

As Amended by House Committee

Session of 2004

HOUSE BILL No. 2738

By Committee on Judiciary

2-6

10 AN ACT concerning the Kansas self-service storage act; relating to late
11 fees; amending K.S.A. 58-814 and repealing the existing section.

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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Sec. 1. K.S.A. 58-814 is hereby amended to read as follows: 58-814.

15 In the self-service storage act the following words shall mean the
16 following:

17 (a) "Self-service storage facility" means any real property used for
18 renting or leasing individual storage spaces in which the occupants them-
19 selves customarily store and remove their own personal property on a
20 self-service basis.

21 (b) "Rental agreement" means any written statement that establishes
22 or modifies the terms, conditions or rules concerning the use and occu-
23 pancy of a self-service storage facility.

24 (c) "Leased space" means the individual storage space at the self-
25 service facility which is rented to an occupant pursuant to a rental
26 agreement.

27 (d) "Occupant" means a person, a sublessee, successor or assign, en-
28 titled to the use of a leased space at a self-service storage facility under a
29 rental agreement.

30 (e) "Operator" means the owner, operator, lessor or sublessor of a
31 self-service storage facility, an agent or any other person authorized to
32 manage the facility, except that "operator" does not mean a warehouse-
33 man, unless the operator issues a warehouse receipt, bill of lading, or
34 other document of title for the personal property stored.

35 (f) "Personal property" means movable property, not affixed to land,
36 and "personal property" includes, but is not limited to, goods, wares,
37 merchandise, motor vehicles, watercraft, household items and
38 furnishings.

39 (g) "Default" means the failure to perform on time any obligation or
40 duty set forth in the rental agreement.

41 (h) "Last-known address" means that address provided by the occu-
42 pant in the rental agreement or the address provided by the occupant in
43 a subsequent written notice of a change of address.

1 (i) *“Late fee” means a fee or charge assessed by an operator for an*
2 *occupant’s failure to pay rent when due. A late fee is not interest on a*
3 *debt, nor is a late fee a reasonable expense that the operator may incur*
4 *in the course of collecting unpaid rent in enforcing the operator’s lien*
5 *rights pursuant to K.S.A. 58-814, et seq., and amendments thereto, or*
6 *enforcing any other remedy provided by statute or contract.*

7 New Section 2. (a) An operator may impose a reasonable late fee, as
8 defined in K.S.A. 58-814, and amendments thereto, for each month an
9 occupant does not pay rent when it is due. ~~A late fee of, in an amount~~
10 **not to exceed** \$20 a month or 20% of the monthly rental amount, which-
11 ever is greater, for each late rental payment ~~shall be considered reason-~~
12 ~~able. An operator may set a late fee at a rate other than the rate provided~~
13 ~~for in this section if it is reasonable. The operator will have the burden~~
14 ~~of proving that a higher late fee is reasonable.~~

15 (b) Any late fee charged by the operator shall be stated in the rental
16 agreement. No late fee shall be collected unless it is provided for in the
17 rental agreement, as defined in K.S.A. 58-814, and amendments thereto,
18 or an addendum to the rental agreement.

19 (c) The operator may recover all reasonable rent collection and lien
20 enforcement expenses from the occupant in addition to any late fees
21 imposed.

22 Sec. 3. K.S.A. 58-814 is hereby repealed.

23 Sec. 4. This act shall take effect and be in force from and after its
24 publication in the statute book.