**South Carolina General Assembly**

123rd Session, 2019-2020

**S. 1041**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Climer

Document Path: l:\council\bills\rt\17707sa20.docx

Companion/Similar bill(s): 5151

Introduced in the Senate on January 23, 2020

Introduced in the House on June 24, 2020

Last Amended on March 12, 2020

Currently residing in the House Committee on **Judiciary**

Summary: Liens and denial of access to personal property

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/23/2020 Senate Introduced and read first time ([Senate Journal‑page 5](file:///h:\sj\20200123.docx))

1/23/2020 Senate Referred to Committee on **Labor, Commerce and Industry** ([Senate Journal‑page 5](file:///h:\sj\20200123.docx))

3/5/2020 Senate Polled out of committee **Labor, Commerce and Industry** ([Senate Journal‑page 4](file:///h:\sj\20200305.docx))

3/5/2020 Senate Committee report: Favorable with amendment **Labor, Commerce and Industry** ([Senate Journal‑page 4](file:///h:\sj\20200305.docx))

3/10/2020 Senate Committee Amendment Adopted ([Senate Journal‑page 59](file:///h:\sj\20200310.docx))

3/10/2020 Senate Amended ([Senate Journal‑page 59](file:///h:\sj\20200310.docx))

3/12/2020 Senate Amended ([Senate Journal‑page 15](file:///h:\sj\20200312.docx))

3/12/2020 Senate Read second time ([Senate Journal‑page 15](file:///h:\sj\20200312.docx))

3/12/2020 Senate Roll call Ayes‑42 Nays‑0 ([Senate Journal‑page 15](file:///h:\sj\20200312.docx))

5/12/2020 Senate Read third time and sent to House ([Senate Journal‑page 34](file:///h:\sj\20200512.docx))

6/24/2020 House Introduced and read first time ([House Journal‑page 31](file:///h:\hj\20200624.docx))

6/24/2020 House Referred to Committee on **Judiciary** ([House Journal‑page 31](file:///h:\hj\20200624.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=1041&session=123&summary=B) at the website

**VERSIONS OF THIS BILL**

[1/23/2020](file:///p:\pprever\2019-20\1041_20200123.docx)

[3/5/2020](file:///p:\pprever\2019-20\1041_20200305.docx)

[3/10/2020](file:///p:\pprever\2019-20\1041_20200310.docx)

[3/12/2020](file:///p:\pprever\2019-20\1041_20200312.docx)

~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

March 12, 2020

**S. 1041**

Introduced by Senator Climer

S. Printed 3/12/20--S.

Read the first time January 23, 2020.

**A** **BILL**

TO AMEND SECTION 39‑20‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SELF‑SERVICE STORAGE FACILITY DEFINITIONS, SO AS TO ADD THE DEFINITION OF “LATE FEE”; TO AMEND SECTION 39‑20‑30, RELATING TO LIENS AND DENIAL OF ACCESS TO PERSONAL PROPERTY, SO AS TO PROVIDE THAT AN OWNER MAY IMPOSE CERTAIN LATE FEES; TO AMEND SECTION 39‑20‑45, RELATING TO THE ENFORCEMENT OF LIENS, SO AS TO PROVIDE FOR CERTAIN ONLINE NOTIFICATIONS.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 39‑20‑20 of the 1976 Code is amended by adding appropriately lettered new items to read:

“( ) ‘Independent bidder’ means a bidder who is not related to and who has no controlling interest in, or common pecuniary interest with, the owner or any other bidder.

( ) ‘Late fee’ means any fee or charge assessed for an occupant’s failure to pay rent or other fees, charges, or costs when due. ‘Late fee’ does not include interest on a debt, expenses incurred in the collection of unpaid rent, expenses necessary for the preservation of personal property or expenses reasonably incurred in its sale or another disposition under this chapter, or costs associated with the enforcement of any other remedy provided by law or contract.”

SECTION 2. Section 39‑20‑30 of the 1976 Code is amended by adding appropriately lettered subsections at the end to read:

“( ) An owner may impose a reasonable late fee if an occupant does not pay all rent, charges, fees, or expenses when due.

( ) An owner may not impose a late fee unless the amount of that fee and the conditions for imposing that fee are stated in the rental agreement.

( ) A late fee of twenty dollars or ten percent of the amount of each rental payment, whichever is greater, after the rent is past due for ten days, is considered reasonable and does not constitute a penalty. Any late fee imposed by an owner pursuant to this section must be in addition to any other remedy provided by law or contract.”

SECTION 3. Section 39‑20‑45(E) and (I) of the 1976 Code is amended to read:

“(E) After the expiration of the fifty‑day default period, the owner shall publish an advertisement of the public sale to the highest bidder once a week for two consecutive weeks in the print version and the digital version, if available, of a newspaper of general circulation where the self‑service storage facility is located and in any other commercially reasonable manner. The manner of advertisement is considered commercially reasonable if it meets the notice requirements provided in Section 36-1-202.

(I) If no one purchases the property at the public sale and if the owner has complied with the foregoing procedures, the owner may otherwise dispose of the property and shall notify the occupant of the action taken. Any sale or disposition of the personal property must be held at the self‑service storage facility, ~~or~~ at the nearest suitable place to where the personal property is held or stored, or online.”

SECTION 4. This act takes effect upon approval by the Governor.

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