{deleted text} shows text that was in HB0284 but was deleted in HB0284S01.

inserted text shows text that was not in HB0284 but was inserted into HB0284S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Lawanna Shurtliff proposes the following substitute bill:

NOTIFICATION AMENDMENTS

2020 GENERAL SESSION STATE OF UTAH

Chief Sponsor: Lawanna Shurtliff

Senate	Sponsor:	

LONG TITLE

General Description:

This bill modifies provisions related to certain notices <u>provided by a self-service</u> <u>storage facility</u>.

Highlighted Provisions:

This bill:

- modifies the method by which an owner of a self-service storage facility sends notice to an occupant before enforcing a lien against the occupant's property by requiring the owner to deliver the notice:
 - by certified mail and by email; or
 - in person, with a signed document that acknowledges receipt;
- requires certain notices under the Revised Uniform Unclaimed Property Act be delivered:

- by certified mail and by email; or
- in person, with a signed document that acknowledges receipt; and
 - makes technical and conforming changes.

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 2013, Chapter 163

67-4a-102, as last amended by Laws of Utah 2019, Chapter 78

67-4a-501, as last amended by Laws of Utah 2018, Chapter 281

67-4a-503, as last amended by Laws of Utah 2018, Chapter 459

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

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

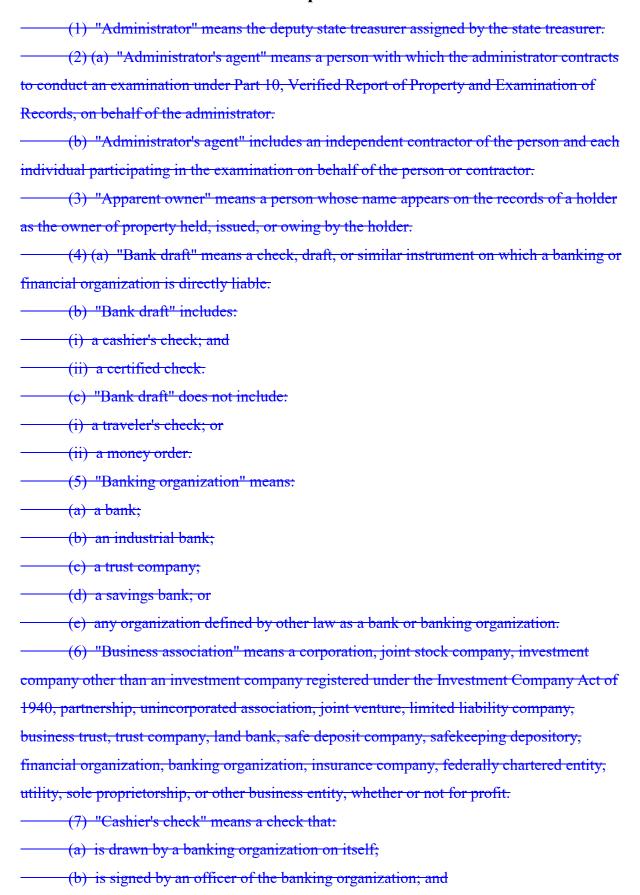
38-8-3. Enforcement of lien -- Notice requirements -- Sale procedure and effect.

