



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

**HB4627**

Introduced 1/21/2022, by Rep. Michael Halpin

#### SYNOPSIS AS INTRODUCED:

770 ILCS 95/4

from Ch. 114, par. 804

Amends the Self-Service Storage Facility Act. Requires a notice of an owner's lien for a claim which has become due on a self-service storage facility to be published once (rather than once a week for 2 consecutive weeks) in a newspaper of general circulation where the self-service storage facility is located or in any other commercially reasonable manner. Provides that the manner of advertisement shall be deemed commercially reasonable if at least 3 bidders who are unrelated to the owner attend or view the sale at the time and place advertised. Provides that after the expiration of the time given in the notice, the occupant shall be notified of the sale or other disposition, which shall be delivered either in person or by verified mail or by electronic mail to the last known address of the occupant.

LRB102 24546 LNS 33780 b

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 and the occupant's name and unit number;

22 (3) A notice of denial of access to the personal  
23 property, if such denial is permitted under the terms of

1 the rental agreement, which provides the name, street  
2 address, and telephone number of the owner, or his  
3 designated agent, whom the occupant may contact to respond  
4 to this notice;

5 (3.5) Except as otherwise provided by a rental  
6 agreement and until a lien sale, the exclusive care,  
7 custody, and control of all personal property stored in  
8 the leased self-service storage space remains vested in  
9 the occupant. No bailment or higher level of liability is  
10 created if the owner over-locks the occupant's lock,  
11 thereby denying the occupant access to the storage space.  
12 Rent and other charges related to the lien continue to  
13 accrue during the period of time when access is denied  
14 because of non-payment;

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

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

22 (D) Any notice made pursuant to this Section shall be  
23 presumed delivered when it is deposited with the United States  
24 Postal Service, and properly addressed with postage prepaid or  
25 sent by electronic mail and the owner receives a receipt of  
26 delivery to the occupant's last known address, except if the

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

5 (E) After the expiration of the time given in the notice,  
6 an advertisement of the sale or other disposition shall be  
7 published once ~~a week for two consecutive weeks~~ in a newspaper  
8 of general circulation where the self-service storage facility  
9 is located or in any other commercially reasonable manner. The  
10 manner of advertisement shall be deemed commercially  
11 reasonable if at least 3 bidders who are unrelated to the owner  
12 attend or view the sale at the time and place advertised. The  
13 advertisement shall include:

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

17 (2) (Blank).

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

26 (E-5) After the expiration of the time given in the

1 notice, the occupant shall be notified of the sale or other  
2 disposition, which shall be delivered either (i) in person, or  
3 (ii) by verified mail or by electronic mail to the last known  
4 address of the occupant. The notice shall contain the  
5 information included in the advertisement pursuant to  
6 subsection (E).

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

10 (G) Any sale or other disposition of the personal property  
11 shall be held at the self-service storage facility, or at the  
12 nearest suitable place to where the personal property is held  
13 or stored. A sale under this Section shall be deemed to be held  
14 at the self-service storage facility where the personal  
15 property is stored if the sale is held on a publicly accessible  
16 online website.

17 (G-5) If the property upon which the lien is claimed is a  
18 motor vehicle or watercraft and rent or other charges related  
19 to the property remain unpaid or unsatisfied for 60 days, the  
20 owner may have the property towed from the self-service  
21 storage facility. If a motor vehicle or watercraft is towed,  
22 the owner shall not be liable for any damage to the motor  
23 vehicle or watercraft, once the tower takes possession of the  
24 property. After the motor vehicle or watercraft is towed, the  
25 owner may pursue other collection options against the  
26 delinquent occupant for any outstanding debt. If the owner

1 chooses to sell a motor vehicle, aircraft, mobile home, moped,  
2 motorcycle, snowmobile, trailer, or watercraft, the owner  
3 shall contact the Secretary of State and any other  
4 governmental agency as reasonably necessary to determine the  
5 name and address of the title holder or lienholder of the item,  
6 and the owner shall notify every identified title holder or  
7 lienholder of the time and place of the proposed sale. The  
8 owner is required to notify the holder of a security interest  
9 only if the security interest is filed under the name of the  
10 person signing the rental agreement or an occupant. An owner  
11 who fails to make the lien searches required by this Section is  
12 liable only to valid lienholders injured by that failure as  
13 provided in Section 3.

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

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

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

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

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

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