

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
95th General Assembly
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As Engrossed: H3/6/25

A Bill

HOUSE BILL 1652

By: Representatives Tosh, *Hollowell*, *Lundstrum*

By: Senators *J. Boyd*, *Hill*, *Irvin*, *C. Penzo*

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING SELF-SERVICE STORAGE FACILITIES; TO ALLOW THE ENFORCEMENT OF AN UNSIGNED SELF-SERVICE STORAGE FACILITY RENTAL AGREEMENT; TO CREATE A PROCEDURE TO PROVIDE NOTICE OF THE TERMINATION OF A SELF-SERVICE STORAGE FACILITY RENTAL AGREEMENT; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING SELF-SERVICE STORAGE FACILITIES; TO ENFORCE AN UNSIGNED SELF-SERVICE FACILITY STORAGE RENTAL AGREEMENT; AND TO CREATE A TERMINATION PROCEDURE FOR A SELF-SERVICE FACILITY STORAGE RENTAL AGREEMENT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 18-16-401(4), concerning definitions related to self-service storage facilities, is amended to read as follows:

(4) "Last known address" means the address or electronic mail address provided by the occupant in:

(A) The rental agreement; ~~or~~

(B) A written or electronic application to rent a leased space at a self-service storage facility if a signed rental agreement does not exist; or

(C) A subsequent written or electronic notice of a change of address;



SECTION 2. Arkansas Code § 18-16-401(10), concerning definitions related to self-service storage facilities, is amended to read as follows:

(10) "Rental agreement" means a written or electronic agreement that establishes or modifies the terms, conditions, or rules concerning the use and occupancy of a self-service storage facility; and

SECTION 3. Arkansas Code § 18-16-404 is amended to read as follows:
18-16-404. Notice of lien.

A rental agreement shall contain a statement in bold type advising the occupant:

- (1) Of the existence of the lien; ~~and~~
- (2) That personal property stored in the leased space may be sold or removed to satisfy the lien if the occupant is in default; and
- (3) That the occupant is required to disclose any lienholders with an interest in the personal property that is or will be stored in the leased space.

SECTION 4. Arkansas Code § 18-16-407(b)(3)(A), concerning the steps the operator of a self-service storage facility must take before conducting a sale and removal procedure for personal property stored in the self-service storage facility, is amended to read as follows:

(3)(A) Contact the circuit clerk in the county where the personal property is stored or use a commercially reasonable method to determine the name and address of any holder of liens or security interests in the personal property being sold or removed.

SECTION 5. Arkansas Code Title 18, Chapter 16, Subchapter 4, is amended to add additional sections to read as follows:

18-16-414. Delivery of rental agreement – Enforceability.

(a) A rental agreement may be delivered and signed electronically or in writing.

(b) If a person or entity does not sign a rental agreement for a leased space that the operator has delivered to the last known address of the person or entity by hand delivery, first class mail, or electronic mail, continued use of the leased space by the person or entity for at least thirty

(30) days from the date of the notice provided under this subchapter constitutes acceptance of the rental agreement by the person or entity and has the same effect as if the person or entity signed the rental agreement.

18-16-415. Termination or nonrenewal of rental agreement – Notice.

(a)(1) Except as provided under subdivision (a)(2)(A) of this section, an occupant shall not access or use a self-service storage facility upon written or electronic notice of the termination or nonrenewal of the occupant's rental agreement.

(2) A notice of the termination or nonrenewal of the occupant's rental agreement under this section shall:

(A) Provide the occupant with at least fourteen (14) days after delivery of the notice to remove his or her personal property from the self-service storage facility; and

(B) Be delivered to the last known address of the occupant
by:

(i) Hand delivery;

(ii) First class mail with certificate of mailing;

or

(iii) Electronic mail.

(b)(1) During the period provided under subdivision (a)(2)(A) of this section, the operator may place reasonable restrictions on the use of the leased space and the self-service storage facility by the occupant.

(2) Reasonable restrictions under subdivision (b)(1) of this section include without limitation limiting access to the leased space and the self-service storage facility by the occupant except the access required for the occupant to remove personal property during the office hours of the operator.

(c) Upon the expiration of the period provided under subdivision (a)(2)(A) of this section, the operator may dispose of any personal property that:

(1) Belongs to an occupant who received a notice of termination or nonrenewal under subsection (a) of this section; and

(2) Remains at the self-service storage facility.

/s/Tosh