

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Self-Service Storage Facility Act is amended
5 by changing Sections 2 and 4 and by adding Sections 7.5 and
6 7.10 as follows:

7 (770 ILCS 95/2) (from Ch. 114, par. 802)

8 Sec. 2. Definitions. As used in this Act, unless the
9 context clearly requires otherwise:

10 (A) "Self-service storage facility" means any real
11 property designed and used for the purpose of renting or
12 leasing individual storage space to occupants who are to have
13 access to such for the purpose of storing and removing personal
14 property. A self-service storage facility is not a warehouse
15 for purposes of Article 7 of the Uniform Commercial Code. If an
16 owner issues any warehouse receipt, bill of lading, or other
17 document of title for the personal property stored, the
18 provisions of this Act do not apply.

19 (B) "Owner" means the owner, operator, lessor, or sublessor
20 of a self-service storage facility, his agent, or any other
21 person authorized by him to manage the facility, or to receive
22 rent from an occupant under a rental agreement.

23 (C) "Occupant" means a person, his sublessee, successor, or

1 assign, entitled to the use of the storage space at a
2 self-service storage facility under a rental agreement, to the
3 exclusion of others.

4 (D) "Rental agreement" means any agreement or lease,
5 written or oral, that establishes or modifies the terms,
6 conditions, rules or any other provisions concerning the use
7 and occupancy of a self-service storage facility.

8 (E) "Personal property" means movable property not affixed
9 to land, and includes, but is not limited to goods,
10 merchandise, motor vehicles, watercraft, and household items.

11 (F) "Last known address" means that address provided by the
12 occupant in the latest rental agreement, or the address
13 provided by the occupant in a subsequent written notice of a
14 change of address.

15 (G) "Late fee" means a charge assessed for an occupant's
16 failure to pay rent when due. "Late fee" does not include
17 interest on a debt, reasonable expenses incurred in the
18 collection of unpaid rent, or costs associated with the
19 enforcement of any other remedy provided by statute or
20 contract.

21 (Source: P.A. 83-800.)

22 (770 ILCS 95/4) (from Ch. 114, par. 804)

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

1 (A) The occupant shall be notified;

2 (B) The notice shall be delivered:

3 (1) in person; or

4 (2) ~~sent~~ by certified mail or by first-class mail with
5 a certificate of mailing to the last known address of the
6 occupant;

7 (C) The notice shall include:

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

11 (2) The name of the facility, address, telephone
12 number, date, time, location, and manner of the lien sale,
13 and the occupant's name and unit number; ~~A brief and~~
14 ~~general description of the personal property subject to the~~
15 ~~lien. The description shall be reasonably adequate to~~
16 ~~permit the person notified to identify it, except that any~~
17 ~~container including, but not limited to, a trunk, valise,~~
18 ~~or box that is locked, fastened, sealed, or tied in a~~
19 ~~manner which deters immediate access to its contents may be~~
20 ~~described as such without describing its contents;~~

21 (3) A notice of denial of access to the personal property,
22 if such denial is permitted under the terms of the rental
23 agreement, which provides the name, street address, and
24 telephone number of the owner, or his designated agent, whom
25 the occupant may contact to respond to this notice;

26 (3.5) Except as otherwise provided by a rental agreement

1 and until a lien sale, the exclusive care, custody, and control
2 of all personal property stored in the leased self-service
3 storage space remains vested in the occupant. No bailment or
4 higher level of liability is created if the owner over-locks
5 the occupant's lock, thereby denying the occupant access to the
6 storage space. Rent and other charges related to the lien
7 continue to accrue during the period of time when access is
8 denied because of non-payment;

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

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

15 (D) Any notice made pursuant to this Section shall be
16 presumed delivered when it is deposited with the United States
17 Postal Service, and properly addressed with postage prepaid;

18 (E) After the expiration of the time given in the notice,
19 an advertisement of the sale or other disposition shall be
20 published once a week for two consecutive weeks in a newspaper
21 of general circulation where the self-service storage facility
22 is located. The advertisement shall include:

