

**As Passed by the Senate**

**134th General Assembly**

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**Am. Sub. H. B. No. 132**

**Representatives Hillyer, Jones**

**Cosponsors: Representatives Kick, Young, T., Cross, Seitz, Miller, J., Cutrona, Abrams, Bird, Carruthers, Ginter, Gross, Householder, John, Johnson, Plummer, Stein, Stephens, Stewart, Wiggam**

**Senators Blessing, Cirino, Hackett, Hoagland, Lang, Thomas, Wilson, Yuko**

**A BILL**

To amend sections 5322.01, 5322.02, and 5322.03 of 1  
the Revised Code to amend the law regarding 2  
self-service storage facilities. 3

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

**Section 1.** That sections 5322.01, 5322.02, and 5322.03 of 4  
the Revised Code be amended to read as follows: 5

**Sec. 5322.01.** As used in sections 5322.01 to 5322.05 of 6  
the Revised Code: 7

(A) "Self-service storage facility" means any real 8  
property that is designed and used only for the purpose of 9  
renting or leasing individual storage space in the facility 10  
under the following conditions: 11

(1) The occupants have access to the storage space only 12  
for the purpose of storing and removing personal property. 13

(2) The owner does not issue a warehouse receipt, bill of 14  
lading, or other document of title, as defined in section 15

1301.201 of the Revised Code, for the personal property stored 16  
in the storage space. 17

"Self-service storage facility" does not include any 18  
garage used principally for parking motor vehicles, any garage 19  
or storage area in a private residence, an establishment 20  
licensed pursuant to sections 915.14 to 915.24 of the Revised 21  
Code, or any property of a bank or savings and loan association 22  
that contains vaults, safe deposit boxes, or other receptacles 23  
for the uses, purposes, and benefits of the bank's or savings 24  
and loan association's customers. 25

(B) "Owner" means a person that is either the owner or 26  
operator of a self-service storage facility ~~or, the lessor or~~ 27  
sublessor of an entire self-service storage facility ~~and that~~ 28  
receives, the agent of any of the foregoing, or any other person 29  
authorized by any of the foregoing to manage the facility or to 30  
receive rent from an occupant pursuant to a rental agreement 31  
~~that the person enters into with the occupant.~~ 32

(C) "Occupant" means a person that rents storage space at 33  
a self-service storage facility pursuant to a rental agreement 34  
that the person enters into with the owner. 35

(D) "Rental agreement" means any written agreement that is 36  
entered into by the owner and the occupant and that establishes 37  
the terms and conditions of the occupant's use of storage space 38  
at a self-service storage facility. 39

(E) "Personal property" means money and every animate or 40  
inanimate tangible thing that is the subject of ownership, 41  
except anything forming part of a parcel of real estate, as 42  
defined in section 5701.02 of the Revised Code, and except 43  
anything that is an agricultural commodity, as defined in 44

division (A) of section 926.01 of the Revised Code. 45

(F) "Late fee" means any fee or charge assessed for an 46  
occupant's failure to pay rent when due. "Late fee" does not 47  
include interest on a debt, reasonable expenses incurred in the 48  
collection of unpaid rent, or costs associated with the 49  
enforcement of any other remedy provided by statute or contract. 50

(G) "Last known address" means either of the following: 51

(1) The mailing address or electronic mail address 52  
provided by the occupant in the most recent rental agreement or 53  
the mailing address or electronic mail address provided by the 54  
occupant in a subsequent written notice of a change of address; 55

(2) The mailing address or electronic mail address of any 56  
of the persons described in division (A) of section 5322.03 of 57  
the Revised Code that is provided by any of those persons to the 58  
owner of a self-service storage facility or that is discovered 59  
by the owner of a self-service storage facility. 60

