



Rep. Michael Halpin

Filed: 2/22/2022

10200HB4627ham001

LRB102 24546 LNS 36679 a

1 AMENDMENT TO HOUSE BILL 4627

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4627 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Self-Service Storage Facility Act is  
5 amended by changing Section 4 and by adding by adding Section 8  
6 as follows:

7 (770 ILCS 95/4) (from Ch. 114, par. 804)

8 Sec. 4. Enforcement of lien. An owner's lien as provided  
9 for in Section 3 of this Act for a claim which has become due  
10 may be satisfied as follows:

11 (A) The occupant and an alternative contact, if any, shall  
12 be notified.

13 (B) The notice shall be delivered:

14 (1) in person; or

15 (2) by verified mail or by electronic mail to the last  
16 known address of the occupant and to the alternative

1       contact, if any.

2       (C) The notice shall include:

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

6           (2) The name of the facility, address, telephone  
7       number, date, time, location, and manner of the lien sale,  
8       and the occupant's name and unit number;

9           (3) A notice of denial of access to the personal  
10       property, if such denial is permitted under the terms of  
11       the rental agreement, which provides the name, street  
12       address, and telephone number of the owner, or his  
13       designated agent, whom the occupant may contact to respond  
14       to this notice;

15           (3.5) Except as otherwise provided by a rental  
16       agreement and until a lien sale, the exclusive care,  
17       custody, and control of all personal property stored in  
18       the leased self-service storage space remains vested in  
19       the occupant. No bailment or higher level of liability is  
20       created if the owner over-locks the occupant's lock,  
21       thereby denying the occupant access to the storage space.  
22       Rent and other charges related to the lien continue to  
23       accrue during the period of time when access is denied  
24       because of non-payment;

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

1           (5) A conspicuous statement that unless the claim is  
2           paid within the time stated in the notice, the personal  
3           property will be advertised for sale or other disposition,  
4           and will be sold or otherwise disposed of at a specified  
5           time and place.

6           (D) Any notice made pursuant to this Section shall be  
7           presumed delivered when it is deposited with the United States  
8           Postal Service, and properly addressed with postage prepaid or  
9           sent by electronic mail and the owner receives a receipt of  
10          delivery to the occupant's last known address, except if the  
11          owner does not receive a receipt of delivery for the notice  
12          sent by electronic mail, the notice is presumed delivered when  
13          it is sent to the occupant by verified mail to the occupant's  
14          last known mailing address.

15          (E) After the expiration of the time given in the notice,  
16          an advertisement of the sale or other disposition shall be  
17          published once ~~a week for two consecutive weeks~~ in a newspaper  
18          of general circulation where the self-service storage facility  
19          is located or in any other commercially reasonable manner. The  
20          manner of advertisement shall be deemed commercially  
21          reasonable if at least 3 bidders who are unrelated to the owner  
22          attend or view the sale at the time and place advertised. The  
23          advertisement shall include:

24                 (1) The name of the facility, address, telephone  
25                 number, date, time, location, and manner of lien sale and  
26                 the occupant's name and unit number.

1 (2) (Blank).

2 (3) The sale or other disposition shall take place not  
3 sooner than 15 days after the first publication. If there  
4 is no newspaper of general circulation where the  
5 self-service storage facility is located, the  
6 advertisement shall be posted at least 10 days before the  
7 date of the sale or other disposition in not less than 6  
8 conspicuous places in the neighborhood where the  
9 self-service storage facility is located.

10 (E-5) After the expiration of the time given in the  
11 notice, the occupant and the alternative contact, if any,  
12 shall be notified of the sale or other disposition, which  
13 shall be delivered either (i) in person, or (ii) by verified  
14 mail or by electronic mail to the last known address of the  
15 occupant. The notice shall contain the information included in  
16 the advertisement pursuant to subsection (E).

17 (F) Any sale or other disposition of the personal property  
18 shall conform to the terms of the notification as provided for  
19 in this Section.

20 (G) Any sale or other disposition of the personal property  
21 shall be held at the self-service storage facility, or at the  
22 nearest suitable place to where the personal property is held  
23 or stored. A sale under this Section shall be deemed to be held  
24 at the self-service storage facility where the personal  
25 property is stored if the sale is held on a publicly accessible  
26 online website.

1 (G-5) If the property upon which the lien is claimed is a  
2 motor vehicle or watercraft and rent or other charges related  
3 to the property remain unpaid or unsatisfied for 60 days, the  
4 owner may have the property towed from the self-service  
5 storage facility. If a motor vehicle or watercraft is towed,  
6 the owner shall not be liable for any damage to the motor  
7 vehicle or watercraft, once the tower takes possession of the  
8 property. After the motor vehicle or watercraft is towed, the  
9 owner may pursue other collection options against the  
10 delinquent occupant for any outstanding debt. If the owner  
11 chooses to sell a motor vehicle, aircraft, mobile home, moped,  
12 motorcycle, snowmobile, trailer, or watercraft, the owner  
13 shall contact the Secretary of State and any other  
14 governmental agency as reasonably necessary to determine the  
15 name and address of the title holder or lienholder of the item,  
16 and the owner shall notify every identified title holder or  
17 lienholder of the time and place of the proposed sale. The  
18 owner is required to notify the holder of a security interest  
19 only if the security interest is filed under the name of the  
20 person signing the rental agreement or an occupant. An owner  
21 who fails to make the lien searches required by this Section is  
22 liable only to valid lienholders injured by that failure as  
23 provided in Section 3.

24 (H) Before any sale or other disposition of personal  
25 property pursuant to this Section, the occupant may pay the  
26 amount necessary to satisfy the lien, and the reasonable

1 expenses incurred under this Section, and thereby redeem the  
2 personal property. Upon receipt of such payment, the owner  
3 shall return the personal property, and thereafter the owner  
4 shall have no liability to any person with respect to such  
5 personal property.

6 (I) A purchaser in good faith of the personal property  
7 sold to satisfy a lien, as provided for in Section 3 of this  
8 Act, takes the property free of any rights of persons against  
9 whom the lien was valid, despite noncompliance by the owner  
10 with the requirements of this Section.

11 (J) In the event of a sale under this Section, the owner  
12 may satisfy his lien from the proceeds of the sale, but shall  
13 hold the balance, if any, for delivery on demand to the  
14 occupant. If the occupant does not claim the balance of the  
15 proceeds within one year of the date of sale, it shall become  
16 the property of the owner without further recourse by the  
17 occupant.

18 (K) The lien on any personal property created by this Act  
19 shall be terminated as to any such personal property which is  
20 sold or otherwise disposed of pursuant to this Act and any such  
21 personal property which is removed from the self-service  
22 storage facility.

23 (L) If 3 or more bidders who are unrelated to the owner are  
24 in attendance at a sale held under this Section, the sale and  
25 its proceeds are deemed to be commercially reasonable.

26 (Source: P.A. 102-687, eff. 12-17-21.)

1 (770 ILCS 95/8 new)

2 Sec. 8. Alternative contact. The rental agreement shall  
3 include space for the occupant to designate an alternative  
4 contact to receive notices required by this Act. The failure  
5 or refusal of an occupant to designate an alternative contact  
6 shall not affect an occupant's or owner's rights or remedies  
7 under this Act or any other provision of law. The alternative  
8 contact, if any, shall not have any rights to access the  
9 storage space or to the personal property stored in the  
10 storage space unless expressly stated otherwise in the rental  
11 agreement."