

As Introduced

**136th General Assembly
Regular Session
2025-2026**

S. B. No. 283

Senator Schaffer

To amend section 5322.03 and to enact section 1
5322.07 of the Revised Code to modify the law 2
governing self-service storage facilities. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 5322.03 be amended and section 4
5322.07 of the Revised Code be enacted to read as follows: 5

Sec. 5322.03. An owner's lien created by division (A) of 6
section 5322.02 of the Revised Code for a claim that has become 7
due may be enforced only as follows: 8

(A) The following persons shall be notified in accordance 9
with divisions (B) and (C) of this section: 10

(1) All persons whom the owner has actual knowledge of and 11
who claim an interest in the personal property; 12

(2) All persons holding liens on any motor vehicle or 13
watercraft amongst the property; 14

(3) All persons who have filed security agreements in the 15
name of the occupant evidencing a security interest in the 16
personal property with either the secretary of state or the 17
county recorder of the county in which the self-service storage 18
facility is located or the Ohio county of the last known address 19

of the occupant. 20

(B) (1) Except as otherwise provided in division (B) (2) of 21
this section, the notice shall be delivered in person, sent by 22
certified mail or sent by first-class mail or private delivery 23
service with a certificate or verification of mailing to the 24
last known address of each person who is required to be notified 25
by division (A) of this section; 26

(2) (a) The notice may be sent by electronic mail to the 27
occupant only if both of the following apply: 28

(i) The occupant agreed to receive the notice via 29
electronic mail and provided an electronic mail address to the 30
owner in the original agreement or in a subsequent amendment to 31
the agreement. 32

(ii) The owner sends the notice via electronic mail in 33
such a way as to establish, with a response or return receipt, 34
that the message was delivered to the occupant's electronic mail 35
address. 36

(b) If it cannot be established in accordance with 37
division (B) (2) (a) of this section that the notice was 38
delivered, the owner shall make a reasonable effort to find the 39
occupant's address or electronic mail address in order to send 40
notice. 41

(c) If it cannot be established in accordance with 42
division (B) (2) (a) or (b) of this section that the notice was 43
delivered, the owner shall use another method of delivery 44
authorized by division (B) (1) of this section. 45

(C) The notice shall include all of the following: 46

(1) The name and last known address of the occupant who 47

rented the storage space in which the personal property was 48
stored; 49

(2) An itemized statement of the owner's claim showing the 50
sum due at the time of the notice and the date when the sum 51
became due; 52

(3) A brief and general description of the personal 53
property subject to the lien. The description shall be 54
reasonably adequate to permit the person notified to identify it 55
except that any container including, but not limited to, a 56
trunk, valise, or box that is locked, fastened, sealed, or tied 57
in a manner that deters immediate access to its contents and 58
that has not been opened by the owner prior to the date on which 59
the notice is given may be described as such without describing 60
its contents. 61

(4) A notice of denial of access to the personal property, 62
if a denial of access is permitted under the terms of the rental 63
agreement, which notice provides the name, street address, and 64
telephone number of the person whom the person notified may 65
contact to pay the claim and to either obtain the personal 66
property or enter into a rental agreement for the storage of the 67
personal property; 68

(5) A demand for payment within a specified time not less 69
than ~~ten~~ninety days after delivery of the notice; 70

(6) A conspicuous statement that unless the claim is paid 71
within that time the personal property will be advertised for 72
sale and will be sold by auction and that, if no person 73
purchases the personal property at the auction, the personal 74
property may be sold at a private sale or destroyed; 75

(7) The street or internet address of the place at which 76

the sale will be held, if the sale will be held at a place other 77
than the self-service storage facility in which the personal 78
property was stored. 79

(D) (1) Any notice given pursuant to this section that is 80
sent by first-class mail or private delivery service with a 81
certificate or verification of mailing shall be deemed delivered 82
when it is deposited with the United States postal service or 83
private delivery service and properly addressed with proper 84
postage prepaid. 85

(2) Any notice given pursuant to this section that is sent 86
by electronic mail to an occupant shall be deemed delivered when 87
the owner receives a response or return receipt. 88

(E) The sale of the personal property shall conform to the 89
terms of the notice as provided for in this section. 90

