

HOUSE BILL No. 2647

By Committee on Judiciary

2-7

Proposed Amendments to HB 2647  
For Committee on Judiciary  
February 16, 2012  
Prepared by: Office of Revisor of Statutes

1 AN ACT concerning personal and real property; relating to the self-service  
2 storage act; amending K.S.A. 58-817 and repealing the existing section.

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

5 Section 1. K.S.A. 58-817 is hereby amended to read as follows: 58-  
6 817. (a) (1) If the occupant is in default for a period of more than 45 days,  
7 the operator may enforce the lien by selling the property stored in the  
8 leased space for cash. Sale of the property stored on the premises may be  
9 by public or private proceedings and may also be as a unit or in parcels, or  
10 by way of one or more contracts and at any time or place, and on any  
11 terms as long as the sale is commercially reasonable. The operator may  
12 otherwise dispose of any property which has no commercial value.

13 (2) The proceeds of such sale shall then be applied to satisfy the lien,  
14 with any surplus disbursed as provided in subsection (d).

15 (b) Before conducting a sale under subsection (a), the operator shall:

16 (1) Notify the occupant of the default by first-class mail at the  
17 occupant's last-known address, ~~or by electronic mail if the occupant has~~  
18 *provided an electronic mail address to the operator;* and

19 (2) send a second notice of default, not less than seven days after the  
20 notice required by subsection (b)(1), by ~~restricted first-class~~ mail to the  
21 occupant at the occupant's last-known address ~~which includes, or by~~  
22 *electronic mail if the occupant has provided an electronic mail address to*  
23 *the operator. A second notice of default shall include:*

24 (A) A statement that the contents of the occupant's leased space are  
25 subject to the operator's lien;

26 (B) a statement of the operator's claim, indicating the charges due on  
27 the date of the notice, the amount of any additional charges which shall  
28 become due before the date of release for sale and the date those additional  
29 charges shall become due;

30 (C) a demand for payment of the charges due within a specified time,  
31 not less than 10 days after the date of the notice;

32 (D) a statement that unless the claim is paid within the time stated,  
33 the contents of the occupant's space will be sold after a specified time; and

34 (E) the name, street address and telephone number of the operator, or  
35 a designated agent whom the occupant may contact to respond to the  
36 notice.

1 the occupant at the occupant's last-known address. Notices shall be  
2 deemed delivered when deposited with the United States postal service,  
3 properly addressed as provided in subsection (b), with postage prepaid.

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4 (j) As used in this section, "independent bidder" means a bidder who  
5 is not related to and who has no controlling interest in or common  
6 pecuniary interest with the operator or occupant.

7 Sec. 2. K.S.A. 58-817 is hereby repealed.

8 Sec. 3. This act shall take effect and be in force from and after its  
9 publication in the statute book.