electronic receipt that establishes delivery of the notice
45 to the occupant's e-mail address², the²【owner shall send】² notice
46 ²【of the sale】 shall be presumed delivered when it is sent² to the
47 occupant by²【first-class mail, along with a certificate of mailing.】

1 verified mail² to the occupant's last known address ²[before
2 proceeding with the sale¹]²;

3 e. After the expiration of the time given in the notice, an
4 advertisement of the sale shall be published once a week for two
5 consecutive weeks in a newspaper of general circulation where the
6 self-service storage facility is located. The advertisement shall
7 include:

8 (1) A brief and general description of the personal property
9 reasonably adequate to permit its identification as provided for in
10 subsection c. (2) of this section;

11 (2) The address of the self-service storage facility and the
12 number, if any, of the space where the personal property is located
13 and the name of the occupant; and

14 (3) The time, place, and manner of the sale. The sale shall take
15 place not sooner than 15 days after the final publication. If there is
16 no newspaper of general circulation where the self-service storage
17 facility is located, the advertisement shall be posted at least 10 days
18 before the date of sale in not less than six conspicuous places in the
19 neighborhood where the self-service storage facility is located;

20 f. A sale of the personal property shall conform to the terms of
21 the notification;

22 g. A sale of the personal property shall be public and shall be
23 held at the self-service storage facility, or at the nearest suitable
24 place to where the personal property is held or stored;

25 h. ²[If] Notwithstanding any law, rule or regulation to the
26 contrary, if² the property upon which the lien is claimed is a motor
27 vehicle or watercraft and rent and other charges related to the
28 property are in default for 60 consecutive days, the owner may have
29 the property towed. If a motor vehicle or watercraft is towed as
30 authorized in this subsection, the owner shall ²: (1) send, by verified
31 or electronic mail to the occupant's last known address, the name,
32 address, and telephone number of the towing company that will
33 perform the towing and the street address of the storage facility
34 where the towed property can be redeemed; and (2)² not be liable
35 for the motor vehicle ³or watercraft³ or any damages to the motor
36 vehicle ³or watercraft³ once the tower takes possession of the
37 property;

38 i. Before a sale of personal property the occupant may pay the
39 amount necessary to satisfy the lien, and the reasonable expenses
40 incurred by the owner to redeem the personal property. Upon
41 receipt of this payment, the owner shall return the personal
42 property, and the owner shall have no liability to any person with
43 respect to the personal property;

44 [i.] j. A purchaser in good faith of the personal property sold to
45 satisfy a lien, as provided for in section 3 of this act, takes the
46 property free of any rights of persons against whom the lien is

1 valid, despite noncompliance by the owner with the requirements of
2 this section; and

3 **l.** ~~k.~~ The owner may satisfy his lien from the proceeds of the
4 sale, but shall deposit the balance, if any, in an interest-bearing
5 account with notice given to the occupant of the amount and place
6 of the deposit and of his right to secure the funds.

7 ¹1. The owner's liability arising from the sale of personal
8 property under this section is limited to the net proceeds received
9 from the sale of that property. The owner shall not be liable for
10 identity theft or other harm resulting from the misuse of information
11 contained in documents or electronic storage media that are part of
12 the occupant's property sold or otherwise disposed of and of which
13 the owner did not have actual knowledge.¹

14 (cf: P.L.1983, c.136, s.5)

15

16 ²**3.**Section 6 of P.L.1983, c.136 (C.2A:44-192) is amended to
17 read as follows:

18 6. a. All rental agreements entered into before, and not
19 extended or renewed after, the enactment of this act, shall remain
20 valid, and may be enforced or terminated in accordance with their
21 terms or as permitted by any other law of this State.

22 b. If the rental agreement contains a provision placing a limit
23 on the value of property that may be stored in the occupant's space,
24 this limit shall be deemed to be the maximum value of the stored
25 property, provided that the provision is printed in bold type or
26 underlined in the rental agreement. In addition to the remedies
27 otherwise provided by law, only an occupant listed on the last
28 known rental agreement injured by a violation of this act may bring
29 a civil action to recover damages.