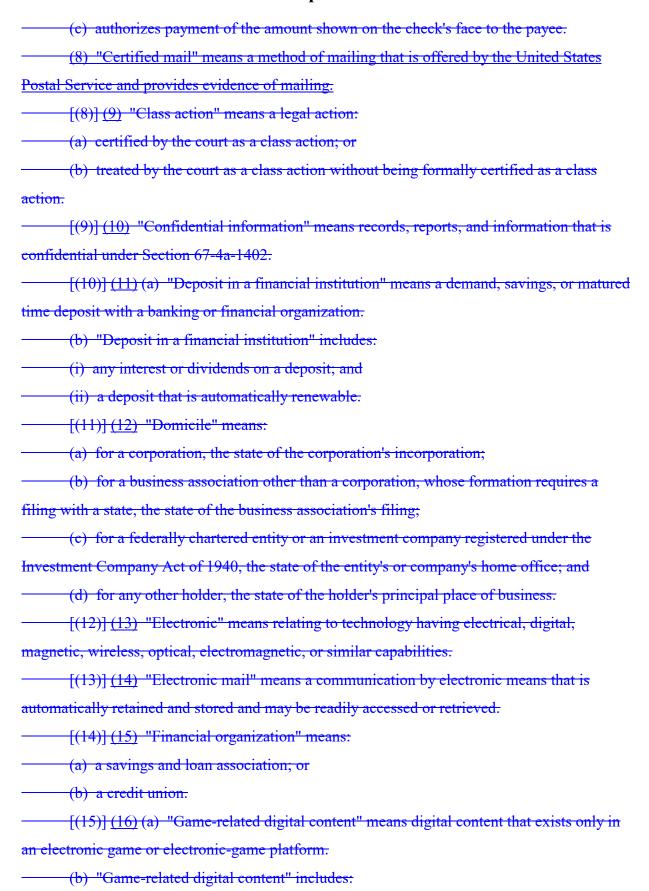
- (1) An owner may enforce a lien described in Section 38-8-2 against an occupant if:
- (a) the occupant is in default for a continuous 30-day period; and
- (b) the owner provides written notice of the owner's intent to enforce the lien, in accordance with the requirements of this section, to:
 - (i) the occupant;
 - (ii) each lienholder disclosed by the occupant under Subsection 38-8-2(3)(b);
- (iii) each person that has filed a valid financing statement with the Division of Corporations and Commercial Code; and
 - (iv) each person identified as a lienholder in the records of the Motor Vehicle Division.
 - (2) (a) An owner shall provide the written notice described in Subsection (1)(b):
 - [(a)] (i) subject to Subsection (2)(b), in person; or
 - [(b)] (ii) (A) by certified mail, to the person's last known address; [or] and
- [(c) subject to Subsection (3),] (B) by email, to the person's last know email address if any.

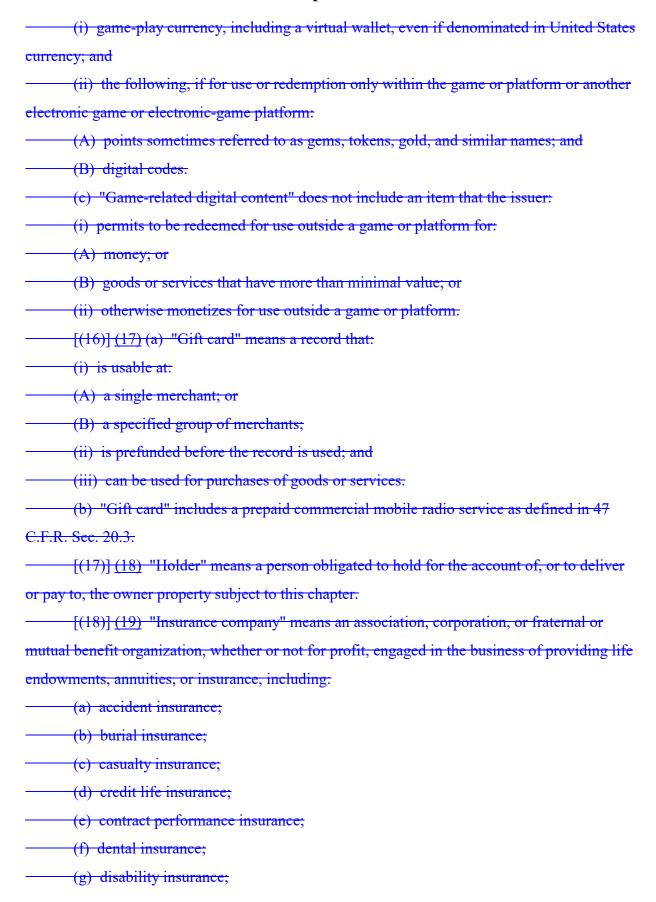
- (b) An owner who provides the written notice described in Subsection (1)(b) in person shall obtain a certificate of receipt signed by the individual who received the written notice.
- [(3) If an owner sends a notice described in Subsection (2) by email and does not receive a response, return receipt, or delivery confirmation from the email address to which the notice was sent within three business days after the day on which the notice was sent, the owner shall deliver the notice in person or by certified mail to the person's last known address.]
 - [(4)] (3) A written notice described in Subsection (1)(b) shall include:
- (a) an itemized statement of the owner's claim showing the sum due at the time of the notice and the date when the sum became due;
- (b) a brief description of the personal property subject to the lien that permits the person to identify the property, unless the property is locked, fastened, sealed, tied, or otherwise stored in a manner that prevents immediate identification of the property;
- (c) if permitted by the terms of the rental agreement, a notice that the occupant may not access the occupant's personal property until the occupant complies with the requirements described in Subsection [(9)] (8);
- (d) the name, street address, and telephone number of the owner or the individual the occupant may contact to respond to the notification;
- (e) a demand for payment within a specified time not less than 15 days after the day on which the notice is delivered; and
- (f) a conspicuous statement that, unless the claim is paid within the time stated in the notice, the personal property will be advertised for sale and will be sold at a specified time and place.
- [(5)] (4) A notice under this section shall be presumed delivered when it is deposited with the United States Postal Service and properly addressed with postage prepaid.
- [(6)] (5) (a) After the expiration of the time given in the notice, the owner shall publish an advertisement of the sale of the personal property subject to the lien once in a newspaper of general circulation in the county where the self-service storage facility is located.
 - (b) An advertisement described in Subsection [(6)] (5)(a) shall include:
- (i) the address of the self-service storage facility and the number, if any, of the space where the personal property is located;
 - (ii) the name of the occupant; and

