

ASSEMBLY BILL 707 (LRB -1808)

An Act to repeal 704.90 (12); to renumber and amend 704.90 (6) (a) 7.; to amend 704.90 (2m), 704.90 (4g), 704.90 (5) (a), 704.90 (5) (b) (intro.), 704.90 (5) (b) 2. (intro.), 704.90 (5) (b) 2. d., 704.90 (6) (a) 4. and 704.90 (6) (a) 5. b.; and to create 704.90 (3) (c), 704.90 (5m) and 704.90 (6) (a) 7. a., b. and c. of the statutes; relating to: self-service storage facility notices and procedures.

2010

02-05.	A.	Introduced by Representatives Barca, Clark, Steinbrink, Danou, Zigmunt, Kerkman, Zepnick, Ripp, A. Williams and Van Roy ; cosponsored by Senators Plale, Taylor, Wirch and Ellis.	
02-05.	A.	Read first time and referred to committee on Jobs, the Economy and Small Business	632
02-17.	A.	Public hearing held.	
02-24.	A.	Executive action taken.	
03-02.	A.	Report passage recommended by committee on Jobs, the Economy and Small Business, Ayes 13, Noes 0	714
03-02.	A.	Referred to committee on Rules	714
03-02.	A.	Placed on calendar 3-4-2010 by committee on Rules.	
03-04.	A.	LRB correction	724
03-04.	A.	Read a second time	729
03-04.	A.	Assembly amendment 1 offered by Representatives Barca and Clark (LRB a1740)	730
03-04.	A.	Assembly amendment 1 adopted	730
03-04.	A.	Assembly amendment 2 offered by Representatives Krusick and Strachota (LRB a1754)	730
03-04.	A.	Assembly amendment 2 adopted	730
03-04.	A.	Ordered to a third reading	730
03-04.	A.	Rules suspended	730
03-04.	A.	Read a third time and passed	730
03-04.	A.	Ordered immediately messaged	730
03-05.	S.	Received from Assembly	620
03-08.	S.	Read first time and referred to committee on Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection	623
03-16.	S.	Public hearing held.	
03-29.	S.	LRB correction (Assembly Amendment 2)	660
03-31.	S.	Executive action taken.	
03-31.	S.	Report introduction of Senate Substitute Amendment 1 recommended by committee on Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection, Ayes 5, Noes 0 (LRB s0346)	663
03-31.	S.	Report introduction and adoption of Senate Amendment 1 to Senate Substitute Amendment 1 recommended by committee on Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection, Ayes 5, Noes 0 (LRB a1951)	663
03-31.	S.	Report adoption of Senate Substitute Amendment 1 recommended by committee on Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection, Ayes 5, Noes 0	663
03-31.	S.	Report concurrence as amended recommended by committee on Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection, Ayes 5, Noes 0	664
03-31.	S.	Available for scheduling.	
04-21.	S.	Placed on calendar 4-22-2010 pursuant to Senate Rule 18(1).	
04-22.	S.	Read a second time.	
04-22.	S.	Senate amendment 1 to Senate substitute amendment 1 adopted.	
04-22.	S.	Senate substitute amendment 1 adopted.	
04-22.	S.	Ordered to a third reading.	
04-22.	S.	Rules suspended.	
04-22.	S.	Read a third time and concurred in as amended.	
04-22.	S.	Ordered immediately messaged.	
04-22.	A.	Received from Senate amended and concurred in as amended (Senate substitute amendment 1 as amended by Senate amendment 1 to Senate substitute amendment 1 adopted).	
04-22.	A.	Senate substitute amendment 1 concurred in.	
04-22.	A.	Action ordered immediately messaged.	

2009
ENROLLED BILL

09en A B-707

ADOPTED DOCUMENTS:

Orig Engr S SubAmdt 1 09 50346 3

Amendments to above (if none, write "NONE"): SA1 — a 1951/1

Corrections - show date (if none, write "NONE"): None

Topic Rel

4-27-10
Date

JR Miller
Enrolling Drafter



**SENATE SUBSTITUTE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 707**

March 31, 2010 - Offered by COMMITTEE ON SMALL BUSINESS, EMERGENCY
PREPAREDNESS, TECHNICAL COLLEGES, AND CONSUMER PROTECTION.

1 **AN ACT** *to renumber and amend* 704.90 (2m) and 704.90 (6) (a) 7.; *to amend*
2 704.90 (1) (b), 704.90 (1) (d), 704.90 (4r) (b), 704.90 (5) (a), 704.90 (5) (b) (intro.),
3 704.90 (5) (b) 2. (intro.), 704.90 (5) (b) 2. d., 704.90 (6) (title), 704.90 (6) (a) 4.,
4 704.90 (6) (a) 5. b., 704.90 (6) (a) 8. and 704.90 (12); and *to create* 704.90 (1) (h),
5 704.90 (2m) (b), 704.90 (3) (c), 704.90 (5m) and 704.90 (6) (a) 7. a., b. and c. of
6 the statutes; **relating to:** self-service storage facility or unit notices and
7 procedures.