30 (cf: P.L.1983, c. 136, s. 6)²

31

32 ²**3.** (New section) a. If a rental agreement entered into pursuant
33 to the "Self-Service Storage Facility Act," P.L.1983, c.136
34 (C.2A:44-187 et seq.) contains a provision placing a limit on the
35 value of property that may be stored in the occupant's space, this
36 limit shall be deemed to be the maximum value of the stored
37 property, provided that the provision is printed in bold type or
38 underlined in the rental agreement.

39 b. In addition to the remedies otherwise provided by law, only
40 an occupant listed on the last known rental agreement injured by a
41 violation of the "Self-Service Storage Facility Act," P.L.1983,
42 c.136 (C.2A:44-187 et seq.) may bring a civil action to recover
43 damages.²

44

45 4. This act shall take effect immediately.

1

2

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4

Permits electronic mail notification, and makes certain other
revisions, regarding the “Self-Service Storage Facility Act.”

ASSEMBLY, No. 3035

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED JUNE 7, 2012

Sponsored by:

Assemblyman CHARLES MAINOR

District 31 (Hudson)

Assemblyman SEAN T. KEAN

District 30 (Monmouth and Ocean)

SYNOPSIS

Permits electronic mail notification, and makes certain other revisions, regarding the “Self-Service Storage Facility Act.”

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning self-service storage facilities and amending
2 P.L.1983, c.136.

3

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5 of New Jersey:

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8 read as follows:

9 2. As used in this act:

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11 program or computer file that contains an image of a message that
12 is transmitted between two or more computers or electronic
13 terminals. The term includes electronic messages that are
14 transmitted within or between computer networks.

15 "Last known address" means that postal address or electronic
16 mailing address provided by the occupant in the latest rental
17 agreement, or the postal address or electronic mailing address
18 provided by the occupant in a subsequent written notice of a change
19 of address.

20 "Occupant" means a person, the person's sublessee, successor, or
21 assignee, entitled to the use of the storage space at a self-service
22 storage facility under a rental agreement, to the exclusion of others.

23 "Owner" means the proprietor, operator, lessor, or sublessor of a
24 self-service storage facility, the owner's agent, or any other person
25 authorized by the owner to manage the facility, or to receive rent
26 from an occupant under a rental agreement.

27 "Personal property" means movable property not affixed to land,
28 and includes, but is not limited to, goods, merchandise, and
29 household items.

30 "Rental agreement" means any written agreement or lease, that
31 establishes or modifies the terms, conditions, rules or any other
32 provisions concerning the use and occupancy of a self-service
33 storage facility.

34 "Self-service storage facility" means any real property designed
35 and used for the purpose of renting or leasing individual storage
36 space to occupants who are to have access for the purpose of storing
37 and removing personal property. No occupant shall use a self-
38 service storage facility for residential purposes. A self-service
39 storage facility is not a warehouse as used in chapter 7 of Title 12A
40 of the New Jersey Statutes.

41 "Verified mail" means any method of mailing that is offered by
42 the United States Postal Service or private delivery service that
43 provides evidence of mailing.

44 (cf: P.L.1983, c.136, s.2)

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 2. Section 5 of P.L.1983, c.136 (C.2A:44-191) is amended to
2 read as follows:
- 3 5. An owner's lien for a claim which is more than 30 days
4 overdue may be satisfied as follows:
- 5 a. The occupant [and the Division of Taxation in the Department
6 of the Treasury] shall be notified;
- 7 b. The notice shall be delivered in person or sent by [certified]
8 verified mail or electronic mail to the last known address of the
9 occupant;
- 10 c. The notice shall include:
- 11 (1) An itemized statement of the owner's claim showing the sum
12 due at the time of the notice and the date when the sum became due;
- 13 (2) A brief and general description of the personal property
14 subject to the lien. The description shall be reasonably adequate to
15 permit the person notified to identify it, except that any container
16 including, but not limited to a trunk, valise, or box that is locked,
17 fastened, sealed, or tied in a manner which deters immediate access
18 to its contents may be described without listing its contents;
- 19 (3) A notice of denial of access to the personal property, if this
20 denial is permitted under the terms of the rental agreement, which
21 provides the name, street address, and telephone number of the
22 owner, or the owner's designated agent, whom the occupant may
23 contact to respond to this notice;
- 24 (4) A demand for payment within a specified time not less than
25 14 days after delivery of the notice; and
- 26 (5) A conspicuous statement that unless the claim is paid within
27 the time stated in the notice, the personal property will be
28 advertised for sale. The notice shall specify time and place of the
29 sale;
- 30 d. Any notice made pursuant to this section shall be presumed
31 delivered when it is deposited with the United States Postal Service
32 or private delivery service, and properly addressed with postage
33 prepaid or sent by electronic mail to the occupant's last known
34 address;
- 35 e. After the expiration of the time given in the notice, an
36 advertisement of the sale shall be published once a week for two
37 consecutive weeks in a newspaper of general circulation where the
38 self-service storage facility is located. The advertisement shall
39 include:
- 40 (1) A brief and general description of the personal property
41 reasonably adequate to permit its identification as provided for in
42 subsection c. (2) of this section;
- 43 (2) The address of the self-service storage facility and the
44 number, if any, of the space where the personal property is located
45 and the name of the occupant; and
- 46 (3) The time, place, and manner of the sale. The sale shall take
47 place not sooner than 15 days after the final publication. If there is
48 no newspaper of general circulation where the self-service storage

