

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 2390

By: Hill

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5
6 AS INTRODUCED

7 An Act relating to liens; amending 42 O.S. 2021,
8 Sections 196, 197, and 197.1, which relate to the
9 Self-Service Storage Facility Lien Act; providing
10 that a rental agreement may be delivered and accepted
11 electronically; updating terms; providing that
12 continued payment shall be deemed the acceptance of a
13 rental agreement in certain circumstances; providing
14 that certain sales may be made on publicly accessible
15 website that regularly advertises or conducts
16 property auctions or sales; providing timeline of
17 taking possession of a storage unit and disposing of
18 certain property; providing timeline of taking
19 possession of a storage unit and selling of property;
20 providing notice requirements; and providing an
21 effective date.

22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

23 SECTION 1. AMENDATORY 42 O.S. 2021, Section 196, is
24 amended to read as follows:

25 Section 196. A. Where a rental agreement, as defined in
26 Section 192 of this title, is entered into between the owner and the
27 occupant, the owner of a self-service storage facility and his or
28 her heirs, executors, administrators, successors, and assigns have a
29 lien upon all personal property located at the self-service storage
30 facility for rent, late fees, labor, or other charges, present or

1 future, in relation to the personal property and for expenses
2 necessary for its preservation or expenses reasonably incurred in
3 its sale or other disposition pursuant to the Self-Service Storage
4 Facility Lien Act. A rental agreement may be delivered and accepted
5 electronically.

6 B. The lien attaches as of the date the personal property is
7 brought to the self-service storage facility and continues so long
8 as the owner retains possession and until the default is corrected,
9 or a sale is conducted, or the property is otherwise disposed of to
10 satisfy the lien.

11 C. A facility or unit owner may charge a tenant a reasonable
12 late fee for each period that the tenant does not pay rent due under
13 the rental agreement. The amount of the late fee and the conditions
14 for imposing such a fee shall be stated in the rental agreement or
15 in an addendum to the agreement. For purposes of this subsection, a
16 late fee not to exceed the greater of Twenty Dollars (\$20.00) or
17 twenty percent (20%) of unpaid rent is considered reasonable.

18 D. The rental agreement shall contain a provision directing the
19 occupant to disclose any lienholders with an interest in property
20 that is or will be stored in a self-service storage facility.

21 E. If the personal property is a vehicle, watercraft or trailer
22 and ~~rent and other charges remain unpaid~~ the occupant is in default
23 for sixty (60) days, the facility owner may have the vehicle,
24 watercraft or trailer towed from the self-service storage facility.

1 If the vehicle, watercraft or trailer is towed from the self-service
2 storage facility, the facility owner shall not be liable for the
3 vehicle, watercraft or trailer or for any damages to the vehicle,
4 watercraft or trailer once the towing company takes possession of
5 the property.

6 F. If within thirty (30) days of the delivery of a written
7 rental agreement from the owner to the occupant by hand delivery,
8 first-class mail, or, if mutually agreed between the owner and
9 occupant in the rental agreement or in an addendum to the rental
10 agreement, by electronic mail, the occupant fails to sign such
11 rental agreement, the occupant's payment of rent or continued use of
12 the storage space shall be deemed an acceptance of the rental
13 agreement and such rental agreement shall be enforceable against the
14 occupant as if it had been signed by the occupant.

15 SECTION 2. AMENDATORY 42 O.S. 2021, Section 197, is
16 amended to read as follows:

17 Section 197. A. An owner's lien as provided for a claim which
18 has become due may be satisfied as provided by this section. The
19 possessory lien authorized by this section shall be prior to any
20 previously perfected security interest in the personal property
21 pursuant to Section 1-9-333 of Title 12A of the Oklahoma Statutes.

22 B. No enforcement action shall be taken by the owner until the
23 occupant has been in default continuously for a period of thirty
24 (30) days. As used in this subsection, "enforcement action" shall

1 not include actions of the owner taken pursuant to Section 195 of
2 this title.