23 (1) The name of the facility, address, telephone number,
24 date, time, location, and manner of lien sale and the
25 occupant's name and unit number. ~~A brief and general~~
26 ~~description of the personal property reasonably adequate to~~

1 ~~permit its identification as provided for in division (C) (2) of~~
2 ~~this Section;~~

3 (2) (Blank). ~~The address of the self-service storage~~
4 ~~facility and the number, if any, of the space where the~~
5 ~~personal property is located and the name of the occupant;~~

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

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

18 (G) Any sale or other disposition of the personal property
19 shall be held at the self-service storage facility, or at the
20 nearest suitable place to where the personal property is held
21 or stored;

22 (G-5) If the property upon which the lien is claimed is a
23 motor vehicle or watercraft and rent or other charges related
24 to the property remain unpaid or unsatisfied for 60 days, the
25 owner may have the property towed from the self-service storage
26 facility. If a motor vehicle or watercraft is towed, the owner

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

18 (H) Before any sale or other disposition of personal
19 property pursuant to this Section, the occupant may pay the
20 amount necessary to satisfy the lien, and the reasonable
21 expenses incurred under this Section, and thereby redeem the
22 personal property. Upon receipt of such payment, the owner
23 shall return the personal property, and thereafter the owner
24 shall have no liability to any person with respect to such
25 personal property;

26 (I) A purchaser in good faith of the personal property sold

1 to satisfy a lien, as provided for in Section 3 of this Act,
2 takes the property free of any rights of persons against whom
3 the lien was valid, despite noncompliance by the owner with the
4 requirements of this Section;

5 (J) In the event of a sale under this Section, the owner
6 may satisfy his lien from the proceeds of the sale, but shall
7 hold the balance, if any, for delivery on demand to the
8 occupant. If the occupant does not claim the balance of the
9 proceeds within one year ~~two years~~ of the date of sale, it
10 shall become the property of the owner without further recourse
11 by the occupant.

12 (K) The lien on any personal property created by this Act
13 shall be terminated as to any such personal property which is
14 sold or otherwise disposed of pursuant to this Act and any such
15 personal property which is removed from the self-service
16 storage facility.

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

20 (Source: P.A. 83-800.)

21 (770 ILCS 95/7.5 new)

22 Sec. 7.5. Limitation of value. If the rental agreement
23 contains a limit on the value of property that may be stored in
24 the occupant's space, this limit is deemed to be the maximum
25 value of the stored property, provided that this limit

1 provision must be printed in bold type or underlined in the
2 rental agreement in order to be enforceable. In addition to the
3 remedies otherwise provided by law, only the occupant listed on
4 the last known rental agreement injured by a violation of this
5 Act may bring a civil action to recover damages.

6 (770 ILCS 95/7.10 new)

7 Sec. 7.10. Late fees.

8 (a) A reasonable late fee may be imposed and collected by
9 an owner for each service period that an occupant does not pay
10 rent when due under a rental agreement, provided that the due
11 date for the rental payment is not earlier than the day before
12 the first day of the service period to which the rental payment
13 applies. No late payment fee shall be assessed unless the
14 rental fee remains unpaid for at least 5 days after the date
15 specified in the rental agreement for payment of the rental
16 fee.

17 (b) No late fee may be collected pursuant to this Section
18 unless the amount of that fee and the conditions for imposing
19 that fee are stated in the rental agreement or in an addendum
20 to that agreement.

21 (c) For purposes of this Section, a late fee of \$20 or 20%
22 of the rental fee for each month an occupant does not pay rent,
23 whichever is greater, is deemed reasonable and does not
24 constitute a penalty.

25 (d) Any reasonable expense incurred as a result of rent

1 collection or lien enforcement by an owner may be charged to
2 the occupant in addition to the late fees permitted by this
3 Section. If any such expenses are charged, they shall be
4 identified on an itemized list that is available to the
5 occupant.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.