1 facility is located, the advertisement shall be posted at least 10 days
2 before the date of sale in not less than six conspicuous places in the
3 neighborhood where the self-service storage facility is located;

4 f. A sale of the personal property shall conform to the terms of
5 the notification;

6 g. A sale of the personal property shall be public and shall be
7 held at the self-service storage facility, or at the nearest suitable
8 place to where the personal property is held or stored;

9 h. If the property upon which the lien is claimed is a motor
10 vehicle or watercraft and rent and other charges related to the
11 property are in default for 60 consecutive days, the owner may have
12 the property towed. If a motor vehicle or watercraft is towed as
13 authorized in this subsection, the owner shall not be liable for the
14 motor vehicle or any damages to the motor vehicle once the tower
15 takes possession of the property;

16 i. Before a sale of personal property the occupant may pay the
17 amount necessary to satisfy the lien, and the reasonable expenses
18 incurred by the owner to redeem the personal property. Upon
19 receipt of this payment, the owner shall return the personal
20 property, and the owner shall have no liability to any person with
21 respect to the personal property;

22 [i.] j. A purchaser in good faith of the personal property sold to
23 satisfy a lien, as provided for in section 3 of this act, takes the
24 property free of any rights of persons against whom the lien is
25 valid, despite noncompliance by the owner with the requirements of
26 this section; and

27 [j.] k. The owner may satisfy his lien from the proceeds of the
28 sale, but shall deposit the balance, if any, in an interest-bearing
29 account with notice given to the occupant of the amount and place
30 of the deposit and of his right to secure the funds.

31 (cf: P.L.1983, c.136, s.5)

32

33 3. Section 6 of P.L.1983, c.136 (C.2A:44-192) is amended to
34 read as follows:

35 6. a. All rental agreements entered into before, and not extended
36 or renewed after, the enactment of this act, shall remain valid, and
37 may be enforced or terminated in accordance with their terms or as
38 permitted by any other law of this State.

39 b. If the rental agreement contains a provision placing a limit on
40 the value of property that may be stored in the occupant's space, this
41 limit shall be deemed to be the maximum value of the stored
42 property, provided that the provision is printed in bold type or
43 underlined in the rental agreement. In addition to the remedies
44 otherwise provided by law, only an occupant listed on the last
45 known rental agreement injured by a violation of this act may bring
46 a civil action to recover damages.

47 (cf: P.L.1983, c. 136, s. 6)

1 4. This act shall take effect immediately.

2

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4

STATEMENT

5

6 This bill revises the “Self-Service Storage Facility Act,”
7 P.L.1983, c.136 (C.2A:44-187 et seq.) (the “Act”) to allow, in
8 certain circumstances, for electronic mail notification, notification
9 to be delivered by a private delivery service, the towing of property
10 that is a motor vehicle or boat, and the limitation on the value of
11 property permitted in the occupant’s space.

12 The bill provides that the notice required in the Act, in order for
13 an owner's lien for a claim which is more than 30 days overdue to
14 be satisfied, is not required to be sent to the Division of Taxation in
15 the Department of the Treasury. The bill also permits the notice to
16 be made by electronic mail or, in addition to certified mail, any
17 method of delivery, including by private delivery service, that
18 provides evidence of mailing.