*The people of the state of Wisconsin, represented in senate and assembly, do
enact as follows:*

8 **SECTION 1.** 704.90 (1) (b) of the statutes is amended to read:
9 704.90 (1) (b) "Leased space" means a self-service storage unit or a space
10 located within a self-service storage facility that a lessee is entitled to use for the
11 storage of personal property on a self-service basis pursuant to a rental agreement

1 and that is not rented or provided to the lessee in conjunction with property for
2 residential use by the lessee.

3 **SECTION 2.** 704.90 (1) (d) of the statutes is amended to read:

4 704.90 (1) (d) “Operator” means the owner, lessor or sublessor of a self-service
5 storage facility or of a self-service storage unit, an agent of any of them or any other
6 person who is authorized by the owner, lessor or sublessor to manage the self-service
7 storage facility or unit or to receive rent from a lessee under a rental agreement.

8 **SECTION 3.** 704.90 (1) (h) of the statutes is created to read:

9 704.90 (1) (h) “Self-service storage unit” means a box, shipping container, or
10 trailer that is leased by a tenant primarily for use as a storage space whether the box,
11 shipping container, or trailer is located at a facility owned or operated by the owner
12 or at a location designated by the tenant.

13 **SECTION 4.** 704.90 (2m) of the statutes is renumbered 704.90 (2m) (a) and
14 amended to read:

15 704.90 (2m) (a) Every rental agreement shall be in writing and shall contain
16 a provision allowing the lessee to specify the name and last-known address of a
17 person who, in addition to the lessee, the operator is required to notify under sub. (5)
18 (b) 1. If the rental agreement contains a provision that places a limit on the value
19 of property that is stored in the leased space, that provision shall be typed in bold type
20 or underlined type of the same size as the remainder of the agreement.

21 **SECTION 5.** 704.90 (2m) (b) of the statutes is created to read:

22 704.90 (2m) (b) The rental agreement shall include a statement that if the
23 lessee defaults on the payment of rent and the operator decides to sell the personal
24 property under sub. (6), an advertisement of that sale will be provided in one of the
25 following ways:

1 1. By publication once a week for 2 consecutive weeks in a newspaper of general
2 circulation where the self-service storage facility or unit is located.

3 2. By publication once in a newspaper of general circulation where the
4 self-service storage facility or unit is located and posting in 2 public places, one of
5 which shall be on the Internet Web site of the Wisconsin Self Storage Association or
6 on an Internet Web site maintained by the operator of the self-service storage facility
7 or unit ~~where the abandoned personal property is located.~~

8 **SECTION 6.** 704.90 (3) (c) of the statutes is created to read:

9 704.90 (3) (c) If the rental agreement contains a limit on the value of property
10 stored in the lessee's storage space, the limit shall be presumed to be the maximum
11 value of the property stored in that space.

12 **SECTION 7.** 704.90 (4r) (b) of the statutes is amended to read:

13 704.90 (4r) (b) After the termination, by expiration or otherwise, of a rental
14 agreement for the use of a leased space by a lessee, an operator may remove personal
15 property remaining in the leased space and store the personal property at another
16 site or within or outside the self-service storage facility or move the self-service
17 storage unit to another site, or the operator may continue to store the personal
18 property in the leased space, and the operator may deny the former lessee access to
19 the personal property until the lessee redeems the personal property under sub. (5)
20 (a). The operator may charge a reasonable rent for storage of the personal property,
21 whether at another site or in the leased space. A former lessee who fails to pay the
22 rent is subject to all procedures and remedies set forth in this section for default.

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

24 704.90 (5) (a) At any time prior to disposal under sub. (5m) or sale under sub.
25 (6), a lessee may redeem personal property by paying the operator any rent and other

1 charges due. Upon receipt of such payment, the operator shall return the personal
2 property, and thereafter the operator shall have no liability to any person with
3 respect to such personal property.

