

SB260 INTRODUCED



1 SB260
2 9J717MM-1
3 By Senator Melson
4 RFD: Judiciary
5 First Read: 05-Feb-26



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4 SYNOPSIS:

5 Under existing law, the Self-Service Storage
6 Facilities Act sets forth requirements for rental
7 agreements of self-service storage facilities.

8 This bill would permit rental agreements for
9 self-service storage facilities to be delivered and
10 executed electronically.

11 This bill would permit the acceptance of a
12 rental agreement if an occupant uses a leased space,
13 after the lease agreement has been delivered by
14 verified mail or electronic mail, for at least 30 days
15 without signing a lease agreement, obligating the
16 occupant to the agreement without any notice provided.

17 Also under the Self-Service Storage Facilities
18 Act, operators of self-service storage facilities may
19 remove the personal property of occupants who are in
20 default and place the items in a suitable storage space
21 pending its sale or other disposition.

22 This bill would authorize operators of storage
23 facilities to include a provision in the rental
24 agreement notifying the occupant of the operator's
25 right to dispose of an occupant's personal property
26 left at the self-service storage facility for a certain
27 amount of time after the end of the rental agreement.

28 This bill would prohibit occupants from using a



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29 self-service storage facility after a notice of
30 termination or nonrenewal of the rental agreement has
31 been delivered to the occupant.

32 This bill would set an amount of time for
33 occupants to remove personal property from a
34 self-service storage facility following the termination
35 or nonrenewal of the rental agreement.

36 This bill would permit the operator to place
37 certain reasonable restrictions on the occupant's use
38 of the self-service storage facility after the rental
39 agreement ends.

40 This bill would authorize the operator to
41 dispose of an occupant's personal property after a
42 certain amount of time following the notice of
43 termination or nonrenewal is delivered to the occupant.

44 Also under existing law, notice of the sale of
45 personal property of an occupant in default must be
46 published in a newspaper of general circulation in the
47 county where the storage facility is located, unless
48 such a newspaper does not exist.

49 This bill would also remove these publication
50 requirements, requiring instead that the notice be
51 published in any commercially reasonable manner.

52
53 A BILL

54 TO BE ENTITLED

55 AN ACT



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57 Relating to the Self-Service Storage Facilities Act; to
58 amend Sections 8-15-41, 8-15-44, 8-15-45, and 8-15-46, Code of
59 Alabama 1975, to permit rental agreements for self-service
60 storage facilities to be delivered and executed
61 electronically; to permit the acceptance of a rental agreement
62 if the occupant continues to use the leased space for a
63 certain amount of time after delivery of the written rental
64 agreement; to permit the inclusion of a provision in rental
65 agreements notifying occupants of the operator's right to
66 dispose of personal property left at the self-service storage
67 facility; to prohibit an occupant from using his or her
68 self-service storage facility after a notice of termination or
69 nonrenewal has been delivered to the occupant; to provide
70 occupants with an opportunity to remove personal property from
71 a storage facility after notice of termination or nonrenewal
72 has been delivered; to permit operators to impose reasonable
73 restrictions on the occupant's use of the self-service storage
74 facility after the rental agreement ends; to authorize
75 operators to dispose of an occupant's personal property left
76 at self-service storage facilities after a certain amount of
77 time following the end of a rental agreement; and to require
78 that notice of the sale of personal property of an occupant in
79 default may be published in any commercially reasonable
80 manner.

81 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

82 Section 1. Sections 8-15-41, 8-15-44, 8-15-45, and
83 8-15-46, Code of Alabama 1975, are amended to read as follows:
84 "§8-15-41



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85 For the purposes of this article, the following terms
86 ~~shall~~ have the following meanings:

87 (1) COMMERCIALLY REASONABLE SALE. A sale, conducted
88 pursuant to this article, at the self-service storage
89 facility, another suitable location selected by the operator,
90 or on a publicly accessible website that conducts lien sales
91 or personal property sales.

92 (2) DEFAULT. The failure by the occupant to perform on
93 time any obligation or duty set forth in a rental agreement or
94 in this article.

