



State of Wisconsin
2009 - 2010 LEGISLATURE

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**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:

