

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 Sections 2, 4, and 7 as follows:

6 (770 ILCS 95/2) (from Ch. 114, par. 802)

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

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

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

22 (C) "Occupant" means a person, his sublessee, successor,
23 or assign, entitled to the use of the storage space at a

1 self-service storage facility under a rental agreement, to the
2 exclusion of others.

3 (D) "Rental agreement" means any agreement or lease,
4 written or oral, that establishes or modifies the terms,
5 conditions, rules or any other provisions concerning the use
6 and occupancy of a self-service storage facility. The rental
7 agreement may be delivered and accepted by electronic mail, or
8 by any other electronic record pursuant to the Uniform
9 Electronic Transactions Act. If the occupant does not sign a
10 written rental agreement that the owner has tendered to the
11 occupant, the occupant's continued use of the storage space
12 shall constitute an acceptance of the rental agreement with
13 the same effect as if it had been signed by the occupant.

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

17 (F) "Last known address" means that mailing address or
18 electronic mail address provided by the occupant in the latest
19 rental agreement, or the mailing address or electronic mail
20 address provided by the occupant in a subsequent written
21 notice of a change of address.

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

1 contract.

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

5 (I) "Electronic mail" means the transmission of
6 information or a communication by the use of a computer or
7 other electronic means sent to a person identified by a unique
8 address and that is received by that person.

9 (J) "Default" means the failure to perform any obligation
10 or duty set forth in the rental agreement or this Act.

11 (Source: P.A. 97-599, eff. 8-26-11; 98-1106, eff. 1-1-15.)

12 (770 ILCS 95/4) (from Ch. 114, par. 804)

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

16 (A) The occupant shall be notified.

17 (B) The notice shall be delivered:

18 (1) in person; or

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

21 (C) The notice shall include:

22 (1) An itemized statement of the owner's claim showing
23 the sum due at the time of the notice and the date when the
24 sum became due;

25 (2) The name of the facility, address, telephone

1 number, date, time, location, and manner of the lien sale,
2 and the occupant's name and unit number;

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

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

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

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

26 (D) Any notice made pursuant to this Section shall be

1 presumed delivered when it is deposited with the United States
2 Postal Service, and properly addressed with postage prepaid or
3 sent by electronic mail and the owner receives a receipt of
4 delivery to the occupant's last known address, except if the
5 owner does not receive a receipt of delivery for the notice
6 sent by electronic mail, the notice is presumed delivered when
7 it is sent to the occupant by verified mail to the occupant's
8 last known mailing address.

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

1 shall conform to the terms of the notification as provided for
2 in this Section.

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

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

1 and the owner shall notify every identified title holder or
2 lienholder of the time and place of the proposed sale. The
3 owner is required to notify the holder of a security interest
4 only if the security interest is filed under the name of the
5 person signing the rental agreement or an occupant. An owner
6 who fails to make the lien searches required by this Section is
7 liable only to valid lienholders injured by that failure as
8 provided in Section 3.

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

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

22 (J) In the event of a sale under this Section, the owner
23 may satisfy his lien from the proceeds of the sale, but shall
24 hold the balance, if any, for delivery on demand to the
25 occupant. If the occupant does not claim the balance of the
26 proceeds within one year of the date of sale, it shall become

1 the property of the owner without further recourse by the
2 occupant.

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

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

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

12 (770 ILCS 95/7) (from Ch. 114, par. 807)

13 Sec. 7. Prohibited use.

14 (a) No occupant may use a self-service storage facility
15 for residential purposes.

16 (b) An occupant may not use a self-service storage
17 facility after the owner has delivered written notice in
18 person or by verified mail of the termination or non-renewal
19 of the occupant's rental agreement.

20 (1) Notice shall provide the occupant with not less
21 than 14 days after delivery of the notice to remove all
22 personal property from the self-service storage facility.

23 (2) Prior to the occupant's removal of all personal
24 property, the owner may place reasonable restrictions on
25 the occupant's use of the self-service storage facility,

1 including denying access to the self-service storage
2 facility except for the occupant to remove personal
3 property during the owner's normal business hours.

4 (3) The owner may dispose of any personal property
5 remaining at the self-service storage facility after the
6 date provided in the written notice under this Section.

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