95 (3) ELECTRONIC MAIL. An electronic message or an
96 executable program or computer file that contains an image of
97 a message that is transmitted between two or more computers or
98 electronic terminals and includes electronic messages that are
99 transmitted within or between computer networks.

100 (4) EMERGENCY. Any occurrence or circumstance at or
101 near a self-service storage facility which requires immediate
102 action to avoid injury to persons or damage to property at or
103 near the self-service storage facility including, but not
104 limited to, a fire.

105 (5) LAST KNOWN ADDRESS. The postal address or
106 electronic mail address provided by an occupant in a rental
107 agreement or, subject to the requirements in a rental
108 agreement, the postal address or electronic mail address
109 provided by the occupant in a subsequent written notice of a
110 change of address.

111 (6) LATE FEE. Any fee or charge assessed for the
112 failure of an occupant to pay rent when due. The term does not

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113 include interest on a debt; expenses incurred in the
114 collection of unpaid rent; expenses incurred for the
115 preservation, sale, or disposition of personal property
116 pursuant to this article; or costs associated with the
117 enforcement of any other remedy provided by law or contract.

118 (7) LEASED SPACE. The individual storage space at a
119 self-service storage facility which is rented to an occupant
120 pursuant to a rental agreement.

121 (8) OCCUPANT. A person entitled to the use of leased
122 space at a self-service storage facility under a rental
123 agreement, or his or her successors or assigns.

124 (9) OPERATOR. The owner, operator, lessor, or sublessor
125 of a self-service storage facility, or an agent of any of the
126 foregoing, or any other person authorized to manage the
127 facility or to receive rent from an occupant under a rental
128 agreement. The term does not include a warehouseman if the
129 warehouseman issues a warehouse receipt, bill of lading, or
130 other document of title for the personal property stored.

131 (10) PERSONAL PROPERTY. Movable property not affixed to
132 land. The term includes, but is not limited to, goods, wares,
133 merchandise, motor vehicles, watercraft, household items, and
134 furnishings.

135 (11) PROPERTY—~~WHICH~~ THAT HAS NO COMMERCIAL VALUE.
136 Property offered for sale in a commercially reasonable sale
137 that receives no bid or offer.

138 (12) RENTAL AGREEMENT. Any written agreement or lease
139 that establishes or modifies the terms, conditions, or rules
140 concerning the use and occupancy of leased space at a



141 self-service storage facility.

142 (13) SELF-SERVICE STORAGE FACILITY. Any real property
143 used for renting or leasing individual storage spaces in which
144 the occupants customarily store and remove their own personal
145 property on a self-service basis.

146 (14) VERIFIED MAIL. Any method of mailing offered by
147 the United States Postal Service or private delivery service
148 that provides evidence of the mailing."

149 "§8-15-44

150 (a) The operator of a self-service storage facility and
151 the heirs, executors, administrators, successors, and assigns
152 of the operator shall have a lien upon all of the personal
153 property of an occupant located at the self-service storage
154 facility for delinquent rent, late fees, labor, or other
155 charges incurred pursuant to a rental agreement and for
156 expenses incurred for preservation, sale, or disposition of
157 the personal property. The lien provided for in this section
158 is superior to any other lien or security interest, except for
159 a tax lien as otherwise provided by law.

160 (b) The lien described in subsection (a) attaches on
161 the date on which personal property is placed in a leased
162 space.

163 (c) The rental agreement shall contain a statement, in
164 bold type, advising the occupant of all of the following:

165 (1) The existence of the lien.

166 (2) That personal property stored in the leased space
167 may be sold to satisfy the lien if the occupant is in default.

168 (3) That the occupant must disclose any lienholders



169 with an interest in property that is stored or will be stored
170 in the leased space.

171 (d) If the rental agreement specifies a limit on the
172 value of personal property that the occupant may store in the
173 leased space, the limit shall be deemed to be the maximum
174 value of the personal property in the leased space of the
175 occupant.