3 C. After the occupant has been in default continuously for a
4 period of thirty (30) days, the owner may begin enforcement action
5 if the occupant has been notified in writing. Said notice shall be
6 delivered in person or sent by verified mail to the last-known
7 address of the occupant or, if mutually agreed between the owner and
8 occupant in the rental agreement or in an addendum to the rental
9 agreement, by electronic mail. Any lienholder with an interest in
10 the property to be sold or otherwise disposed of, of whom the owner
11 has actual knowledge, shall be included in the notice process via
12 verified mail. If the occupant provides his or her electronic mail
13 address for purposes of receiving notices pursuant to this
14 subsection, the rental agreement or addendum to the rental agreement
15 must provide space for the occupant to give the name and electronic
16 mail address of another person to whom the notice may be sent.
17 Failure of an occupant to give the name and electronic mail address
18 of another person shall not affect an owner's rights or remedies
19 under this title or under any other provision of law. The other
20 person, if any, does not have any rights to access the occupant's
21 space or to the personal property stored in the occupant's space
22 unless expressly stated otherwise in the rental agreement or
23 addendum to the rental agreement.

24 D. The notice shall include:

1 1. An itemized statement of the owner's claim showing the sum
2 due at the time of the notice and the date when the sum became due;

3 2. A brief and general description of the personal property
4 subject to the lien. The description shall be reasonably adequate
5 to permit the person notified to identify such property, except that
6 any container including, but not limited to, a trunk, valise, or box
7 that is locked, fastened, sealed, or tied in a manner which deters
8 immediate access to its contents may be described as such without
9 describing its contents;

10 3. A notification of denial of access to the personal property,
11 if such denial is permitted under the terms of the rental agreement,
12 which notification shall provide the name, street address, and
13 telephone number of the owner or his designated agent whom the
14 occupant may contact to respond to such notification;

15 4. A demand for payment within a specified time not less than
16 fifteen (15) days after delivery of the notice; and

17 5. A conspicuous statement that, unless the claim is paid
18 within the time stated in the notice, the personal property will be
19 advertised for sale or other disposition and will be sold or
20 otherwise disposed of at a specified time and place.

21 E. Any notice made pursuant to this section by verified mail
22 shall be presumed delivered when it is deposited with the United
23 States Postal Service or a private delivery service and properly
24 addressed with postage prepaid. Any electronic mail notice made

1 pursuant to this section shall be presumed delivered when it is sent
2 and properly addressed and does not return as unavailable. If an
3 electronic mail is returned as unavailable, notice shall be given by
4 verified mail.

5 F. After the expiration of the time given in the notice, an
6 advertisement of the sale or other disposition shall be published
7 once in a newspaper of general circulation in the county where the
8 self-service storage facility is located or on a publicly accessible
9 website that regularly advertises or conducts property auctions or
10 sales.

11 G. The advertisement prescribed by subsection F of this section
12 shall include:

13 1. A brief and general description of the personal property
14 reasonably adequate to permit its identification as provided in
15 paragraph 2 of subsection D of this section, the address of the
16 self-service storage facility and the number, if any, of the space
17 where the personal property is located, and the name of the occupant
18 and his or her last-known address; or

19 2. The time, place, and manner of the sale or other
20 disposition. The sale or other disposition shall take place not
21 sooner than fifteen (15) days after the publication.

22 If there is no newspaper of general circulation in the county
23 where the self-service storage facility is located, and if the owner
24 does not advertise on a publicly accessible website that regularly

1 advertises or conducts property auctions or sales, the advertisement
2 shall be posted at least ten (10) days before the date of the sale
3 or other disposition in not less than six conspicuous places in the
4 neighborhood where the self-service storage facility is located and
5 published one time in a legal newspaper in an adjoining county of
6 this state, which newspaper has general circulation in the county or
7 political subdivision in which such notice is required.

8 H. Any sale or other disposition of the personal property shall
9 conform to the terms of the notification as provided for in this
10 section.

11 I. Any sale or other disposition of the personal property shall
12 be held online, at the self-service storage facility or at the
13 nearest suitable place to where the personal property is held or
14 stored.

