

Honolulu, Hawaii

APR 27 2017

RE: S.B. No. 288
S.D. 2
H.D. 2
C.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 288, S.D. 2, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO SELF-SERVICE STORAGE FACILITIES,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Authorize motor vehicle and boat towing options, after notice is provided to occupants, for self-service storage facilities after sixty or more days of delinquency;
- (2) Require owners to notify occupants via electronic mail then by certified mail;



- (3) Allow owners to publish notices of sales in any commercially reasonable manner, conduct sales online, and charge late fees;
- (4) Require late fees to be provided for in rental agreements; and
- (5) Require owners to notify occupants of the changes in the law.

Your Committee on Conference finds that the State's self-storage facilities lien law has remained virtually unchanged since its enactment in 1984. Consequently, the existing law does not adequately reflect or support current self-storage facilities businesses, including facility owners and storage unit occupants. This measure therefore modernizes and clarifies Hawaii's self-storage facilities lien laws.

Your Committee on Conference has amended this measure by:

- (1) Incorporating the terms "motor vehicle" and "boat" within the term "vehicle", for purposes of applying the relevant towing section in chapter 290, Hawaii Revised Statutes, to the self-storage lien law;
- (2) Clarifying the forms of notice that must be provided to occupants, including:
 - (A) Requiring notice to be provided at an occupant's last known electronic mail address and last known postal address, postage prepaid, for notice of default and lien, and permitting an occupant to respond to the notice of default and lien via electronic mail;
 - (B) Requiring notice to be provided at an occupant's last known electronic mail address and last known postal address, postage prepaid, for notice of lien; and
 - (C) Requiring notice to be provided to an occupant's last known electronic mail address and last known address, by certified mail, postage prepaid, for notice of final demand and sale;
- (3) Deleting language that would have required any late fees charged by self-service storage facility owners to be provided for in the rental agreement, and would have



permitted a late fee of \$20 or twenty percent of the monthly rental amount, whichever is greater, for each late rental payment;

- (4) Specifying that if a contract contains a limitation on value provision, this limitation shall be the maximum value of the stored property and shall not be less than \$1,000, and permitting the occupant to increase the limit on the value of the property with written permission of the owner;
- (5) Changing its effective date to upon its approval; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 288, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 288, S.D. 2, H.D. 2, C.D. 1.

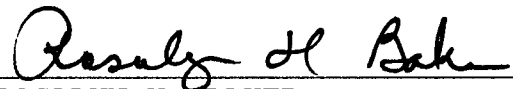
Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



ROY M. TAKUMI
Co-Chair



ROSALYN H. BAKER
Chair



SCOTT Y. NISHIMOTO
Co-Chair



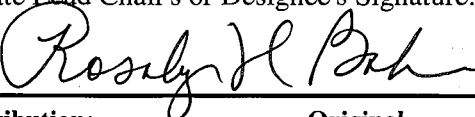
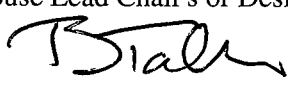
GILBERT S.C. KEITH-AGARAN
Co-Chair



Hawaii State Legislature

CR 77

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: SB 288, SD 2, HD 2					Date/Time: 4-25-17 3:18 p				
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).									
<input type="checkbox"/> The Committee is reconsidering its previous decision.									
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
BAKER, Rosalyn H., Chr.	✓				TAKUMI, Roy M., Co-Chr.	✓			
KEITH-AGARAN, Gilbert S.C., Co-Chr.	✓				NISHIMOTO, Scott Y., Co-Chr.	✓			
IHARA, Les, Jr.	✓				SAY, Calvin K.Y.	✓			
					WARD, Gene	✓			
TOTAL	3	-	-	-	TOTAL	4	-	-	-
A = Aye		WR = Aye with Reservations		N = Nay		E = Excused			
Senate Recommendation is:					House Recommendation is:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Senate Lead Chair's or Designee's Signature:					House Lead Chair's or Designee's Signature:				
									
Distribution:		Original		Yellow		Pink		Goldenrod	
		File with Conference Committee Report		House Clerk's Office		Senate Clerk's Office		Drafting Agency	