19 The bill also provides that any notice made pursuant to the Act
20 shall be presumed delivered when it is deposited with the United
21 States Postal Service or private delivery service, and properly
22 addressed with postage prepaid or sent by electronic mail to the
23 occupant’s last known address.

24 The bill also permits an owner of a self-service storage facility to
25 tow property upon which a lien is claimed if the property is a motor
26 vehicle or watercraft and rent and other charges related to the
27 property are in default for 60 consecutive days. The bill further
28 provides that if a motor vehicle or watercraft is towed, the owner
29 shall not be liable for the motor vehicle or any damages to the
30 motor vehicle once the tower takes possession of the property.

31 The bill also adds a provision to the Act to provide that if a
32 rental agreement contains a provision placing a limit on the value of
33 property that may be stored in the occupant's space, the limit shall
34 be deemed to be the maximum value of the stored property,
35 provided that this provision is printed in bold type or underlined in
36 the rental agreement. Additionally, the bill provides that only an
37 occupant listed on the last known rental agreement, who is injured
38 by a violation of the Act, may bring a civil action to recover
39 damages.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3035

STATE OF NEW JERSEY

DATED: JUNE 7, 2012

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 3035.

This bill revises the “Self-Service Storage Facility Act,” P.L.1983, c.136 (C.2A:44-187 et seq.) to allow, in certain circumstances, for electronic mail notification, notification to be delivered by a private delivery service, the towing of property that is a motor vehicle or boat, and the limitation on the value of property permitted in the occupant’s space.

The bill provides that the notice required in the act, in order for an owner's lien for a claim which is more than 30 days overdue to be satisfied, is not required to be sent to the Division of Taxation in the Department of the Treasury. The bill also permits the notice to be made by electronic mail or, in addition to certified mail, any method of delivery, including by private delivery service, that provides evidence of mailing.

The bill also provides that any notice made pursuant to the act shall be presumed delivered when it is deposited with the United States Postal Service or private delivery service, and properly addressed with postage prepaid or sent by electronic mail to the occupant’s last known address.

The bill also permits an owner of a self-service storage facility to tow property upon which a lien is claimed if the property is a motor vehicle or watercraft and rent and other charges related to the property are in default for 60 consecutive days. The bill further provides that if a motor vehicle or watercraft is towed, the owner shall not be liable for the motor vehicle or watercraft or any damages to the motor vehicle or water craft once the tower takes possession of the property.

The bill also adds a provision to the act to provide that if a rental agreement contains a provision placing a limit on the value of property that may be stored in the occupant's space, the limit shall be deemed to be the maximum value of the stored property, provided that this provision is printed in bold type or underlined in the rental agreement. Additionally, the bill provides that only an occupant listed on the last known rental agreement, who is injured by a violation of the act, may bring a civil action to recover damages.

STATEMENT TO
ASSEMBLY, No. 3035

with Assembly Floor Amendments
(Proposed by Assemblyman MAINOR)

ADOPTED: JUNE 21, 2012

Assembly Bill No. 3035 revises the “Self-Service Storage Facility Act,” P.L.1983, c.136 (C.2A:44-187 et seq.) to allow, in certain circumstances, for electronic mail notification of a possible sale of the personal property of an occupant of a storage facility to satisfy a lien by the owner of the storage facility for unpaid rent.

Under the bill’s provisions, notice that the owner of a self-service storage facility intends to sell the personal property of an occupant to satisfy a claim which is more than 30 days overdue may be sent by electronic mail to the occupant’s last known address. Under these Assembly amendments, if the facility does not receive a response, a return receipt, or delivery confirmation from that same e-mail address, the owner is required to send notice of the sale to the occupant by first-class mail, along with a certificate of mailing, to the occupant’s last known address before proceeding with the sale.

The Assembly amendments also add a provision to the bill limiting the owner's liability arising from the sale of personal property to the net proceeds received from the sale of that property. Under these amendments, the owner would not be liable for identity theft or other harm resulting from the misuse of information contained in documents or electronic storage media that are part of the occupant's property sold or otherwise disposed of if the owner did not have actual knowledge of that information.

