

SESSION OF 2012

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2647

As Amended by Senate Committee on Judiciary

Brief*

HB 2647 would amend provisions of the Self-Service Storage Act concerning sale of stored property when an occupant is in default. Specifically, prior to sale, the bill would require the operator to notify the occupant of the default by email, if the occupant has provided an email address to the operator, in addition to sending notice by first-class mail at the occupant's last-known address, which is already required. The second notice of default also would be required by email, if the occupant has provided an email address, in addition to notice by first-class mail. The bill would remove the requirement that the sale be advertised specifically within the classified section of a newspaper and would instead give the operator the option of advertising the sale either in a newspaper of general circulation in the jurisdiction where the sale is to be held or in any other commercially reasonable manner that results in the attendance of at least three independent bidders at the sale. "Independent bidder" would be defined in the bill.

Background

In the House Committee on Judiciary, a representative of the Kansas Self Storage Owners Association appeared in support of HB 2647. No opponents offered testimony. The Committee amended the bill to:

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- Allow advertisement of the sale in any other commercially reasonable manner, but only if no newspaper of general circulation is readily available;
- Remove a provision from the bill as introduced that would have limited the operator's liability for disclosure, discovery, or dissemination of certain personal or private information;
- Restore a provision that notice is deemed delivered when deposited with the U.S. Postal Service, properly addressed, and with prepaid postage; and
- Revise the definition of "independent bidder."

The same proponent appeared before the Senate Committee on Judiciary. The Senate Committee removed the amendment made by the House Committee limiting the use of other means of advertisement to those cases where there is no newspaper of general circulation where the sale is to be held. The Senate Committee recommended the bill be passed as amended.

The fiscal note indicates passage of HB 2647, as introduced, would have no fiscal effect.