**Sec. 5322.02.** (A) The owner of a self-service storage 61  
facility has a lien against the occupant on the personal 62  
property stored pursuant to a rental agreement in any storage 63  
space at the self-service storage facility, or on the proceeds 64  
of the personal property subject to the defaulting occupant's 65  
rental agreement in the owner's possession, for rent, labor, 66  
late fees, or other charges in relation to the personal property 67  
that are specified in the rental agreement and that have become 68  
due and for expenses necessary for the preservation of the 69  
personal property or expenses reasonably incurred in the 70  
enforcement of the lien or in the sale or other disposition of 71  
the personal property pursuant to law. The owner's lien provided 72  
for in this section is also effective against the following 73

persons:	74
(1) A person who has an unfiled security interest in the personal property, except that the owner's lien is not effective against a person who has a valid security interest in a motor vehicle or a valid security interest in a watercraft, whether or not the security interest in the motor vehicle or watercraft is filed;	75 76 77 78 79 80
(2) A person who meets both of the following requirements:	81
(a) The person has a legal interest in the personal property, a filed security interest in the personal property, or a valid security interest in the personal property that is a motor vehicle.	82 83 84 85
(b) The person consents in writing to the storage of the personal property.	86 87
(B) The owner's lien created by division (A) of this section attaches as of the date the personal property is brought to the self-service storage facility. An owner loses the owner's lien on any personal property that the owner voluntarily permits to be removed from the self-service storage facility or unjustifiably refuses to permit to be removed from the self-service storage facility.	88 89 90 91 92 93 94
<b>Sec. 5322.03.</b> An owner's lien created by division (A) of section 5322.02 of the Revised Code for a claim that has become due may be enforced only as follows:	95 96 97
(A) The following persons shall be notified in accordance with divisions (B) and (C) of this section:	98 99
(1) All persons whom the owner has actual knowledge of and who claim an interest in the personal property;	100 101

(2) All persons holding liens on any motor vehicle or 102  
watercraft amongst the property; 103

(3) All persons who have filed security agreements in the 104  
name of the occupant evidencing a security interest in the 105  
personal property with either the secretary of state or the 106  
county recorder of the county in which the self-service storage 107  
facility is located or the Ohio county of the last known address 108  
of the occupant. 109

(B) (1) The notice shall be delivered in person, sent by 110  
certified mail, sent by electronic mail, or sent by first-class 111  
mail or private delivery service with a certificate or 112  
verification of mailing to the last known address of each person 113  
who is required to be notified by division (A) of this section; 114

(2) If the notice is sent by electronic mail, then the 115  
notice shall also be sent via either certified or first-class 116  
mail to the last known address of each person who is required to 117  
be notified by division (A) of this section. 118

(C) The notice shall include all of the following: 119

(1) The name and last known address of the occupant who 120  
rented the storage space in which the personal property was 121  
stored; 122

(2) An itemized statement of the owner's claim showing the 123  
sum due at the time of the notice and the date when the sum 124  
became due; 125

(3) A brief and general description of the personal 126  
property subject to the lien. The description shall be 127  
reasonably adequate to permit the person notified to identify it 128  
except that any container including, but not limited to, a 129  
trunk, valise, or box that is locked, fastened, sealed, or tied 130

in a manner that deters immediate access to its contents and 131  
that has not been opened by the owner prior to the date on which 132  
the notice is given may be described as such without describing 133  
its contents. 134

(4) A notice of denial of access to the personal property, 135  
if a denial of access is permitted under the terms of the rental 136  
agreement, which notice provides the name, street address, and 137  
telephone number of the person whom the person notified may 138  
contact to pay the claim and to either obtain the personal 139  
property or enter into a rental agreement for the storage of the 140  
personal property; 141

(5) A demand for payment within a specified time not less 142  
than ten days after delivery of the notice; 143

(6) A conspicuous statement that unless the claim is paid 144  
within that time the personal property will be advertised for 145  
sale and will be sold by auction ~~at a specified time and place~~ 146  
and that, if no person purchases the personal property at the 147  
auction, the personal property may be sold at a private sale or 148  
destroyed; 149

(7) The street or internet address of the place at which 150  
the sale will be held, if the sale will be held at a place other 151  
than the self-service storage facility in which the personal 152  
property was stored. 153