SENATE COMMERCE COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3035

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 17, 2012

The Senate Commerce Committee reports favorably and with committee amendments Assembly Bill No. 3035 (1R).

This bill, as amended, revises the “Self-Service Storage Facility Act,” P.L.1983, c.136 (C.2A:44-187 et seq.) (the “act”) to allow, in certain circumstances, for electronic mail notification, notification to be delivered by a private delivery service, the towing of property that is a motor vehicle or boat, and the limitation on the value of property permitted in the occupant’s space.

The bill provides that the notice required in the act, in order for an owner's lien for a claim which is more than 30 days overdue to be satisfied, is not required to be sent to the Division of Taxation in the Department of the Treasury. The bill also permits the notice to be made by electronic mail or, in addition to certified mail, any method of delivery, including by private delivery service, that provides evidence of mailing.

The bill also provides that any notice made pursuant to the act shall be presumed delivered when it is deposited with the United States Postal Service or private delivery service, and properly addressed with postage prepaid or sent by electronic mail to the occupant’s last known address. However, if the owner sends notice to the occupant’s last known e-mail address and does not receive an electronic receipt that establishes delivery of the notice to the occupant’s e-mail address, the notice is presumed to be delivered when it is sent to the occupant by verified mail to the occupant’s last known address.

The bill also permits an owner of a self-service storage facility to tow property upon which a lien is claimed if the property is a motor vehicle or watercraft and rent and other charges related to the property are in default for 60 consecutive days. The bill requires the owner to send, by verified or electronic mail to the occupant’s last known address, the name, address, and telephone number of the towing company that will perform the towing and the street address of the storage facility where the towed property can be redeemed. The bill further provides that if a motor vehicle or watercraft is towed, the

owner shall not be liable for the motor vehicle or any damages to the motor vehicle once the tower takes possession of the property.

The bill also adds a provision to the act to provide that if a rental agreement contains a provision placing a limit on the value of property that may be stored in the occupant's space, the limit shall be deemed to be the maximum value of the stored property, provided that this provision is printed in bold type or underlined in the rental agreement. Additionally, the bill provides that only an occupant listed on the last known rental agreement, who is injured by a violation of the act, may bring a civil action to recover damages.

This bill, as amended, is identical to Senate Bill No. 2138 (1R), which was also reported favorably by the Senate Commerce Committee on December 17, 2012.

Committee Amendments:

The committee amendments:

- provide that, if the owner of a storage facility sends certain notice required by the act to the occupant's last known e-mail address and does not receive an electronic receipt that establishes delivery of the notice to the occupant's e-mail address, the notice is presumed delivered when it is sent to the occupant by verified mail to the occupant's last known address;
- require the owner of a storage facility who has an occupant's vehicle or watercraft towed to send, by verified or electronic mail to the occupant's last known address, the name, address, and telephone number of the towing company that will perform the towing and the street address of the storage facility where the towed property can be redeemed; and
- make certain technical corrections to the bill.

STATEMENT TO
[Second Reprint]
ASSEMBLY, No. 3035

with Senate Floor Amendments
(Proposed by Senator BEACH)

ADOPTED: DECEMBER 20, 2012

These Senate Amendments clarify that the owner of a self-service storage facility, when having a watercraft towed as authorized in the bill, is not liable for the watercraft or damages to the watercraft once the tower takes possession of the property.

SENATE, No. 2138

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED JULY 26, 2012

Sponsored by:

Senator JAMES BEACH

District 6 (Burlington and Camden)

Senator ANTHONY R. BUCCO

District 25 (Morris and Somerset)

SYNOPSIS

Permits electronic mail notification, and makes certain other revisions, regarding the “Self-Service Storage Facility Act.”

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/2/2012)

1 AN ACT concerning self-service storage facilities and amending
2 P.L.1983, c.136.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 2 of P.L.1983, c.136 (C.2A:44-188) is amended to
8 read as follows:

9 2. As used in this act:

10 "Electronic mail" means an electronic message or an executable
11 program or computer file that contains an image of a message that
12 is transmitted between two or more computers or electronic
13 terminals. The term includes electronic messages that are
14 transmitted within or between computer networks.

15 "Last known address" means that postal address or electronic
16 mailing address provided by the occupant in the latest rental
17 agreement, or the postal address or electronic mailing address
18 provided by the occupant in a subsequent written notice of a change
19 of address.