- (iii) the time, place, and manner of the sale, which shall take place not sooner than 15 days after the day on which the sale is advertised under Subsection [$\frac{(6)}{(5)}$] ($\frac{5}{(5)}$ (a).
- [(7)] (6) A sale of the personal property shall conform to the terms of the notice provided for in this section.
- [(8)] (7) A sale of the personal property shall be held at the self-service storage facility, at the nearest suitable place to where the personal property is held or stored, or online.
- [(9)] (8) Before a sale of personal property under this section, the occupant may pay the amount necessary to satisfy the lien and the reasonable expenses incurred under this section and thereby redeem the personal property; upon receipt of this payment, the owner shall return the personal property, and thereafter the owner shall have no liability to any person with respect to that personal property.
- [(10)] (9) A purchaser in good faith of the personal property sold to satisfy a lien as provided for in this chapter takes the property free of any rights of persons against whom the lien was valid and free of any rights of a secured creditor, despite noncompliance by the owner with the requirements of this section.
- [(11)] (10) In the event of a sale under this section, the owner may satisfy the lien for the proceeds of the sale, subject to the rights of any prior lienholder; the lien rights of the prior lienholder are automatically transferred to the proceeds of the sale; if the sale is made in good faith and is conducted in a reasonable manner, the owner shall not be subject to any surcharge for a deficiency in the amount of a prior secured lien, but shall hold the balance, if any, for delivery to the occupant, lienholder, or other person in interest; if the occupant, lienholder, or other person in interest does not claim the balance of the proceeds within one year of the date of sale, it shall become the property of the Utah state treasurer as unclaimed property with no further claim against the owner.
- [(12)] (11) If the requirements of this chapter are not satisfied, if the sale of the personal property is not in conformity with the notice of sale, or if there is a willful violation of this chapter, nothing in this section affects the rights and liabilities of the owner, occupant, or any other person.

