

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB133)**

Received: 06/22/99

Received By: rmarchan

Wanted: Soon

Identical to LRB:

For: Assembly Republican Caucus

By/Representing: Miller

This file may be shown to any legislator: NO

Drafter: rmarchan

May Contact:

Alt. Drafters:

Subject: **Fin. Inst. - liens**

Extra Copies:

**Pre Topic:**

ARC:.....Miller - AM # 107,

**Topic:**

self-service storage facilities

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rmarchan 06/22/99	ygeller 06/22/99		_____			
/1			ismith 06/22/99	_____	lrb_docadmin 06/22/99		

FE Sent For:

<END>

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/?	rmarchan	1/1 6/22 jlg	IS 6/22	IS/KF 6/22			

FE Sent For:

<END>

# To Be Drafted

M 66

Agency

Amendment#

ARC Analyst

LRB#

Tax Cut

## Summary

Under current law, an operator of a self-service storage facility has a lien on all personal property stored at the facility for rent and other charges related to the personal property. In case of default, the self-service storage operator must send at least two letters to the lessee notifying them they have failed to pay rent for the storage. Both letters must provide a description of the personal property in storage. Also under current law, the advertisement of the sale of such personal property to satisfy a lien must be published once a week for two consecutive weeks in a newspaper of general circulation where the self-service storage facility is located.

This amendment eliminates the requirement that self-service storage operators include an inventory of a client's property on the first notice to the client that he/she has defaulted on payment of rent. The inventory would be included on the second notice instead. This amendment would also reduce the amount of time a self-service storage operator must advertise sale of the client's property from once in two consecutive weeks to only one publication.

## Fiscal Impact

none

## Statement of Intent

Department of Agriculture, Trade and Consumer Protection. Eliminates certain requirements upon self-service storage operators.



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb0852<sup>1</sup>

RJM:.....

See W

JG  
RMR  
DATE

ARC:.....Miller - AM # 107, self-service storage facilities

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

At the locations indicated, amend the substitute amendment as follows:

1. Page 1407, line 7: after that line insert:

2. Page 1589, line 14: after that line insert:

(END)

✓  
INSERT 1-2  
②  
✓  
INSERT 1-3  
③  
4

BILL

INSERT 1-2

1 SECTION 1. 177.03 (intro.) of the statutes is amended to read:

2 177.03 General rules for taking custody of intangible unclaimed  
3 property. (intro.) Unless otherwise provided in this chapter or by another section  
4 of the statutes, intangible property is subject to the custody of this state as unclaimed  
5 property if the conditions raising a presumption of abandonment under ss. 177.02  
6 and 177.05 to ~~177.165~~ 177.16 are satisfied, and one of the following conditions is  
7 present:

8 SECTION 2. 177.165 of the statutes is repealed.

9 (B) 3048m SECTION 3. 704.90 (5) (b) 1. b. of the statutes is repealed.

10 SECTION 4. 704.90 (5) (b) 2. d. of the statutes is amended to read:

11 704.90 (5) (b) 2. d. A statement that unless the rent and other charges are paid  
12 within the time period under subd. 2. c., the personal property will be sold, a  
13 specification of the date, time and place of sale and a statement that if the property  
14 is sold the operator shall apply the proceeds of the sale first to satisfy the lien and  
15 shall report and deliver any balance to the state treasurer as provided under ch. 177  
16 to the lessee at the lessee's last-known address.

17 SECTION 5. 704.90 (5) (b) 2. dm. of the statutes is created to read:

18 704.90 (5) (b) 2. dm. A statement that if the lessee does not claim the balance  
19 and the balance is returned by the post office to the operator, the operator shall hold  
20 the balance for a period of 6 months after the date of the sale and that the balance  
21 shall become the property of the operator if the lessee does not claim the balance  
22 during the 6-month period.

23 (B) 3048p SECTION 6. 704.90 (6) (a) 4. of the statutes is amended to read:

BILL

SECTION 6

1 704.90 (6) (a) 4. An advertisement of the sale is published ~~once a week for 2~~  
2 ~~consecutive weeks~~ in a newspaper of general circulation where the self-service  
3 storage facility is located.

4 **SECTION 9.** 704.90 (6) (a) 5. a. of the statutes is amended to read:

5 704.90 (6) (a) 5. a. A brief and general description of the personal property  
6 reasonably adequate to permit its identification, as provided in the ~~notices~~ notice  
7 under sub. (5) (b) 2.