20 "Occupant" means a person, the person's sublessee, successor, or
21 assignee, entitled to the use of the storage space at a self-service
22 storage facility under a rental agreement, to the exclusion of others.

23 "Owner" means the proprietor, operator, lessor, or sublessor of a
24 self-service storage facility, the owner's agent, or any other person
25 authorized by the owner to manage the facility, or to receive rent
26 from an occupant under a rental agreement.

27 "Personal property" means movable property not affixed to land,
28 and includes, but is not limited to, goods, merchandise, and
29 household items.

30 "Rental agreement" means any written agreement or lease, that
31 establishes or modifies the terms, conditions, rules or any other
32 provisions concerning the use and occupancy of a self-service
33 storage facility.

34 "Self-service storage facility" means any real property designed
35 and used for the purpose of renting or leasing individual storage
36 space to occupants who are to have access for the purpose of storing
37 and removing personal property. No occupant shall use a self-
38 service storage facility for residential purposes. A self-service
39 storage facility is not a warehouse as used in chapter 7 of Title 12A
40 of the New Jersey Statutes.

41 "Verified mail" means any method of mailing that is offered by
42 the United States Postal Service or private delivery service that
43 provides evidence of mailing.

44 (cf: P.L.1983, c.136, s.2)

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 2. Section 5 of P.L.1983, c.136 (C.2A:44-191) is amended to
2 read as follows:
- 3 5. An owner's lien for a claim which is more than 30 days
4 overdue may be satisfied as follows:
- 5 a. The occupant [and the Division of Taxation in the
6 Department of the Treasury] shall be notified;
- 7 b. The notice shall be delivered in person or sent by [certified]
8 verified mail or electronic mail to the last known address of the
9 occupant;
- 10 c. The notice shall include:
- 11 (1) An itemized statement of the owner's claim showing the sum
12 due at the time of the notice and the date when the sum became due;
- 13 (2) A brief and general description of the personal property
14 subject to the lien. The description shall be reasonably adequate to
15 permit the person notified to identify it, except that any container
16 including, but not limited to a trunk, valise, or box that is locked,
17 fastened, sealed, or tied in a manner which deters immediate access
18 to its contents may be described without listing its contents;
- 19 (3) A notice of denial of access to the personal property, if this
20 denial is permitted under the terms of the rental agreement, which
21 provides the name, street address, and telephone number of the
22 owner, or the owner's designated agent, whom the occupant may
23 contact to respond to this notice;
- 24 (4) A demand for payment within a specified time not less than
25 14 days after delivery of the notice; and
- 26 (5) A conspicuous statement that unless the claim is paid within
27 the time stated in the notice, the personal property will be
28 advertised for sale. The notice shall specify time and place of the
29 sale;
- 30 d. Any notice made pursuant to this section shall be presumed
31 delivered when it is deposited with the United States Postal Service
32 or private delivery service, and properly addressed with postage
33 prepaid or sent by electronic mail to the occupant's last known
34 address; if the owner sends notice of a sale of property to the
35 occupant's last known e-mail address and does not receive a response,
36 return receipt, or delivery confirmation from the same e-mail address,
37 the owner shall send notice of the sale to the occupant by first-class
38 mail, along with a certificate of mailing, to the occupant's last known
39 address before proceeding with the sale;
- 40 e. After the expiration of the time given in the notice, an
41 advertisement of the sale shall be published once a week for two
42 consecutive weeks in a newspaper of general circulation where the
43 self-service storage facility is located. The advertisement shall
44 include:
- 45 (1) A brief and general description of the personal property
46 reasonably adequate to permit its identification as provided for in
47 subsection c. (2) of this section;