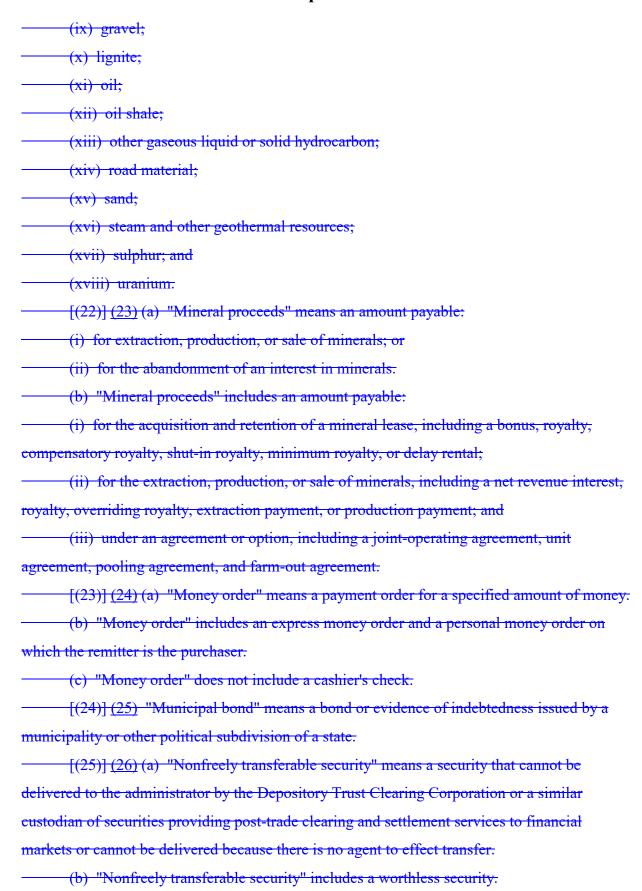
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Section 2. Section 67-4a-102 is amended to read:
67-4a-102. Definitions.
As used in this chapter:
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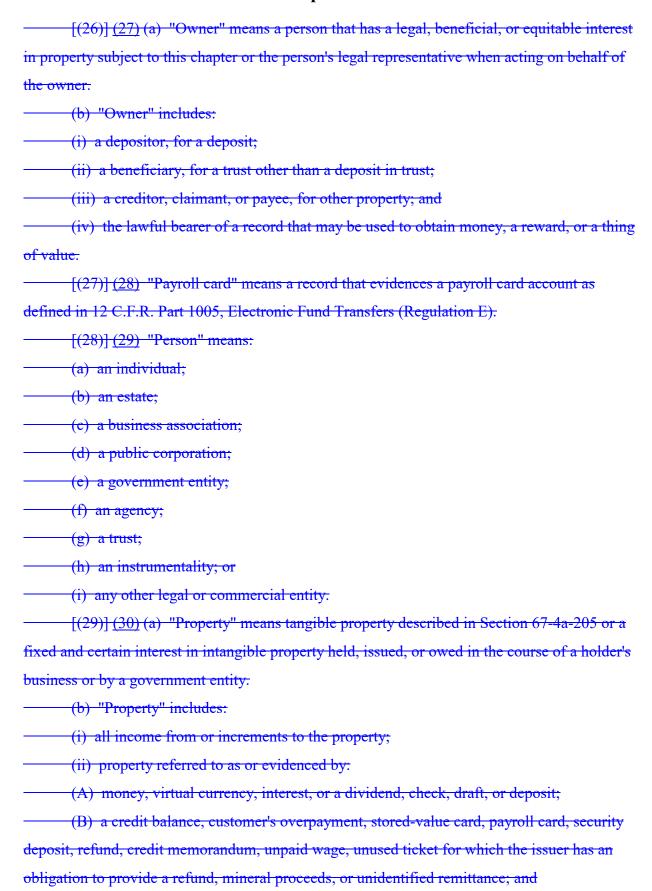