176 (e) The rental agreement may provide for a reasonable
177 late fee when the occupant is in default. A monthly late fee
178 of twenty dollars (\$20) or 20 percent of the monthly rental
179 amount, whichever is greater, shall be considered reasonable
180 and is not a penalty.

181 (f) The rental agreement may be delivered and executed
182 by verified mail or electronic mail.

183 (g) If an occupant does not sign a written rental
184 agreement that the operator has delivered to the occupant by
185 verified mail or electronic mail, within 30 calendar days,
186 then the occupant's continued use of the leased space for not
187 less than 30 calendar days after the date the notice was
188 delivered shall constitute an acceptance of the rental
189 agreement with the same effect as if the agreement had been
190 signed by the occupant."

191 "§8-15-45

192 (a) If the occupant is in default, the operator may
193 deny the occupant access to the leased space at the
194 self-service storage facility. The operator may enter and
195 remove the personal property from the leased space to other
196 suitable storage space pending its sale or other disposition.



197 (b) The rental agreement may contain a provision
198 notifying the occupant of the operator's right to dispose of
199 personal property remaining at the self-service storage
200 facility more than 15 days after the termination or nonrenewal
201 of the rental agreement.

202 (c) An occupant may not use a self-service storage
203 facility after the operator has delivered a written notice by
204 verified mail or electronic mail of the termination or
205 nonrenewal of the occupant's rental agreement. The notice
206 shall provide the occupant with not less than 15 calendar days
207 after delivery of the notice to remove all personal property
208 from the self-service storage facility.

209 (d) Prior to the occupant's removal of all personal
210 property, the operator may place reasonable restrictions on
211 the occupant's use of the self-service storage facility,
212 including denying access to the self-service storage facility
213 except for the occupant to remove personal property during the
214 operator's office hours. The operator may dispose of any
215 personal property remaining at the self-service storage
216 facility after the date provided in the written notice
217 pursuant to subsection (c)."

218 "§8-15-46

219 (a) If an occupant is in default for a period of more
220 than 30 days, the operator may enforce the lien granted in
221 Section 8-15-44 by selling the stored personal property of the
222 occupant. Sale of the personal property of an occupant may be
223 by public or private proceedings. The personal property may be
224 sold as a unit or in parcels, by way of one or more contracts,



225 at any time or place, with bids or offers sealed or open, and
226 on any terms as long as the sale is a commercially reasonable
227 sale. The operator may otherwise dispose of any property-~~which~~
228 that has no commercial value.

229 (b) Before conducting a sale under this section, the
230 operator shall do all of the following:

231 (1) At least 20 days before the sale, send notice of
232 default to the occupant and any lienholder identified by the
233 occupant in the rental agreement by verified mail or
234 electronic mail pursuant to subsection (h). The notice of
235 default shall include:

236 a. A statement that the contents of the leased space
237 are subject to the operator's lien.

238 b. A statement of the operator's claim, indicating the
239 charges due on the date of the notice, the amount of any
240 additional charges-~~which~~ that shall become due before the date
241 of sale, and the date the additional charges shall become due.

242 c. A demand for payment of the charges due within a
243 specified time, which shall not be less than 10 days after the
244 date of the notice.

245 d. A statement that unless the claim is paid within the
246 time stated, the contents of the leased space will be sold or
247 otherwise disposed of after a specified time.

248 e. The name, street address, and telephone number of
249 the operator or a designated agent whom the occupant may
250 contact to respond to the notice.

251 (2) At least seven days before the sale, an
252 advertisement containing the time, place, and terms of the



253 sale shall be published ~~once in a newspaper of general~~
254 ~~circulation in the county where the self-service storage~~
255 ~~facility is located in any commercially reasonable manner.~~ A
256 single advertisement listing multiple sales ~~in a newspaper of~~
257 ~~general circulation in the county~~ shall suffice. ~~If no~~
258 ~~newspaper of general circulation is located in the county, or~~
259 ~~if the operator determines, based on the previous experience~~
260 ~~of the operator, that the contents of the leased space have a~~
261 ~~value of five hundred dollars (\$500) or less, then an~~
262 ~~advertisement in any commercially reasonable manner shall~~
263 ~~suffice.~~ The manner of advertisement is deemed commercially
264 reasonable if it is likely to attract at least three
265 independent bidders to attend or view the sale in person or
266 online at the time and place advertised.

