

AMENDED IN SENATE MAY 8, 1997

SENATE BILL

No. 1086

Introduced by Senator Schiff

February 28, 1997

An act to amend Section 21701 of, and to add Section 21701.1 to, the Business and Professions Code, relating to business regulation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1086, as amended, Schiff. Self-storage facilities: containers.

The California Self-Service Storage Facility Act defines self-service storage facilities and regulates rental agreements and the imposition of liens on personal property located at a self-service storage facility.

This bill would revise the definition of self-service storage facility. The bill would also provide that the owner or operator of a self-service storage facility *or a household goods carrier* may transport and store individual storage containers, subject to certain restrictions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 21701 of the Business and
- 2 Professions Code is amended to read:
- 3 21701. For the purposes of this chapter, the following
- 4 terms shall have the following meanings:

1 (a) “Self-service storage facility” means real property
2 designed and used for the purpose of renting or leasing
3 individual storage space to occupants who are to have
4 access to the space for the purpose of storing and
5 removing personal property or for storing individual
6 storage containers provided to occupants who have
7 exclusive use of the container for the purpose of storing
8 and removing personal property. Self-service storage
9 facility does not include a garage or other storage area in
10 a private residence. No occupant may use a self-service
11 storage facility for residential purposes. A self-service
12 storage facility is not a warehouse, nor a public utility, as
13 defined in Section 216 of the Public Utilities Code. If an
14 owner issues a warehouse receipt, bill of lading, or other
15 document of title for the personal property stored, the
16 owner and the occupant are subject to the provisions of
17 Division 7 (commencing with Section 7101) of the
18 Commercial Code, and the provisions of this chapter do
19 not apply.

20 (b) “Owner” means the owner, operator, lessor, or
21 sublessor of a self-service storage facility, his or her agent,
22 or any other person authorized by him or her to manage
23 the facility, or to receive rent from an occupant under a
24 rental agreement, and no real estate license is required.

25 (c) “Occupant” means a person, or his or her
26 sublessee, successor, or assign, who is entitled to the use
27 of the storage space at a self-service storage facility under
28 a rental agreement, to the exclusion of others.

29 (d) “Rental agreement” means any written
30 agreement or lease which establishes or modifies the
31 terms, conditions, rules, or any other provision
32 concerning the use and occupancy of a self-service
33 storage facility.

34 (e) “Personal property” means movable property not
35 affixed to land, and includes, but is not limited to, goods,
36 merchandise, furniture, and household items.

37 (f) “Last known address” means that address provided
38 by the occupant in the latest rental agreement, or the
39 address provided by the occupant in a subsequent written
40 notice of a change of address.



1 SEC. 2. Section 21701.1 is added to the Business and
2 Professions Code, to read:

3 21701.1. The owner ~~of a self-service storage facility or~~
4 *operator of a self-service storage facility, or a household*
5 *goods carrier*, may, for a fee, transport individual storage
6 containers to and from a self-service storage facility that
7 he or she owns ~~or operates. This transportation does not~~
8 ~~subject the owner or operator to regulation as a household~~
9 ~~goods carrier under Chapter 7 (commencing with~~
10 ~~Section~~ *or operates. This transportation activity whether*
11 *performed by an owner, operator, or carrier, is not*
12 *subject to regulation under Chapter 7 (commencing with*
13 *Section 5101) of Division 2 of the Public Utilities Code,*
14 provided both of the following requirements are met:

15 (1) The fee charged for transportation does not exceed
16 fifty dollars (\$50).

17 (2) The owner, *operator, or carrier* does not load,
18 pack, or otherwise handle the contents of the container.