(D) (1) Any notice given pursuant to this section ~~shall be~~ 154  
~~presumed delivered, if the notice that is~~ sent by first-class 155  
mail or private delivery service with a certificate or 156  
verification of mailing, shall be deemed delivered when it is 157  
deposited with the United States postal service or private 158  
delivery service and properly addressed with proper postage 159

prepaid.	160
<u>(2) Any notice given pursuant to this section that is sent</u>	161
<u>by electronic mail shall be deemed delivered when it is properly</u>	162
<u>addressed and sent.</u>	163
(E) The sale of the personal property shall conform to the	164
terms of the notice as provided for in this section.	165
(F) The sale of the personal property <del>shall</del> <u>may</u> be held at	166
the self-service storage facility or, if the <u>street or internet</u>	167
address of the place was included in the notice as required by	168
division (C) (7) of this section, <u>on the internet or</u> at the	169
nearest suitable place to the self-service storage facility at	170
which the personal property is stored.	171
(G) After the expiration of the time given in the notice,	172
an advertisement of the sale shall be published once a week for	173
two consecutive weeks in a newspaper of general circulation in	174
the county in which the self-service storage facility is located	175
or any other commercially reasonable manner. The manner of	176
advertisement shall be deemed commercially reasonable if at	177
least three independent bidders <u>register for, view, or</u> attend	178
the sale <del>at the time and place advertised</del> . The advertisement	179
shall include all of the following:	180
(1) A brief and general description of the personal	181
property as required by division (C) (3) of this section, except	182
that the description shall describe the contents of any trunk,	183
valise, or box that is locked, fastened, sealed, or tied in a	184
manner that deters immediate access to its contents, if the	185
trunk, valise, or box is opened by the owner prior to the date	186
on which the advertisement of sale is published;	187
(2) The name and last known address of the occupant who	188

rented the storage space in which the personal property was	189
stored;	190
(3) The <u>street</u> address of the self-service storage	191
facility;	192
(4) The time, place, and manner of the sale.	193
The sale shall take place at least fifteen days after the	194
first publication.	195
(H) (1) Any person who has a <del>a</del> security interest in, or who	196
holds a lien against, a motor vehicle or watercraft may pay the	197
amount necessary to satisfy the lien created by division (A) of	198
section 5322.02 of the Revised Code and the reasonable expenses	199
incurred under this section. That person, upon payment of the	200
amount necessary to satisfy the lien plus expenses, may enter	201
into a new rental agreement for the storage of the motor vehicle	202
or watercraft. Any person who presents proof of a security	203
interest in or lien on a motor vehicle or watercraft or a court	204
order authorizing the person to take possession of a motor	205
vehicle or watercraft may immediately remove the motor vehicle	206
or watercraft from the self-service storage facility without	207
satisfying the lien or expenses of the owner.	208
(2) Before any sale of personal property other than a	209
motor vehicle or watercraft pursuant to this section, any person	210
who has a legal interest or a security interest in, or who holds	211
a lien against, any personal property other than a motor vehicle	212
or watercraft may pay the amount necessary to satisfy the lien	213
created by division (A) of section 5322.02 of the Revised Code	214
and the reasonable expenses incurred under this section and	215
remove the personal property in which the person has the	216
interest or against which the person holds the lien. After	217



removal of all the personal property, including any motor 218  
vehicle or watercraft, from the storage space of the self- 219  
service storage facility by any means under this section, ~~any~~ 220  
~~person can~~ the owner may enter into a rental agreement ~~for the~~ 221  
~~storage of personal property with the owner~~ with a new occupant 222  
for the storage space, and the owner has no obligation to the 223  
prior occupant of that storage space ~~in the self-service storage~~ 224  
~~facility. Before entering into a new rental agreement, the owner~~ 225  
~~must have any motor vehicle or watercraft towed from that~~ 226  
~~storage space.~~ 227

(3) Upon receipt of the payment from a person other than 228  
the occupant, the owner ~~shall~~ may, at the owner's sole 229  
discretion, enter into a new rental agreement for the storage of 230  
the personal property or, if the person meets the conditions set 231  
forth in division (H) (2) of this section, shall permit the 232  
person to remove the personal property from the self-service 233  
storage facility. 234

(4) If the occupant pays the amount necessary to satisfy 235  
the lien created by division (A) of section 5322.02 of the 236  
Revised Code and the reasonable expenses incurred under this 237  
section, the occupant shall immediately remove all of the 238  
occupant's personal property from the self-service storage 239  
facility, unless the owner of the self-service storage facility 240  
agrees to enter into a new rental agreement for the storage of 241  
the property. 242