(F) The sale of the personal property may be held at the 91
self-service storage facility or, if the street or internet 92
address of the place was included in the notice as required by 93
division (C) (7) of this section, on the internet or at the 94
nearest suitable place to the self-service storage facility at 95
which the personal property is stored. 96

(G) After the expiration of the time given in the notice_ 97
or, if the notice is not delivered, ninety days after the last 98
attempt to give notice, an advertisement of the sale shall be 99
published once a week for two consecutive weeks in a newspaper 100
of general circulation in the county in which the self-service 101
storage facility is located or any other commercially reasonable 102
manner. The manner of advertisement shall be deemed commercially 103
reasonable if at least three independent bidders register for, 104
view, or attend the sale. The advertisement shall include all of 105

the following: 106

(1) A brief and general description of the personal 107
property as required by division (C)(3) of this section, except 108
that the description shall describe the contents of any trunk, 109
valise, or box that is locked, fastened, sealed, or tied in a 110
manner that deters immediate access to its contents, if the 111
trunk, valise, or box is opened by the owner prior to the date 112
on which the advertisement of sale is published; 113

(2) The name and last known address of the occupant who 114
rented the storage space in which the personal property was 115
stored; 116

(3) The street address of the self-service storage 117
facility; 118

(4) The time, place, and manner of the sale. 119

The sale shall take place at least fifteen days after the 120
first publication. 121

(H) (1) Any person who has a security interest in, or who 122
holds a lien against, a motor vehicle or watercraft may pay the 123
amount necessary to satisfy the lien created by division (A) of 124
section 5322.02 of the Revised Code and the reasonable expenses 125
incurred under this section. That person, upon payment of the 126
amount necessary to satisfy the lien plus expenses, may enter 127
into a new rental agreement for the storage of the motor vehicle 128
or watercraft. Any person who presents proof of a security 129
interest in or lien on a motor vehicle or watercraft or a court 130
order authorizing the person to take possession of a motor 131
vehicle or watercraft may immediately remove the motor vehicle 132
or watercraft from the self-service storage facility without 133
satisfying the lien or expenses of the owner. 134

(2) Before any sale of personal property other than a 135
motor vehicle or watercraft pursuant to this section, any person 136
who has a legal interest or a security interest in, or who holds 137
a lien against, any personal property other than a motor vehicle 138
or watercraft may pay the amount necessary to satisfy the lien 139
created by division (A) of section 5322.02 of the Revised Code 140
and the reasonable expenses incurred under this section and 141
remove the personal property in which the person has the 142
interest or against which the person holds the lien. After 143
removal of all the personal property, including any motor 144
vehicle or watercraft, from the storage space of the self- 145
service storage facility by any means under this section, the 146
owner may enter into a rental agreement with a new occupant for 147
the storage space, and the owner has no obligation to the prior 148
occupant of that storage space. 149

(3) Upon receipt of the payment from a person other than 150
the occupant, the owner may, at the owner's sole discretion, 151
enter into a new rental agreement for the storage of the 152
personal property or, if the person meets the conditions set 153
forth in division (H)(2) of this section, shall permit the 154
person to remove the personal property from the self-service 155
storage facility. 156

(4) If the occupant pays the amount necessary to satisfy 157
the lien created by division (A) of section 5322.02 of the 158
Revised Code and the reasonable expenses incurred under this 159
section, the occupant shall immediately remove all of the 160
occupant's personal property from the self-service storage 161
facility, unless the owner of the self-service storage facility 162
agrees to enter into a new rental agreement for the storage of 163
the property. 164

(I) (1) If property on which there is a lien under division 165
(A) of section 5322.02 of the Revised Code is not sold at 166
auction, but is claimed under division (H) of this section and 167
the owner's lien is satisfied, then all legal or security 168
interest in, or any other liens held against, the property shall 169
remain intact. 170

(2) A purchaser at auction in good faith, except an owner 171
or an owner's agent, of the personal property sold to satisfy an 172
owner's lien created by division (A) of section 5322.02 of the 173
Revised Code takes the property free and clear of any rights of 174
persons against whom the lien was valid, or any persons who had 175
an interest in, or who held, any other lien against the 176
property, despite noncompliance by the owner with the 177
requirements of this section. 178