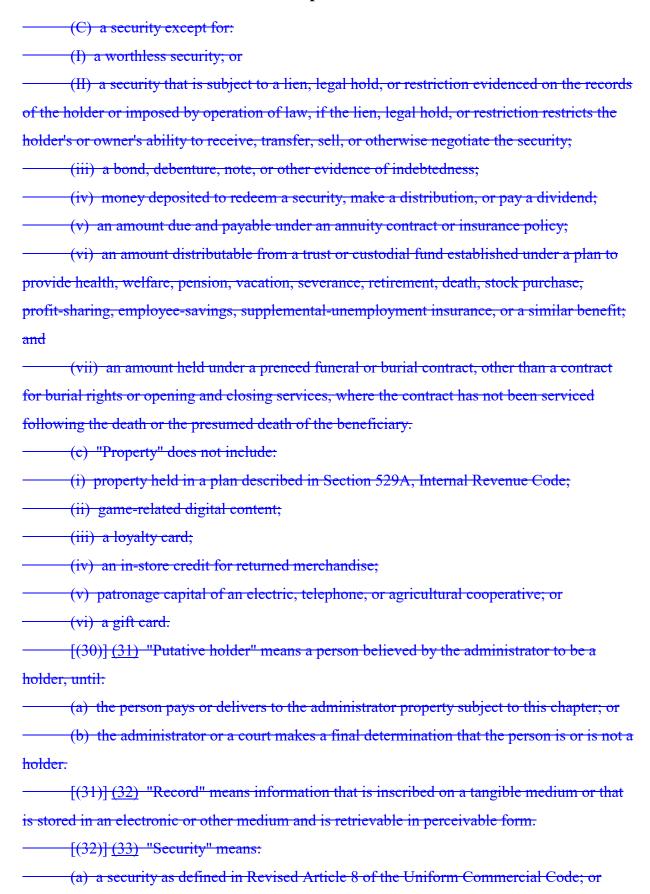




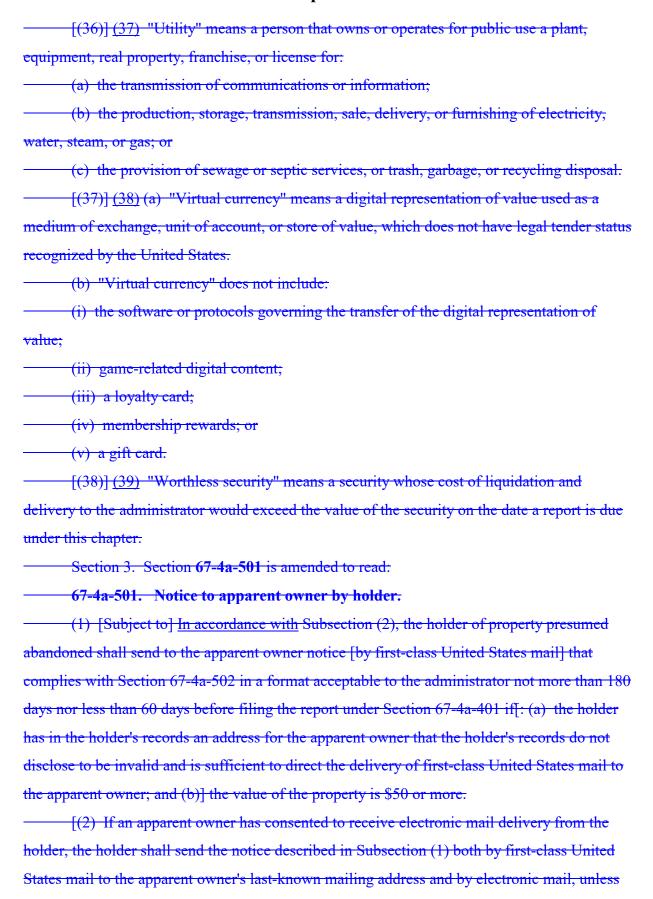
(h) fidelity insurance;	
(i) fire insurance;	
(j) health insurance;	
(k) hospitalization insurance;	
(1) illness insurance;	
(m) life insurance, including endowments and annuities;	
(n) malpractice insurance;	
(o) marine insurance;	
(p) mortgage insurance;	
(q) surety insurance;	
(r) wage protection insurance; and	
(s) worker compensation insurance.	
[(19)] (20) "Last known address" means a description of the location of the apparent	
owner sufficient for the purpose of the delivery of mail.	
[(20)] (21) (a) "Loyalty card" means a record given without direct monetary	
consideration under an award, reward, benefit, loyalty, incentive, rebate, or promotional	
program that may be used or redeemed only to obtain goods or services or a discount on good	ls
or services.	
(b) "Loyalty card" does not include a record that may be redeemed for money or	
otherwise monetized by the issuer.	
[(21)] (22) (a) "Mineral" means any substance that is ordinarily and naturally	
considered a mineral, regardless of the depth at which the substance is found.	
(b) "Mineral" includes:	
(i) building stone;	
(ii) cement material;	
(iii) chemical raw material;	
(iv) coal;	
(v) colloidal and other clay;	
(vi) fissionable and nonfissionable ore;	
(vii) gas;	
(viii) gemstone:	