- 1 (2) The address of the self-service storage facility and the
2 number, if any, of the space where the personal property is located
3 and the name of the occupant; and
- 4 (3) The time, place, and manner of the sale. The sale shall take
5 place not sooner than 15 days after the final publication. If there is
6 no newspaper of general circulation where the self-service storage
7 facility is located, the advertisement shall be posted at least 10 days
8 before the date of sale in not less than six conspicuous places in the
9 neighborhood where the self-service storage facility is located;
- 10 f. A sale of the personal property shall conform to the terms of
11 the notification;
- 12 g. A sale of the personal property shall be public and shall be
13 held at the self-service storage facility, or at the nearest suitable
14 place to where the personal property is held or stored;
- 15 h. If the property upon which the lien is claimed is a motor
16 vehicle or watercraft and rent and other charges related to the
17 property are in default for 60 consecutive days, the owner may have
18 the property towed. If a motor vehicle or watercraft is towed as
19 authorized in this subsection, the owner shall not be liable for the
20 motor vehicle or any damages to the motor vehicle once the tower
21 takes possession of the property;
- 22 i. Before a sale of personal property the occupant may pay the
23 amount necessary to satisfy the lien, and the reasonable expenses
24 incurred by the owner to redeem the personal property. Upon
25 receipt of this payment, the owner shall return the personal
26 property, and the owner shall have no liability to any person with
27 respect to the personal property;
- 28 ~~[i.]~~ j. A purchaser in good faith of the personal property sold to
29 satisfy a lien, as provided for in section 3 of this act, takes the
30 property free of any rights of persons against whom the lien is
31 valid, despite noncompliance by the owner with the requirements of
32 this section; and
- 33 ~~[j.]~~ k. The owner may satisfy his lien from the proceeds of the
34 sale, but shall deposit the balance, if any, in an interest-bearing
35 account with notice given to the occupant of the amount and place
36 of the deposit and of his right to secure the funds.
- 37 l. The owner's liability arising from the sale of personal
38 property under this section is limited to the net proceeds received
39 from the sale of that property. The owner shall not be liable for
40 identity theft or other harm resulting from the misuse of information
41 contained in documents or electronic storage media that are part of
42 the occupant's property sold or otherwise disposed of and of which
43 the owner did not have actual knowledge.
- 44 (cf: P.L.1983, c.136, s.5)
- 45
- 46 3. Section 6 of P.L.1983, c.136 (C.2A:44-192) is amended to
47 read as follows:

1 6. a. All rental agreements entered into before, and not
2 extended or renewed after, the enactment of this act, shall remain
3 valid, and may be enforced or terminated in accordance with their
4 terms or as permitted by any other law of this State.

5 b. If the rental agreement contains a provision placing a limit
6 on the value of property that may be stored in the occupant's space,
7 this limit shall be deemed to be the maximum value of the stored
8 property, provided that the provision is printed in bold type or
9 underlined in the rental agreement. In addition to the remedies
10 otherwise provided by law, only an occupant listed on the last
11 known rental agreement injured by a violation of this act may bring
12 a civil action to recover damages.

13 (cf: P.L.1983, c. 136, s. 6)

14

15 4. This act shall take effect immediately.

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STATEMENT

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20 This bill revises the “Self-Service Storage Facility Act,”
21 P.L.1983, c.136 (C.2A:44-187 et seq.) to allow, in certain
22 circumstances, for electronic mail notification of a possible sale of
23 the personal property of an occupant of a storage facility to satisfy a
24 lien by the owner of the storage facility for unpaid rent and makes
25 certain other revisions to the act.

26 The bill provides that the notice required in the act, in order for
27 an owner's lien for a claim which is more than 30 days overdue to
28 be satisfied, is not required to be sent to the Division of Taxation in
29 the Department of the Treasury. The bill also permits the notice to
30 be made by electronic mail or, in addition to certified mail, any
31 method of delivery, including by private delivery service, that
32 provides evidence of mailing.

33 The bill also provides that any notice made pursuant to the act
34 shall be presumed delivered when it is deposited with the United
35 States Postal Service or private delivery service, and properly
36 addressed with postage prepaid or sent by electronic mail to the
37 occupant's last known address. If notice is sent by electronic mail,
38 and the owner does not receive a response, a return receipt, or
39 delivery confirmation from that same e-mail address, the owner is
40 required to send notice of the sale to the occupant by first-class mail,
41 along with a certificate of mailing, to the occupant's last known
42 address before proceeding with the sale.

43 The bill also permits, if rent and other charges related to the
44 property are in default for 60 consecutive days, an owner of a self-
45 service storage facility to tow property upon which a lien is claimed
46 if the property is a motor vehicle or watercraft. The bill further
47 provides that if a motor vehicle or watercraft is towed, the owner
48 shall not be liable for the motor vehicle or watercraft or any

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1 damages to the motor vehicle or water craft once the tower takes
2 possession of the property.

