

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
5 amended by changing Section 4 as follows:

6 (770 ILCS 95/4) (from Ch. 114, par. 804)

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

10 (A) The occupant shall be notified.

11 (B) The notice shall be delivered:

12 (1) in person; or

13 (2) by verified mail or by electronic mail to the last
14 known address of the occupant.

15 (C) The notice shall include:

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

19 (2) The name of the facility, address, telephone
20 number, date, time, location, and manner of the lien sale,
21 including the website where the online bidding may take
22 place, if applicable, and the occupant's name and unit
23 number;

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

7 (3.5) Except as otherwise provided by a rental
8 agreement and until a lien sale, the exclusive care,
9 custody, and control of all personal property stored in
10 the leased self-service storage space remains vested in
11 the occupant. No bailment or higher level of liability is
12 created if the owner over-locks the occupant's lock,
13 thereby denying the occupant access to the storage space.
14 Rent and other charges related to the lien continue to
15 accrue during the period of time when access is denied
16 because of non-payment;

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

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

24 (D) Any notice made pursuant to this Section shall be
25 presumed delivered when it is deposited with the United States
26 Postal Service, and properly addressed with postage prepaid or

1 sent by electronic mail and the owner receives a receipt of
2 delivery to the occupant's last known address, except if the
3 owner does not receive a receipt of delivery for the notice
4 sent by electronic mail, the notice is presumed delivered when
5 it is sent to the occupant by verified mail to the occupant's
6 last known mailing address.

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

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

15 (2) (Blank).

16 (3) The sale or other disposition shall take place not
17 sooner than 15 days after the first publication. If there
18 is no newspaper of general circulation where the
19 self-service storage facility is located, the
20 advertisement shall be posted at least 10 days before the
21 date of the sale or other disposition in not less than 6
22 conspicuous places in the neighborhood where the
23 self-service storage facility is located.

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

1 (G) Any sale or other disposition of the personal property
2 shall be held at the self-service storage facility, or at the
3 nearest suitable place to where the personal property is held
4 or stored. A sale under this Section shall be deemed to be held
5 at the self-service storage facility where the personal
6 property is stored if the sale is held on a publicly accessible
7 online website.

8 (G-5) If the property upon which the lien is claimed is a
9 motor vehicle, trailer, or watercraft and rent or other
10 charges related to the property remain unpaid or unsatisfied
11 for 60 days or the occupant is in default of the rental
12 agreement for 60 days, the owner may have the property towed
13 from the self-service storage facility. If a motor vehicle,
14 trailer, or watercraft is towed, the owner shall not be liable
15 for any damage to the motor vehicle, trailer, or watercraft,
16 once the tower takes possession of the property. After the
17 motor vehicle, trailer, or watercraft is towed, the owner may
18 pursue other collection options against the delinquent
19 occupant for any outstanding debt. If the owner chooses to
20 sell a motor vehicle, aircraft, mobile home, moped,
21 motorcycle, snowmobile, trailer, or watercraft, the owner
22 shall contact the Secretary of State and any other
23 governmental agency as reasonably necessary to determine the
24 name and address of the title holder or lienholder of the item,
25 and the owner shall notify every identified title holder or
26 lienholder of the time and place of the proposed sale. The

1 owner is required to notify the holder of a security interest
2 only if the security interest is filed under the name of the
3 person signing the rental agreement or an occupant. An owner
4 who fails to make the lien searches required by this Section is
5 liable only to valid lienholders injured by that failure as
6 provided in Section 3.

7 (H) Before any sale or other disposition of personal
8 property pursuant to this Section, the occupant may pay the
9 amount necessary to satisfy the lien, and the reasonable
10 expenses incurred under this Section, and thereby redeem the
11 personal property. Upon receipt of such payment, the owner
12 shall return the personal property, and thereafter the owner
13 shall have no liability to any person with respect to such
14 personal property.

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

20 (J) In the event of a sale under this Section, the owner
21 may satisfy his lien from the proceeds of the sale, but shall
22 hold the balance, if any, for delivery on demand to the
23 occupant. If the occupant does not claim the balance of the
24 proceeds within one year of the date of sale, it shall become
25 the property of the owner without further recourse by the
26 occupant.

1 (K) The lien on any personal property created by this Act
2 shall be terminated as to any such personal property which is
3 sold or otherwise disposed of pursuant to this Act and any such
4 personal property which is removed from the self-service
5 storage facility.

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

9 (Source: P.A. 102-687, eff. 12-17-21; 103-1003, eff. 1-1-25.)