

**ENFORCEMENT OF LIENS**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Julie Fisher**

Senate Sponsor: J. Stuart Adams

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**LONG TITLE**

**General Description:**

This bill modifies a provision relating to the enforcement of storage facility liens.

**Highlighted Provisions:**

This bill:

► requires a notice of a lien enforcement action involving the sale of a ~~§~~ [motor] ~~§~~ vehicle, vessel, ~~§~~ [or] ~~§~~ outboard motor ~~§~~ , or aircraft ~~§~~ to be sent to the last known address of the registered owner ~~§~~ and lienholder ~~§~~ , as disclosed by the records of the Motor Vehicle Division.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

**AMENDS:**

**38-8-3**, as last amended by Laws of Utah 2009, First Special Session, Chapter 5

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **38-8-3** is amended to read:

**38-8-3. Enforcement of lien -- Notice requirements -- Sale procedure and effect.**

A claim of an owner which has become due against an occupant and which is secured by the owner's lien may be satisfied as follows:



28 (1) No enforcement action may be taken by the owner until the occupant has been in  
29 default continuously for a period of 30 days.

30 (2) After the occupant has been in default continuously for a period of 30 days, the  
31 owner may begin enforcement action if the occupant has been given notice in writing. The  
32 notice shall be delivered in person or sent by certified mail to the last known address of the  
33 occupant~~[, and a]~~. If the property to be sold in an enforcement action includes a ~~Œ~~→ [motor] ←~~Œ~~  
33a vehicle,  
34 vessel, or outboard motor, ~~Œ~~→ as those terms are defined in Section 41-1a-102, or an aircraft as  
34a defined in Section 72-10-102, ←~~Œ~~ the notice shall also be delivered to the last known address of the  
35 registered owner ~~Œ~~→ and any lienholder ←~~Œ~~ , as disclosed by the records of the Motor Vehicle  
35a Division. A copy of the  
36 notice shall, at the same time, be sent to the sheriff of the county where the self-service storage  
37 facility is located. Any lienholder with an interest in the property to be sold or otherwise  
38 disposed of, of whom the owner has knowledge either through the disclosure provision on the  
39 rental agreement or through the existence of a validly filed and perfected UCC-1 financing  
40 statement with the Division of Corporations and Commercial Code, or through other written  
41 notification, shall be included in the notice process as set forth in this section.

42 (3) This notice shall include:

43 (a) an itemized statement of the owner's claim showing the sum due at the time of the  
44 notice and the date when the sum became due;

45 (b) a brief and general description of the personal property subject to the lien, which  
46 description shall be reasonably adequate to permit the person notified to identify the property;  
47 except that any container including, but not limited to, a trunk, valise, or box that is locked,  
48 fastened, sealed, or tied in a manner which deters immediate access to its contents may be  
49 described as such without describing its contents;

50 (c) a notification of denial of access to the personal property, if such denial is permitted  
51 under the terms of the rental agreement, which notification shall provide the name, street  
52 address, and telephone number of the owner or his designated agent whom the occupant may  
53 contact to respond to the notification;

54 (d) a demand for payment within a specified time not less than 15 days after delivery of  
55 the notice; and

56 (e) a conspicuous statement that, unless the claim is paid within the time stated in the  
57 notice, the personal property will be advertised for sale or other disposition and will be sold or  
58 otherwise disposed of at a specified time and place.