8 **SECTION 9.** 704.90 (6) (a) 6. of the statutes is amended to read:

9 704.90 (6) (a) 6. The sale takes place not sooner than 15 days after the first  
10 publication under subd. 4 ~~notice under sub. (5) (b) 2. is sent by certified mail.~~

**SECTION 9.** 704.90 (6) (b) of the statutes is amended to read:

12 704.90 (6) (b) The operator shall apply the proceeds of the sale first to satisfy  
13 the lien under sub. (3) (a). The operator shall report and deliver any balance to the  
14 state treasurer as provided under ch. 177 to the lessee at the lessee's last-known  
15 address. If the lessee does not claim the balance and the balance is returned by the  
16 post office to the operator, the operator shall hold the balance for a period of 6 months  
17 after the date of the sale. If the lessee does not claim the balance during that period,  
18 the balance becomes the property of the operator.

**SECTION 10.** 943.24 (4) of the statutes is repealed and recreated to read:

20 943.24 (4) This section does not apply to a postdated check or a check given for  
21 past consideration, unless the check is at least one of the following:

- 22 (a) A payroll check.
- 23 (b) A check given to an operator, as defined in s. 704.90 (1) (d), in payment for  
24 rent and other charges related to the personal property, including expenses  
25 necessary to the preservation, removal, storage, preparation for sale and sale of

BILL

INSERT 1-3

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personal property stored at a self-service storage facility, as defined in s. 704.90 (1)  
 (g).  
**SECTION 11. Initial applicability.**  
 (1) POSTDATED CHECKS AND CHECKS GIVEN FOR PAST CONSIDERATION. The treatment  
 of section 943.24 (4) of the statutes first applies to checks given on the effective date  
 of this subsection.

initial  
app

3 "d" SELF-SERVICE STORAGE RENT DEFAULTS. The treatment of sections ~~127.03~~  
~~(127.03, 127.16)~~ 704.90 (5) (b) 1. b. ~~and 2.~~ and (6) (a) 4. and 6. ~~and 7.~~ of the statutes  
 first applies to defaults or failures to pay rent for the storage of abandoned personal  
 property occurring on the effective date of this subsection. "

~~(END)~~

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBb0852/1dn

RJM:.....

19  
JG

Attached is the amendment you requested regarding self-service storage facilities. Please let me know if you desire any changes to the amendment. Thanks.

Robert J. Marchant  
Legislative Attorney  
Phone: (608) 261-4454  
E-mail: Robert.Marchant@legis.state.wi.us



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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBb0852/1dn  
RJM:jlgijs

June 22, 1999

Attached is the amendment you requested regarding self-service storage facilities. Please let me know if you desire any changes to the amendment. Thanks.

Robert J. Marchant  
Legislative Attorney  
Phone: (608) 261-4454  
E-mail: [Robert.Marchant@legis.state.wi.us](mailto:Robert.Marchant@legis.state.wi.us)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb0852/1  
RJM:jl:g:ijs

ARC:.....Miller – AM # 107, self-service storage facilities

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

**CAUCUS AMENDMENT**

**TO ASSEMBLY SUBSTITUTE AMENDMENT 1,**

**TO 1999 ASSEMBLY BILL 133**

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1407, line 7: after that line insert:

3 **“SECTION 3048m.** 704.90 (5) (b) 1. b. of the statutes is repealed.

4 **SECTION 3048p.** 704.90 (6) (a) 4. of the statutes is amended to read:

5 704.90 (6) (a) 4. An advertisement of the sale is published ~~once a week for 2~~

6 ~~consecutive weeks~~ in a newspaper of general circulation where the self-service

7 storage facility is located.

8 **SECTION 3048t.** 704.90 (6) (a) 5. a. of the statutes is amended to read:

1           704.90 (6) (a) 5. a. A brief and general description of the personal property  
2 reasonably adequate to permit its identification, as provided in the ~~notices~~ notice  
3 under sub. (5) (b) 2.

4           **SECTION 3048w.** 704.90 (6) (a) 6. of the statutes is amended to read:

5           704.90 (6) (a) 6. The sale takes place not sooner than 15 days after the ~~first~~  
6 publication under subd. 4.”.

7           **2.** Page 1589, line 14: after that line insert:

8           “(3d) SELF-SERVICE STORAGE RENT DEFAULTS. The treatment of section 704.90 (5)  
9 (b) 1. b. and (6) (a) 4., 5. a. and 6. of the statutes first applies to defaults or failures  
10 to pay rent for the storage of abandoned personal property occurring on the effective  
11 date of this subsection.”.

12

(END)