(I) (1) If property on which there is a lien under division 243  
(A) of section 5322.02 of the Revised Code is not sold at 244  
auction, but is claimed under division (H) of this section and 245  
the owner's lien is satisfied, then all legal or security 246  
interest in, or any other liens held against, the property shall 247

remain intact.	248
(2) A purchaser at auction in good faith, except an owner	249
or an owner's agent, of the personal property sold to satisfy an	250
owner's lien created by division (A) of section 5322.02 of the	251
Revised Code takes the property free and clear of any rights of	252
persons against whom the lien was valid, or any persons who had	253
an interest in, or who held, any other lien against the	254
property, despite noncompliance by the owner with the	255
requirements of this section.	256
(J) The owner may examine any personal property to be sold	257
pursuant to this section. The examination may include, but is	258
not limited to, the opening of any trunk, valise, box, or other	259
container that is locked, fastened, sealed, tied, or otherwise	260
closed in a manner that deters immediate access to its contents.	261
(K) (1) If the property upon which the lien created under	262
division (A) of this section is claimed is a motor vehicle or a	263
watercraft, the owner shall have the motor vehicle or watercraft	264
towed from the premises if any of the following circumstances	265
applies:	266
(a) The notice was delivered or sent pursuant to division	267
(B) of this section to all persons holding a lien on the motor	268
vehicle or watercraft, and thirty days have elapsed since the	269
notice was delivered or sent without a response from any of	270
those persons.	271
(b) Rent and other charges related to the property remain	272
unpaid or unsatisfied by the occupant for sixty days, and no	273
lien holders have been identified.	274
(c) The owner is planning to hold a sale at auction of the	275
personal property that was stored in the self-service storage	276

unit with that motor vehicle or watercraft, in which case the 277  
motor vehicle or watercraft shall be towed prior to the auction. 278

(2) The owner shall not be liable for the motor vehicle or 279  
watercraft or any damages to the motor vehicle or watercraft 280  
once the tower takes possession of the property. The notice 281  
delivered or sent pursuant to division (B) of this section to 282  
all persons holding a lien on the motor vehicle or watercraft 283  
shall include the name of the towing company. The name and the 284  
address of the towing company shall also be made available to 285  
the occupant or any lien holder upon the presentation of a 286  
document of title or another document that confirms an interest 287  
in the motor vehicle or watercraft. 288

(L) The owner may satisfy the owner's lien from the 289  
proceeds of any sale held pursuant to this section, but shall 290  
mail the balance, if any, by certified mail, or by first class 291  
mail or private delivery service with a certificate or 292  
verification of mailing, to the occupant at the occupant's last 293  
known mailing address. If the balance is returned to the owner 294  
after the owner mailed the balance by certified mail, first 295  
class mail, or private delivery service to the occupant or if 296  
the mailing address of the occupant is not known, the owner 297  
shall hold the balance for two years after the date of the sale 298  
for delivery on demand to the occupant or to any other person 299  
who would have been entitled to possession of the personal 300  
property. After the expiration of the two-year period, the 301  
balance shall become unclaimed funds, as defined in division (B) 302  
of section 169.01 of the Revised Code, and shall be disposed of 303  
pursuant to Chapter 169. of the Revised Code. 304

(M) An owner may buy at any public sale held pursuant to 305  
this section. 306

(N) The rights provided by this section shall be in 307  
addition to all other rights allowed by law to a creditor 308  
against a debtor. 309

(O) (1) If the owner complies with the requirements for 310  
sale under this section, the owner's liability to persons who 311  
have an interest in the personal property sold is limited to the 312  
balance of the proceeds of the sale after the owner has 313  
satisfied the owner's lien. 314

(2) The owner is liable for damages caused by the failure 315  
to comply with the requirements for sale under this section and 316  
is liable for conversion for willful violation of the 317  
requirements for sale under this section. 318

(P) If no person purchases the personal property at the 319  
auction and if the owner has complied with this section, the 320  
owner may do any of the following: 321

(1) Advertise and sell the personal property pursuant to 322  
divisions (F) to (O) of this section; 323

(2) Sell the personal property at a private sale; 324

(3) Dispose of the personal property in any manner 325  
considered appropriate by the owner including, but not limited 326  
to, destroying the personal property. 327

**Section 2.** That existing sections 5322.01, 5322.02, and 328  
5322.03 of the Revised Code are hereby repealed. 329