(J) The owner may examine any personal property to be sold 179
pursuant to this section. The examination may include, but is 180
not limited to, the opening of any trunk, valise, box, or other 181
container that is locked, fastened, sealed, tied, or otherwise 182
closed in a manner that deters immediate access to its contents. 183

(K) (1) If the property upon which division (A) of section 184
5322.02 of the Revised Code creates a lien is a motor vehicle, 185
trailer, or a watercraft, the owner may, at the owner's sole 186
discretion, have the motor vehicle, trailer, or watercraft towed 187
from the premises if any of the following circumstances applies: 188

(a) The notice was delivered or sent pursuant to division 189
(B) of this section to all persons holding a lien on the motor 190
vehicle, trailer, or watercraft, and thirty days have elapsed 191
since the notice was delivered or sent. 192

(b) Rent and other charges related to the property remain 193

unpaid or unsatisfied by the occupant for sixty days, and no 194
lien holders have been identified. 195

(c) The owner is planning to hold or has held a sale for 196
the personal property that was stored in the self-service 197
storage space with that motor vehicle, trailer, or watercraft, 198
in which case the motor vehicle, trailer, or watercraft may, at 199
the owner's sole discretion, be towed prior to or following the 200
sale. 201

(2) The owner shall not be liable for the motor vehicle, 202
trailer, or watercraft or any damages to the motor vehicle, 203
trailer, or watercraft once the towing service or storage 204
facility takes possession of the property. The notice delivered 205
or sent pursuant to division (B) of this section to all persons 206
holding a lien on the motor vehicle, trailer, or watercraft 207
shall include the name of the towing service or storage 208
facility. The name and the street address of the towing service 209
or storage facility shall also be made available to the occupant 210
or any lien holder upon the presentation of a document of title 211
or another document that confirms an interest in the motor 212
vehicle, trailer, or watercraft. 213

As used in this division, "towing service or storage 214
facility" means any for-hire motor carrier that removes a motor 215
vehicle, trailer, or watercraft from a self-service storage 216
facility pursuant to this division and any place to which that 217
for-hire motor carrier delivers the motor vehicle, trailer, or 218
watercraft. 219

(L) The owner may satisfy the owner's lien from the 220
proceeds of any sale held pursuant to this section, but shall 221
mail the balance, if any, by certified mail, or by first class 222
mail or private delivery service with a certificate or 223

verification of mailing, to the occupant at the occupant's last 224
known mailing address. If the balance is returned to the owner 225
after the owner mailed the balance by certified mail, first 226
class mail, or private delivery service to the occupant or if 227
the mailing address of the occupant is not known, the owner 228
shall hold the balance for two years after the date of the sale 229
for delivery on demand to the occupant or to any other person 230
who would have been entitled to possession of the personal 231
property. After the expiration of the two-year period, the 232
balance shall become unclaimed funds, as defined in division (B) 233
of section 169.01 of the Revised Code, and shall be disposed of 234
pursuant to Chapter 169. of the Revised Code. 235

(M) An owner may buy at any public sale held pursuant to 236
this section. 237

(N) The rights provided by this section shall be in 238
addition to all other rights allowed by law to a creditor 239
against a debtor. 240

(O) (1) If the owner complies with the requirements for 241
sale under this section, the owner's liability to persons who 242
have an interest in the personal property sold is limited to the 243
balance of the proceeds of the sale after the owner has 244
satisfied the owner's lien. 245

(2) The owner is liable for damages in the amount of the 246
fair market value of the disposed personal property caused by 247
the failure to comply with the requirements for sale under this 248
section and is liable for conversion for ~~willful~~ negligent 249
violation of the requirements for sale under this section. 250

(P) If no person purchases the personal property at the 251
auction and if the owner has complied with this section, the 252

owner may do any of the following:	253
(1) Advertise and sell the personal property pursuant to	254
divisions (F) to (O) of this section;	255
(2) Sell the personal property at a private sale;	256
(3) Dispose of the personal property in any manner	257
considered appropriate by the owner including, but not limited	258
to, destroying the personal property.	259
<u>Sec. 5322.07. An owner shall provide notice to all</u>	260
<u>occupants of any change of ownership in a self-service storage</u>	261
<u>facility.</u>	262
Section 2. That existing section 5322.03 of the Revised	263
Code is hereby repealed.	264