267 (c) The operator may buy the personal property of the
268 occupant at any public sale held pursuant to this section.

269 (d) If the personal property subject to the operator's
270 lien is a vehicle, watercraft, or trailer and ~~rent and other~~
271 ~~charges remain unpaid~~ the occupant is in default for 60 days,
272 the operator may have the vehicle, watercraft, or trailer
273 towed from the self-service storage facility. The operator
274 shall not be liable for any damages to the vehicle,
275 watercraft, or trailer once a licensed and bonded tow takes
276 possession of the property. Removal of any vehicle,
277 watercraft, or trailer from the self-service storage facility
278 shall not release the operator's lien. The sale of a
279 watercraft shall comply with Section 33-5A-4. Any provision of
280 this article to the contrary notwithstanding, unclaimed motor



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281 vehicles shall be reported in accordance with Section 32-8-84
282 and abandoned motor vehicles shall be sold in accordance with
283 Chapter 13 of Title 32.

284 (e) At any time before a sale is held under this
285 section or before a vehicle, watercraft, or trailer is towed
286 under this section, the occupant may pay the amount necessary
287 to satisfy the lien and redeem the personal property. The
288 operator shall have no liability to any person with respect to
289 personal property redeemed pursuant to this subsection.

290 (f) In the event of a sale, the operator may satisfy
291 the lien from the proceeds of the sale. The lien rights of
292 secured lienholders are automatically transferred to the
293 remaining proceeds of the sale, if any. If the sale is a
294 commercially reasonable sale, the operator shall not be
295 subject to any liability for a deficiency if the amount
296 realized at the sale does not satisfy any secured lien, but
297 shall hold the balance, if any, for delivery to the occupant
298 or any secured lienholder, upon demand. If the occupant or
299 secured lienholder, if any, does not claim the balance of the
300 proceeds within one year after the date of sale, the balance
301 shall become the property of the operator without further
302 recourse by the occupant or secured lienholder.

303 (g) A purchaser in good faith of any personal property
304 sold pursuant to this section to satisfy the lien granted in
305 Section 8-15-44 takes the property free and clear of any
306 rights of persons against whom the lien was valid, despite
307 noncompliance by the operator with the requirements of this
308 section. If the requirements of this article are not



309 satisfied, if the sale of the personal property is not in
310 conformity with the notice of sale, or if there is a willful
311 violation of this article, nothing in this section affects the
312 rights and liabilities of the owner, occupant, or any other
313 person.

314 (h) Notices to the occupant under subdivision (b) (1)
315 shall be sent to the last known address of the occupant by
316 verified mail or electronic mail. Notices sent by verified
317 mail shall be deemed delivered when deposited with the United
318 States Postal Service or private delivery service if they are
319 properly addressed with postage prepaid. Notices sent by
320 electronic mail shall be deemed delivered when an electronic
321 message is sent to the last known address provided by the
322 occupant. If the operator sends notice by electronic mail and
323 receives an automated message stating that the electronic mail
324 cannot be delivered, the operator shall send notice by
325 verified mail to the last known address of the occupant with
326 postage prepaid.

327 (i) If the operator complies with the requirements of
328 this section, the liability of the operator:

329 (1) To the occupant, shall be limited to the net
330 proceeds received from the sale of the personal property of
331 the occupant less any proceeds paid to the holders of any lien
332 or security interest of record on the personal property being
333 sold; and

334 (2) To the holders of any lien or security interest of
335 record on the personal property being sold, shall be limited
336 to the net proceeds received from the sale of any personal

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337 property covered by the lien or security interest of the
338 holder."

339 Section 2. This act shall become effective on October
340 1, 2026.