15 J. Before any sale or other disposition of personal property
16 pursuant to this section, the occupant may pay the amount necessary
17 to satisfy the lien and the reasonable expenses incurred under this
18 section and thereby redeem the personal property. Upon receipt of
19 such payment, the owner shall return the personal property, and
20 thereafter the owner shall have no liability to any person with
21 respect to such personal property.

22 K. A purchaser in good faith of the personal property sold to
23 satisfy a lien as provided in this act takes the property free of
24 any rights of persons against whom the lien was valid and free of

1 any rights of a secured creditor, despite noncompliance by the owner
2 with the requirements of this section.

3 L. In the event of a sale under this section, the owner may
4 satisfy his or her lien from the proceeds of the sale.

5 M. If the proceeds from sale of the property are less than the
6 amount required to pay the obligation secured by the lien, the owner
7 may pursue a deficiency against the tenant. If the proceeds from
8 sale of the property are more than the amount required to pay the
9 obligation secured by the owner's lien, the owner shall hold the
10 excess proceeds for a period of ninety (90) days from the date of
11 the sale. During this period, any persons, including the tenant,
12 claiming an interest in the excess proceeds from the sale of the
13 property shall present adequate proof of their claim to the owner.
14 After the expiration of the ninety-day period, the owner shall make
15 such distribution of the excess proceeds as is required based upon
16 the claims presented. If after making distribution of the proceeds
17 as prescribed by this subsection there are any remaining proceeds,
18 the excess proceeds shall be presumed abandoned and administered in
19 accordance with the Uniform Unclaimed Property Act.

20 N. If the requirements of the Self-Service Storage Facility
21 Lien Act are not satisfied, if the sale of the personal property is
22 not in conformity with the notice of sale, or if there is a willful
23 violation of this act, nothing in this section affects the rights
24 and liabilities of the owner, the occupant, or any other person.

1 0. Any purchaser of personal property sold pursuant to this
2 section for which a certificate of title has been issued by the
3 Oklahoma Tax Commission shall obtain a certificate of title to be
4 issued in the purchaser's name in the same manner as provided by law
5 for the issuance of a certificate of title for property requiring a
6 certificate of title sold pursuant to the provisions of Sections 91
7 through 102 of this title.

8 SECTION 3. AMENDATORY 42 O.S. 2021, Section 197.1, is
9 amended to read as follows:

10 Section 197.1. A. If the occupant ~~abandons or surrenders~~
11 ~~possession of the self-service storage facility and leaves~~ has left
12 household goods, furnishings, fixtures, or any other personal
13 property in the self-service storage facility at the end of the
14 rental agreement, the owner may take possession of the property, and
15 if, in the judgment of the owner, the property has no ascertainable
16 or apparent value, the owner may dispose of the property without any
17 duty of accounting or any liability to any party.

18 B. If the occupant ~~abandons or surrenders possession of the~~
19 ~~self-service storage facility and leaves~~ has left household goods,
20 furnishings, fixtures, or any other personal property in the self-
21 service storage facility for a period of thirty (30) days or longer
22 following the end of the rental agreement, the owner may take
23 possession of the property, and if, in the judgment of the owner the
24 property has an ascertainable or apparent value, ~~such property left~~

1 ~~with the owner for a period of thirty (30) days or longer shall be~~
2 ~~conclusively determined to be abandoned and as such the owner may~~
3 dispose of said property in any manner which he or she deems
4 reasonable and proper without liability to the occupant or any other
5 interested party; however, before the property is disposed of, the
6 owner shall provide written notice to the occupant, by certified
7 mail with return receipt requested or by verified mail, and the
8 owner may dispose of the property fifteen (15) days after the owner
9 ~~receives the return receipt document or fifteen (15) days after the~~
10 ~~owner receives a communication from the United States Post Office~~
11 ~~that the written notice was not claimed by the addressee, whichever~~
12 ~~period occurs first~~ has delivered the notice.

13 SECTION 4. This act shall become effective November 1, 2025.

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