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

5 704.90 (5) (b) (intro.) An operator may not dispose of personal property under
6 sub. (5m) or sell personal property under sub. (6) unless the operator first delivers
7 the following 2 notices:

8 **SECTION 10.** 704.90 (5) (b) 2. (intro.) of the statutes is amended to read:

9 704.90 (5) (b) 2. (intro.) A 2nd notice sent by certified mail or 1st class mail with
10 a certificate of mailing to the last-known address of the lessee containing all of the
11 following:

12 **SECTION 11.** 704.90 (5) (b) 2. d. of the statutes is amended to read:

13 704.90 (5) (b) 2. d. A statement that unless the rent and other charges are paid
14 within the time period under subd. 2. c., the personal property may be disposed of if
15 the fair market value of the property is less than \$100 or will be sold, a specification
16 of the date, time and place of the sale and a statement that if the property is sold the
17 operator shall apply the proceeds of the sale first to satisfy the lien and shall report
18 and deliver any balance to the state treasurer as provided under ch. 177.

19 **SECTION 12.** 704.90 (5m) of the statutes is created to read:

20 704.90 (5m) DISPOSAL OF CERTAIN PROPERTY. If the fair market value of the
21 personal property that was stored in the lessee's leased space is less than \$100, an
22 operator may do any of the following:

23 (a) Donate the personal property to an organization described in section 501
24 (c) (3) of the Internal Revenue Code that is exempt from federal income tax under s.
25 501 (a) of the Internal Revenue Code.

- 1 (b) Dispose of the personal property in a solid waste facility.
- 2 (c) Have the personal property recycled.
- 3 (d) Dispose of the personal property in another manner that is reasonable
- 4 under the circumstances.

5 **SECTION 13.** 704.90 (6) (title) of the statutes is amended to read:

6 704.90 (6) (title) SALE, NOTICE ADVERTISEMENT OF SALE AND PROCEEDS OF SALE.

7 **SECTION 14.** 704.90 (6) (a) 4. of the statutes is amended to read:

8 704.90 (6) (a) 4. An advertisement of the sale is published once a week for 2

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

10 storage facility or unit is located, or is published once in a newspaper of general

11 circulation where the self-service storage facility or unit is located and is posted in

12 2 public places to give notice to the persons affected. In this subdivision, the Internet

13 is considered a public place. If the operator decides to publish an advertisement of

14 the sale by publication once in a newspaper and posting in 2 public places, one of the

15 public places where the advertisement shall be posted is on the Internet Web site of

16 the Wisconsin Self Storage Association or on an Internet Web site maintained by the

17 operator of the self-service storage facility or unit where the abandoned personal

18 property is located.

19 **SECTION 15.** 704.90 (6) (a) 5. b. of the statutes is amended to read:

20 704.90 (6) (a) 5. b. The address of the self-service storage facility, ~~the number,~~

21 ~~if any, of the space where the personal property is located~~ or of the operator of the

22 self-service storage unit and the name of the lessee.

23 **SECTION 16.** 704.90 (6) (a) 7. of the statutes is renumbered 704.90 (6) (a) 7.

24 (intro.) and amended to read:

1 704.90 (6) (a) 7. (intro.) The sale is ~~conducted in a commercially reasonable~~
2 ~~manner and~~ conforms to the terms of the notices under sub. (5) (b). and to any of the
3 following:

4 **SECTION 17.** 704.90 (6) (a) 7. a., b. and c. of the statutes are created to read:

5 704.90 (6) (a) 7. a. The personal property is offered either as a single parcel or
6 multiple parcels at a public sale attended by 3 or more bidders.

7 b. The personal property has been offered to at least 3 persons who deal in the
8 type of personal property offered for sale and is sold in a private transaction.

9 c. The personal property is sold in another manner that is commercially
10 reasonable.

11 **SECTION 18.** 704.90 (6) (a) 8. of the statutes is amended to read:

12 704.90 (6) (a) 8. The sale is held at the self-service storage facility, at the
13 self-service storage unit, or at the nearest suitable place to the place where the
14 personal property is stored.

15 **SECTION 19.** 704.90 (12) of the statutes is amended to read:

16 704.90 (12) RIGHT TO ACTION FOR VIOLATION. In addition to the remedies
17 otherwise provided by law, ~~any person~~ a lessee injured by a violation of this section
18 or any rule promulgated under sub. (9) may bring a civil action to recover damages
19 together with costs, disbursements and reasonable attorney fees, notwithstanding
20 s. 814.04 (1), and any equitable relief as may be determined by the court.

21 **(END)**



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa1951/1
RPN:nwn:ph

**SENATE AMENDMENT 1,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 707**

March 31, 2010 - Offered by COMMITTEE ON SMALL BUSINESS, EMERGENCY
PREPAREDNESS, TECHNICAL COLLEGES, AND CONSUMER PROTECTION.

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

2 **1.** Page 2, line 21: delete the material beginning with that line and ending with
3 page 3, line 7.

4 **2.** Page 5, line 10: delete the material beginning with “,or” and ending with
5 “located” on line 18.

6 (END)