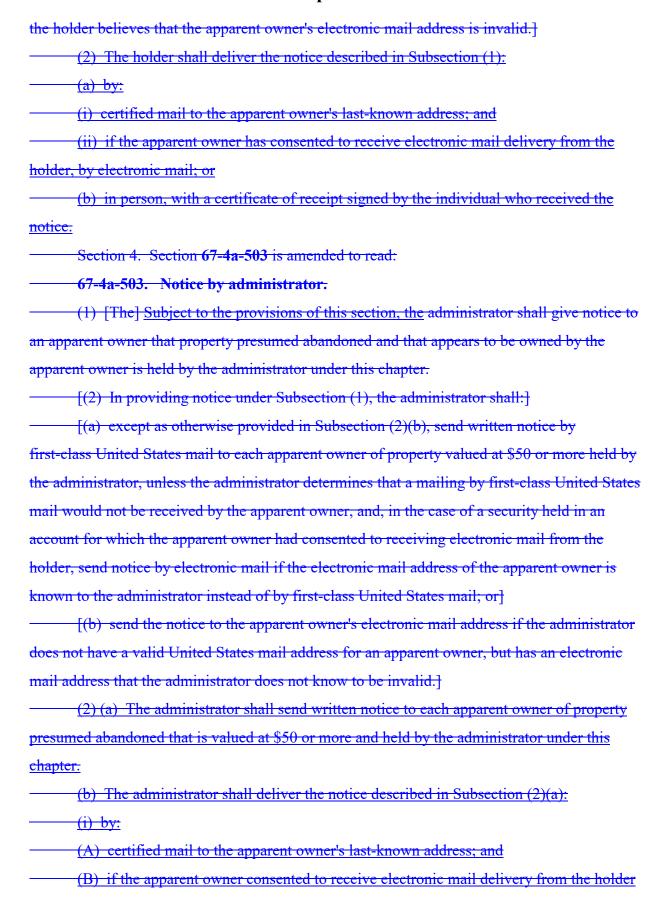






(b) a security entitlement as defined in Revised Article 8 of the Uniform Commercial
Code, including a customer security account held by a registered broker-dealer, to the extent
the financial assets held in the security account are not:
(i) registered on the books of the issuer in the name of the person for which the
broker-dealer holds the assets;
(ii) payable to the order of the person;
(iii) specifically endorsed to the person; or
(iv) an equity interest in a business association not included in this Subsection [(32)]
(33).
[(33)] (34) "Sign" means, with present intent to authenticate or adopt a record:
(a) to execute or adopt a tangible symbol; or
(b) to attach to or logically associate with the record an electronic symbol, sound, or
process.
[(34)] (35) "State" means a state of the United States, the District of Columbia, the
Commonwealth of Puerto Rico, the United States Virgin Islands, or any territory or insular
possession subject to the jurisdiction of the United States.
[(35)] (36) (a) "Stored-value card" means a reloadable or non-reloadable record:
(i) with a monetary value or amount that can be:
(A) used to purchase or otherwise acquire goods or services;
(B) used to obtain cash; or
(C) redeemed for cash value; and
(ii) of which the issuer or the issuer's agent has a record of the name and last known
address of the apparent owner and the address is in the state of Utah.
(b) "Stored-value card" does not include:
(i) a record described in Subsection [(35)] (36)(a) that is purchased or acquired by an
intermediary or other party for resale, for sale on consignment, or as a gift to the card user,
when the issuer does not know the name and address of the ultimate buyer or recipient of the
record;
(ii) a loyalty card;
(iii) a gift card; or
(iv) game-related digital content.





and the administrator knows the apparent owner's electronic mail address, by electronic mail; <u>or</u> (ii) in person, with a certificate of receipt signed by the individual who received the notice. (3) In addition to the notice under Subsection (2), the administrator shall publish every 12 months in at least one English language newspaper of general circulation in this state notice of property held by the administrator, which shall include: (a) the total value of property received by the administrator during the preceding 12-month period, taken from the reports under Section 67-4a-401; (b) the total value of claims paid by the administrator during the preceding 12-month period; (c) the Internet web address of the unclaimed property website maintained by the administrator; (d) a telephone number and electronic mail address to contact the administrator to inquire about or claim property; and (e) a statement that a person may access the Internet by a computer to search for unclaimed property, and a computer may be available as a service to the public at a local public library. (4) (a) The administrator shall maintain a website accessible by the public and electronically searchable that contains the names reported to the administrator of apparent owners for whom property is being held by the administrator. (b) The administrator is not required to list property on the website if: (i) no owner name was reported; (ii) a claim has been initiated or is pending for the property; (iii) the Office of the State Treasurer has made direct contact with the apparent owner of the property; or (iv) the administrator reasonably believes exclusion of the property is in the best interests of both the state and the owner of the property. (5) The website or database maintained under Subsection (4) shall include instructions for filing with the administrator a claim to property and a printable claim form with instructions.