3 The bill also adds a provision to the act limiting the owner's
4 liability arising from the sale of personal property to the net
5 proceeds received from the sale of that property. The bill provides
6 that the owner would not be liable for identity theft or other harm
7 resulting from the misuse of information contained in documents or
8 electronic storage media that are part of the occupant's property
9 sold or otherwise disposed of if the owner did not have actual
10 knowledge of that information.

11 The bill also adds a provision to the act to provide that if a rental
12 agreement contains a provision placing a limit on the value of
13 property that may be stored in the occupant's space, the limit shall
14 be deemed to be the maximum value of the stored property,
15 provided that this provision is printed in bold type or underlined in
16 the rental agreement. Additionally, the bill provides that only an
17 occupant listed on the last known rental agreement, who is injured
18 by a violation of the act, may bring a civil action to recover
19 damages.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 2138

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 17, 2012

The Senate Commerce Committee reports favorably and with committee amendments Senate Bill No. 2138.

This bill, as amended, revises the “Self-Service Storage Facility Act,” P.L.1983, c.136 (C.2A:44-187 et seq.) (the “act”) to allow, in certain circumstances, for electronic mail notification, notification to be delivered by a private delivery service, the towing of property that is a motor vehicle or boat, and the limitation on the value of property permitted in the occupant’s space.

The bill provides that the notice required in the act, in order for an owner's lien for a claim which is more than 30 days overdue to be satisfied, is not required to be sent to the Division of Taxation in the Department of the Treasury. The bill also permits the notice to be made by electronic mail or, in addition to certified mail, any method of delivery, including by private delivery service, that provides evidence of mailing.

The bill also provides that any notice made pursuant to the act shall be presumed delivered when it is deposited with the United States Postal Service or private delivery service, and properly addressed with postage prepaid or sent by electronic mail to the occupant’s last known address. However, if the owner sends notice to the occupant’s last known e-mail address and does not receive an electronic receipt that establishes delivery of the notice to the occupant’s e-mail address, the notice is presumed to be delivered when it is sent to the occupant by verified mail to the occupant’s last known address.

The bill also permits an owner of a self-service storage facility to tow property upon which a lien is claimed if the property is a motor vehicle or watercraft and rent and other charges related to the property are in default for 60 consecutive days. The bill requires the owner to send, by verified or electronic mail to the occupant’s last known address, the name, address, and telephone number of the towing company that will perform the towing and the street address of the storage facility where the towed property can be redeemed. The bill further provides that if a motor vehicle or watercraft is towed, the owner shall not be liable for the motor vehicle or any damages to the motor vehicle once the tower takes possession of the property.

The bill also adds a provision to the act to provide that if a rental agreement contains a provision placing a limit on the value of property that may be stored in the occupant's space, the limit shall be deemed to be the maximum value of the stored property, provided that this provision is printed in bold type or underlined in the rental agreement. Additionally, the bill provides that only an occupant listed on the last known rental agreement, who is injured by a violation of the act, may bring a civil action to recover damages.

This bill, as amended, is identical to Assembly Bill No. 3035 (2R), which was also reported favorably by the Senate Commerce Committee on December 17, 2012.

Committee Amendments:

The committee amendments:

- provide that, if the owner of a storage facility sends certain notice required by the act to the occupant's last known e-mail address and does not receive an electronic receipt that establishes delivery of the notice to the occupant's e-mail address, the notice is presumed delivered when it is sent to the occupant by verified mail to the occupant's last known address;
- require the owner of a storage facility who has an occupant's vehicle or watercraft towed to send, by verified or electronic mail to the occupant's last known address, the name, address, and telephone number of the towing company that will perform the towing and the street address of the storage facility where the towed property can be redeemed; and
- make certain technical corrections to the bill.

STATEMENT TO
[First Reprint]
SENATE No. 2138

with Senate Floor Amendments
(Proposed by Senator BEACH)

ADOPTED: DECEMBER 20, 2012

These Senate Amendments clarify that the owner of a self-service storage facility, when having a watercraft towed as authorized in the bill, is not liable for the watercraft or damages to the watercraft once the tower takes possession of the property.