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SENATE BILL NO. 355

Offered January 10, 2024

Prefiled January 9, 2024

A *BILL to amend and reenact §§ 55.1-2900 and 59.1-2901 of the Code of Virginia, relating to Virginia Self-Service Storage Act.*

Patron—Rouse

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 55.1-2900 and 59.1-2901 of the Code of Virginia are amended and reenacted are follows:

§ 55.1-2900. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Default" means the failure to perform on time any obligation or duty set forth in the rental agreement or this chapter.

"Last known address" means that address or electronic mail address provided by the occupant in the rental agreement or the address or electronic mail address provided by the occupant in a subsequent written notice of a change of address.

"Leased space" means the individual storage space at the self-service facility that is leased or rented to an occupant pursuant to a rental agreement.

"Occupant" means a person, his sublessee, successor, or assign, entitled to the use of a leased space at a self-service storage facility under a rental agreement.

"Owner" means the owner, operator, lessor, or sublessor of a self-service storage facility, his agent, or any other person authorized to manage the facility or to receive rent from any occupant under a rental agreement.

The owner of a self-service storage facility is not a warehouseman as defined in § 8.7-102, unless the owner issues a warehouse receipt, bill of lading, or other document of title for the personal property stored, in which event, the owner and the occupant are subject to the provisions of Title 8.7 dealing with warehousemen.

"Personal property" means movable property not affixed to land and includes goods, wares, merchandise, and household items and furnishings.

"Rental agreement" means any agreement or lease that establishes or modifies the terms, conditions, or rules concerning the use and occupancy of a self-service storage facility. *The rental agreement may be delivered and accepted electronically.*

"Self-service storage facility" means any real property designed and used for renting or leasing individual storage spaces, other than storage spaces that are leased or rented as an incident to the lease or rental of residential property or dwelling units, to which the occupants thereof have access for storing or removing their personal property. No occupant shall use a self-service storage facility for residential purposes.

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

§ 55.1-2901. Lien on personal property stored within a leased space.

A. The owner shall have a lien on all personal property stored within each leased space for rent, labor, or other charges, and for expenses reasonably incurred in its sale pursuant to this chapter. Such lien shall attach as of the date the personal property is stored within each leased space and, to the extent that the property remains stored within such leased space, as provided in this subsection, shall be superior to any other existing liens or security interests to the extent of \$250 or, if the leased space is a climate-controlled facility, \$500. In addition, such lien shall extend to the proceeds, if any, remaining after the satisfaction of any perfected liens, and the owner may retain possession of such proceeds until the balance, if any, of such charges is paid.

B. In the case of any watercraft that is subject to a lien, previously recorded on the certificate of title, the owner, so long as the watercraft remains stored within such leased space, shall have a lien on such watercraft as provided in this subsection to the extent of \$250 or, if the leased space is a climate-controlled facility, \$500. In addition, such lien shall extend to the proceeds, if any, remaining after the satisfaction of any recorded liens, and the owner may retain possession of such proceeds until the balance, if any, of such charges is paid.

C. The rental agreement shall contain a statement, in bold type, advising the occupant of the

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59 existence of such lien and that the personal property stored within the leased space may be sold to
60 satisfy the lien if the occupant is in default.

61 *D. A rental agreement may contain a provision regarding the effect of an unsigned rental agreement.*
62 *Any such provision is binding only if it contains statements, in bold type, advising the occupant of the*
63 *following:*

64 *1. If the owner does not sign and deliver a written rental agreement signed and delivered to him by*
65 *the occupant, acceptance of rent by the owner gives the rental agreement the same effect as if it had*
66 *been signed and delivered by the owner; and*

67 *2. If the occupant does not sign and deliver a written rental agreement, acceptance of possession or*
68 *payment of rent gives the rental agreement the same effect as if it had been signed and delivered by the*
69 *occupant, if the owner also sends the rental agreement to the occupant's last known address.*

70 ~~D.~~ *E. In the case of any motor vehicle that is subject to a lien, previously recorded on the certificate*
71 *of title, the owner, so long as the motor vehicle remains stored within such leased space, shall have a*
72 *lien on such vehicle in accordance with § 46.2-644.01. In the case of any abandoned, immobilized,*
73 *unattended, or trespassing vehicles or watercraft that are not authorized to be at the self-service storage*
74 *facility by the owner, the owner may tow the property in accordance with any city or county private*
75 *property towing ordinance.*