

## HOUSE Substitute for SENATE BILL No. 48

By Committee on Judiciary

3-24

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9 AN ACT concerning the Kansas self-service storage act; relating to late  
10 fees; amending K.S.A. 58-814 and repealing the existing section.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 58-814 is hereby amended to read as follows: 58-  
14 814. In the self-service storage act the following words shall mean the  
15 following:

16 (a) "Self-service storage facility" means any real property used for  
17 renting or leasing individual storage spaces in which the occupants them-  
18 selves customarily store and remove their own personal property on a  
19 self-service basis.

20 (b) "Rental agreement" means any written statement that establishes  
21 or modifies the terms, conditions or rules concerning the use and occu-  
22 pancy of a self-service storage facility.

23 (c) "Leased space" means the individual storage space at the self-  
24 service facility which is rented to an occupant pursuant to a rental  
25 agreement.

26 (d) "Occupant" means a person, a sublessee, successor or assign, en-  
27 titled to the use of a leased space at a self-service storage facility under a  
28 rental agreement.

29 (e) "Operator" means the owner, operator, lessor or sublessor of a  
30 self-service storage facility, an agent or any other person authorized to  
31 manage the facility, except that "operator" does not mean a warehouse-  
32 man, unless the operator issues a warehouse receipt, bill of lading, or  
33 other document of title for the personal property stored.

34 (f) "Personal property" means movable property, not affixed to land,  
35 and "personal property" includes, but is not limited to, goods, wares,  
36 merchandise, motor vehicles, watercraft, household items and  
37 furnishings.

38 (g) "Default" means the failure to perform on time any obligation or  
39 duty set forth in the rental agreement.

40 (h) "Last-known address" means that address provided by the occu-  
41 pant in the rental agreement or the address provided by the occupant in  
42 a subsequent written notice of a change of address.

43 (i) "*Late fee*" means a fee or charge assessed by an operator for an

1 *occupant's failure to pay rent when due. A late fee is not interest on a*  
2 *debt, nor is a late fee a reasonable expense that the operator may incur*  
3 *in the course of collecting unpaid rent in enforcing the operator's lien*  
4 *rights pursuant to K.S.A. 58-814, et seq., and amendments thereto, or*  
5 *enforcing any other remedy provided by statute or contract.*

6 New Sec. 2. (a) An operator may impose a reasonable late fee, as  
7 defined in K.S.A. 58-814, and amendments thereto, for each month an  
8 occupant does not pay rent when it is due, in an amount not to exceed  
9 \$20 a month or 20% of the monthly rental amount, whichever is greater,  
10 for each late rental payment.

11 (b) Any late fee charged by the operator shall be stated in the rental  
12 agreement. No late fee shall be collected unless it is provided for in the  
13 rental agreement, as defined in K.S.A. 58-814, and amendments thereto,  
14 or an addendum to the rental agreement.

15 (c) The operator may recover all reasonable rent collection and lien  
16 enforcement expenses from the occupant in addition to any late fees  
17 imposed.

18 Sec. 3. K.S.A. 58-814 is hereby repealed.

19 Sec. 4. This act shall take effect and be in force from and after its  
20 publication in the statute book.