

1 ENGROSSED SENATE
2 BILL NO. 1326

By: Coleman of the Senate

3 and

4 Hall of the House

5
6 An Act relating to liens; amending 42 O.S. 2021,
7 Sections 196 and 197.1, which relate to the Self-
8 Service Storage Facility Lien Act; permitting
9 electronic delivery and acceptance of rental
10 agreements; providing for mode of acceptance in
11 certain circumstance; providing timeline for disposal
12 and sale of certain property; providing notice
13 requirements; making language gender neutral;
14 updating statutory language; updating statutory
15 references; and providing an effective date.

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

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

19 Section 196. A. Where a rental agreement, as defined in
20 Section 192 of this title, is entered into between the owner and the
21 occupant, the owner of a self-service storage facility and his or
22 her heirs, executors, administrators, successors, and assigns have a
23 lien upon all personal property located at the self-service storage
24 facility for rent, late fees, labor, or other charges, present or
future, in relation to the personal property and for expenses
necessary for its preservation or expenses reasonably incurred in
its sale or other disposition pursuant to the Self-Service Storage

1 Facility Lien Act. A rental agreement may be delivered and accepted
2 electronically.

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

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

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

18 E. If the personal property is a vehicle, watercraft, or
19 trailer and ~~rent and other charges remain unpaid~~ the occupant is in
20 default for sixty (60) days, the facility owner may have the
21 vehicle, watercraft, or trailer towed from the self-service storage
22 facility. If the vehicle, watercraft, or trailer is towed from the
23 self-service storage facility, the facility owner shall not be
24 liable for the vehicle, watercraft, or trailer or for any damages to

1 the vehicle, watercraft, or trailer once the towing company takes
2 possession of the property.

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

13 SECTION 2. AMENDATORY 42 O.S. 2021, Section 197.1, is
14 amended to read as follows:

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

23 B. If the occupant ~~abandons or surrenders possession of the~~
24 ~~self-service storage facility and leaves~~ has left household goods,

1 furnishings, fixtures, or any other personal property in the self-
2 service storage facility for a period of thirty (30) days or longer
3 following the end of the rental agreement, the owner may take
4 possession of the property, and if, in the judgment of the owner the
5 property has an ascertainable or apparent value, ~~such property left~~
6 ~~with the owner for a period of thirty (30) days or longer shall be~~
7 ~~conclusively determined to be abandoned and as such the owner may~~
8 dispose of ~~said~~ the property in any manner which he or she deems
9 reasonable and proper without liability to the occupant or any other
10 interested party; however, before the property is disposed of, the
11 owner shall provide written notice to the occupant, by certified
12 mail with return receipt requested or by first-class mail, and the
13 owner may dispose of the property fifteen (15) days after the owner
14 ~~receives the return receipt document or fifteen (15) days after the~~
15 ~~owner receives a communication from the United States Post Office~~
16 ~~that the written notice was not claimed by the addressee, whichever~~
17 ~~period occurs first~~ has delivered the notice.

18 SECTION 3. This act shall become effective November 1, 2026.
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